

July 18, 2019

6:00 P.M.

Medford City Hall, Council Chambers

411 W. 8th Street, Medford, Oregon

10. Roll Call

20. Recognitions, Community Group Reports

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 Consideration of an appeal of an administrative decision regarding a defective sidewalk at 711 W. Jackson Street.

40.2 COUNCIL BILL 2019-65

A resolution approving the appeal and reversing and modifying the decision of the Site Plan and Architectural Commission to deny plans for the construction of a 370 square foot coffee kiosk, a 3,300 square foot convenience store, and 1,304 square foot car wash and gas pumps on approximately 2.5 acres located at 1380 Springbrook Road within the C-C (Community Commercial) zoning district. AC-19-028 (Land Use, Appeal)

40.3 COUNCIL BILL 2019-66

An ordinance proclaiming annexation to the City of Medford, portions of the Lozier Lane right-of-way from Stewart Avenue to West Main Street, and withdrawal of said properties from Medford Rural Fire Protection District #2, effective pursuant to State law. A-19-002 (Land Use, Quasi-Judicial)

50. Approval or Correction of the Minutes of the June 20, 2019 Regular Meeting

60. Consent Calendar

60.1 COUNCIL BILL 2019-67

An ordinance authorizing execution of a contract in an amount of \$697,196.99 with Emergency Communications of Southern Oregon to provide fire dispatch services for fiscal year 2019-20.

60.2 COUNCIL BILL 2019-68

An ordinance authorizing execution of a contract in an amount of \$1,441,482.79 with Emergency Communications of Southern Oregon to provide police dispatch services for fiscal year 2019-20.

60.3 COUNCIL BILL 2019-69

An ordinance awarding a two-year contract in an amount not to exceed \$350,000.00 to Butler Automotive Group to provide police fleet maintenance services.

60.4 COUNCIL BILL 2019-70

An ordinance authorizing execution of an Addendum to the Solid Waste Collection Franchise Agreement with Rogue Disposal and Recycling, Inc., to continue leaf pickup services from November 1, 2019 to January 20, 2023.

60.5 COUNCIL BILL 2019-71

An ordinance awarding a contract in an amount of \$503,502.50 to JRT Construction, LLC, for the Crater Lake Avenue and Owen Drive Intersection Improvements Project.

60.6 COUNCIL BILL 2019-72

An ordinance awarding a contract in an amount of \$1,280,000.00 to Knife River Materials for the purchase of bulk asphalt concrete supply through June 30, 2021.

60.7 COUNCIL BILL 2019-73

An ordinance authorizing payment in the amount of \$550,888.00 to Rocky Knoll, LLC for acquisition of real property between Hillcrest Road and McAndrews Road for street improvements.

60.8 COUNCIL BILL 2019-74

An ordinance authorizing payment in the amount of \$173,600.00 to Cogswell Limited Partnership for acquisition of real property on Foothill Road between Hillcrest Road and McAndrews Road for street improvements.

70. Items Removed from Consent Calendar

80. Ordinances and Resolutions

80.1 COUNCIL BILL 2019-62

SECOND READING An ordinance authorizing the establishment of a 20 mph designated speed for Valley View Drive, between Hillcrest Road and Capital Avenue.

80.2 COUNCIL BILL 2019-75

An ordinance ratifying a Purchase and Sale Agreement in the amount of \$360,000.00 between Mark Wimmer and the City of Medford, to acquire the 1.44 acre parcel located at 703 Central Avenue.

90. Council Business

90.1 Proclamations issued:

Ice Cream Month – July 2019

Parks and Recreation Month – July 2019

Smart Irrigation Month – July 2019

90.2 Committee Reports and Communications

100. City Manager and Staff Reports

100.1 Further reports from City Manager

110. Adjournment



DEPARTMENT: Public Works

PHONE: (541) 774-2100

STAFF CONTACT: Cory Crebbin, P.E., Public Works Director

AGENDA SECTION: Public Hearings

MEETING DATE: July 18, 2019

Consideration of an appeal of an administrative decision regarding a defective sidewalk at 711 W. Jackson Street.

SUMMARY AND BACKGROUND

Council is requested to consider the sidewalk appeal filed by the 711 W. Jackson Street property owner. The property owner states that there are two large trees responsible for lifting the sidewalk panels and removing and replanting trees would cause additional sidewalk issues. It is likely this is accurate for a portion of the defective sidewalk, but there is no provision in the Medford Municipal Code (MMC) which relieves abutting sidewalks in such a circumstance.

On May 23, 2019, a certified letter was mailed to 701 W. Jackson St. addressed to the property owner of record. The letter provided information on how to contact the City Arborist if a tree in the public right-of-way was related to the case. The City Arborist evaluated two sycamore trees in the public right-of-way and because the street is an arterial, determined that the City was responsible for removing and replanting the trees. A letter from the Parks Department was sent to the property owner regarding both tree removals.

After inspection of the sidewalk, the City Inspector determined there are a total of 9 sidewalk panels requiring attention. This property is on a corner and sidewalk repairs are required on Summit Avenue and Jackson Street frontages. There are three sidewalk panels that need to be replaced; there is one sidewalk panel that may need to be replaced depending on how well it holds up during the other repairs; and there are 5 additional panels that can be ground down instead of replaced.

On June 27, 2019, the property owner was notified by Certified mail that the 60-day timeframe for sidewalk repairs can be postponed on the W. Jackson Street portion of the sidewalk requiring tree removal by the City. The 60-day timeframe for sidewalk repairs will begin the day following completion of tree removal.

PREVIOUS COUNCIL ACTIONS

There are no prior council actions on this case.

ANALYSIS

The Engineering and Development Division receives defective sidewalk complaints from the City's Code Enforcement Division, citizens, and others. Once the City inspector evaluates the sidewalk in question, a notice of sidewalk repair is sent to the property owner of record to cure the sidewalk condition in accordance with Medford Municipal Code 3.023.



Section 3.010 of the Medford Municipal Code (MMC) requires property 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/her neglect to perform any duty required by this section, causes injury or damage to any person or property, s/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 cases.

Section 3.030 of the MMC states if the defective sidewalk is not corrected within the time period provided, the Public Works Director or designee may cause the defective sidewalk to be repaired and shall cause a record to be kept of the cost incurred to repair the sidewalk.

The sidewalk portion along Summit Avenue can be repaired within the designated time frame. The sidewalk portion along Jackson Street can be postponed until the Parks Department arranges for tree removal.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

A repair estimate for \$1,975.00 was provided by Tavin Jessen, a local contractor that has made numerous sidewalk repairs for the City. This estimate is for the entire sidewalk project including the portion requiring tree removal.

The City has not contracted with Tavin Jessen or any other Contractor for the work and is relying on the property owner to make repairs at this time.

TIMING ISSUES

Initial notice was received by the Property Owner on May 24, 2019.

Property owners sent a letter requesting a Council hearing on June 6, 2019.

Per MMC 3.025, the property owner has 10 days from the date of receipt of the notification to request an appeal in writing. The appeal was received by day 13.

The property owner has 60-days from the date of initial receipt to complete sidewalk repairs. A property owner can request a 90-day extension to complete repairs. The property owners have not submitted a 90-day extension request.

Since the City Parks & Recreation Department will be arranging for two street trees to be removed, the sidewalk panels on that portion of the street can be replaced within 60 days following tree removal.



COUNCIL OPTIONS

Approve the appeal and provide staff direction on needed sidewalk repairs.

Modify and approve the appeal.

Deny the appeal.

STAFF RECOMMENDATION

Staff recommends denial of the appeal.

SUGGESTED MOTION

I move to deny the appeal regarding the defective sidewalk at 701 w. Jackson Avenue.

EXHIBITS

Certified letter to property owner – From Public Works Engineering regarding sidewalk repairs

Applicant letter requesting public hearing

Appeal letter – From City Recorder

Certified letter to property owner – From Public Works Engineering regarding postponement due to tree removal on Jackson Street side.

Letter to property owner – From Parks & Recreation Department regarding tree removal

Photographs from City Engineer

Map View of sidewalk panels

Repair Estimate – Tavin Jessen



CITY OF MEDFORD

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION

200 S. IVY STREET
MEDFORD, OREGON 97501
www.ci.medford.or.us

TELEPHONE (541) 774-2100
FAX (541) 774-2552
pworkseng@cityofmedford.org

May 22, 2019

JENSEN JORDAN S/CASSIE L
701 JACKSON ST
MEDFORD, OR 97501

Re: **Unsafe Sidewalk at 701 W JACKSON ST & Case #CE19-01710**

A section of sidewalk adjacent to this property has been identified as unsafe and requires your immediate attention. A Public Works Inspector has confirmed that sidewalk repairs are necessary and you must repair or replace the sidewalk in question within **60 days** of receipt of this letter per the City of Medford Municipal Code (MMC) Section 3.023.

It is extremely important that sidewalks be kept safe at all times. In the MMC 3.010, property owners are responsible for maintaining all public sidewalks abutting their property. Any injuries sustained by the public as a result of this defective condition are the liability of the property owner.

AT THIS POINT YOU HAVE THE FOLLOWING THREE OPTIONS:

- 1) Obtain a Sidewalk Repair Permit for the homeowner or qualified contractor to perform the work (MMC 3.020).
 - Cost is \$48.00 and is required prior to performing any work
 - Must be issued on or before day-30
 - Can be completed in person or online (see address, phone number, and website information above)
 - The Permit has a 30-day expiration once issued
- 2) Request a one-time 90-day extension from the Public Works Director (MMC 3.023).
 - Use email address or physical address above to submit the request
 - Must be in writing with basis for the request
- 3) Right to Appeal (MMC 3.025).
 - If you disagree with the determination that the sidewalk is unsafe, you may appeal for a hearing before the City Council. A WRITTEN REQUEST MUST BE MAILED to the City Recorder at 411 W. 8th St, Medford, OR 97501 within **ten (10) days** of receipt of this letter.
 - The request needs to include why the repair of the sidewalk is not required and a current contact number for appeal date notification.

By day 60, if none of the above options have been exercised, the City will initiate hiring a contractor to perform the work. At that time, the Medford Municipal Code requires that all costs related to the work performed be assessed to the property owner. These costs will include payments to the contractor plus engineering and administrative costs. Non-payment of these costs will result in a lien being placed on the property at 18% interest per year. Please note that once the contractor has been hired for a property the associated costs are realized and must be paid by the property owner.

This is the only notice you will receive.

Please call 541-774-2100 if you have any questions or would like a City inspector to contact you.

If a tree in the public right of way is related to your case, contact the City Arborist at 541-774-2690 to obtain a separate permit (MMC 6.725 and 6.730).

Sincerely,

Digitally signed by Nepheli
Date: 2019.05.23 07:44:03 -07'00'

Nepheli Sparks
Public Works Business Manager

mmc.3.025

Appealing Determination of
Sidewalk for Address

701 West Jackson St
Medford OR 97501

RECEIVED

JUN 6 2019

CITY OF MEDFORD
CITY RECORDER'S OFFICE

Appealing Due to 2 Very Large
Sycamore trees roots causing
sidewalk to lift in multiple areas.
Spoke to City Arborist 6/4 who
said this is very common to
happen with this type of tree
and sidewalk repairs would
happen multiple times if trees
are not removed. These trees
are old and have been planted
for many years. We've only
lived here a little over a year.

I've made many calls to city
inspector, city Arborist and a guy
named Michael with the city to
help determine which specific
sidewalk slabs are in question. Calls
were not returned for several days.
Please contact me for hearing.

Cassie Jensen 541-973-1130

or

Jordan Jensen 541-973-1130

Thank you,
Cassie Jensen



City of Medford

Office of the City Recorder

Medford ~ A Fantastic Place to Live, Work & Play

June 11, 2019

Jordan and Cassie Jensen
701 W. Jackson Street
Medford, OR 97501

Re: Appeal of Unsafe Sidewalk

The Medford City Council will consider an appeal of the Public Works unsafe sidewalk assessment concerning sidewalk repairs for **701 W. Jackson Street**.

The public hearing on this matter will be scheduled for the regular City Council meeting on **July 18, 2019 at 6 p.m.** at the Medford City Hall Council Chambers, 411 W. 8th Street. The City Council will hear evidence on the appeal and your objection to the proposed assessment.

You may contact the Recorder's Office at 541-774-2017 with any questions regarding this appeal hearing.

Sincerely,

Karen M. Spoonts, MMC
City Recorder

cc: Mayor/Council
Public Works Department
Legal Department

411 West 8th Street, Medford, OR 97501

Tel. 541.774.2017 • email: cityrecorder@cityofmedford.org • Fax 541.618.1700

www.cityofmedford.org



CITY OF MEDFORD

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION

200 S. IVY STREET
MEDFORD, OREGON 97501
www.ci.medford.or.us

TELEPHONE (541) 774-2100
FAX (541) 774-2552
pworkseng@cityofmedford.org

June 24, 2019

JENSEN JORDAN S/CASSIE L
701 JACKSON ST
MEDFORD, OR 97501

Re: Unsafe Sidewalk at 701 W JACKSON ST & Case #CE19-01710

Dear Mr. and Mrs. Jensen,

The City Parks Department informed us that they will be remediating the two large trees along the W. Jackson St. portion of the sidewalk abutting your home. With this information, we would like to clarify the sidewalk repair requirements.

Per the original letter that was sent on May 23, 2019, repairs are required within 60-days for all sidewalk panels deemed unsafe along the Summit Avenue portion of sidewalk abutting your home.

Repairs along the W. Jackson Street sidewalk abutting your home can be delayed until the Parks Department removes both trees. You will be sent a notification that the City repairs are complete and will have 60-days from that notification to make the remaining sidewalk repairs along W. Jackson Street.

Please remember that you must obtain a Sidewalk Repair Permit prior to making any repairs in the public right-of-way, either as the homeowner or qualified contractor performing work (MMC 3.020). The Permit cost is \$48.00 and can be obtained in person or online (see address, phone number, and website information above).

If this clarification of requirements affects your intent to appeal before the City Council, please contact me directly; or if you have any other questions, please don't hesitate to call 541-774-2100.

Sincerely,

Nepheli Sparks
Public Works Business Manager



CITY OF MEDFORD

PARKS DEPARTMENT

301 Lowery Lane
MEDFORD, OREGON 97501
www.ci.medford.or.us

TELEPHONE (541) 774-2690
Fax (541) 774-2658
jdclarizio@cityofmedford.org

June 21, 2019

JENSEN JORDAN S/CASSIE L
701 JACKSON ST
MEDFORD, OR 97501

Re: Unsafe Sidewalk at 701 W JACKSON ST & Case #CE19-01710

Mr. and Mrs. Jensen,

This letter formally acknowledges that the City Parks Department is responsible for the removal of two large trees abutting your property along W. Jackson St.

Per the Medford Municipal Code (MMC) 6.730, "The owners of property abutting streets other than arterial and collector streets in residential zoning districts within the City shall be responsible for the care and maintenance, including trimming, pruning and spraying of trees and shrubs or other landscapes". As W. Jackson Street is a Collector Street, the City Parks Department will incur the cost of the removal.

If you have any questions, please don't hesitate to contact us.

Thank you,

JD Clarizio
City of Medford
Parks Maintenance Supervisor
Phone: 541-292-6365
Email: jd.clarizio@cityofmedford.org

701 W. Jackson Street

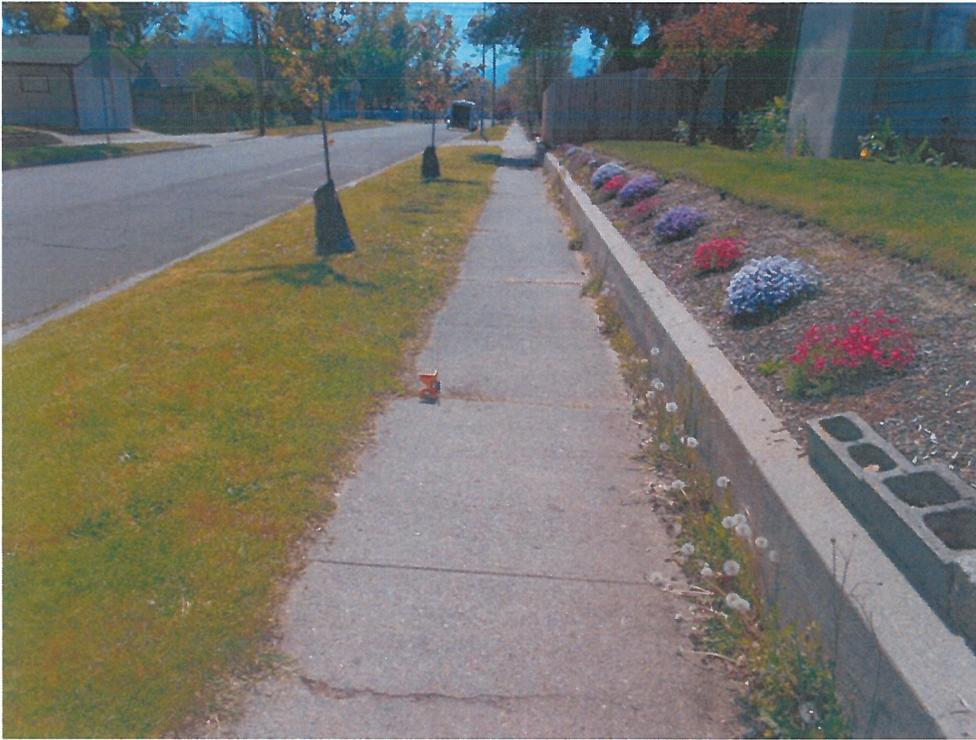
Sidewalk Photos

6-10-2019

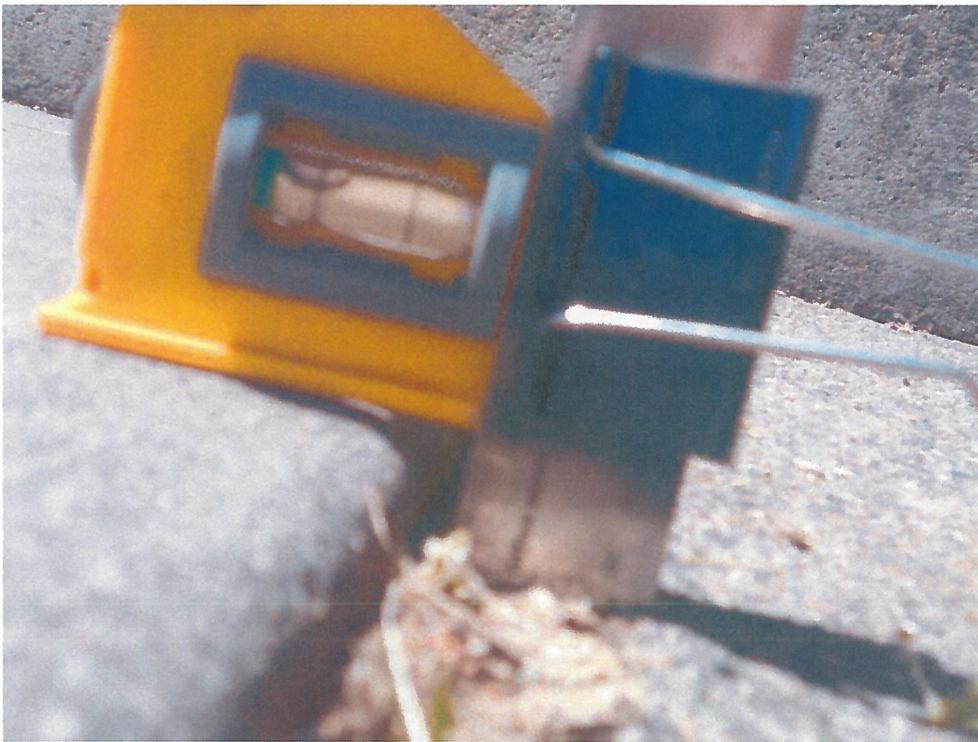














701 W. Jackson St. – Sidewalk Photos









SIDEWALK REPAIRS

701 W. Jackson, Medford OR

July 18, 2019

Page 24



4 Panels - Grind down

1 Panel - Grind down

1 Panel - May need to be replaced.

3 Panels - Replace



Google



Estimate EST0008

NAME The City Of Medford
 ADDRESS 200 S. Ivy Medford OR. 97501
 EMAIL ken.parducci@cityofmedford.org
 DATE June 11, 2019

Tavin Jessen Concrete LLC
 Tavin
 975 Dahlia Ter. Eagle point OR. 97524
 541-538-9112
 tjessen1@outlook.com

DESCRIPTION	UNIT PRICE	QTY	TOTAL
701 W Jackson st. <i>5 Grinds At \$625. 3 panel replacement at \$1300. Additional \$50 for contractors time of gathering permits and putting together traffic plan.</i>			\$1,975.00
		SUBTOTAL	\$1,975.00
		TOTAL	\$1,975.00



AGENDA ITEM COMMENTARY

DEPARTMENT: Planning **AGENDA SECTION:** Public Hearings
PHONE: (541) 774-2380 **MEETING DATE:** July 18, 2019
STAFF CONTACT: Matt Brinkley, AICP, CFM, Planning Director

COUNCIL BILL 2019-65

A resolution approving the appeal and reversing and modifying the decision of the Site Plan and Architectural Commission to deny plans for the construction of a 370 square foot coffee kiosk, a 3,300 square foot convenience store, and a 1,304 square foot car wash and gas pumps on approximately 2.5 acres located at 1380 Springbrook Road within the C-C (Community Commercial) zoning district. AC-19-028 (Land Use, Appeal)

SUMMARY AND BACKGROUND

Council is requested to consider an appeal of the Site Plan and Architectural Commission decision to deny plans for the construction of a 370 square foot coffee kiosk, a 3,300 square foot convenience store, and 1,304 square foot car wash and gas pumps on approximately 2.5 acres located at 1380 Springbrook Road within the C-C (Community Commercial) zoning district (371W20AB3500). (File No. AC-19-028)

The appellant contends that the Site Plan and Architectural Commission erred in its decision to deny the proposal as: (1) SPAC erred by improperly applying the compatibility standard in MLDC 10.200; (2) SPAC exceed its jurisdiction by interpreting MLDC 10.200 to allow it to deny a use allowed under the zone; (3) SPAC's decision fails to include appropriate findings of fact and conclusions of law to support its denial; and (4) there is not substantial evidence in the record to support the denial of AC-19-028.

PREVIOUS COUNCIL ACTIONS

On December 4, 2014, the City Council adopted Ordinance 2015-154 changing the General Land Use Plan (GLUP) Map designation of the subject property from UR (Urban Residential) to CM (Commercial). The change was part of the City's Urban Growth Boundary amendment project.

ANALYSIS

The appellant raised four allegations of error and has requested that the City Council either reverse or remand the Site Plan and Architectural Commission decision to deny the proposal. The City Council must decide if: (1) SPAC erred by improperly applying the compatibility standard in MLDC 10.200; (2) SPAC exceed its jurisdiction by interpreting MLDC 10.200 to allow it to deny a use allowed under the zone; (3) SPAC's decision fails to include appropriate findings of fact and conclusions of law to support its denial; and (4) there is not substantial evidence in the record to support the denial of AC-19-028.

In the decision to deny the application, the Commission found the aesthetics and intensity of the use incompatible with the neighborhood but did not identify persuasive evidence and explain how the evidence in the record lead to the decision. Additionally, the Commission exceeded its authority and disallowed permitted uses.

The Executive Summary contains a complete analysis of the allegations of error (Exhibit A).



FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None identified.

TIMING ISSUES

Under Medford Land Development Code (MLDC) Section 10.182(B)(1), the approving authority shall take final action on an application within 120 days after the application is deemed complete. ORS 227.178(1) further requires that, "... the governing body of a city ... shall take final action on an application ... including resolution of all appeals ... within 120 days after the application is deemed complete." The 120th day for this application is July 20, 2019. The City Council must render its decision by that date.

COUNCIL OPTIONS

In an appeal of a land use decision, the City Council typically has the four options listed below.

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

STAFF RECOMMENDATION

Staff recommends the Council approve the appeal and reverse the Site Plan and Architectural Commission decision to deny AC-19-028.

SUGGESTED MOTION

I move to approve the resolution approving the appeal and reversing the Site Plan and Architectural Commission decision to deny AC-19-028.

EXHIBITS

Resolution

Executive Summary dated July 11, 2019, including Exhibits 1 through 8.

RESOLUTION NO. 2019-65

A RESOLUTION approving the appeal and reversing and modifying the decision of the Site Plan and Architectural Commission to deny plans for the construction of a 370 square foot coffee kiosk, a 3,300 square foot convenience store, and 1,304 square foot car wash and gas pumps on approximately 2.5 acres located at 1380 Springbrook Road within the C-C (Community Commercial) zoning district.

WHEREAS, on February 12, 2019, Double R Products (Applicant) submitted a Site Plan and Architectural Review application to construct a 370 square foot coffee kiosk, a 3,300 square foot convenience store, and 1,304 square foot car wash and gas pumps on approximately 2.5 acres located at the northeasterly corner of Springbrook Road and E McAndrews Road (file no. AC-19-028); and

WHEREAS, on May 3 and May 17, 2019, the Site Plan and Architectural Commission held duly noticed public hearings and testimony was taken by the Commission on the application AC-19-028; and

WHEREAS, on June 7, 2019, the Site Plan and Architectural Commission adopted the final order for denial of the application AC-19-028; and

WHEREAS, the Site Plan and Architectural Commission decision to deny AC-19-028 was appealed to the City Council by Springbrook Corners LLC, the property owner, on June 24, 2019. The Appellant contends that the Site Plan and Architectural Commission erred by improperly applying the compatibility standard, exceeding its authority, and failing to include appropriate findings of fact, and that there is not substantial evidence to support the decision; and

WHEREAS, on July 18, 2019, the City Council reviewed the applicable criteria, heard legal arguments, and considered appellant's request to reverse and modify the decision of the Site Plan and Architectural Commission; and now therefore,

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

SECTION 1. The City Council finds that there is substantial evidence in the record of the Site Plan and Architectural Commission to indicate that the Commission's findings were improper and inadequate to support the decision.

SECTION 2. The City Council further finds that there is substantial evidence in the record to approve the decision of the Site Plan and Architectural Commission and apply the conditions of approval contained in Exhibit A-1 dated May 10, 2019, with the following modifications:

- a. The hours of operation are limited to 6:00 a.m. to 10:00 p.m.
- b. Additional screening is required. The screening must include additional street frontage landscaping and additional screening for any rooftop equipment.

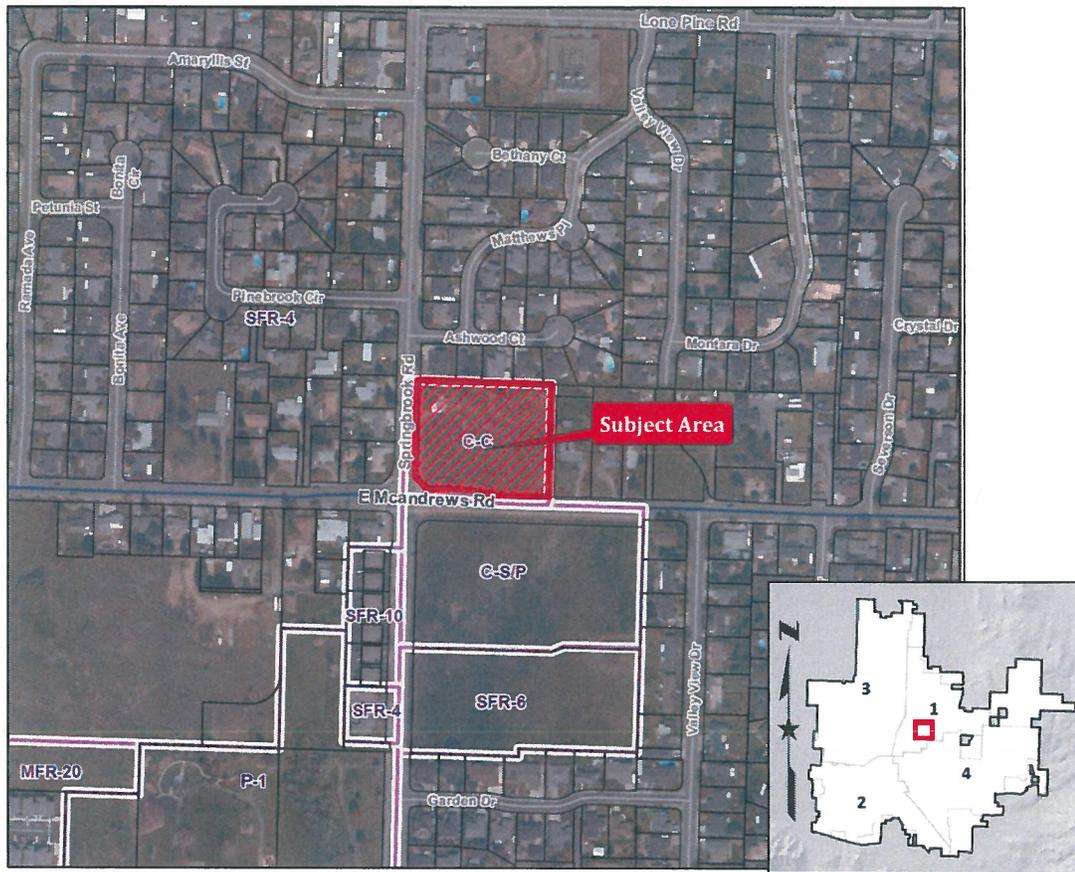
EXECUTIVE SUMMARY

Consideration of an appeal of the Site Plan and Architectural Commission decision to deny plans for the construction of a 370 square foot coffee kiosk, a 3,300 square foot convenience store, and 1,304 square foot car wash and gas pumps on approximately 2.5 acres located at 1380 Springbrook Road within the C-C (Community Commercial) zoning district (371W20AB3500).

The appellant contends that the Site Plan and Architectural Commission erred in its decision to deny the proposal as: (1) SPAC erred by improperly applying the compatibility standard in MLDC 10.200; (2) SPAC exceed its jurisdiction by interpreting MLDC 10.200 to allow it to deny a use allowed under the zone; (3) SPAC's decision fails to include appropriate findings of fact and conclusions of law to support its denial; and (4) there is not substantial evidence in the record to support the denial of AC-19-028.

Dated: July 11, 2019

VICINITY MAP



WHAT ARE THE ISSUES BEFORE THE CITY COUNCIL? (Notice of Appeal, Exhibit 1)

- Did the Site Plan and Architectural Commission err by improperly applying the compatibility standard in Medford Land Development Code (MLDC) 10.200?
- Did the Site Plan and Architectural Commission exceed its jurisdiction by interpreting MLDC 10.200 to allow it to deny a use allowed under the zone?
- Did the SPAC decision fail to include appropriate findings of fact and conclusions of law to support its denial?
- Is there substantial evidence in the record to support the denial of AC-19-028?

CITY COUNCIL SCOPE OF REVIEW

The City Council's scope of review is listed in Medford Land Development Code (MLDC) 10.140 and is summarized below.

(D) Scope of Appeal.

An appeal hearing shall be either 'de novo', 'limited to issues', or 'on the record' as summarized below.

(2) On the record: Issues are limited to those raised in the appeal. New evidence may not be presented. New arguments may be presented so long as they relate to issues raised in the initial proceedings.

a. The appeal body shall not re-examine issues of fact and shall limit its review to determining whether there is substantial evidence to support the findings of the approving authority, or determining if errors in law were committed. The appellant is also precluded from raising an issue on appeal to the appeal body if they could have raised the issue with the approving authority but failed to do so.

b. The record shall consist of the application and all materials submitted with it; documentary evidence, exhibits and materials submitted at the initial hearing; recorded testimony; the decision of the approving authority, including the findings and conclusions; and the notice of appeal.

CHRONOLOGY

1. On February 12, 2019, Double R Products (Applicant) submitted a Site Plan and Architectural Review application to construct a 370 square foot coffee kiosk, a 3,300 square foot convenience store, and 1,304 square foot car wash and gas pumps on

Executive Summary
Appeal of Site Plan and Architectural Commission Decision
AC-19-028
July 11, 2019

- approximately 2.5 acres zoned C-C (Community Commercial). The site is located at the northeasterly corner of Springbrook Road and E McAndrews Road (file no. AC-19-028).
2. On March 8, 2019, the application was deemed complete.
 3. The application was scheduled for the public hearing of April 19, 2019. On March 29, 2019, public hearing notices were mailed to surrounding property owners. It was later found that the mailing list was incomplete and did not include the owners of all properties within 200 feet of the project boundaries as required in MLDC 10.124(C)(2) et seq. The applicant requested that the hearing be continued 14 days to May 3, 2019, so that the application could be properly noticed.
 4. On April 12, 2019, public hearing notices were mailed to surrounding property owners. The mailing list correctly included the owners of properties within 200 feet of the subject site.
 5. The Site Plan and Architectural Commission held a public hearing on May 3, 2019, heard the staff report and received testimony from approximately 27 people. Immediately after the public hearing was closed, a member of the audience requested that the record be kept open. The Commission voted to reopen the hearing, took testimony, and then continued the public hearing to May 17, 2019.
 6. Written testimony from the property owner (now Appellant), Springbrook Corners, LLC, was submitted on May 3, 2019, and attached to the Site Plan and Architectural Commission Report dated May 17, 2019, as Exhibit DDD.
 7. At the public hearing on May 17, 2019, the Commission again received a staff report and additional public testimony. After a failed motion for approval, the oral decision of the Commission was to deny AC-19-028.
 8. On June 7, 2019, the Commission adopted the final order for denial of AC-19-028.
 9. On June 11, 2019, the action letter was mailed, setting the final appeal date of June 25, 2019.
 10. On June 24, 2019, the City received an appeal of the Site Plan and Architectural Commission decision to deny application AC-19-028 from Springbrook Corners LLC, the property owner, now Appellant (Exhibit 1). Appellant has standing in this matter.
 11. Per MLDC 10.140(B)(2), the appeal hearing before the City Council must be set at its next regular meeting that falls not less than 14 days after the date the appeal is filed. The appeal hearing date has been appropriately scheduled for July 18, 2019. The 120th day is July 20, 2019.

MEDFORD LAND DEVELOPMENT CODE CRITERIA

Medford Land Development Code §10.200

(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:

- (a) The proposed development is compatible with uses and development that exist on adjacent land, and*
- (b) 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.*

(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 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.*

AUTHORITY OF THE SITE PLAN AND ARCHITECTURAL COMMISSION

The Site Plan and Architectural Commission is the approving authority for Site Plan and Architectural Review applications (MLDC 10.110[H]). The purpose of Site Plan and Architectural Review is found in MLDC 10.200(A):

The Site Plan and Architectural Review process is established in order to provide for review of the functional and aesthetic adequacy of commercial, industrial and multi-family development and to assure compliance with the standards and criteria set forth in this chapter for the development of property as applied to the improvement of individual lots or parcels of land as required by this code. Site Plan and Architectural Review considers consistency in the aesthetic design, site planning and general placement of related facilities such as street improvements, off-street parking, loading and unloading areas, points of ingress and egress as related to bordering traffic flow patterns, the design, placement and arrangement of buildings as well as any other subjects included in the code which are essential to the best utilization of land in order to preserve the public safety and general welfare, which will encourage development and use of lands in harmony with the character of the neighborhood within which the development is proposed.

PROJECT SUMMARY

The subject application is to authorize construction of a new drive-thru coffee kiosk, convenience store, carwash and gas pumps. Phase II (not part of this application) will consist of a structure to be used for retail uses located along the easterly property line. The coffee kiosk will be approximately 370 square feet in size and will be located at the northwest corner of the lot. A carwash (+/-1,304 square feet) will be attached to the convenience store (+/-3,300 square feet) and the structure will be located towards the intersection of Springbrook Road and E McAndrews Road. The gas pumps and gas pumps canopy are proposed to be located towards the center of the site.

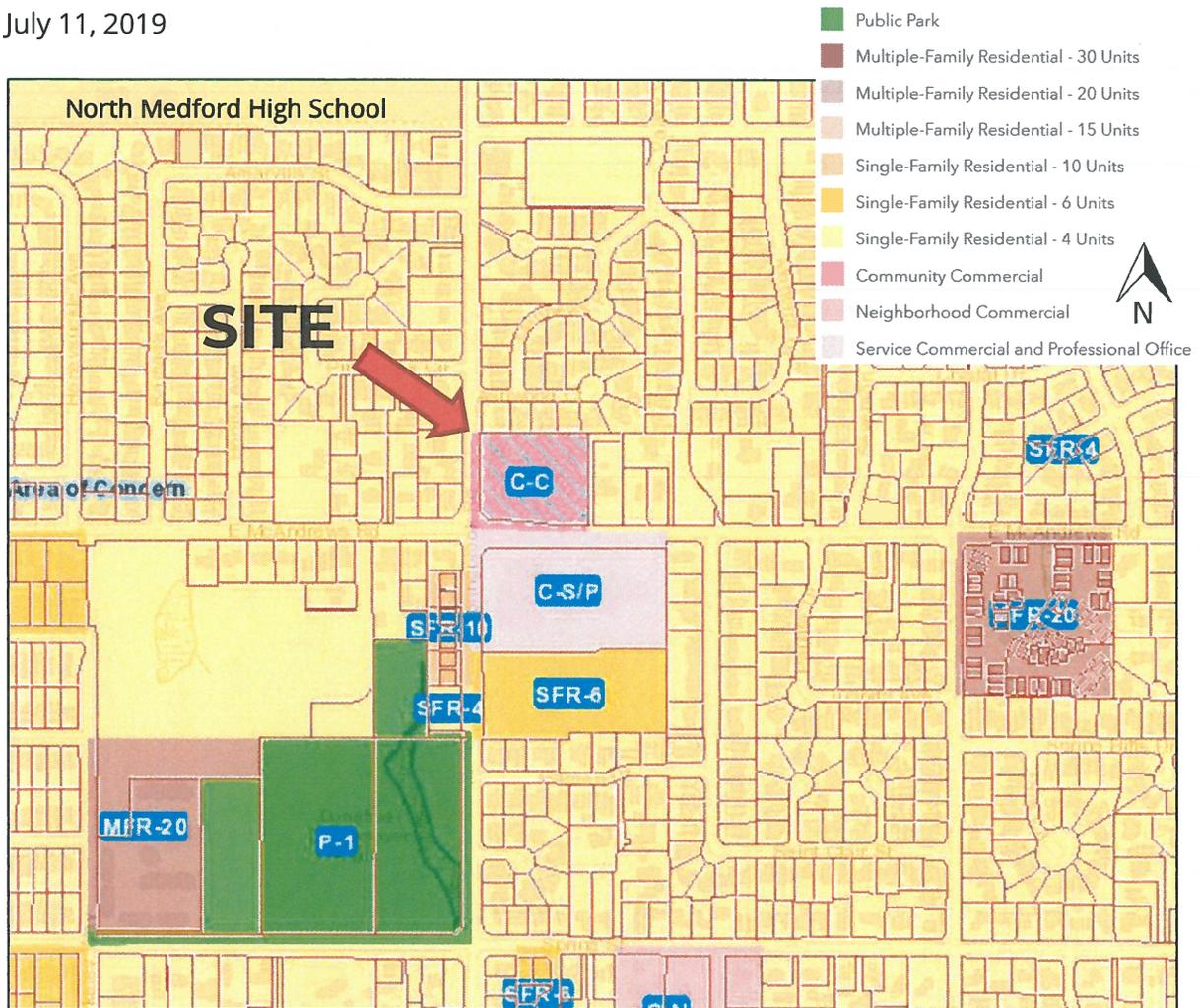


Figure 2 – Current Zoning Map

NOTICE OF APPEAL (EXHIBIT 1)

Required Content

MLDC 10.140(B) lists the required content of a notice of appeal. The appeal contains all required information.

(B) Notice of Appeal.

(1) A notice of appeal shall be signed by the appellant or their agent and shall contain:

(a) An identification of the decision sought to be reviewed, including the date of the decision.

- (b) *A statement demonstrating that the appellant has standing to appeal as required by Subsection (A) above.*
- (c) *A statement of the specific grounds which the appellant relies on as the basis for the appeal. If the appellant contends that the findings of fact made by the approving authority are incorrect or incomplete, the notice shall specify the factual matters omitted or disputed. If the appellant contends that the decision is contrary to ordinance, statute or other law, such errors shall be specifically identified in the notice along with the specific grounds relied upon for review.*

Assignments of Error

- 1. The Appellant contends the Site Plan and Architectural Commission (SPAC) erred by improperly applying the compatibility standard in MLDC 10.200.**

Staff Response:

The Appellant uses this argument for the first and second assignments of error, but they are two distinct issues – a finding of compatibility with surrounding development and disallowing a permitted use. This discussion is focused on the issue of compatibility.

During the May 3 public hearing, the applicant's agent stated that the compatibility issue had been addressed by the City Council when the General Land Use Plan (GLUP) map designation was changed in 2014 and again by the Planning Commission at the time of zone change in 2015. (SPAC Minutes, May 3, 2019, Exhibit 5 p. 7)

Staff disagreed because the first approval criterion for Site Plan and Architectural Review requires a finding of whether a proposed use is, *"...compatible with uses and development that exist on adjacent land."* (MLDC 10.200[E]) In response, staff prepared the explanation cited on p. 4 of the Notice of Appeal.

The Commission has authority to assign conditions of approval to mitigate impacts between dissimilar uses in MLDC 10.200(F) (see language on p. 4 above). For example, the Commissioners discussed additional screening and limiting hours of operation before voting on the motion to approve (the applicant had stipulated to limiting hours of operation but did not specify what those hours would be). These mitigation measures could be considered to be *... reasonably necessary to ensure compliance with the standards of the code and criteria* (MLDC 10.200[F]) Ultimately, that motion failed.

When making a positive finding for the compatibility criterion in past decisions, the Commission has relied on the purpose of the Site Plan and Architectural Review in MLDC 10.110(H) and the language in MLDC 10.200(F) for guidance. The Commission typically contemplates similarities in the built environment, including architecture (building bulk,

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fenestration, materials, etc.) and site layout. Conditions of approval to mitigate impacts between dissimilar uses, such as light trespass, noise, or access, are not uncommon.

In this case, the Applicant's proposal is an appropriate scale for the neighborhood and uses materials commonly found in residential applications. The building and fuel pumps are oriented to E McAndrews Road and away from the residences across Springbrook Road and the abutting residences to the north and east. Vehicular access is designed to be as far from the intersection as possible, and additional turn lanes have been required to address traffic safety concerns.

In its discussion, the Commission did not find that the design of the site or proposed architecture were incompatible. In fact, the Commission's initial motion was to approve and add additional conditions to mitigate the impacts of the development.

Finally, the Appellant requests that the City Council:

1. Adopt the Planning Staff interpretation of MLDC 10.200 as the official interpretation of the City;
2. Reverse the SPAC order denying the project on the grounds that SPAC incorrectly applied MLDC 10.200 to the application; and
3. Issue an order of the City Council approving the application, or in the alternative, remand the matter back to SPAC with instructions from the City Council to approve the application as presented only with the conditions previously agreed to by the applicant's agent at the second SPAC hearing.

Conclusion for Assignment of Error No. 1:

In the decision to deny the application, the Commission found the aesthetics (i.e., gas pumps) and intensity of the use incompatible with the neighborhood (SPAC Minutes of May 17, 2019, Exhibit 6 p. 7). The meaning of "aesthetics" is clear, but there was little discussion about what "intensity" means in this context. There are several uses proposed. Was the number of uses too much for the site? Was it the nature of the uses? Were the impacts from the proposed uses too intense to be mitigated? That is unclear.

Staff agrees that the Site Plan and Architectural Commission erred in its finding on compatibility.

2. The Appellant contends that SPAC exceeded its jurisdiction by interpreting MLDC 10.200 to allow it to deny a use allowed under the zone.

Staff Response:

As noted above, the Appellant relied on the argument for the first assignment of error for the second, but they are two distinct though related issues. This discussion is focused on the issue of disallowing a permitted use.

While SPAC has authority to assign conditions of approval (see discussion above), it has no authority to determine whether a use is permitted or disallow uses expressly permitted in MLDC 10.337. The purpose of Site Plan and Architectural Review is found in MLDC 10.200(A):

The Site Plan and Architectural Review process is established in order to provide for review of the functional and aesthetic adequacy of commercial, industrial and multi-family development and to assure compliance with the standards and criteria set forth in this chapter for the development of property as applied to the improvement of individual lots or parcels of land as required by this code. Site Plan and Architectural Review considers consistency in the aesthetic design, site planning and general placement of related facilities such as street improvements, off-street parking, load and unloading areas, points of ingress and egress as related to bordering traffic flow patterns, the design, placement and arrangement of buildings as well as any other subjects included in the code which are essential to the best utilization of land in order to preserve the public safety and general welfare, which will encourage development and use of lands in harmony with the character of the neighborhood within which the development is proposed.

In MLDC 10.110(H), SPAC is delegated as the approving authority for Site Plan and Architectural Review, including major modifications, and Exception applications. Other duties include the power to adopt design guidelines. The Planning Commission has the responsibility to "... study and report on all code amendments ... [and] submit its recommendation and findings to the City Council." (MLDC 10.110[E]); SPAC has no such obligation. The City Council alone has the authority to amend the Land Development Code and determine whether uses are permitted, conditional or not permitted (MLDC 10.110[C]).

In failing to provide findings that specify the nature of the land use incompatibility upon which it relied to reach its decision, SPAC's decision amounts to a categorical prohibition of the proposed development type in instances where this type of development is geographically proximate to residential development. This conclusion could easily be expressed in the Medford Land Development Code, but it is not. Instead, SPAC's overreaching decision functions as a de facto legislative modification to the Medford Land Development Code. It does so, moreover, in clear disregard for the legal processes governing such land use actions that have been purposefully constructed in Article II of the MLDC.

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Finally, the Appellant's requests for City Council action are the same as Allegation 1 above.

Conclusion for Assignment of Error No. 2:

In the decision to deny the application, the Commission exceeded its authority in MLDC 10.110(H) and effectively disallowed permitted uses.

Staff agrees that the Site Plan and Architectural Commission erred.

3. The Appellant contends that SPAC's decision fails to include appropriate findings of fact and conclusions of law to support its denial.

Staff Response:

In this assignment, the Appellant turns to the Land Use Board of Appeals (LUBA) opinions and the level of detail required in findings for denial. The Appellant references the Commission's finding regarding the lack of adequate screening in this assignment, but its finding regarding intensity of use may have been more appropriate here.

The Appellant cites *J. Conser and Sons, LLC v. City of Millersburg*, 65 Or LUBA 1 (2016), which was remanded because the City of Millersburg's decision did not include sufficient findings (Notice of Appeal, Exhibit 1, p. 7). However, at *Conser*, 65 Or LUBA at 7:

"Since Fasano v. Board of County Commissioners of Washington Co., 264 Or 574, 507 P2d 23 (1973), applicants in quasi-judicial land use proceedings have had the burden of demonstrating that a proposal complies with relevant approval criteria. That burden includes proposing any conditions of approval that might be necessary to make a proposal comply with those approval criteria. While it is not unusual for local governments to develop and impose conditions of approval that the local governments believe are necessary to allow the local governments to approve a proposal that would otherwise have to be denied. Local governments do not have an obligation to do so, and have no obligation to adopt findings that explain why they cannot develop such conditions of approval for an applicant..."

The *Conser* opinion then clarified that "we do not agree with petitioner's suggestion that it is the city's obligation to shoulder the burden of independently developing conditions that would effectively redesign the proposal and make it approvable. Neither is the city obligated to tell petitioner exactly what must be changed to make the PD approvable." Finally, in *Conser*, the City of Millersburg's Land Use Development Code defines denial as, "Denial means the review or hearings body found the approval [were] not satisfied by the presented facts and could not be made to comply with attached conditions of approval." (*Conser*, 65 Or LUBA at 6). That particular code language helped create the requirement that Appellant relies upon. However, the City of Medford Land Development Code contains no such requirement.

Finally, the Appellant requests that the decision be remanded back to SPAC with instructions to adopt the kind of findings required by the *Conser* decision.

Conclusion for Assignment of Error No. 3:

On the specific issue of the specificity of the Commission's findings as to intensity or screening, staff does not agree that the Commission's findings fail to meet the standard of *Conser*, which is both minimal and malleable. Under staff's reading of *Conser*, the Commission is not required to state exactly what hours or what screening is required before denying a project based upon excessive hours or insufficient screening.

That said, given the malleable boundary set forth in *Conser*, staff is also understanding of the position that the Commission's decision on intensity and screening were impermissibly vague. It is staff's position that Council may impose conditions as to hours of operation and screening instead of remanding the matter.

4. The Appellant contends that there is not substantial evidence in the record to support the denial of AC-19-028.

Staff Response:

The Appellant notes a conflict between the language in the Conclusion section of the Commission Report and the Commission's final Findings on the first criterion. This is a structural conflict. The Commission Report is the third generation of the initial Staff Report published for the May 3, 2019, public hearing and the Revised Staff Report published for the May 17, 2019, public hearing. The changes from the prior iteration of the report are noted in bold. The Conclusion was staff's conclusion and ultimately not the Commission's. The conflict is unintended.

Finally, the applicant states that the findings are conclusory in nature and contradict the conclusion that the project can be approved with appropriate conditions. In addition, the above findings are not supported by substantial evidence in the record. For the above reasons Appellant respectfully requests that SPAC's denial of AC-19-028 be reversed or remanded.

Conclusion for Assignment of Error No. 4:

The Commission's findings are inadequate because they do not identify persuasive evidence and explain how the evidence in the record lead to the decision.

Staff agrees that the Site Plan and Architectural Commission erred.

SUMMARY

The appellant raised four allegations of error and has requested that the City Council either reverse or remand the Site Plan and Architectural Commission decision to deny the proposal. The City Council must decide if: (1) SPAC erred by improperly applying the compatibility standard in MLDC 10.200; (2) SPAC exceed its jurisdiction by interpreting MLDC 10.200 to allow it to deny a use allowed under the zone; (3) SPAC's decision fails to include appropriate findings of fact and conclusions of law to support its denial; and (4) there is not substantial evidence in the record to support the denial of AC-19-028.

In the decision to deny the application, the Commission found the aesthetics and intensity of the use incompatible with the neighborhood but did not identify persuasive evidence and explain how the evidence in the record lead to the decision. Additionally, the Commission exceeded its authority and disallowed permitted uses.

CITY COUNCIL OPTIONS

MLDC 10.140(E) Decision Regarding Appeals.

- (1) Upon review of the appeal, the appeal body may by order affirm, reverse or modify in whole or in part a determination or requirement of the decision that is under review.

When the appeal body modifies or renders a decision that reverses a decision of the approving authority, the appeal body, in its final order, shall set forth its finding and state its reasons for taking the action encompassed in the order.

When the appeal body elects to remand the matter back to the approving authority for such further consideration as it deems necessary, it shall include a statement explaining the error to have materially affected the outcome of the original decision and the action necessary to rectify such.

- (2) Action by the appeal body shall be decided by a majority vote of its members present at the meeting at which review was made and shall be taken either at that or any subsequent meeting. The appeal body shall render its decision within the time limits allowed by State law. Given the constraints of the 120-day rule, this is not an option unless the Applicant concurs and agrees to extend the 120-day limit.

RECOMMENDATION

The City Council can find that the Site Plan and Architectural Commission did err in its decision. Staff recommends that the City Council reverse the decision and modify the conditions of approval to limit the hours of operation as stated in the SPAC motion to approve (6 a.m. to 10 p.m.) and add additional screening. The basis for the modification is weighing the articulated concerns about neighborhood compatibility and intensity of the

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use, while recognizing the fact that the use is a permitted use in the zone and the compatibility criterion cannot be used to prohibit a permitted use.

EXHIBITS

- 1 Notice of Appeal received June 24, 2019
- 2 Site Plan and Architectural Commission Final Order and Site Plan and Architectural Commission Report dated May 17, 2019, with all exhibits
- 3 PowerPoint Presentation to the Site Plan and Architectural Commission dated May 3, 2019
- 4 PowerPoint Presentation to the Site Plan and Architectural Commission dated May 17, 2019
- 5 Site Plan and Architectural Commission Minutes of May 3, 2019
- 6 Site Plan and Architectural Commission Minutes of May 17, 2019
- 7 Excerpt of the Site Plan and Architectural Commission Minutes of June 7, 2019
- 8 Action Letter dated June 11, 2019

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June 24, 2019

RECEIVED

JUN 24 2019

PLANNING DEPT.

Via Hand Delivery

Mayor and City Council Members:

Mayor Gary Wheeler
Clay Bearnson
Kay Brooks
Tim D'Alessandro
Dick Gordon
Alex Poythress
Eric Stark
Kevin Stine
Michael Zarosinski
411 West 8th Street
Medford, OR 97501

Re: The City of Medford's Site Plan and Architectural Commission Land Development Code Relating to the Property Located at 1380 Springbrook, Medford, Oregon- File AC-19-028

WRITTEN NOTICE OF APPEAL OF SITE PLAN AND ARCHITECTURAL COMMISSION DECISION – FILE NO. AC-19-028

Mayor and City Council Members:

This office represents Springbrook Corners LLC, the owner of the property located at 1380 Springbrook Road, Medford, Oregon.

IDENTIFICATION OF DECISION SOUGHT TO BE REVIEWED

The decision sought to be reviewed is the City of Medford Site Plan and Architectural Commission's final order dated June 7, 2019 denying the Site Plan Application #AC-19-028.

AC-19-028 was an application for approval to construct a 370 square foot coffee kiosk, a 3,300 square foot convenience store, and 1,304 square foot carwash and gas pumps on approximately

CITY OF MEDFORD
EXHIBIT # 1
File # AC-19-028
APPEAL

2.5 acres located at 1380 Springbrook Road within the C-C (Community Commercial) zoning district (37W20AB3500). All of the requested improvements are permitted uses in the Community Commercial zoning district. The City of Medford Planning Staff in its Staff Report advised SPAC that the Application would meet the SPAC criteria and could be approved as submitted or with conditions imposed. SPAC suggested a number of conditions, each of which were accepted by the applicant's agent. *Transcript of Site Plan & Architectural Commission May 17, 2019 Hearing* ("Transcript"), Pg. 2, 4. In spite of the fact these uses are permitted in the Community Commercial zone, and the City Staff's favorable Staff Report, SPAC denied the Application on the grounds it was not compatible with the neighboring property. In making this denial, SPAC made a number of legal errors that are being raised to the City Council. The relief sought is that the decision be reversed, or if the City Council decides not to reverse, then the challenged decision should be remanded.

STATEMENT OF STANDING

Appellant is the owner of the property that is the subject of this Application. Appellant appeared at the SPAC hearing in support of the Application. See Exhibit DDD attached to the May 17, 2019 Commission Report and the May 10, 2019 revised staff report, and attached hereto as Appendix 1. For the above reason, Appellant has standing in this matter.

STANDARD OF REVIEW ON APPEAL

This is an appeal of a Type III Land Use Decision of the SPAC. Therefore, this is an on the record appeal. MLDC § 10.140(H). As an on the record appeal, "[The City Council] shall not re-examine issues of fact and shall limit its review to determining whether there is substantial evidence to support the findings of the [SPAC], or if errors in law were committed". MLDC § 10.140(D)(2)(a).

The standard by which the Land Use Board of Appeals review land use decisions is found in Chapter 661 of the Oregon Administrative Rules which provide:

1. [LUBA] shall reverse a land use decision when:
 - (a) The governing body exceeded its jurisdiction;
 - (b) The decision is unconstitutional; or
 - (c) The decision violates a provision of applicable law and is prohibited as a matter of law.
2. [LUBA] shall remand a land use decision for further proceedings when:
 - (a) The findings are insufficient to support the decision, except as provided in ORS 197.835(11)(b);
 - (b) The decision is not supported by substantial evidence in the whole record;

- (c) The decision is flawed by procedural errors that prejudice the substantial rights of the petitioner(s);
- (d) The decision improperly construes the applicable law, but is not prohibited as a matter of law; or
- (e) All parties stipulate in writing to remand. OAR 661-010-0071

The City Council must reverse or remand a SPAC decision in the above listed circumstances.

The Appellant is herewith appealing the SPAC's denial of AC-19-028 on the following grounds: (1) SPAC violated a provision of the MLDC in denying the application; (2) SPAC exceeded its jurisdiction in denying the application; (3) SPAC's findings are insufficient to support its decision; and (4) There is not substantial evidence in the record to support SPAC's decision.

STATEMENT OF SPECIFIC GROUNDS FOR RELIEF

1. Assignment of Error Number 1; SPAC erred by improperly applying the compatibility standard in MLDC § 10.200.

SPAC violated the Medford Land Development Code by misapplying the compatibility standard set out in MLDC §10.200.

The scope of SPAC's review under the Medford Land Development Code is clearly delineated in the purpose statement for that body, which reads in whole:

"10.200 SITE PLAN AND ARCHITECTURAL REVIEW

(A) Purpose of Site Plan and Architectural Review.

The Site Plan and Architectural Review process is established in order to provide for review of the functional and aesthetic adequacy of commercial, industrial and multi-family development and to assure compliance with the standards and criteria set forth in this chapter for the development of property as applied to the improvement of individual lots or parcels of land as required by this code. Site Plan and Architectural Review considers consistency in the aesthetic design, site planning and general placement of related facilities such as street improvements, off-street parking, loading and unloading areas, points of ingress and egress as related to bordering traffic flow patterns, the design, placement and arrangement of buildings as well as any other subjects included in the code which are essential to the best utilization of land in order to preserve the public safety and general welfare, and which will encourage development and use of lands in

harmony with the character of the neighborhood within which the development is proposed.”

The City of Medford Planning Staff properly interpreted MLDC § 10.200, both in its oral advice to the SPAC and its staff reports. One example of that correct interpretation is found on page 19 of 25 of the May 17, 2019 SPAC Commission Report and is printed in full below:

The first criterion for site plan review requires a determination that, “The proposed development is compatible with uses and development that exist on adjacent land...” (MLDC 10.200[E][1][a]). One way to describe the process is that the City Council sets the vision for how the City will grow via goals and policies in the Comprehensive Plan and the illustrative GLUP map – the 30,000-foot view of how the City should develop. The Planning Commission implements the Council’s vision at the time of zone change. It determines whether a zone is suitable in a particular location and whether the permitted uses can be served by appropriate levels of infrastructure – the 10,000-foot view. The purpose of site plan review is to “... provide for review of functional and aesthetic adequacy of commercial, industrial and multi-family development and assure compliance with the standards ... for the development of property as applied to the improvement of individual lots ... as required by this code.” (MLDC 10.200[A]). Site plan review is the boots-on-the-ground review of development. The question of compatibility lies solely with SPAC.

In MLDC 10.200[F], SPAC is granted authority to **impose conditions reasonably necessary to ensure compliance with the criteria. Compatibility cannot be used to circumvent the Code and disallow a permitted use.** (Emphasis added).

The staff’s instructions made clear to the SPAC that the decision of whether or not a particular use is allowed in a given place is determined by the Planning Commission and the City Council at the time of zone change. It is not the function of SPAC to determine which uses can be allowed in specific zones. Rather, it is the function of SPAC to review individual applications on a site-specific level to ensure that the use is compatible with a given location. This process can lead to reasonable conditions being imposed but it cannot be used to deny a use permitted by the zone. In other words, it is not the role of SPAC to say whether or not a use is appropriate for a given neighborhood. Instead it is the role of SPAC to ensure approved uses are designed in such a way to be compatible with the neighborhood in which it is

located. All but one of the SPAC commissioners either incorrectly applied the correct legal standard or made a decision without regard to any approval standard. SPAC's deliberations are reflected on the Transcript attached hereto as Appendix 2.

At the hearing, Commission Bender stated "I don't find that the intensity of the proposed commercial use is indeed compatible with the surrounding area. I understand that the City's current criteria allow for uses such as this to be conducted on properties like this. However, I am in disagreement with that particular aspect of the application, so I will be voting no." *Transcript*, Pg. 4. From Commissioner Bender's statement, it is not clear what he meant when he said, "I am in disagreement with that particular aspect of the application." If he meant to deny the application on the grounds that he did not feel a gas station and car wash are compatible uses with the surrounding area, then he misapplied the approval standard because they are permitted uses under the Code. However, if Commissioner Bender meant to deny the application based on the intensity of the use, then he also committed legal error because reviewing an application based on the intensity of its proposed permitted uses is not part of the SPAC approval criteria listed in the Medford Land Development Code.

Commissioner Pierce explained that she was denying the application because in her words "although I think the concept of bringing something in to add a different vitality to the neighborhood is important, I don't know if I feel that this is the right choice." *Transcript*, Pg. 5. It is clear that Commissioner Pierce believes it was appropriate to deny a use if she felt such use itself did not fit the neighborhood. Commissioner Pierce failed to recognize that her role was not to evaluate whether or not the use was appropriate but rather how that allowed use as its applied to specific site could be made to be compatible with the neighborhood. By incorrectly applying the approval standard, she committed legal error.

Commissioner Smith stated reason for voting to deny the application was because aesthetically he did not feel the application was compatible with the surrounding neighborhood. It is clear from Commissioner Smith's testimony during deliberation that he understood that the Medford Land Development Code allows these kinds of uses in the Community Commercial Zone and that the role of the SPAC is to review and evaluate whether or not the site plan in question is designed to be compatible with the neighborhood in question. *See Transcript*, pg. 3,5. Commissioner Smith even proposed a condition that was acceptable to the Appellant for additional screening on the project. However, even after proposing this condition, he still voted to deny the application with such condition because it would "just be a compromise" *See Transcript*, pg. 5. Commissioner Smith demonstrated that he understood the role of the SPAC was to weigh differing approved uses on adjacent lands, and make appropriate suggestions and findings as to how those differing uses can be made

compatible. In spite of his demonstrated knowledge of the correct legal standard, Commissioner Smith still voted no because he did not believe the use that is allowed in this zone is right for the neighborhood. In so doing, Commissioner Smith committed legal error.

Chair Quinn recognized the approval criteria and yet refused to apply it when he decided to deny the application. In his statements during the hearing, Chair Quinn explained that he decided to deny the application based on his own criteria. At no point during his explanation did he refer to any specific approval criteria mentioned in the Code. Therefore, Chair Quinn committed legal error because he refused to apply the approval criteria.

SPAC committed legal error because it misapplied the approval criteria standards when it rejected the application. City planning staff explained in the Commission Report that the compatibility standard could not be used by SPAC to circumvent the Code and deny an otherwise permitted use. Rather, to ensure that the application complies with the code, SPAC was free to impose conditions that it deemed reasonably necessary to ensure that the proposed use is compatible with the uses and development that exist on adjacent land. SPAC's misapplication of their approval criteria standard led to the denial of the application on the grounds that the use is incompatible with the surrounding area.

When analyzed under the correct legal standard, the SPAC Order denying this project lacks substantial evidence. The Application, Staff Reports, and the applicant's agent's consent to reasonable conditions supports an approval of this project.

Appellant respectfully requests that the City Council: (1) adopt the Medford Planning Staff's interpretation of MLDC §10.200 as the official interpretation of the City; (2) reverse the SPAC Order denying the project on the grounds that SPAC incorrectly applied MLDC §10.200 to the application; and (3) issue an order of the City Council approving the Application; or in the alternative, remand the matter back to SPAC with instructions from the City Council to approve the Application as presented only with the conditions previously agreed to by the applicant's agent at the second SPAC hearing.

2. **Assignment of Error Number 2; SPAC exceeded its jurisdiction by interpreting MLDC § 10.200 to allow it to deny a use allowed under the zone.**

Appellant incorporates all of its arguments in Assignment of Error Number 1 into this assignment of error number. By improperly construing MLDC 10.200 to allow denials for uses allowed in a given zone, SPAC exceeded its jurisdiction. Because SPAC exceeded its jurisdiction for the reasons described in Assignment of Error Number 1, SPAC's decision should be reversed.

If the City of Medford does not want these types of users in residential zones, the appropriate course of action is to go through the proper goal one process and seek to have the zoning ordinance changed prospectively. It is not appropriate for any part of the city to change an ordinance retroactively in the middle of an application. This is especially true of SPAC which has no jurisdiction in legislative matters within the city. The SPAC Chairman, apparently acting on behalf of the entire commission concedes this point by the memorandum he sent to the Planning Commission dated June 7, 2019 and attached hereto as Appendix 3.

Appellant respectfully requests that the City Council: (1) adopt the Medford Planning Staff's interpretation of MLDC §10.200 as the official interpretation of the City; (2) reverse the SPAC Order denying the project on the grounds that SPAC exceeded its jurisdiction; and (3) issue an order of the City Council approving the Application; or in the alternative, remand the matter back to SPAC with instructions from the City Council to approve the Application as presented only with the conditions previously agreed to by the applicant's agent at the second SPAC hearing.

3. **Assignment of Error Number 3; SPAC's decision fails to include appropriate findings of fact and conclusions of law to support its denial.**

The SPAC decision purports to deny the Application on the grounds that the car wash and gas station cannot be adequately screened to mitigate the impacts of dissimilar uses. However, the SPAC provides no detail on how the applicant's screening was inadequate. There are a number of LUBA opinions that describe the level of detail that a City's findings must include to support a denial in this context. The most recent case on this topic was *J. Conser and Sons, LLC v. City of Millersburg*, 65 Or LUBA 1 (2016).

In *Conser*, 65 Or LUBA at 17-19, LUBA remanded the City of Millersburg's decision and made the following observations:

"Although it is a fairly close question, we agree with petitioner that the city's decision must be remanded to provide additional guidance on the kinds of changes that might lead to PD approval. As we explained in *Bridge Street Partners v. City of Lafayette*, 56 Or LUBA 387, 394 (2008) (citing *Commonwealth Properties v. Washington County*, 35 Or App 387, 400, 582 P2d 1384 (1978)), a 'local government's findings must be sufficient to inform the applicant either what steps are necessary to obtain approval or that it is unlikely that the application will be approved.'"

". . . But the city's findings are almost entirely a critique and rebuttal of arguments petitioner made in support of its application, rather than a considered determination regarding the merits of the application and whether it satisfies the applicable approval criteria. The city's findings provide

almost no guidance regarding the kinds of changes that might lead to an approvable PD. . . .”

“But we agree with petitioner that the way the findings are written, petitioner is largely left in the dark regarding the nature and extent of changes that must be made to justify exceptions to the RR-10-UC minimum lot size, lot width and rear yard setback requirements. And while it seems clear that approval of exceptions for 136 of the proposed 138 lots is unlikely, at least for the degree of reductions proposed, the city’s findings give no real indication regarding the nature and extent of exceptions that might be acceptable.”

“. . . But *Commonwealth Properties* and *Bridge Street Partners* require that the city give petitioner at least some minimal idea regarding what changes might lead to such approval. The city’s findings in this case are not adequate to provide that minimal idea.”

The Land Use Board of Appeals remanded the decision in *Conser* back to the City of Millersburg because the City’s findings provided “almost no guidance regarding the changes that might lead to an [approval project].” *Id.* at 18. The SPAC decision at issue in this appeal provided no guidance whatsoever as to what changes could be made to the application to make it approvable. For this reason, the decision denying AC-19-028 should be remanded back to the SPAC with instructions that such body adopt the kind of findings required by the *Conser* opinion.

4. Assignment of Error Number 4; There is substantial evidence in the record to support the denial of AC-19-028.

The City Council should remand a decision of one of its Commissioner if it lacks substantial evidence in the record MLDC § 10.140. Under ORS 227.173(3), a city must provide a statement that explains the criteria “. . . and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the jurisdiction for the decision based on the criteria, standards and facts set forth.” SPAC’s findings of fact are conclusive in nature and do not properly explain how SPAC came to the conclusion that the project was aesthetically incompatible with the neighboring property. The conclusion in the Commission Report reads as follows:

“CONCLUSION

Based on the applicant’s narrative, findings and exhibits, and the analysis of the findings contained int his staff report, the Commission can find the application meets Site Plan and Architectural Review criteria, or can be made to conform with the imposition and satisfaction of conditions of approval.

Page 9
June 24, 2019
Mayor Gary Wheeler and
Members of City Council

At the public hearing of May 17, 2019, the Commission concluded that the project did not meet Criterion 1 and voted to deny the project. See findings.”

The findings referenced above read as follows:

“The Site Plan and Architectural Commission finds that the car wash and gas station cannot be adequately screened to mitigate the impacts of the dissimilar uses. Aesthetically a gas pump is not something that matches the residential housing across from the project. The Commission finds that the intensity of the proposed uses is incompatible with uses on surrounding property. The Commission finds that this proposal does not meet Criterion 1.”

The above findings are conclusory in nature and contradict the conclusion that the project can be approved with appropriate conditions. In addition, the above findings are not supported by substantial evidence in the record. For the above reasons Appellant respectfully requests that SPAC’s denial of AC-19-028 be reversed or remanded.

CONCLUSION

SPAC incorrectly applied the compatibility standard contained in MLDC § 10.200E(1)(a). SPAC’s decision also does not include the appropriate Findings of Fact and Conclusions of Law. Finally, SPAC’s decision is not supported by substantial evidence in the record. For all of the above reasons, the denial of AC-19-028 should be reversed or remanded.

Respectfully submitted,

FOSTER DENMAN, LLP



By: Stuart E. Foster, OSB 670365

SEF:cln

Appendices Enclosed:

- Appendix 1 Exhibit DDD
- Appendix 2: Transcript
- Appendix 3: SPAC Memorandum dated June 7, 2019

cc: Client

**APPENDIX 1
RECEIVED**

MAY 03 2019

PLANNING DEPT.

Springbrook Corners LLC
PO Box 970
Medford, Oregon 97501

May 3, 2019

Steffen Roennfeldt
Kelly Evans
Planning Department
City of Medford
200 Ivy Street
Medford, Oregon 97501

Re: AC-19-028

Dear Steffen and Kelly:

Springbrook Corners LLC owns the property at 1380 Springbrook which is the subject of this application and is writing to voice its support of the applicant and its project.

We feel this development is appropriate and beneficial to this part of the city and that its developer and end user of the property have given extensive consideration to minimize the impact on surrounding neighborhoods.

Thank you for your consideration in this matter.

Regards,


Springbrook Corners LLC

DDD
AC-19-28
Appendix 1
Page 1 of 1

CITY OF MEDFORD, OREGON
SITE PLAN & ARCHITECTURAL COMMISSION
(Regular Meeting – May 17, 2019)

Participants:

- James Catt, Sr., SPAC Commissioner
- Marcy Pierce, SPAC Commissioner
- Jeff Bender, SPAC Commissioner
- Jim Quinn, Chairperson and SPAC Commissioner
- Katie Zerkel, Attorney for City of Medford
- Milo Smith, SPAC Commissioner
- Kelly Evans, Assistant Planning Director

Agenda Item 20.1 / AC-19-028

- Evans I had just a quick thing for you, I think before the last hearing I had reminded the Commissioners that we would ask that you each state your opinion for the record so that we understand the basis for your decision, if you would do that today before you vote, thank you.
- Chair Thank you. Is there a motion for consideration?
- Bender Mr. Chair, if I may. I would like to move that the Commission adopt findings as recommended by staff and direct staff to prepare the Final Order for Approval of AC-19-028 per the Staff Report dated May 10, 2019, including removing Condition 11 regarding photometric analysis from code required to discretionary. Amending Condition 3 the relocation of the trash enclosure currently on the North side of the site to further South, and including Exhibits A-1 through BBBB with the added discretionary condition that the hours of operation of the facility be limited from 6:00 a.m. to 12:00 p.m. on any given day and that operation of the car wash cease at 8:00 p.m.
- Chair Do we have a second?
- Catt I would like to amend that. I would like the hours of opening to be closing before midnight.
- Zerkel We have to have a second on the motion before it can be amended.
- Catt I second the motion.

Chair The motion has been made and seconded. Now do we have further discussion?

Catt The hours of opening for the proposed project, I think midnight is a later hour than would be acceptable to me. So, I move that the hour be moved to 10:00 p.m.

Chair So 6:00 a.m. to 10:00 p.m. is that your amendment?

Catt That is my amendment.

Bender So we have a friendly amendment?

Smith So at this time I would like to add also

Zerkel I think we need to address that. Make sure there is a second on that amendment first.

Bender Do I agree to the opposed amendment as to

Zerkel We all vote on the amendment separately from the motion. Does that answer your question?

Bender So, we

Zerkel So he made an amendment, it needs a second, if we get a second, we vote on his amendment, then we discuss the main motion, then we vote on the main motion.

Bender: Ok, I'll second his amendment.

Zerkel Ok, so if there is any discussion on the amendment

Chair So, the second of the amendment has been amended and approved, so further discussion.

Smith I have further discussion.

Zerkel Is it on the main motion, Mr. Smith?

Smith No, it would be on an amendment to the entire motion. I would like to add

Zerkel Ok, let's just have any discussion on Mr. Catt's amendment at this point. Any discussion on changing the operation hours to 10:00 on the main motion. Ok, lets vote on that amendment first, please.

Chair: Roll call.

Roll Call Mr. Bender – yes, Mr. Catt – yes, Ms. Pierce – yes, Mr. Quinn – yes, Mr. Smith-yes. We have five yes votes.

Zerkel Do you mind if I clarify now, we're moving to discussion on the main motion which is for approval with the conditions listed on this on the screen, plus the hours of operation from 6:00 a.m. to 10:00 p.m., and this is probably an appropriate time if your chair wants.

Smith In addition, on the subject property, we are proposing what I believe is an 8-foot wall, cinder block wall to the East and to the North. So my concern is that you have a mechanical use in the car wash and the gas station that are unscreened to the West and to the South, and I am wondering if it's appropriate to add a condition that would somehow screen the opening to the car wash to the houses that are across Springbrook to the West, and the gas pumps to the South of Bonaventure. So, the thinking being is that the main concern that I am getting from the neighbors is that ok, we addressed the operation hours, right, when they are trying to get some sleep that there is not noise being made. Also, the mechanical use which I don't see as a use that is the same a residential, and we are addressing that with this 8-foot wall here but we are not addressing that going the other directions, and I don't know if that's, maybe that is something, I don't know if staff has dealt with that before, but the way that I look at it is that you have a kind of an industrial use in a car wash facing a residential, and the code is obviously saying "yeah, we agree with you, you can build an 8-foot wall on these other sides here", but because there are streets over here, the houses they have a view of a car wash, these cars coming out with the blower going on and the noise of that, so we addressed by saying that with you can't have this noise later than a certain time at night, which makes sense to me, but there is also the visual aspect the code is addressing over here but not on the other side of this project. And it's unusual because there is residential on all four sides of this project, normally you wouldn't have that. So as this Board sits, I was told that I could make a judgement on the aesthetics, and to me a gas pump aesthetically is not something that matches with the residential houses across from the project. (several thank yous from the audience)

Zerkel (in a whisper to Chair) They have an opportunity to speak.

Chair Is this a possible

Smith Also, I'm wondering if we could ask for, I don't know if a wall is appropriate in front of the gas station in this part of the car wash. I mean, the convenience store to me is a compatible use, and aesthetically it looks like it fits in the neighborhood, whereas the car wash doesn't, and so I would like to propose some sort of screening landscape, like an English laurel kind of hedge, or if the City allows, I'm not sure if they would in the right-of-way in that area, some sort of screen so that the neighbors are not looking directly at that. Because in the other direction it's screened off.

Chair If you could state the amendment as a question.

Smith I would like to amend a screening, a barrier similar to the one that is proposed on the East and

Chair North and East.

Smith Yeah, North and East sides in front of the gas station canopy and the exits to the car wash, so that mechanical equipment is not right in front of someone's front yard.

Catt Is that a motion?

Smith I second that.

Chair We have a second amendment that has been made and seconded. Any further discussion on the second amendment?

Chair Roll call on this second amendment please.

Roll Call Mr. Bender – no, Mr. Catt – yes, Ms. Pierce – yes, Mr. Quinn – yes, Mr. Smith – yes. We have four yes votes and one no vote.

Chair Any further discussion on the motion itself? Then we will ask for another roll call again for the entire motion. Sorry

Zerkel We need to have each Commissioner talk.

Chair And as we vote

Zerkel We need to have discussion first, and then the vote. I'm sorry.

Chair Oh, we are going to discuss first, I'm sorry. I didn't understand that. Alright, so we will start with whom? The motion maker will begin.

Bender Alright, with the motion in hand, my vote will actually be no on the motion to approve. I don't find that the intensity of the proposed commercial use is indeed compatible with the surrounding area. I understand that the City's current criteria allow for uses such as this to be conducted on properties like this. However, I am in disagreement with that particular aspect of the application, so I will be voting no.

Chair Commissioner Catt

Catt My vote within the scope of this Commission, um, we have talked about the heart felt emotions, right and wrong, I think the developer is going to make some minor

changes, going to work with the planners. Within the scope of this Committee, Commission, I have to vote yes.

Chair Ms. Pierce

Pierce This is a very difficult thing to have to deal with. Hearing all of you and where you are coming from and being a homeowner myself, I'm understanding that but I in the end echo a lot of Commissioner Bender's views on this as far as compatibility and that, although I think the concept of bringing something in to add a different vitality to the neighborhood is important, I don't know if I feel that this is the right choice. So, I will be voting no.

Chair Commissioner Smith

Smith I would also vote no. In the scope of our commission and from aesthetics point of view I include the light pollution and the noise, and that in addition to the screening, I know that I suggested that but I don't really think that blocks it out, I think it would be just a compromise. So aesthetically, I don't think it meets the intent of the code, and so I would be voting no on those grounds that it aesthetically doesn't match with the neighborhood.

Chair So I guess it's my turn, and I too will vote no and I will do so because in spite of all the rules of the City and all the things we try to do to make laws and have rules there are times when you just have to say "I don't think so", and that today is one of those days. So, roll call, please.

Roll Call Mr. Bender -- no, Mr. Catt -- yes, Ms. Pierce -- no, Mr. Quinn -- no, Mr. Smith -- no. We have four no votes and one yes vote.

Zerkel Mr. Chair, we have to have an affirmative motion on this application, so we ask if there are any other motions for consideration from the Commission.

Bender Commissioner, Chairman, if I may. I would like to move staff, move to direct staff to prepare Final Order for Denial for Application No. AC-19-028 and providing the finding by this Commission that the intensity of the proposed commercial use is incompatible with uses on surrounding properties.

Chair Motion has been made and stated. Do we have a second?

Pierce I second.

Chair Motion has been seconded. Do we have any further discussion?

Smith Yeah, I think it would be important to add that at least I don't feel aesthetically it also matches with the neighborhood, right? Because that is more within our realm,

and for me my no vote is aesthetically I don't think gas pumps and car washes are meeting the code, and that is why I am voting no.

Chair Thank you. Any further discussion?

Bender In discussion, I would state that again that the reason for my motion as it stands and my affirmation of the motion moving forward will be that despite the code in place, I do not feel that the intensity of the proposed commercial use is compatible with uses on the surrounding properties. I don't feel that necessarily that commercial use of any sort is incompatible with the surrounding area but certainly the proposed use is incompatible.

Chair Any further discussion? Motion made and seconded. Discussion has ended, may be have roll call?

Roll Call Mr. Bender – yes, Mr. Catt – yes, Ms. Pierce – yes, Mr. Quinn – yes, Mr. Smith – yes. We have five yes votes.

Conclusion

This Transcript was prepared by Foster Denman LLP after viewing the video recording of the May 17, 2019 SPAC hearing found at:
https://videoplayer.telvue.com/player/w9sPsSE7vna3XTN_39bs1rEXjVWF0kfp/media/480333?fullscreen=false&showtabssearch=true&autostart=true



City of Medford

Planning Department

Working with the community to shape a vibrant and exceptional city

MEMORANDUM

Subject Gas Stations and Permitted Use Status
To Planning Commission
From Site Plan and Architectural Commission via Jim Quinn, Chair
Date June 7, 2019

The Site Plan and Architectural Commission recently heard an application to locate a convenience store with a gas station and car wash in a commercial zone but within a predominantly residential area. The use is permitted outright and not conditional. While this commission has a great deal of latitude in determining compliance with our first criterion – whether a proposed use is compatible with its neighboring uses and development – we found that the conditions we are able to place on permitted uses insufficient to mitigate anticipated impacts.

We request that the Planning Commission consider amending the use table and require conditional use permits for gas stations in proximity to residential areas. Thank you for your consideration.

:ke

APPENDIX 3
PAGE 1 OF 1

BEFORE THE MEDFORD SITE PLAN AND ARCHITECTURAL COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF SITE PLAN AND ARCHITECTURAL COMMISSION)
FILE AC-19-028 APPLICATION FOR PROJECT REVIEW SUBMITTED) ORDER
BY DOUBLE R PRODUCTS)

AN ORDER for denial of plans for the construction of a 370 square foot coffee kiosk, a 3,300 square foot convenience store, and 1,304 square foot carwash and gas pumps on approximately 2.5 acres located at 1380 Springbrook Road within the C-C (Community Commercial) zoning district (371W20AB3500), as provided for in the Medford Land Development Code.

WHEREAS:

1. The Site Plan and Architectural Commission has duly denied the application filed in accordance with the Medford Land Development Code, Section 10.200.
2. The Site Plan and Architectural Commission has duly held public hearings on the matter of an application for consideration of plans for the construction of a 370 square foot coffee kiosk, a 3,300 square foot convenience store, and 1,304 square foot carwash and gas pumps on approximately 2.5 acres located at 1380 Springbrook Road within the C-C (Community Commercial) zoning district (371W20AB3500), with public hearings a matter of record of the Site Plan and Architectural Commission on April 19, May 3, and May 17, 2019.
3. At the public hearings on said application, evidence and recommendations were received and presented by Planning Department staff; and
4. At the conclusion of said public hearings, after consideration and discussion, the Site Plan and Architectural Commission, upon a motion duly seconded, denied the application and directed staff to prepare a final order with findings set forth for denial of the application.

THEREFORE LET IT BE HEREBY ORDERED that the application of Double R Products stands denied per the Commission Report dated May 17, 2019.

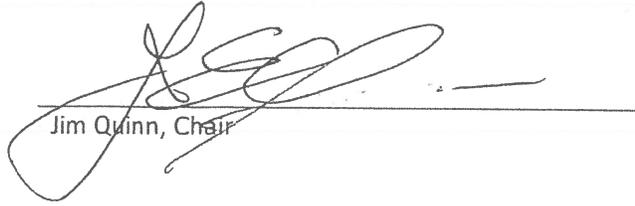
AND LET IT FURTHER BE OF RECORD that the action of the Site Plan and Architectural Commission denying this application is hereafter supported by the findings included in the Commission Report dated May 17, 2019.

BASED UPON THE ABOVE, it is the finding of the Medford Site Plan and Architectural Commission that the project is not in compliance with the criteria of Section 10.200 of the Medford Land Development Code.

CITY OF MEDFORD
EXHIBIT # 2
File # AC-19-028
APPEAL

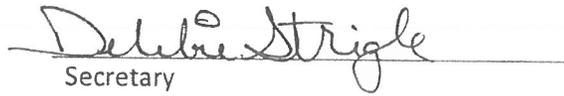
Accepted and approved this 7th day of June, 2019.

MEDFORD SITE PLAN AND ARCHITECTURAL COMMISSION



Jim Quinn, Chair

ATTEST:



Secretary



COMMISSION REPORT

for a Type III quasi-judicial decision: **Site Plan and Architectural Review**

Project Circle K Mini Store and Carwash
Applicant: Double R; Agent: KSW Architects

File no. AC-19-028

Date May 17, 2019

BACKGROUND

Proposal

Consideration of plans for the construction of a 370 square foot coffee kiosk, a 3,300 square foot convenience store, and 1,304 square foot carwash and gas pumps on approximately 2.5 acres located at 1380 Springbrook Road within the C-C (Community Commercial) zoning district (371W20AB3500).

Vicinity Map



Figure 1 - Vicinity Map

Subject Site Characteristics

Zoning	C-C	Community Commercial
GLUP	CM	Commercial
Overlay(s)	AC/RZ	Airport Area of Concern/Restricted Zoning
Use	Vacant	

Surrounding Site Characteristics

<i>North</i>	Zone:	SFR-4 (Single Family Residential – 2.5 to 4 dwelling units per gross acre)
	Use:	Low density residential
<i>South</i>	Zone:	C-S/P (Service Commercial and Professional Offices)
	Use:	Assisted Living Facility
<i>East</i>	Zone:	SFR-4
	Use:	Low density residential
<i>West</i>	Zone:	SFR-4
	Use:	Low density residential

Related Projects

ZC-12-059	Owens EA Zone Overlay Request (Voided)
CUP-12-060	Conditional Use Permit for Farm Stand (Voided)
CP-13-032	General Land Use Plan designation change from UR (Urban Residential) to CM (Commercial)
ZC-15-126	Zone Change from SFR-4 to C-C
PA-18-177	Pre-Application for proposed gas station development

Applicable Criteria

Medford Municipal Code §10.200(E)(1) 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:

- (a) The proposed development is compatible with uses and development that exist on adjacent land, and*
- (b) 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.*

Medford Municipal Code §10.200(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 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.*

Aerial Map

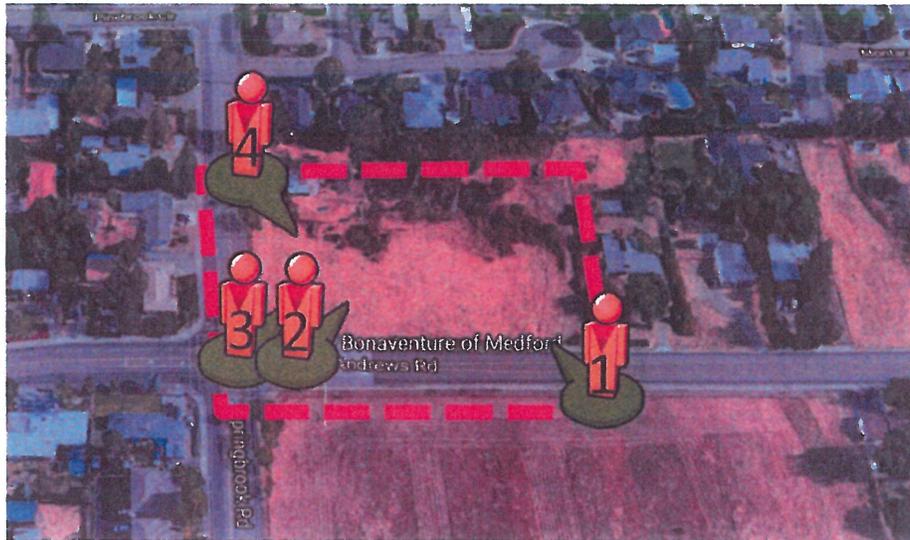


Figure 2 - Aerial View of Subject Area

Site Visit



These photos were taken by staff on April 26, 2019.

Corporate Names

Franklin Price is the Authorized Representative for Double R Products according to the Oregon Secretary of State Business Registry. Del-J, Inc. is listed as the Registrant.

Kendall Ferguson is the Registered Agent for Del-J, Inc. according to the Oregon Secretary of State Business Registry. Franklin Price is listed as the President and Secretary.

Jerome White is the Registered Agent for Kistler Small & White Architects LLC according to the Oregon Secretary of State Business Registry. Jerome White, Raymond Kistler and Matthew Small are listed as Managers.

ISSUES AND ANALYSIS

Scope of Project

The subject application is to authorize construction of a new drive-thru coffee kiosk, convenience store, carwash and gas pumps. Phase II (not part of this application) will consist of a structure to be used for retail uses located along the easterly property line. The coffee kiosk will be approximately 370 square feet in size and will be located at the northwest corner of the lot. A carwash (+/-1,304 square feet) will be attached to the convenience store (+/-3,300 square feet) and the structure will be located towards the intersection of Springbrook Road and McAndrews Road. The gas pumps and gas pumps canopy are proposed to be located towards the center of the site.

History & Background

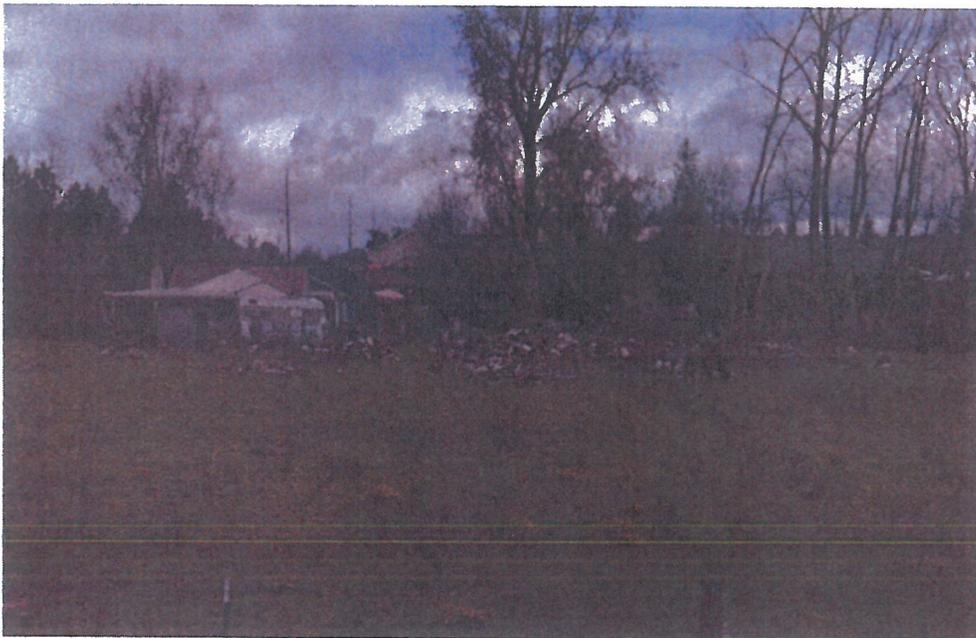


Figure 3 - Previous Development, including Ruth, the donkey

Existing Conditions

The subject lot consists of a single 2.5-acre parcel. The parcel is relatively flat with existing elevations ranging from 1,412 feet at the northwest corner to 1,422 feet towards the easterly and southerly property line. The parcel used to be home to one single-family dwelling at the northwesterly corner of the property as well as some smaller outbuildings. All previous development has been demolished and the site is now vacant.

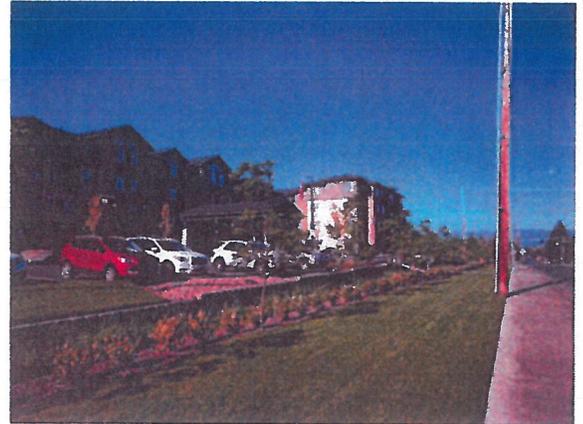
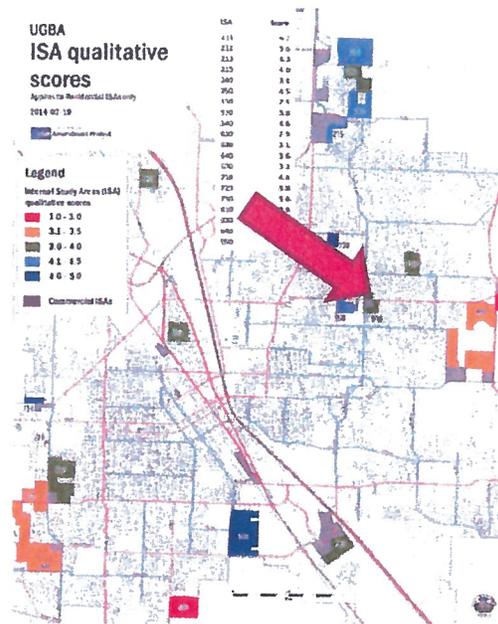


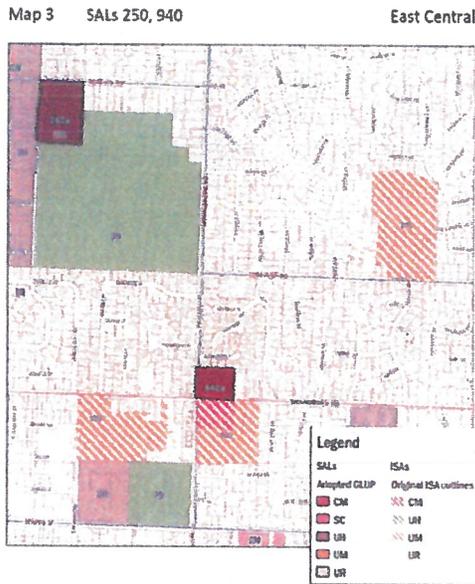
Figure 4 - Existing Bonaventure Building

The parcel is surrounded by typical single family development on three sides (north, east & west). The adjacent development to the south consists of a 160,000 square foot, four-story congregate care living facility on a 4.9 acre parcel which was approved by the Site Plan and Architectural Review Commission (SPAC) in 2014 (File Number AC-14-080 & E-14-081).

General Land Use Plan Map Amendment

On December 4, 2014, the City Council adopted Ordinance 2015-154 changing the General Land Use Plan (GLUP) designation of the subject property from UR (Urban Residential) to CM (Commercial). The change was part of the City's Urban Growth Boundary (UGB) amendment project. Any UGB amendment by an Oregon city requires consideration of changes to existing land use designations for the purpose of efficiently utilizing land within the current urban area per ORS 197.296(6)(b).





Much of the attraction of this area stems from the opportunity to introduce CM (Commercial) into an area that lacks commercial within anything but automobile distance, but review of the south lot makes the slope on it less suitable for CM designation; therefore, staff proposes moving the CM to the north lot and reducing the CM on the south half to allow UR to build toward the higher density.

Figure 6 - Subject Area ISA

After receiving public testimony, the Council selected ISA locations which covered approximately 500 acres. The GLUP designation of the subject site was included in the final Council decision and changed via Ordinance 2014-154. The change became effective on December 4, 2014 and is reflected on the current GLUP map as can be seen below in Figure 7.

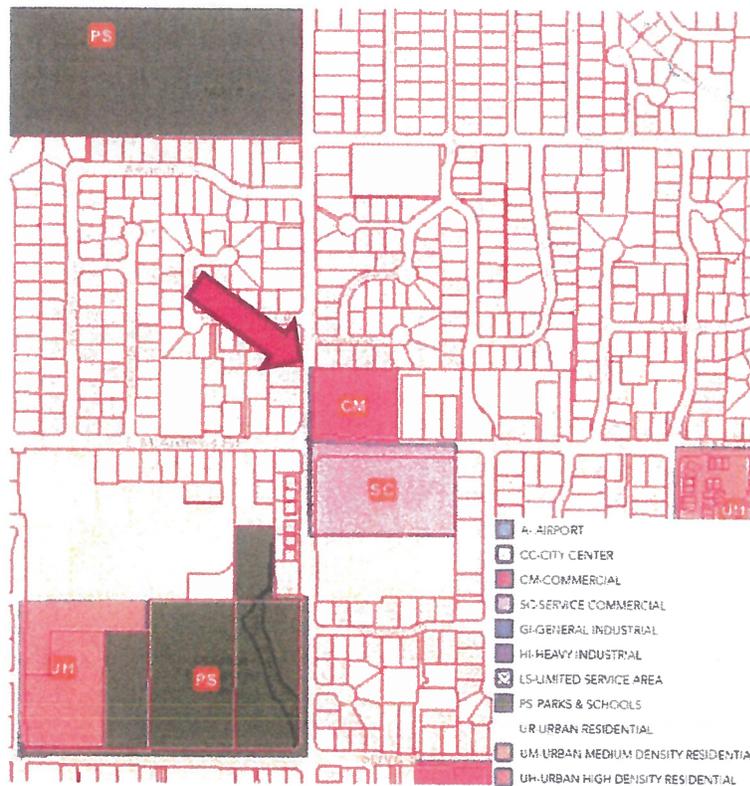


Figure 7 - Current General Land Use Map designations

Zone Change (ZC-15-126)

In September 2015, planning staff received an application for zone change of the subject property from SFR-4 to C-C. With the applicant's stipulation regarding sanitary sewer (see below), the conclusion was made that all of the criteria for a zone change were satisfied. The Planning Commission approved the zone change on December 10, 2015. The decision was not appealed.

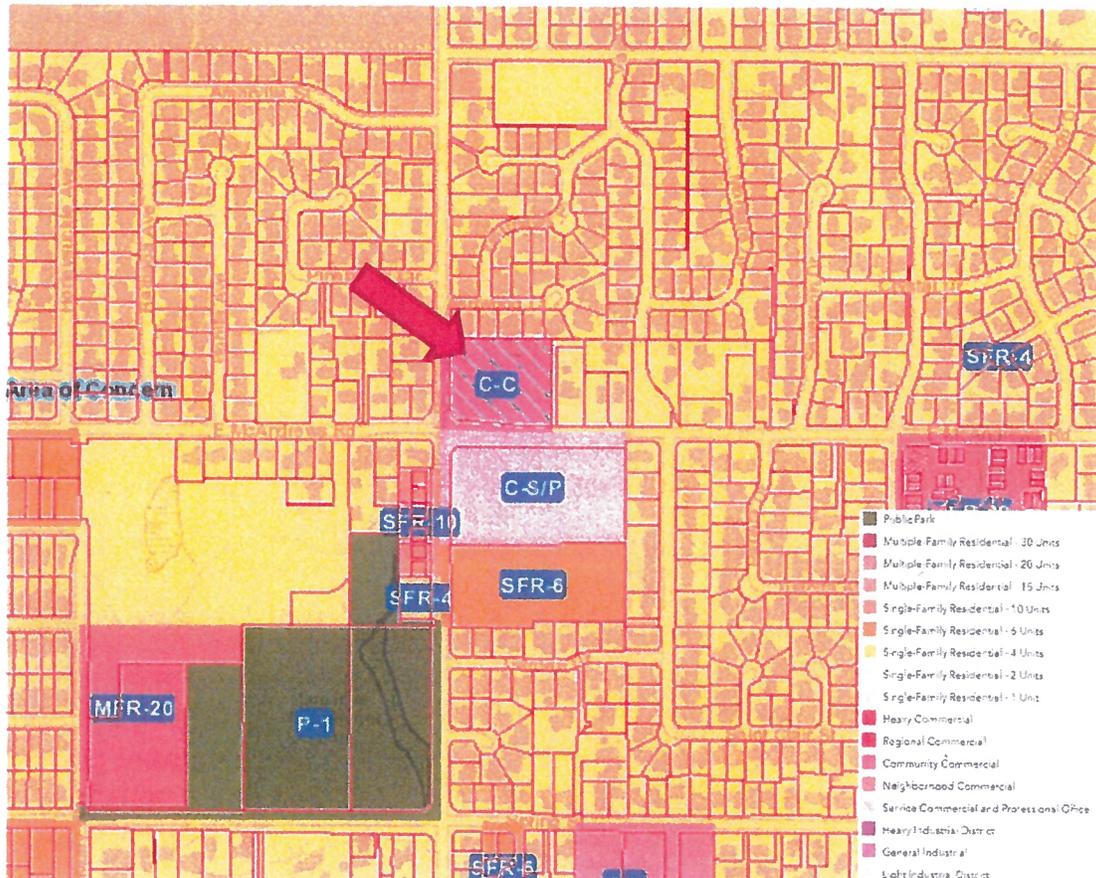


Figure 8 – Current Zoning Map

During the review process for the current application, it came to staff's attention that the applicant for the zone change ZC-15-126 provided an improper list of mailing addresses. As a result, some property owners within the code required 200-foot radius did not receive a public hearing notice via the US Postal Service. However, the improper notice neither nullifies the zone change application nor invalidates the Planning Commission's 2015 decision.

It is important to point out that the GLUP map designation change described above was noticed properly and not appealed. With the existing GLUP map designation of Commercial, a commercial zoning of either Neighborhood Commercial or Community

Commercial is required for the subject property. Both possible commercial zoning districts allow for all proposed uses that are part of this application. The zoning may not be returned to the SFR-4 designation as it is no longer consistent with the underlying GLUP designation (MLDC 10.204(B)(1)).

Proposed Uses

The proposed development for Phase 1 consists of a gas station, a convenience store with an attached carwash station, and a standalone, drive-through coffee kiosk. Per MLDC 10.337, Fueling Stations (including Gasoline Service Stations) are a permitted use in the C-C zoning district. The same is true for the Convenience Store and the drive-through coffee kiosk. The carwash can be classified as an accessory use as it is subordinate in area, extent, and purpose to the principal structure or use.

Table 1 – Proposed Uses

Use	SIC Name	SIC Code	Size (Square Feet)	Status
Gas Station	Fueling Stations (including Gasoline Service Stations)	554	3,315	Permitted
Convenience Store	Grocery Store, less than or equal to 25,000 square feet	541	3,300	Permitted
Coffee Kiosk	Eating and Drinking Places without entertainment	5815	370	Permitted
Carwash	n/a	n/a	1,304	Permitted as Accessory Use to Gas Station

Site Plan (Exhibit B)

The 2.5 acre parcel fronts on E McAndrews Road, which is classified in the Medford Transportation System Plan as a Major Arterial street, and Springbrook Road, a Major Collector street. The site frontage on Springbrook Road is approximately 295 feet; the frontage on McAndrews Road is approximately 365 feet.

The site generally slopes downward toward the north and west. The maximum site elevation of 1,422 feet is located in the southeast corner of the site on E McAndrews Road. The lowest part of the site is situated along Springbrook Road with an elevation of 1,412 feet.

The convenience store is located at the southwesterly corner of the site and is oriented toward the intersection. The building intervenes between the fuel pumps and Springbrook Road, resolving impacts to these residences on the west side of Springbrook Road.

Most of the parking spaces needed for the development are located on the interior of the development. A 10-foot landscape buffer, as required by the code, is included in the design and, together with the also partially required bufferyard, encompasses the entire development. Strategically placed shrubs help mitigate headlight glare for residences on the west side of Springbrook Road.

In the northeast portion of the site, a significant area is shown as 'future retail' as part of a second phase. This phase is not part of this application; however, the applicant is proposing to install the necessary parking associated with the second phase at this time. Site drainage will be achieved via an underground pipe network and directed to the northwest corner of the site where an underground detention system will be installed.

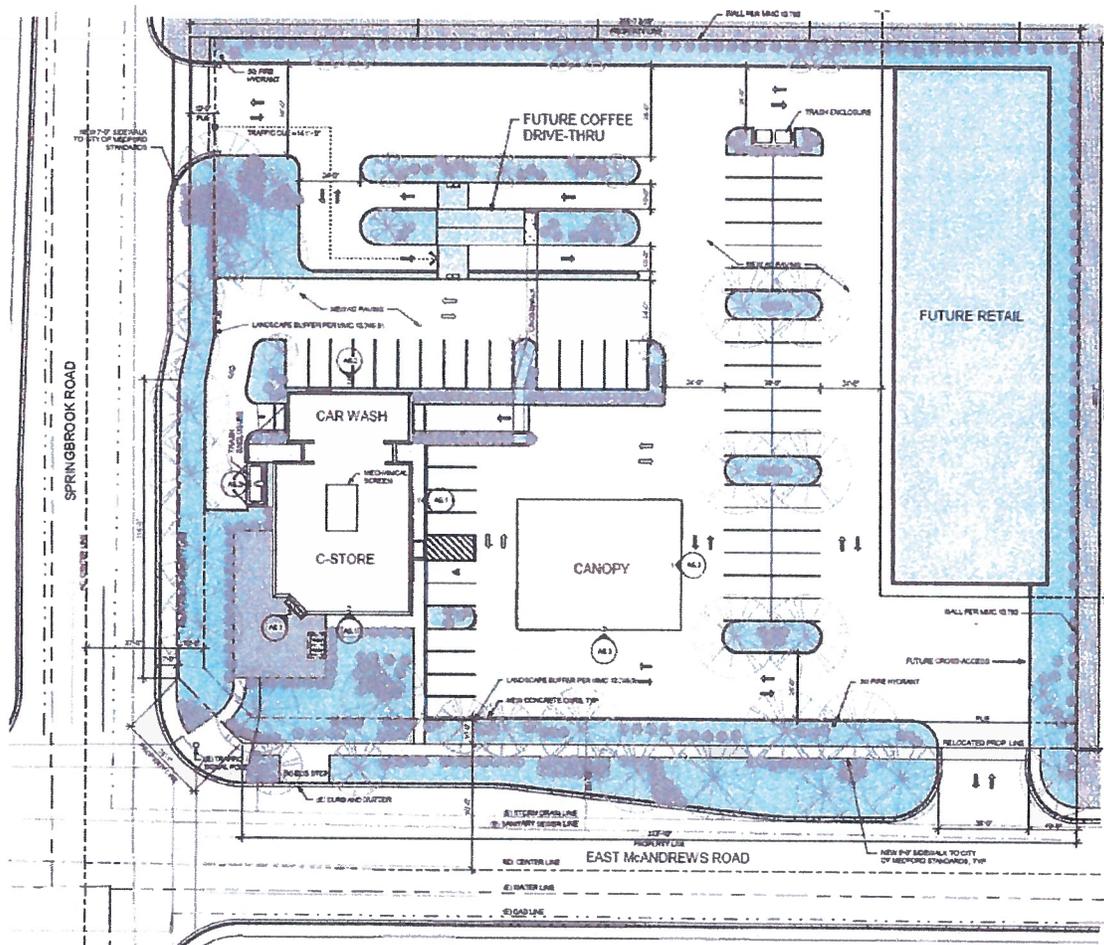


Figure 9 - Site Plan

Circulation and Parking

The site design provides two vehicular points of access, one off E McAndrews Road and one from Springbrook Road. Both driveways will be situated furthest from the

intersection of East McAndrews & Springbrook Road. The project will also include improvements to the public right-of-way as shown in Figure 10. A right-turn lane will be added for turning from E McAndrews Road onto Springbrook Road. In addition, a right-turn lane will also be added at the proposed driveway from Springbrook Road. Center turn lane striping is proposed on both E McAndrews Road and Springbrook Road. The proposed improvements to the rights-of-way are in accordance with the TIA, the zone change conditions of approval, and the Public Works staff report.

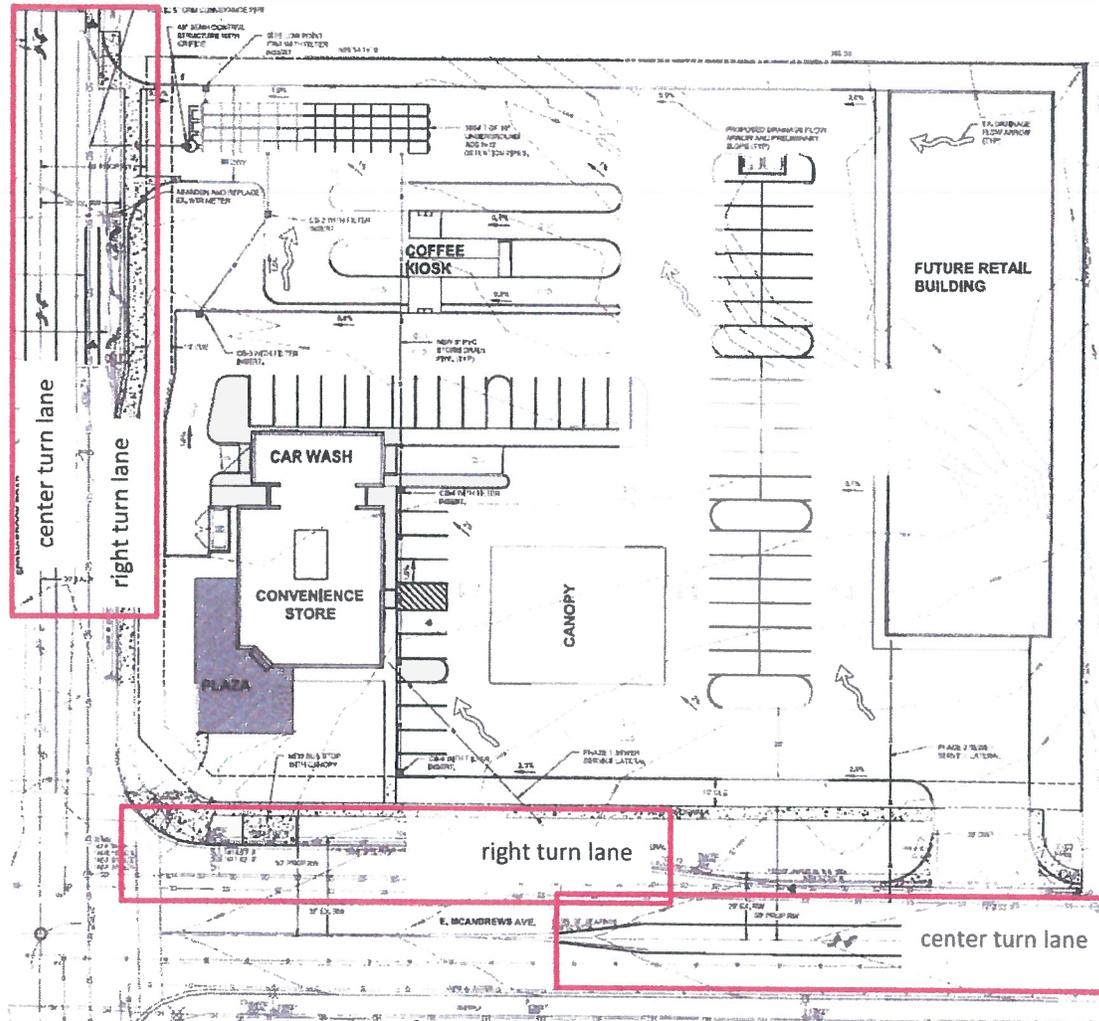


Figure 10 - Right-of-way improvements

The project provides two points of pedestrian access to the public sidewalks. One pedestrian access point is located at the intersection of E McAndrews Road and Springbrook Road, the second pedestrian access point is located along E McAndrews Road and provides a direct connection from the sidewalk to the convenience store.

MLDC 10.773(1) through (3) requires new development to provide pedestrian walkways to each street abutting the property, to connect with development on adjacent property and to connect building entrances, bus stops, and the pedestrian circulation system to other areas of the site such as parking lots. The proposed plan does not identify a pedestrian connection from Springbrook Road to the proposed coffee kiosk and a direct connection from the convenience store to the coffee kiosk. Also, the proposed parking lot for Phase 2 of the development does not show a pedestrian connection to Phase 1.

The proposed internal crosswalks shall be separated from parking area by grade, different paving materials, speed bumps or landscaping. This is not clearly shown on the site plan. It will be a condition of approval for the internal pedestrian crosswalks to meet all applicable pedestrian walkway design standards per MLDC 10.773 through 10.776. Otherwise, the project complies with the pedestrian access requirements of the MLDC.

The site plan identifies 61 vehicular parking spaces serving both proposed phases. The amount of provided parking stalls does provide sufficient parking for all Phase 1 uses as well as a future (Phase 2) commercial/retail use of approximately 9,500 square feet. These calculations are based on the following parking minimums: 4.5 spaces per 1,000 square feet for commercial uses less than 25,000 square feet and three spaces for the drive-through coffee kiosk.

The definition of 'Small Food Vendors', as found in MLDC 10.823, does limit food vendor structures to a maximum of 128 square feet. However, staff believes that it is appropriate to use the parking and vehicular stacking requirements associated with MLDC 10.823 for the proposed coffee kiosk. Subsection (c) does requires a minimum of three paved off-street parking spaces; Subsection (d)(i) requires a stacking distance minimum of 100 feet from an arterial or collector street to service windows. According to the site plan, the stacking distance requirement for the southerly drive-through window is met. The stacking distance does not apply to service windows that are accessed via internal driveways (northerly window).

Commercial development does require the installation of bicycle parking spaces of 10% of the number of spaces provided for automobile. The installation of 61 vehicular spaces equals six bicycle spaces. The applicant proposes the installation of four spaces at the entrance to the convenience store. It will be a condition of approval for the applicant to install two more bicycle parking spaces as part of the development of Phase 2.

Landscape Plan (Exhibit F)

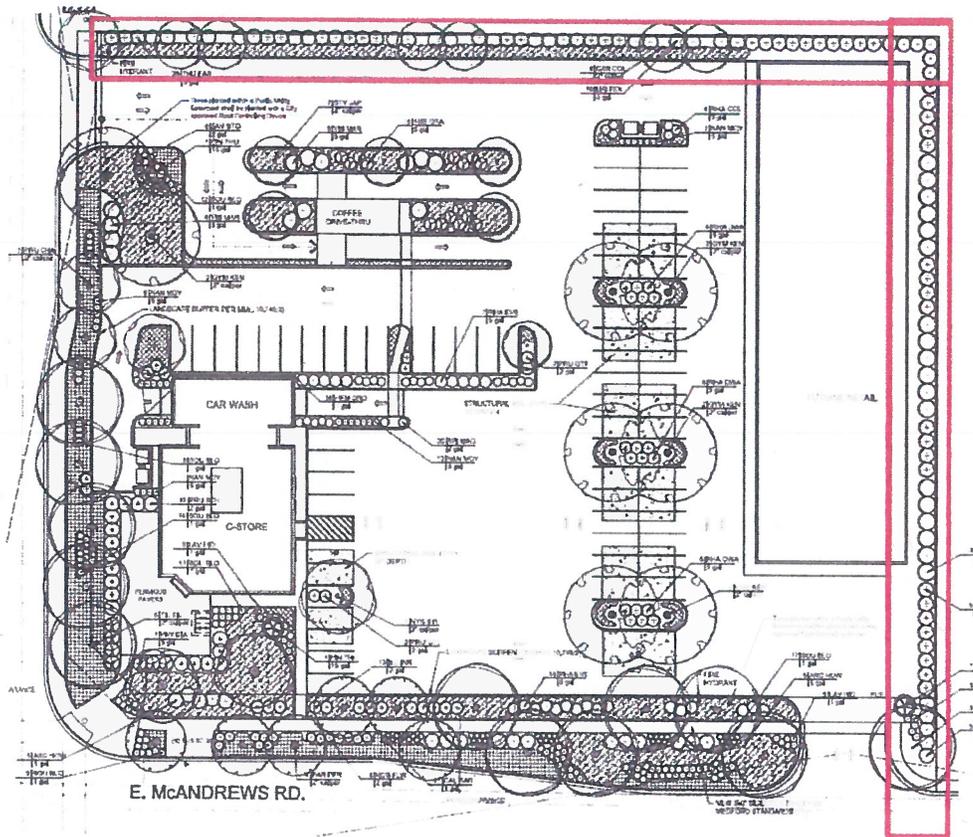


Figure 11 - Landscape Plan

Perimeter Landscaping

MLDC Section 10.797 requires the planting of (at a minimum) four trees and 25 shrubs per 100 feet of street frontage. Based on approximately 340 feet of street frontage along E McAndrews Road and 280 feet along Springbrook Road, 25 trees and 155 shrubs are required. The proposed landscape plan complies with all applicable requirements of MLDC Section 10.797.

The site and landscape plans also provide for the required 10-foot landscape buffer between all vehicular parking and maneuvering areas and the public right-of-way, as required per MLDC 10.746(9).

Interior Landscaping and Parking Lot Landscaping

The landscape plan shows several parking bay planters and landscape projections. The interior landscaped area encompasses 2,198 square feet dispersed throughout the parking area. Based on MLDC 10.746(3), approximately 1,270 square feet of planter area are required to be located throughout the parking lot. A total of eight trees and 16 shrubs

are required for the parking lot to provide visual relief and surface shading. The applicant has provided a total of 12 trees within the parking area and over 30 shrubs. The parking lot landscaping requirement per MLDC 10.746(3) is met.

Elevations

The development encompasses approximately 5,000 square feet of new structures. Per the applicant:

The project strives to be a good neighbor to existing development and fit within the context of this surroundings. The architect's goal is to deliver a design that breaks from the traditional gas station/convenience store typology. The scale of the building's form is in line with the 1 to 2 story homes nearby. By limiting the scale of the building's mass, the store is more akin to the compact pre-war neighborhood service station style than today's prototypical travel center. The lap siding is a nod to the residential architecture found nearby. Its linear form helps reduce the overall mass of the structure, bringing it more in line with the human scale. Accent materials include painted metal panels, glazed storefront with anodized metal frames, and painted metal parapet caps. Metal framed awnings enclosing translucent panels will define building entrances, protect customers from weather, and allow filtered daylight to flow into the building.

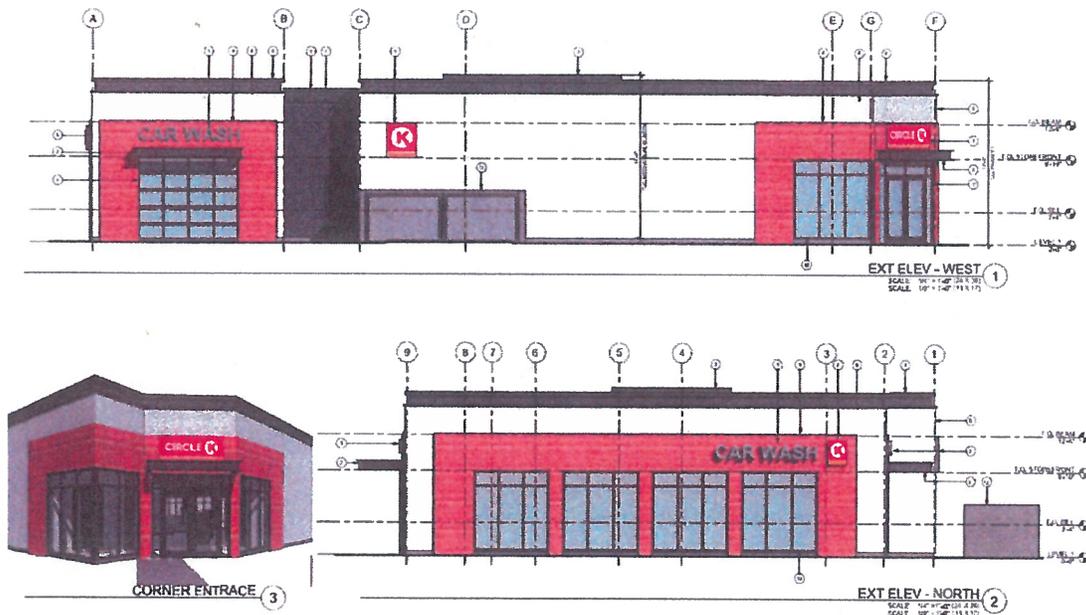


Figure 12 - Elevations

Mitigation

The approval criterion at MLDC 10.200(E)(1) requires an analysis of compatibility between the proposed development and uses and development that exist on adjacent land. In MLDC 10.200(F) the Commission has authority to apply conditions of approval *...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 the community as a whole...* The following items can be considered mitigation measures, however, the Commission may wish to consider additional mitigation.

Traffic Analysis

As part of the 2015 zone change application, the applicant submitted a traffic impact analysis (Analysis of Category A facility adequacy, which includes transportation, sanitary sewer, water and stormwater, is conducted at the time of zone change per MLDC 10.204). The study analyzed the expected amount of traffic that a possible commercial use would add to the existing street network including the intersection of E McAndrews Road and Springbrook Road. The study (Exhibit V) showed that no existing intersections will be significantly impacted by the potential trip generation of the site with the proposed zone change. As a condition of approval, a left turn lane and a right turn lane were required. It was also noted that at the time of future land division or development, Public Works may require additional right-of-way and public utility easement dedications and may condition the developer to improve the street frontage to the City's standards. The Public Works Department Staff Report (Exhibit K) includes conditions to install turn lanes per the TIA.

Sanitary Sewer System

The site lies within the Medford sewer service area. The Public Works report states that the development shall comply with the sanitary sewer conditions of ZC-15-126. As part of the zone change, it was established *that the downstream sanitary sewer has a number of constraints. As a condition of approval, the applicant shall either only develop so the total sewer flows do not exceed the current zoning limitation of 12 units or the Developer shall make improvements to the downstream sanitary sewer system (Exhibit Y).* The developer submitted calculations acceptable to the City (Exhibit L) stating that the proposed development will not produce sewer flows in excess of 12 units.

Bufferyard Landscaping

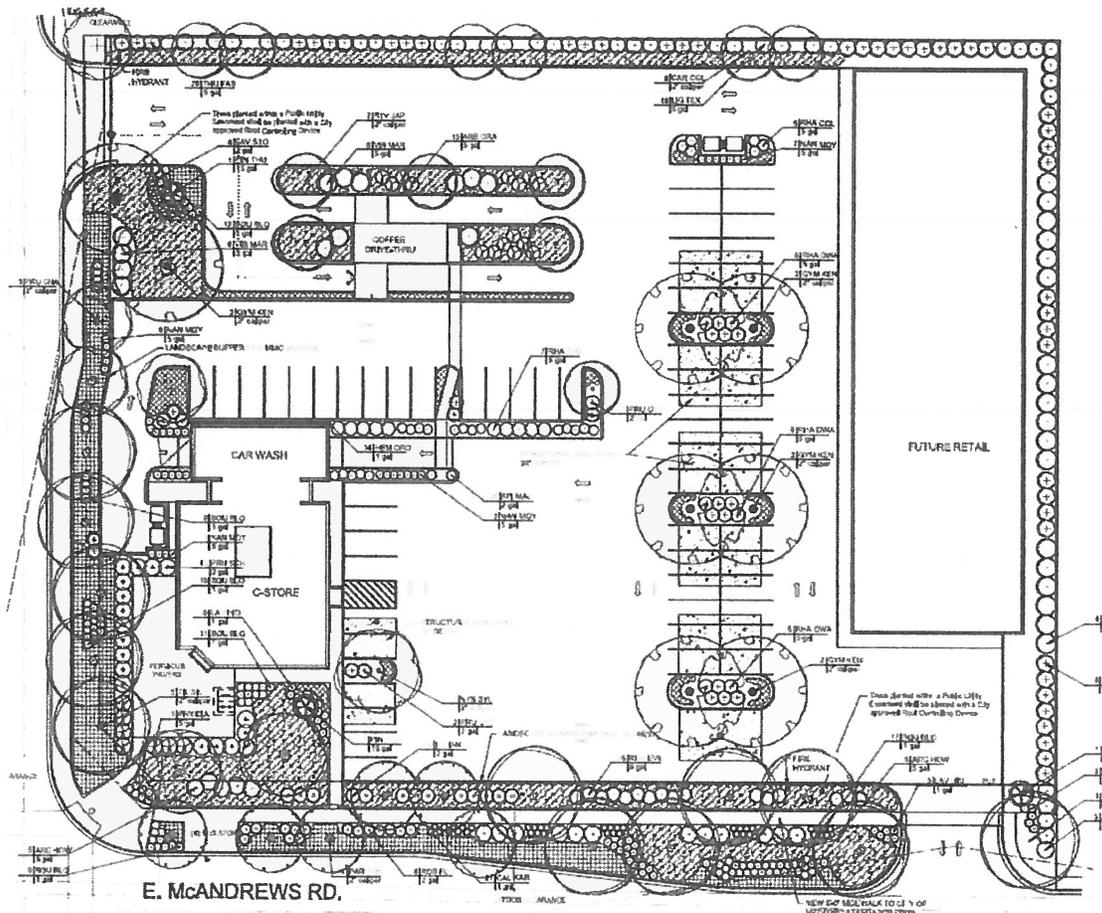


Figure 13 - Landscape Plan

Bufferyards are utilized to minimize potential conflicts caused by different uses on adjacent properties. Bufferyards are located along property lines between one zoning district and another. As can be seen in Figure 8, above, the subject property is bordered by residential properties on the north and east side.

Table 10.790-1 requires the installation of a 'Type A' bufferyard between the SFR and C-C zoning districts. 'Type A' bufferyards consists of a 10-foot landscape buffer and a six-foot concrete or masonry wall per Table 10.790-3.

At the public hearing of May 3, 2019, a property owner asked about the height of the buffer wall as the adjacent property is higher than the subject site. MLDC 10.732(2)(b) requires height to be measured from the highest adjacent ground level. In this case, the result will be a six foot wall from the neighboring property elevation.

Table 2 - Bufferyard Table

Subject Site Zoning	Zoning on Abutting Land										
	Vac	SFR	MFR	CS/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
SFR	-	-	-	-	-	-	-	-	-	-	-
MFR	1	A	-	-	-	-	-	-	-	-	-
CS/P	1	A	A	-	-	-	-	-	-	-	-
C-N	1	A	A	-	-	-	-	-	-	-	-
C-C	1	A	A	-	-	-	-	-	-	-	-
C-R	1	A	A	A	-	-	-	-	-	-	-
C-H	1	A	A	A	-	-	-	-	-	-	-
I-L	1	A	A	A	A	-	-	-	-	-	-
I-G	2	B	B	B	B	A	A	A	A	-	-
I-H	2	B	B	B	B	A	A	A	A	-	-

The planting scheme for bufferyards is required to include a variety of plant sizes and shapes to provide for an effective visual screening between the adjacent properties having dissimilar land uses. The submitted landscape plan shows several species of trees and shrubs to be planted in the bufferyard. The proposed species do seem to meet the planting scheme standards per MLDC 10.790(E)(1)(a).

Migratory Bird Treaty Act

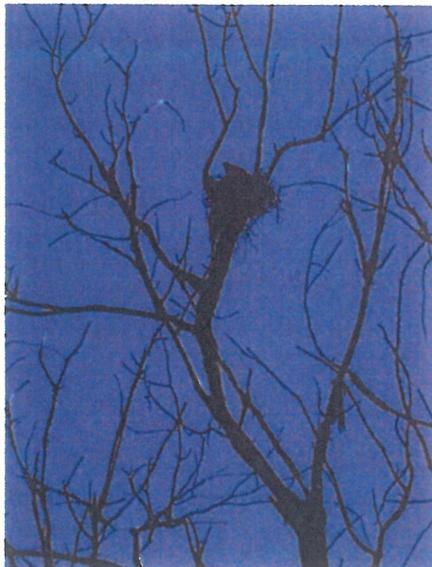


Figure 14 - Hawk in nest on subject site (observed by staff on April 26, 2019)

Several residents of the surrounding neighborhood indicated to staff that a Red-tailed Hawk has been calling the project site its home for several years. Staff also observed what seemed to be a Red-tailed Hawk with an associated nest in the crown of a tall tree during a site visit. Red-tailed Hawks are protected under the Migratory Bird Treaty Act of 1918. The Migratory Bird Treaty Act is enforced by the US Fish & Wildlife Service. However, at the time this staff report was written, staff was unable to contact the local office in Roseburg. A condition of approval requiring coordination with the US Fish & Wildlife Service is included. A condition of approval for the applicant to coordinate with the appropriate department prior to any site disturbance taking place has been attached to Exhibit A.

Public Comments (Exhibits Y through SS)

Staff received several letters and phone calls regarding this proposed development. Many, but not all, comments received were in opposition to the project. Comments range from an expected increase in traffic, a decrease in property values, expected environmental impacts, noise, crime and trash to neighborhood compatibility of the proposed uses.

Staff also received two petitions in opposition of the development (Exhibits PP & QQ). All written communication received prior to April 26, 2019, is attached to this staff report.

Additional materials submitted after April 26, 2019, and prior to publication of this report are attached.

All written testimony and evidence received through the process and at the public hearing on May 17, 2019, are attached. It should be noted that the Commission's motion included exhibits through BBBB, but should have reflected CCCC. All submittals are referenced in the Exhibit list at the end of this report.

Agency Comments

Jackson County Airport Authority (Exhibit R)

Rogue Valley International Airport requests an Avigation, Noise and Hazard Easement to be required as part of the permit process. In the 2010 LUBA decision on Michelle Barnes vs. City of Hillsboro and the Port of Portland, Nollan/Dolan findings are required to support the request (LUBA No. 2010-011). None were provided; therefore, a condition requiring compliance with the airport's request for an Avigation, Noise and Hazard Easement has not been included.

In addition, the Airport also requires the applicant to contact the FAA regarding submittal of a 7460-1 form. A condition of approval has been include to comply with any FAA submittal requirements.

No other issues were identified by staff.

MEETING OF MAY 3, 2019

The Site Plan and Architectural Commission held a public hearing on May 3, 2019, and heard testimony from approximately 27 people. Immediately after the public hearing was closed, a member of the audience requested that the record be kept open. The Commission voted to reopen the hearing, took testimony, and then continued the public hearing to May 17, 2019.

Seven additional pieces of written testimony were also submitted at the hearing (Exhibits EEE through KKK). Additional written testimony received prior to publication of this report are also included. Issues raised are addressed below.

Issue: Compatibility

Staff response: During the public hearing, the applicant's agent stated that compatibility is not in the purview of the Site Plan and Architectural Commission. He felt the question of compatibility had already been addressed by the City Council when the GLUP map designation was changed and again by the Planning Commission at the time of zone change.

Staff disagrees.

The first criterion for site plan review requires a determination that, "The proposed development is compatible with uses and development that exist on adjacent land..." (MLDC 10.200[E][1][a]) One way to describe the process is that the City Council sets the vision for how the City will grow via goals and policies in the Comprehensive Plan and the illustrative GLUP map – the 30,000 foot view of how the City should develop. The Planning Commission implements the Council's vision at the time of zone change. It determines whether a zone is suitable in a particular location and whether the permitted uses can be served by appropriate levels of infrastructure – the 10,000 foot view. The purpose of site plan review is to "... provide for review of functional and aesthetic adequacy of commercial, industrial and multi-family development and assure compliance with the standards ... for the development of property as applied to the improvement of individual lots ... as required by this code." (MLDC 10.200[A]) Site plan review is the boots-on-the-ground review of development. The question of compatibility lies solely with SPAC.

In MLDC 10.200(F) SPAC is granted authority to impose conditions *reasonably necessary* to ensure compliance with the criteria. Compatibility cannot be used to circumvent the Code and disallow a permitted use.

Issue: Traffic

Staff response: In *Siporen v City of Medford* 349 Or. 247 (2010) the Oregon Supreme Court found that MLDC 10.204 explicitly requires a Traffic Impact Analysis (TIA) at the time of zone change and not at the time of site plan review. (At the time of the Wal-Mart application – the subject of *Siporen* – the code reference for zone change was MLDC 10.227. The code has since been amended; the criteria are now found in MLDC 10.204.) System wide traffic impacts are the under the purview of the Planning Commission. SPAC must consider on site circulation and access to the site as provided in MLDC 10.200 (formerly 10.285).

The TIA submitted at the time of the 2015 zone change (ZC-15-126) addressed the site frontage and access issues. The mitigation measures recommended by the TIA are now being implemented. Public Works did not identify additional operational or safety impacts that would require additional analysis under MLDC 10.461. The executive summary of the TIA is included as Exhibit V.

Issue: Site Design – Vehicle Stacking

Staff response: One speaker identified a potential issue with the amount of vehicle stacking provided for the proposed coffee kiosk. The speaker stated that cars will likely spill onto Springbrook Road. Staff shares this concern and has discussed the matter with the applicant. In MLDC 10.743-1, drive through restaurants require drive-thru queuing for a minimum of five vehicles per window. The Commission has authority require the applicant to provide additional stacking in MLDC 10.200(F)(7). Staff has recommended a condition of approval to increase stacking for a minimum of seven cars for each window.

Issue: Property Values

Staff response: Several speakers claimed that the proposal will adversely affect property values. There was no evidence submitted into the record to support the claim. Additionally, there is no Code requirement to analyze property values nor is there an approval criterion.

Issue: Crime

Staff response: Two sets of police calls for service from October 1, 2018, through April 22, 2019, were submitted at the public hearing (Exhibit FFF). One set was for Phoenix Police Department calls to the Circle K in Phoenix; the other was for the Medford Police Department calls to the 7-11 store at 1220 Crater Lake Avenue. The logs demonstrate that there were calls to the facilities but there is no comparable data and no analytical framework to determine if there are measurable negative impacts in adjacent residential areas. Are 89 calls for the Phoenix store excessive for a six month period? As with the property value analysis above, there is no Code requirement to analyze crime statistics nor is there an approval criterion.

Issue: Environmental Impacts

Staff response: One speaker testified about health concerns related to chemicals and fumes generated from fueling stations. She stated she had read several studies but did not submit any evidence into the record. There is no code requirement to perform an environmental impact analysis nor is there an approval criterion.

At the public hearing on May 17, 2019, Ms. Geil submitted copies of the four studies referenced in her prior testimony (Exhibit RRR). Ms. Dimick submitted additional evidence addressing environmental concerns (Exhibit SSS).

Issue: Noise

Staff response: Noise may not exceed the standards in MLDC 10.752. The Commission need not include a condition of approval as it is an ongoing standard.

Issue: Lighting/Glare

Staff response: Glare is addressed in MLDC 10.764. As noted during the public hearing, the applicant did not submit a photometric analysis with the application; it is not a requirement. Staff has recommended a condition of approval requiring such a study prior to the issuance of building permits for vertical construction. Like noise, light trespass is an existing standard.

Issue: Trash

Staff response: Testimony included complaints about the amount of trash that is currently left by pedestrians and cars that travel in the area. The site plan shows a trash enclosure consistent with the requirements of 10.781 on the west side of the mini-mart, demonstrating compliance with Criterion 2. The trash enclosure near the northeast corner of the site is intended to serve the future retail building and will be considered at that time. A condition of approval to that effect has been included. There is no Code requirement for off-site trash management.

Issue: Red-tailed Hawk

Staff response: Staff communicated with the US Department of Fish and Wildlife (Exhibit WW). A condition of approval is included requiring the applicant to coordinate with US Fish and Wildlife and Oregon Department of Fish and Wildlife.

Issue: Drainage/Wetlands/Creek

Staff response: The City's Local Wetland Inventory identifies potential wetlands that are one half acre or larger and/or meet other criteria that could, upon formal study and delineation, qualify those lands for protection under existing local, state, and/or federal regulatory protection. The subject site does not contain an identified locally significant wetland; therefore, no comments were sought from the Oregon Department of State Lands and no wetland delineation is required. Stormwater management has been considered in this application by Medford's Department of Public Works and was found to meet standards (see Exhibit K).

Issue: Proximity to similar uses

Staff response: There is no Code requirement for spacing between similar uses—in this case gas stations, convenience stores, car washes, etc. The placement of the facility is up to the applicant and is presumably market driven. This comment is not criteria based.

PUBLIC HEARING OF MAY 17, 2019

The Commission heard testimony from 18 residents and the applicant's team of representatives. No new issues were raised.

After taking public testimony, the public hearing was closed. There were no requests to keep the record open. There was a motion to approve, which received a second, and two subsequent motions to amend the main motion, which were successful. The motion to approve, however, failed by a vote of 1-4. A second motion to deny the application, which also received a second, was successful by a vote of 5-0.

FINDINGS OF FACT

Pertaining to the applicant's application for Site Plan and Architectural review, staff recommends that the Commission adopt the applicant's Findings (Exhibit I) as presented, and the Findings provided by staff below.

At the public hearing of May 17, 2019, the Commission voted to deny the project. See findings below.

Medford Municipal Code §10.200(E)(1). Site Plan and Architectural Review

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:

Approval Criterion 1

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

The Site Plan and Architectural Commission finds that the car wash and gas station cannot be adequately screened to mitigate the impacts of the dissimilar uses. Aesthetically a gas pump is not something that matches the residential housing across from the project. The Commission finds that the intensity of the proposed uses is incompatible with uses on surrounding property. The Commission finds that this proposal does not meet Criterion 1.

Approval Criterion 2

(b) 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.

Exhibit A contains conditions of approval which the applicant is required to satisfy. No exceptions are required. Subject to the adoption and satisfaction of the conditions of approval provided in Exhibit A, the Site Plan and Architectural Commission can find that this proposal meets Criterion 2.

CONCLUSION

Based on the applicant's narrative, findings and exhibits, and the analysis of the findings contained in this staff report, the Commission can find the application meets Site Plan and Architectural Review criteria, or can be made to conform with the imposition and satisfaction of conditions of approval.

At the public hearing of May 17, 2019, the Commission concluded that the project did not meet Criterion 1 and voted to deny the project. See findings.

ACTION TAKEN

The Site Plan and Architectural Commission directed staff to prepare the final order for denial of AC-19-028 and provided the findings by the Commission that the intensity of the proposed commercial use is incompatible with uses on surrounding property per the Commission Report dated May 17, 2019, including Exhibits A-1 through CCCC.

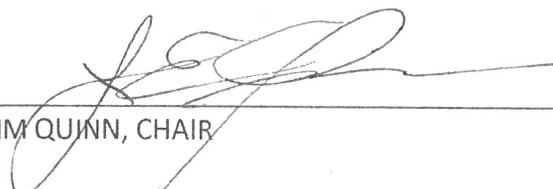
EXHIBITS

- A-1 Conditions of Approval, dated May 10, 2019
- B Revised Site Plan, received April 2, 2019
- C Floor Plans A3.1 & 3.3, received March 12, 2019
- D Exterior Elevations A6.1, 6.2 & 6.3, received March 12, 2019
- E Revised Drainage Plan, received April 2, 2019
- F Revised Landscape Plan, received April 2, 2019
- G Assessor Map, received February 12, 2019
- H Legal Description, received February 12, 2019
- I Applicant's Project Narrative, received March 12, 2019
- J Code Compliance – Criterion No. 2, received February 12 & April 2, 2019
- K Public Works Staff Report, dated March 27, 2019
- L E-Mail & Calculations re: Sewer Flows, dated January 24, 2019
- M Medford Water Commission Memo, dated March 27, 2019
- N Building Department Memo, dated March 27, 2019

- O Medford Fire-Rescue Land Development Report, dated march 25, 2019
- P Rogue Valley Transportation District Letter, dated march 27, 2019
- Q Memo from City Surveyor, dated March 13, 2019
- R E-Mail from Rogue Valley International Medford Airport, received March 22, 2019
- S Letter from Medford Irrigation District, received March 21, 2019
- T E-Mail from Avista Corp., received March 14, 2019
- U General List of Permitted Uses in Community Commercial, dated 2019
- V Executive Summary of Traffic Impact Analysis for Zone Change to Community Commercial, dated August 26, 2015
- W Planning Commission Minutes for Zone Change to Community Commercial (ZC-15-126), dated December 10, 2015
- X Recorded Covenant re: Sewer Flow, dated January 15, 2016
- Y Letter from Judy Farnsworth, received April 2, 2019
- Z Letter from Angela Stephens, received April 9, 2019
- AA Letter from Eli and Jennifer Clark & Avery and Mason Clark, received April 11, 2019
- BB Letter from Jim Leavens & MT Dimick, received April 11, 2019
- CC Letter from Gary Sumrak, received April 12, 2019
- DD Letter from Nicole Milam, received April 15, 2019
- EE Letter from Loy Charles, received April 15, 2019
- FF Letter from Janice Sumrak, received April 15, 2019
- GG E-Mail from Michael Palacios, received April 13, 2019
- HH Letter from Samuel Berry, received April 18, 2019
- II Letter from Jack Shaffer, received April 20, 2019
- JJ Letter from Lindsey M. Geil, received April 22, 2019
- KK Letter from Gary Sumrak, received April 22, 2019
- LL Letter from Robin Lee, received April 24, 2019
- MM Letter from Lois Malone, received April 24, 2019
- NN Letter from Rebecca and John Hawkins, received April 23, 2019
- OO Letter from Mark and Patsy Burton, received April 25, 2019
- PP Signed Petitions, received April 22, 2019
- QQ Signed Petitions, received April 24, 2019
- RR Signed Petitions, received April 25, 2019
- SS Online Petition and Comments, received April 25, 2019
- TT Letter from Janis Jackson and Sam Crocker, received April 30, 2019
- UU Letter from Patricia Anderson, received April 30, 2019
- VV E-Mail from Mr. & Mrs. Horton, received April 30, 2019
- WW E-Mail from Michael Green, US F9sh & Wildlife, received April 30, 2019
- XX Memorandum from US Department of the Interior, received April 30, 2019
- YY Attachment A, Migratory Bird Nest Destruction and Relocation, received April 30, 2019
- ZZ Letter from Marnee Widlund, received May 1, 2019
- AAA Letter from Kaaren M Jones, received May 1, 2019
- BBB Signed Petitions, received May 1, 2019

- CCC E-Mail from Jim Ormand, received May 2, 2019
DDD Letter from Springbrook Corners, LLC, received May 3, 2019
EEE Online Petition submitted by Erica Hammericksen at hearing May 3, 2019
FFF Police Reports submitted by Erica Hammericksen at hearing May 3, 2019
GGG Letter submitted by Nicole Milam at hearing May 3, 2019
HHH Letter submitted by Gary Sumrak at hearing May 3, 2019
III Photos of Red-tailed Hawk submitted by Dolly Behrens at hearing May 3, 2019
JJJ Letter submitted by Terry Jones, received May 6, 2019
KKK Wetland photos submitted by Jim Leavens at hearing May 3, 2019
LLL Letter from Frank Haviland, received May 9, 2019
MMM Petition from MT Dimick, received May 9, 2019
NNN Email from J. Sherman, received May 15, 2019
OOO Letter from B. and M. Horton, received May 17, 2019
PPP Letter from D. Strejc, received May 17, 2019
QQQ K. Littlefield submitted email from L. Brown (ODSL), received May 17, 2019
RRR Studies re: fuel station emissions submitted by L. Geil, received May 17, 2019
SSS *Gas Stations are Toxic Neighbors!* submitted by M.T. Dimick, received May 17, 2019
TTT Petition submitted by M.T. Dimick, received May 17, 2019
UUU Letter submitted by N. Milam, received May 17, 2019
VVV Site plan submitted by J. Farnsworth, received May 17, 2019
WWW Photo from Bonaventure Retirement Center submitted by J. Farnsworth, received May 17, 2019
XXX List of alternative site locations submitted by J. Farnsworth, received May 17, 2019
YYY Letter submitted by J. Feyerharm, received May 17, 2019
ZZZ Letter from Bonaventure residents submitted by J. Weber, received May 17, 2019
AAAA Letter from G. Sumrak, received May 17, 2019
BBBB Letter from S. Reed, received May 17, 2019
CCCC Letter from C. Sparks, received May 17, 2019
Vicinity map

SITE PLAN AND ARCHITECTURAL COMMISSION



JIM QUINN, CHAIR

SITE PLAN AND ARCHITECTURAL COMMISSION AGENDA:

APRIL 19, 2019
MAY 3, 2019
MAY 10, 2019
JUNE 7, 2019

EXHIBIT A-1
Circle K Mini Store and Car Wash
AC-19-028
Conditions of Approval
May 10, 2019

DISCRETIONARY CONDITIONS

1. Prior to any site disturbance taking place, the applicant shall coordinate with the U.S. Fish & Wildlife or Oregon Fish & Wildlife Department regarding the protection status of the Red-tailed Hawk/Hawk Nest.
2. The applicant shall locate the coffee kiosk in a manner that will allow vehicle stacking for a minimum of seven cars for each window.
3. Remove the trash enclosure on the northeasterly portion of the site. The enclosure location will be considered with the final development plan for the future retail building.

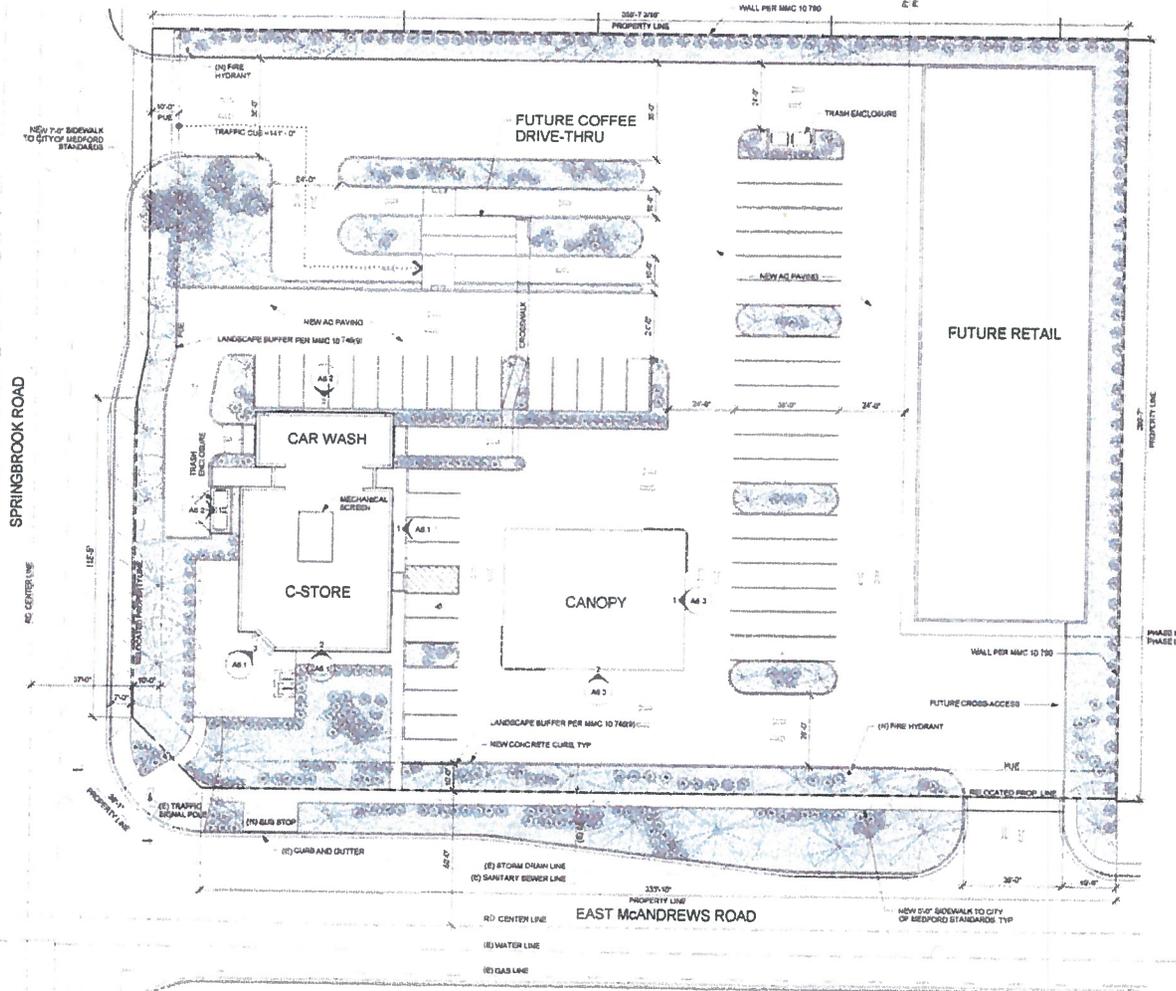
CODE REQUIRED CONDITIONS

Prior to the issuance of the first building permit for vertical construction, the applicant shall:

4. Submit a revised site plan showing all required internal pedestrian connections and crosswalks in compliance with MLDC 10.772 through 10.776.
5. Comply with all conditions stipulated by the Public Works Department (Exhibit K).
6. Comply with all conditions stipulated by the Medford Water Commission (Exhibit M).
7. Comply with all conditions stipulated by the Medford Fire Department (Exhibit O).
8. Comply with the comments received from the Rogue Valley Transportation District (Exhibit P).
9. Comply with all applicable comments from the Rogue Valley International-Medford Airport (Exhibit R).
10. Comply with the condition stipulated by the Medford Irrigation District (Exhibit S).
11. Submit a photometric analysis demonstrating compliance with MLDC 10.764 Glare.

07/27/2019 10:02 AM

FILE # AC-19-028
 CITY OF MEDFORD
 EXHIBIT # B
 371 THURMAN ROAD, MEDFORD, OREGON 97504



- GENERAL NOTES - SITE PLAN**
- A. SITE PLAN KEYNOTES APPLY TO PHASE A01
 - B. ARCHITECTURAL REFERENCE ELEVATION 100'-0" MAX. ON SURVEY AND CIVIL DOCUMENTS
 - C. REFERENCE CIVIL AND LANDSCAPE DRAWINGS FOR ADDITIONAL SITEWORK INFORMATION
 - D. WORK IN THE REST OF WAY IS SHOWN FOR REFERENCE ONLY. REFER TO SEPARATE REST OF WAY IMPROVEMENT DRAWINGS FOR INFORMATION
 - E. REFERENCE ELECTRICAL DRAWINGS FOR SITE LIGHTING SCHEDULE

KEYNOTES - SITE PLAN

1 ALIGN

VEHICLE PARKING PROVIDED	
BACK TYPE	BI-CYCLE COUNT
STABLE BACK - NOT SHELTERED	4

VEHICLE PARKING PROVIDED	
PARKING STALL TYPE	COUNT
MEDFORD ADA 9' x 10'	1
MEDFORD STANDARD 8' x 12'	60
TOTAL	61

BUILDING INFORMATION

BUILDING AREA:	C. STORE	AREA:	STORIES:
CAR WASH		4,874 SQ	1
FUTURE RETAIL			
TOTAL BUILDING SQUARE FOOTAGE		4,874 SQ	

SITE INFORMATION

% OF COVERAGE:	BUILDINGS	18.1%
	PARKING & DRIVEWAYS	33.3%
	ROADWAY	8.5%
	LANDSCAPING	23.2%
% OF IMPERVIOUS SURFACE:		63.7%

BI-CYCLE PARKING: 24 PARKING SPACES @ 10% = 3 PROVIDED - 4 PROVIDED

ZONING INFORMATION

SUBD ZONE: COMMUNITY COMMERCIAL C-C
 OVERLAY ZONES: AIRPORT AREA OF CONCERN
 SPECIAL DISTRICTS: N/A
 MAP & TAX LOT: 37 1W 30AB 3003
 ACREAGE: NET 2.9 ACRES (10,600 SQ)

kistler + small + white
 80 WALL ST 6TH FLOOR
 SUITE 303
 ANNANDON ON
 STATE
 TEL: 541 488 8200

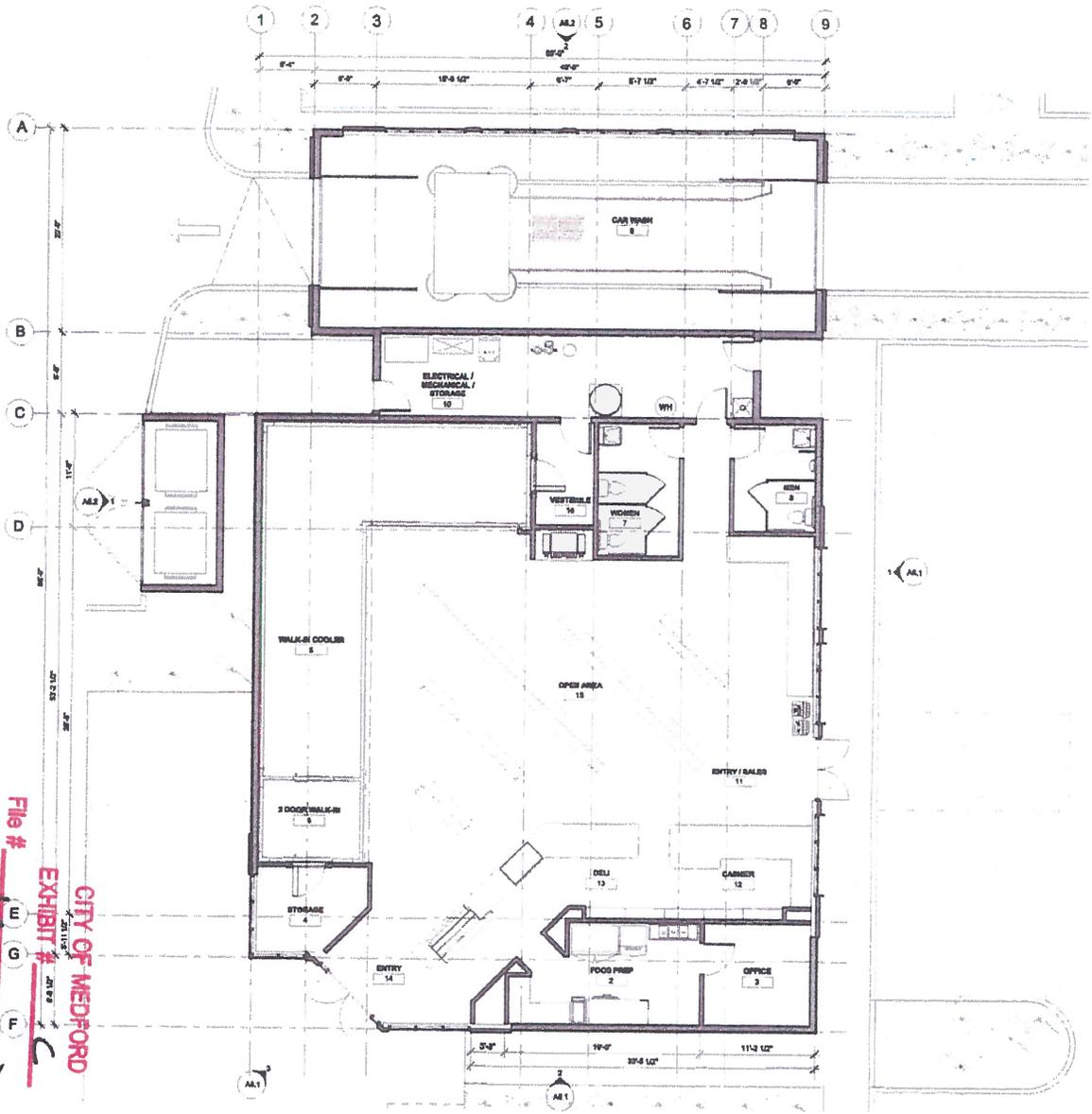
PRELIMINARY
 THESE DRAWINGS SHALL NOT BE USED FOR CONSTRUCTION WITHOUT THE SIGNATURE AND SEAL OF A PERMITS ENGINEER

CIRCLE K - SPRINGBROOK
 Mini Store and Car Wash
 COLVIN OIL
 1380 SPRINGBROOK RD. MEDFORD, OREGON 97504

RECEIVED
 SITE PLAN ZONING SUMMARY
 APR 02 2019
 PLANNING DEPT.

SITE - PLAN
 SCALE: 1" = 20'-0" (24 X 36)
 SCALE: 1" = 40'-0" (11 X 17)





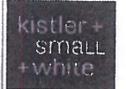
PLAN - LEVEL 1 
 SCALE: 3/16" = 1'-0" (24 X 36)
 SCALE: 3/32" = 1'-0" (11 X 17)

GENERAL NOTES - FLOOR PLANS

- A. FLOOR PLAN KEYNOTES APPLY TO SHEETS A3.J - A3.K. ALL KEYNOTES MAY NOT OCCUR ON THIS SHEET AND DO NOT APPLY TO ANY OTHER SHEETS EXCEPT THOSE NOTED.
- B. ARCHITECTURAL REFERENCE ELEVATION 100'-0" = 300.00' ON SURVEY AND CIVIL DOCUMENTS.
- C. SEE A3.K FOR ASSEMBLES AND DIMENSION SET POINTS.
- D. DIMS ARE FOR REFERENCE ONLY. CONTRACTOR TO SET CONTROL POINTS FOR LAYOUT.
- E. REFERENCE SHEET A300 FOR DETAILS OF TRANSITIONS BETWEEN FLOORING MATERIALS.
- F. FURNITURE, FIXTURES, AND EQUIPMENT SHOWN FOR REFERENCE ONLY.
- G. REFERENCE SHEET A300 FOR ROOM FINISH INFORMATION.
- H. CLEAR DISTANCE AT HINGE SIDE OF ALL DOOR JAMBS ARE TO BE # FROM ADJOINING WALL, UNLESS NOTED OTHERWISE.
- I. WINDOW OPENING DIMENSIONS SHOWN ARE TO THE INSIDE SPOUN. REFER TO SPECIFIC DETAILS FOR REQUIRED CLEARANCES FROM THE ROOM OPENING TO THE WINDOW UNIT.

KEYNOTES - FLOOR PLANS

- 1 ALIGN



88 WATER STREET
 SUITE 801
 ARRLAND, OR
 97102
 TEL: 541-489-8289

PRELIMINARY

THESE DRAWINGS SHALL NOT BE USED FOR CONSTRUCTION WITHOUT RECORDATION COMPLIANCE WITH THE REQUIREMENTS OF A PERMIT

EPAC

CIRCLE K - SPRINGBROOK
 Mini Store and Car Wash
 COLVIN OIL
 1380 SPRINGBROOK RD. MEDFORD, OREGON 97504

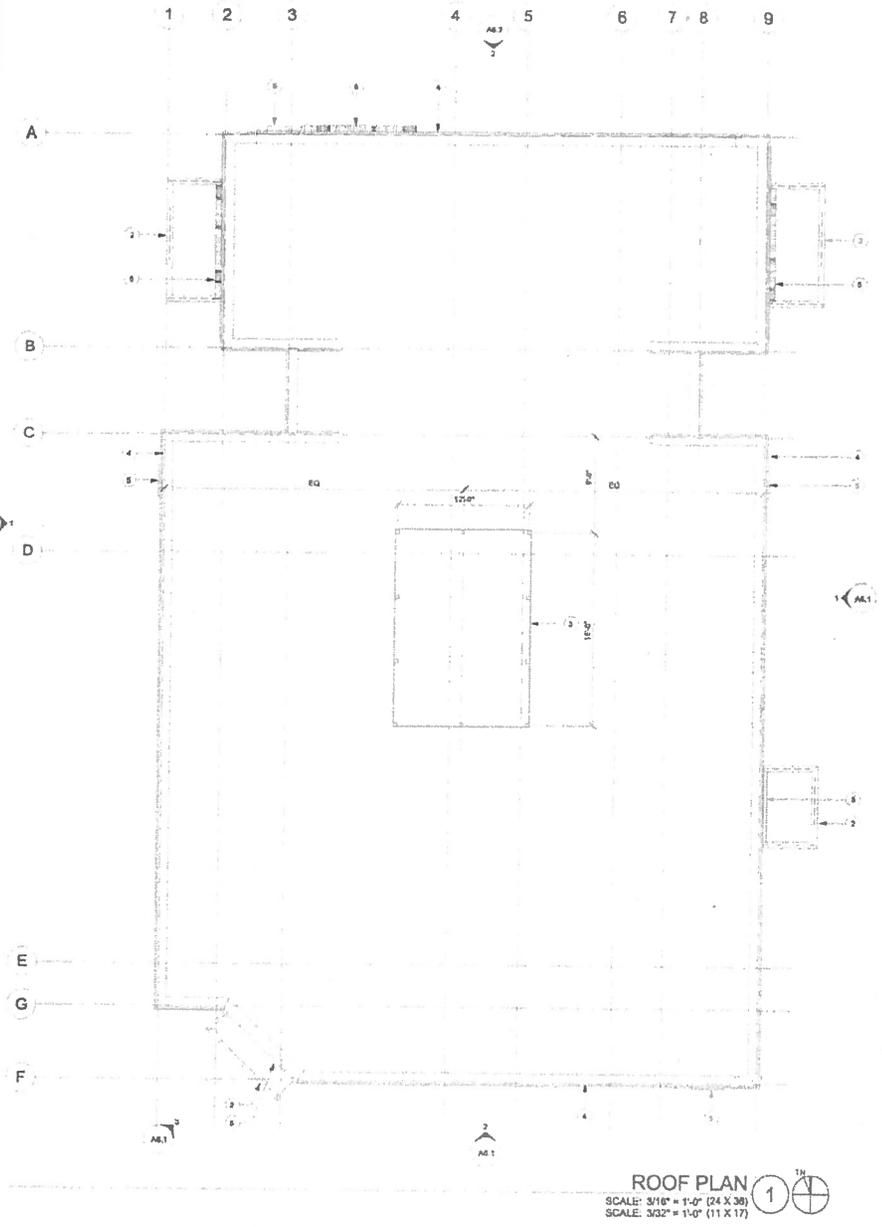
PLAN - LEVEL 1

PROJECT NO.: 1828
 ISSUE DATE: 03.11.2019
 SHEET:

A3.1

RECEIVED
 MAR 1 2 2019
 PLANNING DEPT.

CITY OF MEDFORD
 EXHIBIT # 19
 FILE # 19-028



ROOF PLAN
 SCALE: 3/16" = 1'-0" (24 X 36)
 SCALE: 3/32" = 1'-0" (11 X 17)

1

GENERAL NOTES - ROOF PLAN

- A. ROOF PLAN KEYNOTES APPLY TO SHEETS A3.K. ALL KEYNOTES MAY NOT OCCUR ON THIS SHEET AND DO NOT APPLY TO ANY OTHER SHEETS EXCEPT THOSE NOTED.
- B. ARCHITECTURAL REFERENCE ELEVATION 100'-0" = 100.00' ON SURVEY AND CIVIL DOCUMENTS.
- C. SEE A1.X FOR ASSEMBLIES.
- D. GRID ARE FOR REFERENCE ONLY. CONTRACTOR TO SET CONTROL POINTS FOR LAYOUT.

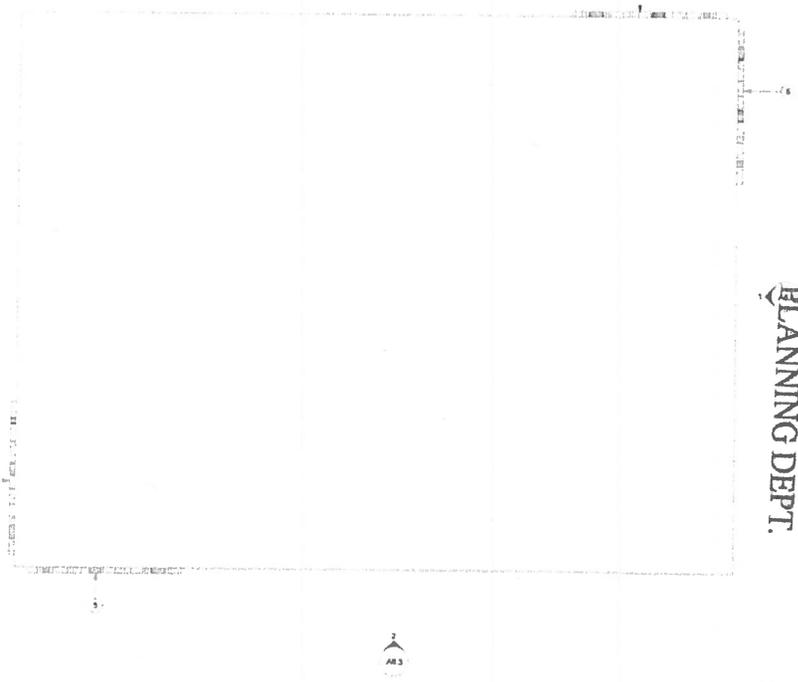
KEYNOTES - ROOF PLAN

- 2 METAL FRAMED APPROX W/ TRANSLUCENT INFILL PANEL
- 3 METAL MECHANICAL SCREENS PT-1
- 4 METAL PAN/PET CAP: PT-1
- 5 ILLUMINATED SIGNAGE



86 WATER STREET
SUITE 101
ASHLAND, OR
97102
TEL: 841.488.8300

PRELIMINARY
THESE DRAWINGS SHALL NOT BE USED FOR CONSTRUCTION. BUREAU REGISTRATION CONFORMANCE ISSUANCE OF A PERMIT!
SPAC



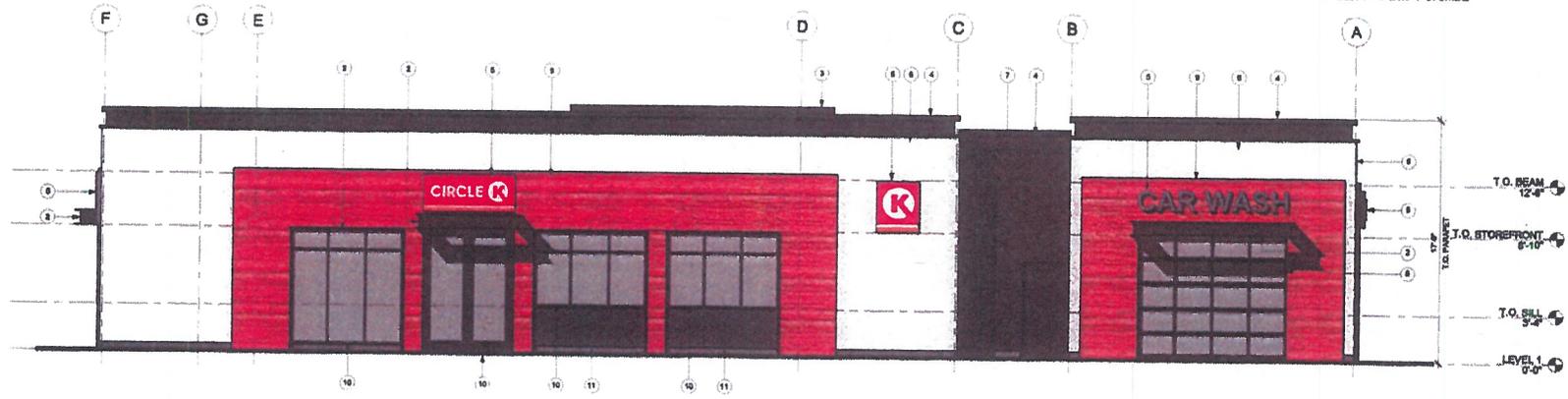
PLAN - CANOPY ROOF
 SCALE: 3/16" = 1'-0" (24 X 36)
 SCALE: 3/32" = 1'-0" (11 X 17)

2

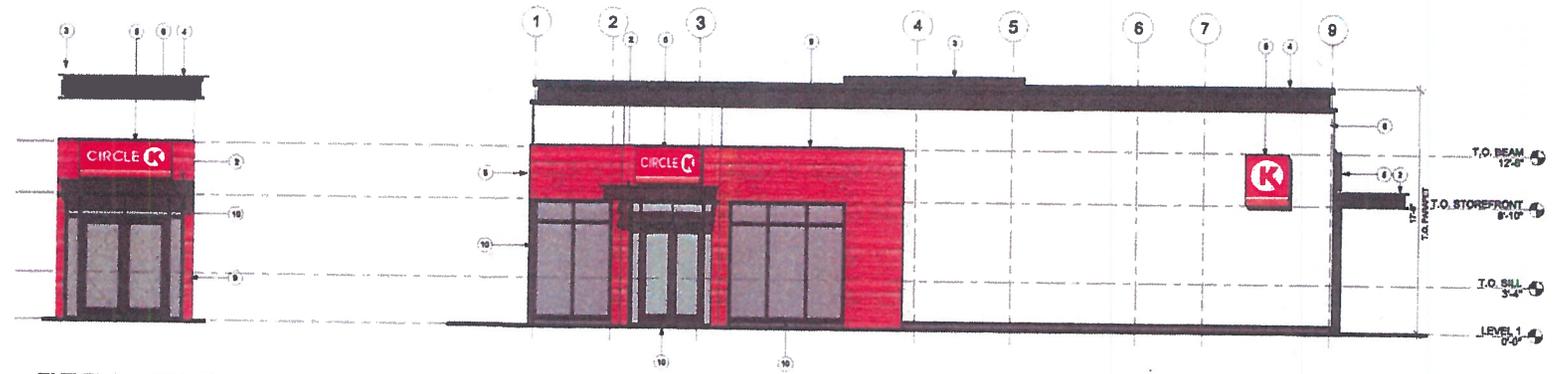
RECEIVED
 COLVIN OIL
 PLANNING DEPT.
 SPRINGBROOK
 Circle K - Springbrook
 and Car Wash
 2019

ROOF PLAN
PROJECT NO: 18029
ISSUE DATE: 03.11.2019
SHEET:

A3.3



EXT ELEV - EAST ①
SCALE: 1/4" = 1'-0" (24 X 36)
SCALE: 1/8" = 1'-0" (11 X 17)



EXT ELEV - SOUTH ②
SCALE: 1/4" = 1'-0" (24 X 36)
SCALE: 1/8" = 1'-0" (11 X 17)

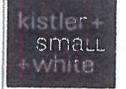
EXT ELEV - SW ③
SCALE: 1/4" = 1'-0" (24 X 36)
SCALE: 1/8" = 1'-0" (11 X 17)

GENERAL NOTES - EXT ELEVATIONS

- A. ELEVATION REVISIONS APPLY TO SHEETS A-E-X. ALL KEYNOTES MAY NOT OCCUR ON THIS SHEET AND DO NOT APPLY TO ANY OTHER SHEETS EXCEPT THOSE NOTED.
- B. SEE A1-X FOR WALL ASSEMBLIES
- C. GRID# ARE FOR REFERENCE ONLY. CONTRACTOR TO SET CONTROL POINTS FOR LAYOUT

KEYNOTES - EXTERIOR ELEVATIONS ← ①

- 1 ALUMI
- 2 METAL FRAMED AWNING BY TRANSLUCENT INFLA PANEL
- 3 METAL MECHANICAL SCREEN- PT-1
- 4 METAL PARAWET CAR- PT-1
- 5 ILLUMINATED SIGNAGE
- 6 PORTLAND CEMENT PLASTER (BY WOOD) SMOOTH FINISH WHITE
- 7 PORTLAND CEMENT PLASTER (BY WOOD) SMOOTH FINISH CHARCOAL
- 8 GLAZED SECTIONAL GARAGE DOOR
- 9 WOOD-TONED ALUMINUM SIDING (LONGBOARD)
- 10 GLAZED STOREFRONT W/ METAL FRAME- PT-1
- 11 METAL SIDING PANEL- PT-1
- 12 TRASH
- 13 FUEL STATION CANOPY - BY OTHERS



66 WATER STREET
SUITE 501
ASHLAND, OR
97130
TEL: 541.268.8200

PRELIMINARY

THESE DRAWINGS SHALL NOT BE USED FOR CONSTRUCTION WITHOUT RECORDATION AND BALANCE OF A PERMIT

SPAC

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MAR 17 2019
EXTERIOR ELEVATIONS
PLANNING DEPT.
CIRCLE K - SPRINGBROOK Mini Store and Car Wash
COLVIN OIL
380 SPRINGBROOK RD. MEDFORD, OREGON 97504

PROJECT NO: 1629
ISSUE DATE: 08.11.2019
SHEET:

A6.1

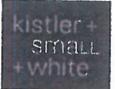
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GENERAL NOTES - EXT ELEVATIONS

- A. ELEVATION KEYNOTES APPLY TO SHEETS A1.X - A1.X. ALL KEYNOTES MAY NOT OCCUR ON THIS SHEET AND DO NOT APPLY TO ANY OTHER SHEETS EXCEPT THOSE NOTED.
- B. SEE A1.X FOR WALL ASSEMBLIES.
- C. GRID C ARE FOR REFERENCE ONLY. CONTRACTOR TO SET CONTROL POINTS FOR LAYOUT.

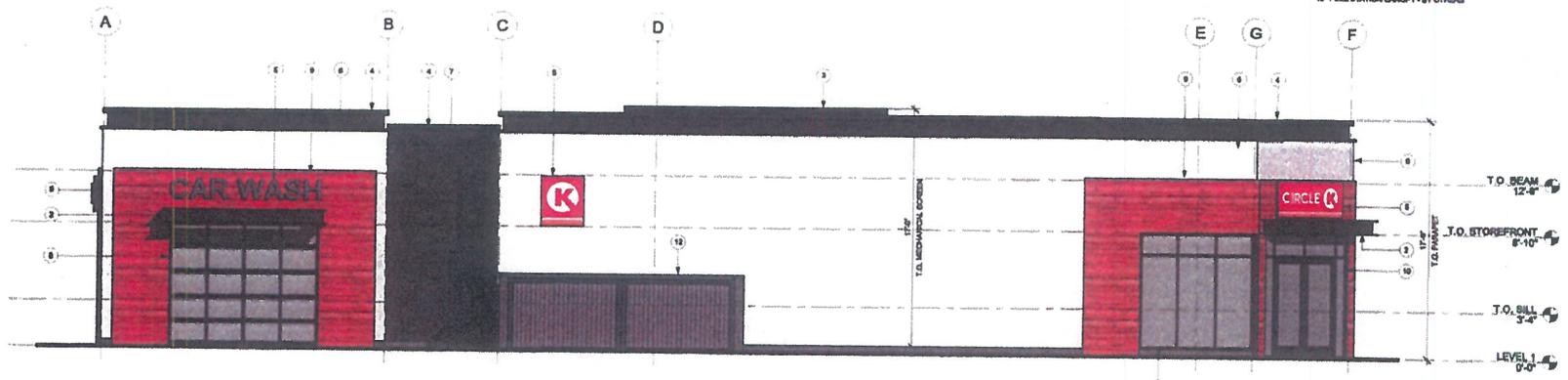
KEYNOTES - EXTERIOR ELEVATIONS

- 1 ALUM
- 2 METAL FRAMED AWNING W/ TRANSLUCENT SPILL PANEL
- 3 METAL MECHANICAL SCREEN: PT-1
- 4 METAL PANEL: CM9, PT-1
- 5 UNPAINTED BRIDGE
- 6 PORTLAND CEMENT PLASTER (STUCCO) SMOOTH FINISH WHITE
- 7 PORTLAND CEMENT PLASTER (STUCCO) SMOOTH FINISH CHOCOLAD
- 8 GLAZED SECTIONAL GARAGE DOOR
- 9 WOOD-TONED ALUMINUM BRIDGE (LONGBOARD)
- 10 GLAZED STOREFRONT W/ METAL FRAME: PT-1
- 11 METAL SIDING PANEL: PT-1
- 12 TRUSS
- 13 FUEL STATION CANOPY - BY OTHERS



88 WATER STREET
SUITE 501
ASHLAND, OR
97101
TEL: 541.488.6399

PRELIMINARY
THESE DRAWINGS SHALL NOT BE USED FOR CONSTRUCTION RECORDATION WITHOUT THE BALANCE OF A PERMIT
SPAC



EXT ELEV - WEST
SCALE: 1/4" = 1'-0" (24 X 36)
SCALE: 1/8" = 1'-0" (11 X 17)



CORNER ENTRANCE



EXT ELEV - NORTH
SCALE: 1/4" = 1'-0" (24 X 36)
SCALE: 1/8" = 1'-0" (11 X 17)

RECEIVED
PLANNING DEPT.
CIRCLE K - SPRINGBROOK
Mini Store and Car Wash
COLVIN OIL
1380 SPRINGBROOK RD., MEDFORD, OREGON 97504
REVISION
MAR 17 2019
EXT ELEVATIONS
PROJECT NO: 1653
SUBMIT DATE: 06.11.2019
SHEET:

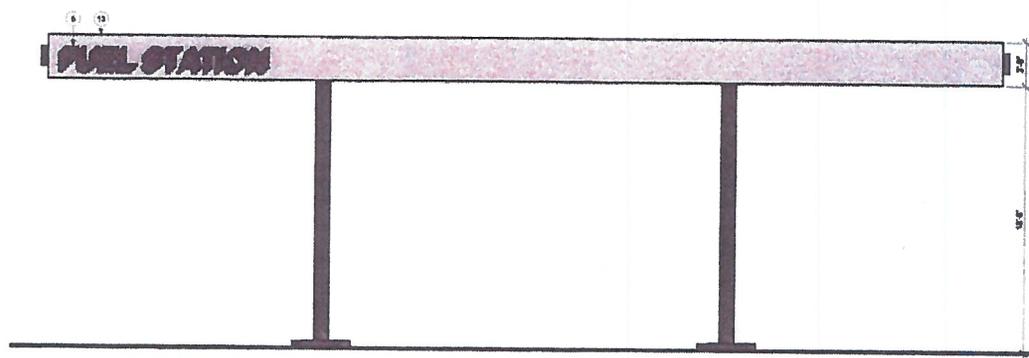
A6.2

16



B34, OPP, EXT ELEV - FUEL STATION WEST

EXT ELEV - FUEL STATION EAST ①
SCALE: 1/8" = 1'-0" (24 X 36)
SCALE: 1/8" = 1'-0" (11 X 17)



B34, OPP, EXT ELEV - FUEL STATION NORTH

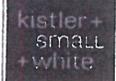
EXT ELEV - FUEL CANOPY SOUTH ②
SCALE: 1/8" = 1'-0" (24 X 36)
SCALE: 1/8" = 1'-0" (11 X 17)

GENERAL NOTES - EXT ELEVATIONS

- A. ELEVATION KEYNOTES APPLY TO SHEETS A6.3 - A6.6. ALL KEYNOTES MAY NOT OCCUR ON THIS SHEET AND DO NOT APPLY TO ANY OTHER SHEETS EXCEPT THOSE NOTED.
- B. SEE A1.X FOR WALL ASSEMBLIES
- C. GRIDS ARE FOR REFERENCE ONLY. CONTRACTOR TO SET CONTROL POINTS FOR LAYOUT.

KEYNOTES - EXTERIOR ELEVATIONS

- 1 ALUM.
- 2 METAL FRAMED AWNING W/ TRANSLUCENT INFL. PANEL
- 3 METAL MECHANICAL SCREEN PT-1
- 4 METAL PAVEMENT CURB PT-1
- 5 ILLUMINATED SIGNAGE
- 6 PORTLAND CEMENT PLASTER (STUCCO) SMOOTH FINISH WHITE
- 7 PORTLAND CEMENT PLASTER (STUCCO) SMOOTH FINISH CHAMOIS
- 8 GLAZED SECTIONAL GARAGE DOOR
- 9 WOOD-TONED ALUMINUM SIDING (SLIDING)
- 10 GLAZED STONEFRONT W/ METAL FRAME PT-1
- 11 METAL SIDING PANEL PT-1
- 12 TRASH
- 13 FUEL STATION CANOPY - BY OTHERS



18 WATER STREET
SUITE 101
ASHLAND, OR
97102
TEL: 841.488.2220

PRELIMINARY

THESE DRAWINGS SHALL NOT BE USED FOR CONSTRUCTION WITHOUT RECORDATION AND A PERMIT

SPAC

CIRCLE K - SPRINGBROOK
Mini Store and Car Wash
COLVIN OIL
1380 SPRINGBROOK RD. MEDFORD, OREGON 97504

PLANNING DIV.

RECEIVED
MAR 19

EXTERIOR ELEVATIONS

PROJECT NO.: 1886
ISSUE DATE: 03.11.2019
SHEET:

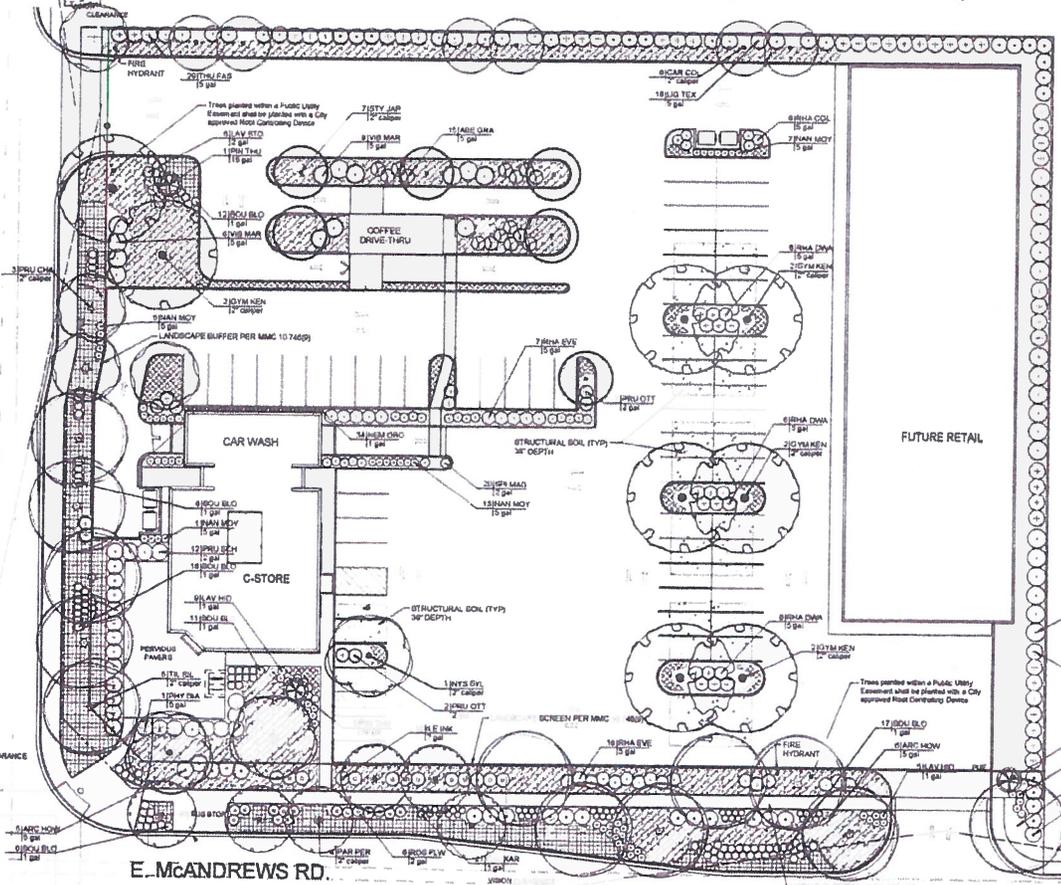
A6.3

24

PLANT SCHEDULE

TREES	BOTANICAL NAME / COMMON NAME	QTY	SHRUBS	BOTANICAL NAME / COMMON NAME	QTY
CAN COU	Canthalepis / Common Name	2' caliper	ARC GUA	Arctostaphylos uva-ursi / Manzanillo	5 gal
QYM KEN	Quercus / Common Name	2' caliper	ARC HOW	Arctostaphylos densiflora / Hopedale Manzanillo	5 gal
NYE DVE	Nyssa / Common Name	2' caliper	BOU BLO	Bougainvillea / Common Name	1 gal
PAR PER	Parthenocissus / Common Name	2' caliper	CAL KAM	Calluna / Common Name	1 gal
PRU THU	Prunella / Common Name	2' caliper	CHA GHA	Chaenactis / Common Name	1 gal
PRU CHA	Prunella / Common Name	2' caliper	HEM OHO	Hemerocallis / Common Name	1 gal
STY JAP	Styracis / Common Name	2' caliper	IBS WAK	Ilex / Common Name	1 gal
TLS GEA	Tilia / Common Name	2' caliper	JUN SKY	Juniper / Common Name	1 gal
			LAV HND	Lavandula / Common Name	1 gal
			LAV STO	Lavandula / Common Name	1 gal
			LIG TOX	Ligustrum / Common Name	1 gal
			MAN MDT	Manisotium / Common Name	1 gal
			PHY DTA	Physalis / Common Name	1 gal
			PRU OTT	Prunella / Common Name	1 gal
			RHA BCI	Rhamnus / Common Name	1 gal
			RHA EYE	Rhamnus / Common Name	1 gal
			RHA OVA	Rhamnus / Common Name	1 gal
			RHA COU	Rhamnus / Common Name	1 gal
			RHA PLY	Rhamnus / Common Name	1 gal
			SPV MAG	Spiraea / Common Name	1 gal
			TRU FAB	Trifolium / Common Name	1 gal
			VIB MAR	Viburnum / Common Name	1 gal

GROUND COVERS	CODES	BOTANICAL NAME / COMMON NAME
ARC MAA		Autographa univaria / Manzanillo / Manzanillo
GEN PR		Gemata pinnata / Vancouver Gold / Vancouver Gold II
RUB RCA		Rubus parviflorus / Cragging Raspberry



LANDSCAPE NOTES

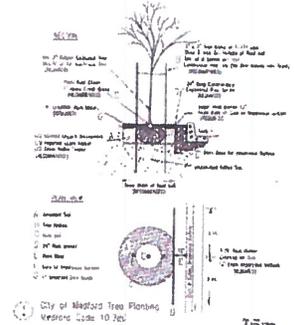
- The landscape system shall be installed and have a clear planting details shown when installed in the landscape. The system shall be installed in 100% of the area and be installed in 100% of the area.
- 1/2" JET" horticulture shall be applied in all areas planting areas to a depth of 2 inches.
- Planting holes shall be installed in all areas planting areas to a depth of 2 inches.
- For the City of Medford code 18.200.10 "Red Walnut" shall have a tree with a minimum 12" caliper and a minimum 10' height. It shall be of the variety of the red walnut variety. The tree shall be installed in 100% of the area.
- Planting holes shall be installed in all areas planting areas to a depth of 2 inches.
- Planting holes shall be installed in all areas planting areas to a depth of 2 inches.

PLANT MATERIAL AND INSTALLATION

- All plant material shall be installed in a grade which is equal to the ground level. They shall have well-drained soil, be properly stored and have a well-developed root system. The plant shall be installed in 100% of the area.
- The minimum plant quantity shown on the drawing are for the Contractor's convenience. Quantity and size of plants shall be installed in 100% of the area.
- Planting holes shall be installed in all areas planting areas to a depth of 2 inches.
- Planting holes shall be installed in all areas planting areas to a depth of 2 inches.

PLANT MATERIAL MAINTENANCE

- All plant material shall be maintained for one year (12 months) from the date of planting.
- Plant material shall be maintained for one year (12 months) from the date of planting.
- The Contractor shall be responsible for any plant material damaged by conditions not shown on the drawing.



PRELIMINARY
THESE DRAWINGS SHALL NOT BE USED FOR CONSTRUCTION WITHOUT THE ISSUANCE OF A PERMIT
SPAC



CIRCLE K
MINI STORE AND CAR WASH
1380 SPRINGBROOK RD. MEDFORD, OREGON 97504

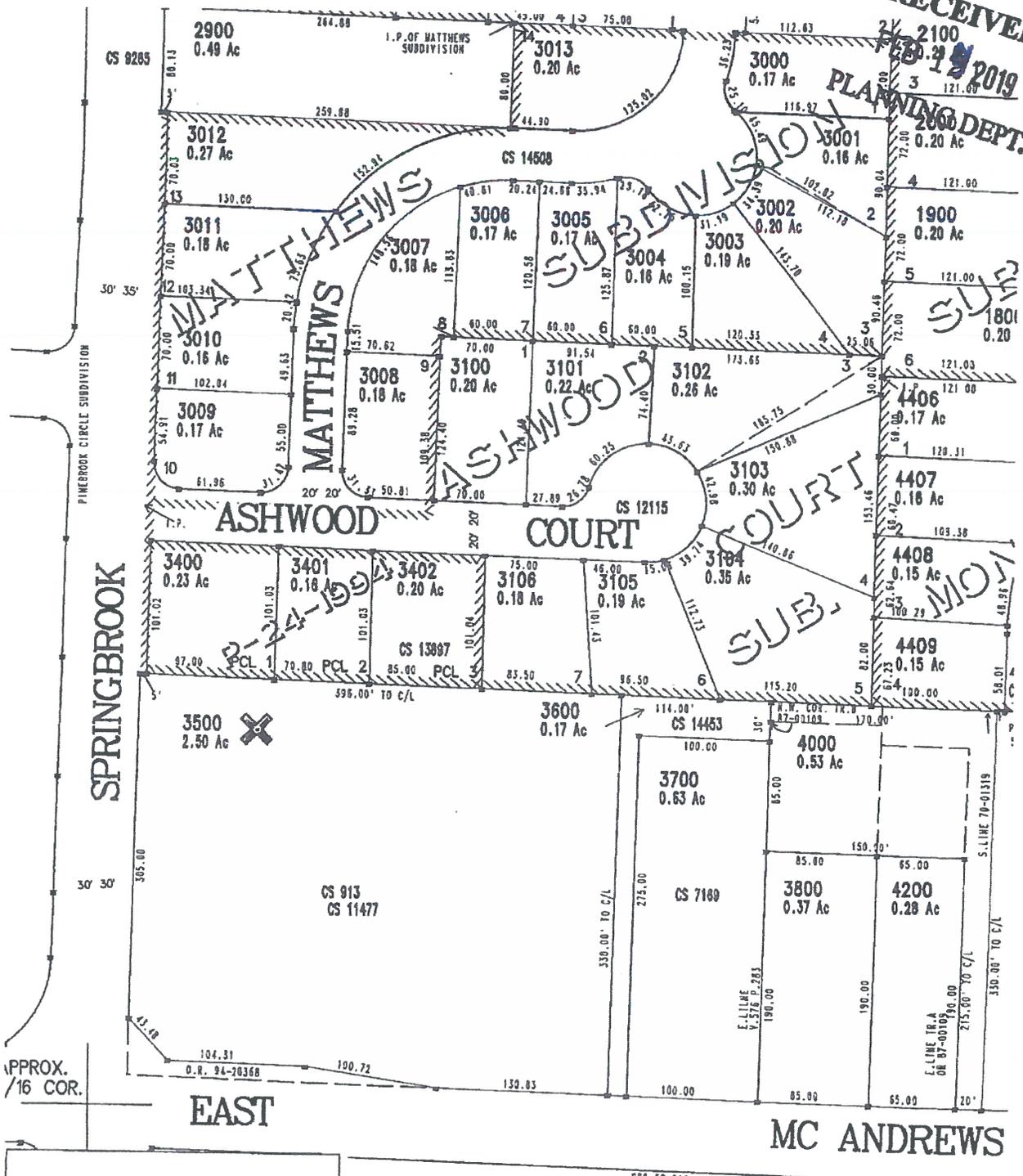
REVISIONS

LANDSCAPE PLAN
RECEIVED
APR 02 2019
CITY OF MEDFORD PLANNING DEPT.

File # AC-19-028
EXHIBIT # 1
CITY OF MEDFORD

RECEIVED

FEB 19 2019
PLANNING DEPT.



TOWNSHIP 37 RANGE 1W SECTION 20AB
 THIS MAP IS FOR LOCATION PURPOSES ONLY
 NO LIABILITY IS ASSUMED FOR VARIATIONS
 DISCLOSED BY SURVEY OR COUNTY RECORDS
 FIRST AMERICAN TITLE

SEE MAP 37 1W 20AC

CITY OF MEDFORD
 EXHIBIT # a
 File # AC-19-028

11

Exhibit "A"

RECEIVED
FEB 12 2019
PLANNING DEPT.

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

THE WEST 3 ACRES OF THE FOLLOWING DESCRIBED TRACT OF LAND TO-WIT: COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 20 TOWNSHIP 37 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON, AND RUNNING THENCE EAST 10 CHAINS; THENCE NORTH 5 CHAINS; THENCE WEST 10 CHAINS; THENCE SOUTH 5 CHAINS TO THE PLACE OF BEGINNING. EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF MEDFORD AS DESCRIBED IN WARRANTY DEED RECORDED MAY 31, 1994 AS DOCUMENT NO. 94-20368.

NOTE: THIS LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 01, 2008.

CITY OF MEDFORD
EXHIBIT # H
File # AC-19-02P

March 11, 2019

City of Medford
Planning Department
Lausmann Annex
200 South Ivy Street
Medford, OR 97501

RECEIVED

MAR 12 2019

PLANNING DEPT.

Re: Springbrook Development
Site Plan and Architectural Review Application

General Information:

- This project consists of a new +/- 370 square foot coffee kiosk, a +/- 3,300 square foot convenience store, a +/- 1,304 square foot carwash and gas pumps located on the lot bounded by Springbrook Road and East McAndrews Road.
- Zoning: C-C, Community Commercial
- Map + Tax Lot: 37 1W 20AB, T.L. 3500
- Address: 1380 Springbrook Road
- Site Area: 2.5 acres
- Parking:
 - Front Lot: Proposed (24).
 - Back Lot (future development): Proposed (36).
- Project Consultants:
 - Architect: Kistler Small + White, Architects
 - General Contractor: Double R Products
 - Structural Engineer: Allan Goffe of Ace Engineering, LLC
 - Civil Engineer: Todd Powel of Powell Engineering and Consulting, LLC
 - Landscape Design: TBD
 - Mechanical, Electrical and Plumbing Design: Design/Build by Double R Products

Section 1 - PROJECT NARRATIVE:

This project consists of a new +/- 370 square foot coffee kiosk +/- 3,300 square foot convenience store, a +/- 1,304 square foot carwash and gas pumps located on the lot bounded by Springbrook Road and East McAndrews Road.

The intent for the site is to create a pedestrian friendly neighborhood amenity. To achieve this, the proposed structures front the streets as much as practical while maintaining clear and direct vehicular access to and through the vehicle circulation areas. The convenience store is situated on the corner of the site with a south west exposed, paved sitting area adjacent to, and accessible from, the sidewalks along East McAndrews and Springbrook Roads. It is anticipated that students from the nearby high school and residents from the surrounding area will enjoy the opportunity to sit and enjoy their beverages/food offered by the convenience store.

CITY OF MEDFORD
EXHIBIT # 1
File # AC-19-028

Additionally, a significant amount of new landscaping is proposed. This will soften the impact of asphalt pavement and create a transitional buffer between the project and the surrounding roads.

Section II – COMPATIBILITY: CRITERION No. 1

- A. Existing uses and developments adjacent to this project site are primarily residential in nature. Developments includes single-family residential tract homes, an assisted living multi-family residential facility, a community park, and a high school. Architecturally, most of the existing structures adjacent to the project site are finished with painted wood and composite materials. Existing structures in this area vary in age and condition. Development appears to have spanned from the early post-war years through to today.
- B. This project strives to be a good neighbor to existing development and fit within the context of its surroundings. The architect's goal is to deliver a design that breaks from the traditional gas station / convenience store typology. Careful attention has been given to site planning to create a development that is easily accessible by pedestrians, cyclists and motorists. By situating the store on the corner of Springbrook and McAndrews, rather than surrounding it with driveways and parking, the store is easily accessed by foot or bike. The scale of the building's form is in line with the 1 to 2 story homes nearby. By limiting the scale of the building's mass, the store is more akin to the compact pre-war neighborhood service station style than to today's prototypical travel center. Unsightly elements including mechanical units and trash facilities will be screened from view by landscaping and or metal screen panels. Proposed materials include smooth Portland Cement Plaster (stucco) infilled with wood-toned lap siding accented with painted metal elements. The lap siding is a nod to the residential architecture found nearby. Its linear form helps reduce the overall mass of the structure, bringing it more inline with the human scale. Accent materials include painted metal panels, glazed storefront with anodized metal frames, and painted metal parapet caps. Metal framed awnings enclosing translucent panels will define building entrances, protect customers from weather, and allow filtered daylight to flow into the building.
- C. In recognition of nearby building scales and development types, attention is given to break up large facades and give relief to the building's mass. The simple material palette proposed aims to be refined and subdued yet inviting. In contrast to today's prototypical convenience store model, the front entrances are not embellished with large parapets that extend above the rest of the building's mass. Rather, by taking cues from residential architecture, the building steps down to the front door, creating a more sheltered feel like that created by a front porch. Diagrammatically, the building's overall mass is defined by its stucco shell. This shell then steps down in scale to wood-tone lap siding. The siding defines punched openings in the shell such as doors and windows. To reduce the scale further, a simple metal framed awning is introduced to define the front doors.
- D. Situated at the corner of Springbrook Road and E. McAndrews Road, this project is situated to promote trips by foot and by bike. In contrast to the typical convince store

/ gas station typology, the store itself will not be an island surrounded by a sea of asphalt. Rather, parking and vehicle circulation are provided behind the structure and filtered from view at the street. Like corner stores found in historic developments, the convenience store has an entrance facing the street corner. This invites passersby to stop in, gives presence to the street and creates an inviting front door to the development.

- E. A paved seating area easily visible and accessible from the sidewalk is provided along Springbrook Road. This invites visitors to rest, gather, and enjoy their beverages/food offered by the convenience store. The goal of this space is to provide an amenity that gives life to the neighborhood by creating an energized presence on the street. Additionally, in collaboration with RVT, (2) new bus stops are proposed adjacent to this site. Both On stop will be located along Springbrook with the other on McAndrews.
- F. Vehicle access to the site will be limited to the farthest corners of the site, furthest away from the intersection of Springbrook and McAndrews. This will enhance the pedestrian experience by moving curb cuts away from the store. Site access for pedestrians occurs at multiple locations throughout the site. A main pedestrian corridor connects the store's southwest entrance to the Springbrook/McAndrews intersection.
- G. Currently the site lacks existing trees or significant native vegetation. The proposed plan will introduce numerous trees and native landscaping – improving the site from its current state.
- H. Stormwater detention on site will be handled with an underground system, allowing a variety of landscape options above grade.
- I. The proposed landscape plan will enhance the building's aesthetics by screening unsightly elements including mechanical equipment, trash facilities and the few unavoidable windowless facades. Ample shrub planting will screen the parking areas. Buffer planting will create a vegetative barrier minimizing any negative impact to neighboring properties. Large canopied trees will mitigate negative solar impact on the building and paved areas. Ground cover and bark mulch will minimize the loss of soil due to erosion while also helping to retain soil moisture.
- J. The design team strives to provide a safe and welcoming amenity that meets or exceeds the intent of the code while protecting surrounding development from light pollution. To preserve views of the night sky and avoid glare on adjacent properties, all site lighting will be directed down and designed to not extend beyond the site's property lines.
- K. Proposed signage includes illuminated brand logos inline with corporate standards while also complying with City of Medford regulations. Careful attention is given to create a coherent, uniform appearance on each building elevation.
- L. Fencing in this project is used very sparingly. A wall will be erected to enclose trash facilities and a 42" tall fence will be installed to further define the paved seating area.

This fence will include the same wood-toned material used on the building's facades to promote a uniform appearance throughout the project. For durability and continued quality appearance, it will be framed with painted metal. To comply with 10.790, a 6-foot concrete or CMU wall will be erected along the north and east property lines. It is envisioned that the wall will be screened with landscaping.

- M. The physical location of the convenience store, landscaping, and buffer walls will mitigate on-site sound generation from emitting beyond the site's property lines.

- N. The intent for the site is to create a pedestrian friendly neighborhood amenity. To achieve this, the proposed structures front the streets as much as practical while maintaining clear and direct vehicular access to and through the vehicle circulation areas. The convenience store is situated on the corner of the site with a south west exposed, paved sitting area adjacent to, and accessible from, the sidewalks along East McAndrews and Springbrook Roads. It is anticipated that students from the nearby high school and residents from the surrounding area will enjoy the opportunity to sit and enjoy their beverages/food offered by the convenience store. Additionally, a significant amount of new landscaping is proposed. This will soften the impact of asphalt pavement and create a transitional buffer between the project and the surrounding roads.

- O. No exceptions or modifications are requested for this project.

- P. No petition for relief of landscaping standards is requested for this project.

Attachments: Site Plan and Architectural Review Application Form, Site Plan, Floor Plan, \$1,100.00
Check

SITE PLAN AND ARCHITECTURAL REVIEW APPLICATION – Type III

RECEIVED

FEB 12 2019

Section II – Code Compliance: Criterion No. 2

PROJECT SITE		
	PROPOSED	REQUIRED
• Zoning District	C-C	C-C
• Overlay District(s)	Airport Area of Concern	Airport Area of Concern
• Proposed Use	Commercial	Commercial
• Project Site Acreage	2.5 acres	2.5 acres
• Site Acreage (+ right-of-way)	3.06 acres	3.06 acres
• Proposed Density (10.708)	N/A	N/A
• # Dwelling Units	N/A	N/A
• # Employees	10	N/A

STRUCTURES		
	EXISTING	PROPOSED
• # Structures	0	3
• Structure Square Footage (10.710-10.721)	0	4,974 SF

SITE DESIGN STANDARDS		
	PROPOSED	REQUIRED
• Front Yard Setback (10.710-721)	10'	10'
• Side Yard Setback (10.710-721)	10'	10'
• Side Yard Setback (10.710-721)	0'	0'
• Rear Yard Setback (10.710-721)	0'	0'
• Lot Coverage (10.710-721)	4974, SF	43,560 SF MAX

PARKING		
	PROPOSED	REQUIRED
• Regular Vehicular Spaces (10.743)	23	22
• Disable Person Vehicular Spaces (10.746[8])	1	1
• Carpool/Vanpool Spaces (10.809)	1	1
• Total Spaces (10.743)	24	23
• Bicycle Spaces (10.748)	4	3
• Loading Berths (10.742)		Per Planning Dept.

RECEIVED

APR 02 2019

PLANNING DEPT.

SITE PLAN AND ARCHITECTURAL REVIEW APPLICATION – Type III

LANDSCAPING	PROPOSED	REQUIRED
• Total Landscape Area (square feet)	24,764 SF	
• Total Landscape Area in High Water Use Landscaping (square feet)	0	
• Total Landscape Area in High Water Use Landscaping (percentage)	0%	
• Total % Landscape Coverage	22.74%	
• Required Organic Content (cu.yd.)	74	
• Frontage Landscaping (10.797)		
• Street:	Springbrook Road	
• Feet:	215	
• # Trees:	10	9
• # Shrubs:	81	54
• Street:	E. McAndrews Road	
• Feet:	278	
• # Trees:	12	12
• # Shrubs:	136	83
• Bufferyard Landscaping (10.790)		
• Type:	A	A
• Distance (ft):	10 ft	10 ft
• # Canopy Trees:	6	
• # Shrubs:	94	
• Fence/Wall:	6 ft Wall	6 ft Wall
• Parking Area Planter Bays (10.746)		
• Type:	Planter Projections	n/a
• # Bays:	5	n/a
• Area:	1353	n/a
• # Trees:	9	n/a
• # Shrubs:	30	n/a

STRUCTURE	PROPOSED
• Materials	Portland Cement Plaster (Stucco) Wood-tone Composite Lap Siding
• Colors	White, Black, Wood-tones

Please remember that the information you provide in response to the questionnaire must be included with your SPAR application submittal. Remember to sign and date your written response.

CITY OF MEDFORD
EXHIBIT # _____
File # _____



Medford – A fantastic place to live, work and play

CITY OF MEDFORD

LD Date: 3/27/2019
File Number: AC-19-028

PUBLIC WORKS DEPARTMENT STAFF REPORT

1380 Springbrook Road (TL 3500)
Circle K Mini-Store/Car Wash and Coffee Kiosk

Project: Consideration of plans for the construction of a 370 square foot standalone coffee kiosk, a 3,300 square foot convenience store, and a 1,304 square foot car wash and gas pumps on approximately 2.5 acres.

Location: Located at 1380 Springbrook Road within the C-C (Community Commercial) zoning district (371W20AB3500).

Applicant: Applicant: Double R Products; Agent: KSW Architects; Planner: Steffen Roennfeldt.

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.
- 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 will need to 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.
- Completion of all public improvements, if applicable.

26

A. STREETS

1. Dedications

East McAndrews Road classified as a Major Arterial street within the Medford Land Development Code (MLDC), Section 10.428. The Developer shall dedicate for public right-of-way, sufficient width of land along the frontage to comply with the half width of right-of-way, which is 50-feet. **The Developer's surveyor shall verify the amount of additional right-of-way required.**

Springbrook Road is classified as a Major Collector street within the MLDC 10.428. The Developer shall dedicate for public right-of-way, sufficient width of land along the frontage to comply with the half width of right-of-way, which is 37-feet or enough to accommodate a curbtight 7-foot sidewalk, whichever is greater. **The Developer's surveyor shall verify the amount of additional right-of-way required.**

The Developer will receive SSDC (Street System Development Charge) credits for the public right-of-way dedication on **East McAndrews Road and Springbrook Road**, per the methodology established by the MLDC 3.815. **Should the Developer elect to have the value of the land be determined by an appraisal, a letter to that effect must be submitted to the City Engineer within sixty (60) calendar days of the date of the Final Order of the Planning Commission. The City will then select an appraiser, and a cash deposit will be required as stated in Section 3.815.**

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

The right-of-way and easement dedications shall be submitted directly to the Engineering Division of the Public Works Department. The submittal shall include: the easement dedication, including an exhibit map; a copy of a current Lot Book Report, Preliminary Title Report, or Title Policy; a mathematical closure report (if applicable), and the Planning Department File Number; for review and City Engineer acceptance signature prior to recordation by the applicant. Releases of interest shall be obtained by holders of trust deeds or mortgages on the PUE area.

2. Public Improvements

a. Public Streets

East McAndrews 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, and street lights (P974). **No additional public improvements are required, except for sidewalk with planter strip.**

Springbrook 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, and street lights (P878). **No additional public improvements are required, except for sidewalk and as outlined under section A(4), "Transportation System" below. Sidewalk shall be constructed curbtight along the north side of Springbrook Road and shall be 7-feet wide.**

Please Note – A detailed grading plan will be required to address Americans with Disabilities Act (ADA) requirements for all public sidewalks, including crossings at the driveway locations.

b. Street Lights and Signing

No additional street lights or signs are required.

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 by Medford Public Works Department and paid for by Developer.

c. Pavement Moratoriums

There is no pavement cutting moratorium currently in effect along this frontage to East McAndrews Road or Springbrook Road.

3. Access to Public Street System

The applicant proposes two driveway accesses; one on Springbrook Road at the north end of the development and one on East McAndrews Road at the east end of the development. The alternate access criteria was addressed in the Transportation Impact Analysis (TIA) for ZC-15-126. The TIA showed that allowing the two proposed accesses improves the operations of the intersection of Springbrook Road and East McAndrews Road. Public Works supports the proposed driveway locations as shown on the preliminary site plan.

The applicant shall restripe the center median on East McAndrews Road to provide MUTCD compliant two-way-left-turn markings that provide at least 50 feet of storage for the eastbound left turn into the development driveway.

In accordance with MLDC 10.550, the driveways shall both be built with radius approaches, and have a maximum width of 36-feet.

A cross-access easement shall be required to be granted to tax lot 3600 in accordance with MLDC 10.550, and in a form acceptable to the City of Medford. Site design shall accommodate the future use of such accesses.

Discretionary:

Both driveways shall be installed, with paved vehicle access to/from any buildings to both driveways, prior to occupancy of the first building in any phase of the development.

The bus pad shown on East McAndrews Road shall be moved west, closer to the intersection, so a bus can pull into the right hand lane and westbound traffic on East McAndrews Road can use the other through lane to pass the bus if the signal is green. At the location shown, the bus would block all westbound traffic because there is only one travel lane.

4. Transportation System

ZC-15-126 was conditioned to provide a southbound left turn lane on Springbrook Road. The applicant shall provide said turn lane prior to occupancy of the first building in any phase of the development. The turn lane shall be marked as a two-way-left-turn and provide at least 50 feet of storage for the southbound left turn into the development driveway.

ZC-15-126 was conditioned to provide a northbound right turn lane on Springbrook Road. The applicant shall provide said turn lane prior to occupancy of the first building in any phase of the development.

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.

East McAndrews Road and Springbrook Road:

The additional right-of-way on East McAndrews Road and Springbrook Road will provide the needed width for a future planter strip and sidewalk. East McAndrews Road is a 35 mile per hour facility, which currently carries approximately 9,400 vehicles per day, and Springbrook Road is a 35 mile per hour facility, which currently carries approximately 10,100 vehicles per day. The 10-foot planter strip moves pedestrians a safe distance from the edge of the roadway. East McAndrews Road and Springbrook Road will be a primary routes for pedestrians traveling to and from this development. The development shall construct approximately 600 linear feet of sidewalk along the frontage of the property. All developments in Medford are required to construct frontage sidewalk.

The City assesses System Development Charges (SDCs) to help pay for acquisition of right-of-way and construction of additional Arterial & Collector Street capacity required as a result of new development. Because a mechanism exists in the form of SDC credit for right-of-way dedication and street improvements in accordance with Medford Municipal Code (MMC) 3.815 and other applicable parts of the Code, to fairly compensate the applicant, the conditions of MLDC, Section 10.668 are satisfied.

Dedication of the Public Utility Easement (PUE) 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

Developer shall comply with the sanitary sewer conditions of ZC-15-126.

The proposed development is situated within the Medford sewer service area. The Developer shall provide one separate individual service lateral to the site or ensure that the site is served by an individual service lateral. All unused laterals adjacent and stubbed to the development shall be capped at the main.

C. STORM DRAINAGE

1. Drainage Plan

A comprehensive drainage plan showing the entire project site with sufficient spot elevations to determine direction of runoff to the proposed drainage system, and also showing elevations on the proposed drainage system, shall be submitted with the first building permit application for approval.

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. Detention and Water Quality

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

4. Certification

Upon completion of the project, and prior to certificate of occupancy of the building, the Developer's design engineer shall certify that the construction of the stormwater quality and

detention system was constructed per plan. Certification shall be in writing and submitted to the Engineering Division of Public Works. Reference Rogue Valley Stormwater Quality Design Manual, Appendix I, Technical Requirements.

5. Erosion Prevention and Sediment Control

All development that disturbs 5,000 square feet or greater shall require an Erosion Prevention and Sediment Control Plan. Developments that disturb one acre and greater shall require a 1200C permit from the Department of Environmental Quality (DEQ). Erosion Prevention and Sediment Control Plans shall be submitted to the Building Department with the project plans for development. All disturbed areas shall be covered with vegetation or properly stabilized prior to certificate of occupancy.

D. GENERAL CONDITIONS

1. 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.

2. 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.

3. System Development Charges (SDC)

Buildings in this development are subject to SDC fees. All SDC fees shall be paid at the time individual building permits are issued.

Prepared by: Jodi K Cope

Reviewed by: Doug Burroughs

SUMMARY CONDITIONS OF APPROVAL

1380 Springbrook Road (TL 3500)

Circle K Mini-Store/Car Wash and Coffee Kiosk

AC-19-028

A. Streets

1. Street Dedications to the Public:

- East McAndrews Road & Springbrook Road – Dedicate additional right-of-way, as required.
- Dedicate 10-foot Public Utility Easement (PUE) along the developments respective frontages.

2. Improvements:

Public Streets

- East McAndrews Road & Springbrook Road improvements have been completed, aside from 5-foot wide sidewalk and 10-foot planter strip and as outlined under "Transportation System". Sidewalk shall be 7-feet wide, and curbtight along the north side of Springbrook Road.
- Submittal of grading plan to address ADA requirements for public sidewalks.

Lighting and Signing

- No additional street lights are required.

Access to Public Street System

- Public Works supports the proposed driveway locations as shown on the preliminary site plan.
- Both driveways shall be installed, with paved vehicle access to/from any buildings to both driveways, prior to occupancy of the first building in any phase of the development.
- The bus pad shown on McAndrews Rd shall be moved west, closer to the intersection.
- Restripe the center median on East McAndrews Road.
- Driveways shall both be built with radius approaches, and have a maximum width of 36-feet.
- A cross-access easement granted to tax lot 3600. Site design shall accommodate the future use of such accesses.

Transportation System

- Comply with Transportation System conditions outlined above.

Other

- There is no pavement moratorium currently in effect on East McAndrews Road or Springbrook Road.

B. Sanitary Sewer:

- Ensure or construct separate individual sanitary sewer connection.
- Cap remaining unused laterals at the main.

C. Storm Drainage:

- Provide a comprehensive grading and drainage plan.
- Provide water quality and detention facilities, calculations and O&M Manual.
- Provide engineers 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.

Steffen K. Roennfeldt

From: Roger E. Thom
Sent: Thursday, January 24, 2019 1:42 PM
To: 'Todd Powell'
Cc: matt@kistlersmallwhite.com; Steffen K. Roennfeldt; Butch Price; 'Brandon Price'
Subject: RE: PA-18-177 Double R Springbrook Road Development - Sewer

Todd:
Calcs are acceptable.
Thanks,
Roger

From: Todd Powell [mailto:todd@powellengineeringconsulting.com]
Sent: Thursday, January 24, 2019 11:44 AM
To: Roger E. Thom <Roger.Thom@cityofmedford.org>
Cc: matt@kistlersmallwhite.com; Steffen K. Roennfeldt <Steffen.Roennfeldt@cityofmedford.org>; Butch Price <butch@doublerproducts.com>; 'Brandon Price' <brandon@doublerproducts.com>
Subject: PA-18-177 Double R Springbrook Road Development - Sewer

Hello Roger,

As you know, our Pre-Application for Double R Products Springbrook Road development listed a sewer capacity issue for the downstream sewer system. Hence, our total sewer flows shall not exceed the previous zoning limitation of 12-Units. I have researched the Uniform Plumbing Code and the Oregon Plumbing Specialty Code for information regarding comparative sewage flow for different uses. You had also sent me DEQ's OAR 340-071-0220 TABLE 2 Quantities of Sewer Flow. This table is similar to what I found in the UPC. Both of these are attached.

Below, I have shown my sewer calculations. Note where the data is referenced from. For the car wash, I am using industry standards based on conversations with Istobal, the supplier. Can you please review for concurrence of my methodology and results? I will submit this in signed letter format during our application if acceptable. Thank you.

CITY OF MEDFORD
EXHIBIT # L
File # AC-19-028

**ESTIMATED SEWAGE FLOWS
DOUBLE R PRODUCTS - SPRINGBROOK DEVELOPMENT**

Proposed Sewage Flow Rates

Proposed Building	Area (SF)	Use	# Employees	# Shifts	GALLONS PER	
					GPD	Unit
Convenient Store	3300	Stores			1	per 10 sq.
Future Retail	12300	Stores			1	per 10 sq.
Coffee Kiosk	360	Restaurant	3	3	20	per employ

* data based on 2018 Uniform Plumbing Code Table H 201.1(4) Estimated Waste/Sewage Flow Rates

Proposed Building	Area (SF)	Gallons Per Car	Water Reuse	Net Gallons per Car	# Cars per hour	Hours per Day	# Cars per Day
Car Wash**	1304	25	5	20	12	8	96

** data based on conversations with Istobal Regional Sales Manager

TOTAL PROPOSED SEWAGE FLOW (GPD)

Allowed Sewage Flow Rates

	No. Units	# Bedrooms per Unit	Calculated GPD per Unit	Min. GPD per Unit	Total GPD
Dwellings ***	12	3	375	450	5400

*** data from OAR 340-071-0220 Table 2 Quantities of Sewage Flow

TOTAL ALLOWED SEWAGE FLOW (GPD) = 5400

Summary

Allowed Sewage GPD = 5400 > 3660 Proposed Sewage GPD
OK

Todd D. Powell, P.E.
POWELL engineering + consulting
541.613.0723
powellengineeringconsulting.com



BOARD OF WATER COMMISSIONERS
Staff Memo

TO: Planning Department, City of Medford
FROM: Rodney Grehn P.E., Water Commission Staff Engineer
SUBJECT: AC-19-028
PARCEL ID: 371W20AB TL 3500
PROJECT: Consideration of plans for the construction of a 370 square foot standalone coffee kiosk, a 3,300 square foot convenience store, and a 1,304 square foot car wash and gas pumps on approximately 2.5 acres located at 1380 Springbrook Road within the C-C (Community Commercial) zoning district (371W20AB3500). Applicant: Double R Products; Agent: KSW Architects; Planner: Steffen Roennfeldt.
DATE: March 27, 2019

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

CONDITIONS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.
3. The existing ¾-inch water meter located along the east side of Springbrook Road is required to be abandoned. (See Comment 4 below).
4. Installation of "new" water meter(s) is required for the proposed Coffee Kiosk, and the proposed Car Wash and Convenience store. The applicants civil engineer shall coordinate with MWC engineering department for approved water meter locations for the Coffee Kiosk, Car Wash, and Convenience Store.
5. Applicant shall coordinate with Medford Fire Department and Medford Water Commission for approved fire hydrant locations.

COMMENTS

1. Off-site water line installation is not required.
2. On-site water facility construction is not required if Medford Fire Department does not require "on-site" fire hydrants.

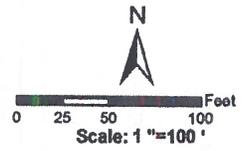
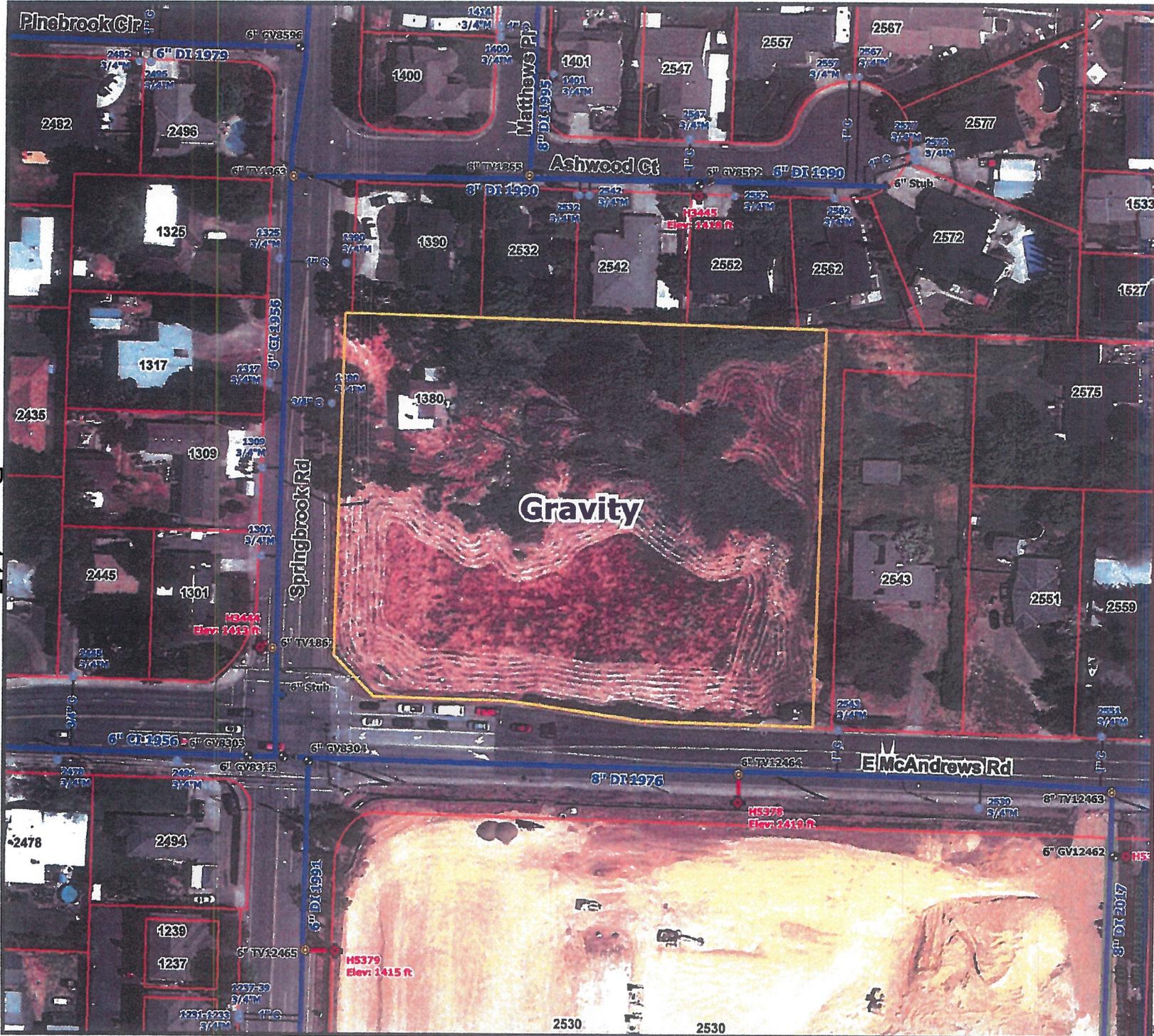
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CITY OF MEDFORD
EXHIBIT # M
File # AC-19-028



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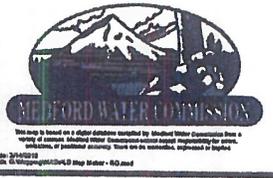
3. Static water pressure at this site is approximately 75 psi, pressure reducing valves (PRV's) are not required.
4. The existing ¾-inch water meter located along the east side of Springbrook Road that once served the old "on-site" house at 1380 Springbrook Road is required to be abandoned. Due to the required right-of-way dedication on the east side of Springbrook Road; the existing water service line and meter box will be unable to serve the proposed Coffee Kiosk as the existing copper service line would require the installation of a "splice" to extend the line. MWC no longer allows "splicing" of water service lines as it creates a potential leak under the roadway. (See Condition 4 above)
5. Access to MWC water lines is available. There is an existing 6-inch water line on west side of Springbrook Road, along with an 8-inch water line on the south side of E McAndrews Road.



Water Facility Map
City of Medford
Planning Application:
AC-19-028
(371W20AB3500)
March 13, 2019

Legend

- Air Valve
 - Sample Station
 - Fire Service
 - ◆ Hydrant
 - ▲ Reducer
 - Blow Off
 - + Plugs-Caps
- Water Meters:**
- Active Meter
 - On Well
 - Unknown
 - Vacant
- Water Valves:**
- Butterfly Valve
 - Gate Valve
 - Tapping Valve
- Water Mains:**
- Active Main
 - - - Abandoned Main
 - Reservoir Drain Pipe
 - Pressure Zone Line
- Boundaries:**
- ▭ Urban Growth Boundary
 - ▭ City Limits
 - ▭ Tax Lots
- MWC Facilities:**
- C Control Station
 - P Pump Station
 - R Reservoir



Memo



To: Planner, Steffen Roennfeldt
From: Chad Wiltrout, Building Department (541) 774-2363
CC: Applicant: Double R Products; Agent: KSW Architects
Date: March 27, 2019
Re: March 27, 2019 LDC Meeting: AC-19-028

Please Note:

This is not a plan review. Unless noted specifically as Conditions of Approval, general comments are provided below based on the general information provided; these comments are based on the 2014 Oregon Structural Specialty Code (OSSC) unless noted otherwise. Plans need to be submitted and will be reviewed by a commercial plans examiner, and there may be additional comments.

Fees are based on valuation. Please contact Building Department front counter for estimated fees at (541) 774-2350 or building@cityofmedford.org.

For questions related to the Conditions or Comments, please contact me, Chad Wiltrout, directly at (541) 774-2363 or chad.wiltrout@cityofmedford.org.

General Comments:

1. For list of applicable Building Codes, please visit the City of Medford website: www.ci.medford.or.us Click on "City Departments" at top of screen; click on "Building"; click on "Design Criteria" on left side of screen and select the appropriate design criteria.
2. All plans are to be submitted electronically. Information on the website: www.ci.medford.or.us Click on "City Departments" at top of screen; click on "Building"; click on "Electronic Plan Review (ePlans)" for information.
3. A site excavation and grading permit will be required if more than 50 cubic yards is disturbed.
4. A separate demolition permit will be required for demolition of any structures not shown on the plot plan.

Comments:

5. *The proposed building and site shall comply with all of the applicable ADA requirements scoped from the 2014 OSSC and ANSI A117.1*
6. *The building and building appurtenances shall be designed by an Oregon licensed design professional in accordance with 107.1 and 107.3.4 OSSC.*
7. *A code analysis providing the Fire Life Safety provisions of the code for the proposed applications such as occupant loading, construction type, occupancy group, mixed use requirements, fire protection systems, means of egress plan, fire separation distances etc... will be required.*

CITY OF MEDFORD
EXHIBIT # J
File # AC-19-028

8. A geotechnical engineer shall provide a design for soils at building locations pursuant to 1803 of the Oregon Structural Specialty Code.
9. Com-check forms are required for interior and exterior lighting, exterior envelope, mechanical equipment and water heating equipment to show energy compliance with the 2014 OEESC.
10. Special inspections will be required for this project based on the type of construction and construction methods based on chapter 17 of the OSSC.
11. The applicable code requirements for fuel dispensing facilities shall also comply with appendix "N" and appendix "D" of the 2014 OSSC and OMSC.



Medford Fire-Rescue Land Development Report

Review/Project Information

Reviewed By: Kleinberg, Greg

Review Date: 3/25/2019
Meeting Date: 3/27/2019

LD File #: AC19028

Planner: Steffen Roennfeldt

Applicant: Double R Products

Project Location: 1380 Springbrook Road within the C-C (Community Commercial) zoning district

ProjectDescription: Consideration of plans for the construction of a 370 square foot standalone coffee kiosk, a 3,300 square foot convenience store, and a 1,304 square foot car wash and gas pumps on approximately 2.5 acres located

Specific Development Requirements for Access & Water Supply

Table with 3 columns: Reference, Comments, Conditions, Description. Contains two rows of fire safety requirements (OFC 508.5 and OFC 503.4) and handwritten notes including 'EXHIBIT # AC-19-028'.

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>

Other Flammable liquid tank fire code construction permits shall be obtained prior to installing the underground fuel tanks.

Construction General Information/Requirements

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

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

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

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

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

www.medfordfirerescue.org



Rogue Valley Transportation District

From the Desk of Sean Eisma, Planning Technician

3200 Crater Lake Avenue • Medford, Oregon 97504-9075

Phone (541) 608-2421 • Fax (541) 773-2877

Visit our website at: www.rvtd.org

TO: Steffen Roenfeldt
FROM: Sean Eisma
DATE: March 27, 2019
RE: PA-18-177 (1380 Springbrook Road)

Rogue Valley Transportation submits the following updated comments:

Updated: 03-27-19

Rogue Valley Transportation no longer seeks a passenger waiting area on the frontage of Springbrook Road. This stop will be relocated south of McAndrew's Road. We still desire the waiting area along the frontage of McAndrews Road as per the comments below.

The McAndrews Road crosstown route will be a major connector to routes traveling to White City, Central Point, West Medford, and Jacksonville. Based on the anticipated ridership numbers, RVTD requests ~~2~~ 1 passenger waiting area, measuring 8' X 18' each, to accommodate a passenger shelter; one along the south frontage of lot 1, ~~and one centered along the western frontage of lot 1.~~ The stop location will need to be placed behind the sidewalk. The location will include the install of a bus shelter, and trash receptacle.

RVTD would like to work with the property owner to get an easement for the private property needed to accommodate the request.

Thank you for this opportunity to comment. Please do not hesitate to contact me with questions.

Sincerely,

Sean Eisma

CITY OF MEDFORD
EXHIBIT # 9
File # AC-19-078



City of Medford

Planning Department

Working with the community to shape a vibrant and exceptional city

MEMORANDUM

Subject Legal Description
 File no. AC-19-028
 To Jon Proud, Engineering
 From Steffen Roennfeldt, Planning Department
 Date March 13, 2019

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

1. AC-19-028
 Applicant: Double R Products
 Agent: Kistler Small + White

Steffen, the description matches the subject area depicted on the vicinity map.
 Thanks, Jon 3/21/19

cp

Attachments:

Vicinity Map, Legal description

CITY OF MEDFORD
 EXHIBIT #
 File #
 AC-19-028

Exhibit "A"

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

RECEIVED

FEB 12 2019

PLANNING DEPT.

THE WEST 3 ACRES OF THE FOLLOWING DESCRIBED TRACT OF LAND TO-WIT: COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 20 TOWNSHIP 37 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON, AND RUNNING THENCE EAST 10 CHAINS; THENCE NORTH 5 CHAINS; THENCE WEST 10 CHAINS; THENCE SOUTH 5 CHAINS TO THE PLACE OF BEGINNING. EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF MEDFORD AS DESCRIBED IN WARRANTY DEED RECORDED MAY 31, 1994 AS DOCUMENT NO. 94-20368.

NOTE: THIS LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 01, 2008.

CITY OF MEDFORD

EXHIBIT #

File # AC-19-028

10



City of Medford
Planning Department

Vicinity
 Map

File Number:

AC-19-028

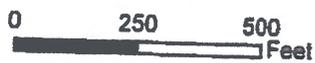


Project Name:

**Circle K Mini Store &
 Car Wash**

Map/Taxlot:

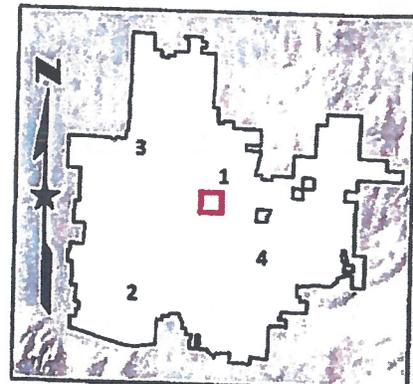
371W20AB TL 3500



Legend

-  Subject Area
-  Zoning Districts
-  Tax Lots

02/13/2019



L-59018 94-20368

EXHIBIT A

Commencing at the southwest corner of the Northwest Quarter of the Hawthorn Quarter of Section 20, Township 37 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon, thence along the centerline of East McAndrews Road as shown on the official plat of Main Woods Estates Subdivision, row of record, Jackson County, Oregon, South 89°53'30" East, 265.08 feet, thence North 00°06'30" East, 25 feet to the northerly right of way line of East McAndrews Road for the point of beginning; thence North 80°02'56" West, 100.72 feet; thence along a line lying 37 feet northerly of and parallel with said centerline of East McAndrews, North 89°50'30" West, 104.31 feet; thence North 45°23'14" West, 43.48 feet to the easterly right of way line of Springbrook Road; thence along said easterly right of way line South 80°05'50" East, 42.48 feet to the northerly right of way line of East McAndrews Road; thence along said northerly right of way line South 89°53'30" East, 235.17 feet to the point of beginning.

(Code 49-1, Account #1-33307-7, Map #371400AB, Portion Tax Lot #1500)

SUBJECT TO:

1. The effect of said property, or any part thereof, lying within the Madford Irrigation District, and subject to all water and irrigation rights, assessments for ditches and canals, and all regulations of said District, including any and all assessments, liens and charges assessed, and to be assessed.
2. Easement over that portion lying within East McAndrews Road and Springbrook Road. (County Road)
3. Water and mineral rights reserved in United States patent recorded in Volume 13 page 46 of the Deed Records of Jackson County, Oregon.
4. Rights of way for irrigation lateral ditches now laid out or constructed, reserved in deed from the Madford Irrigation District recorded in Volume 258 page 70 of the Deed Records of Jackson County, Oregon.
5. Easement for communication line purposes granted to Pacific Northwest Bell Telephone Company in document recorded February 27, 1989 as No. 89-03609 and re-recorded February 15, 1991 as No. 91-03399 of the Official Records of Jackson County, Oregon.

Page 126

✓ 76 P 591
ORIG 50' ROAD

✓ 400 - P 202

2

Jackson County, Oregon
Recorded
OFFICIAL RECORDS

8:30 MAY 31 1994 AM

KATHLEEN S. BECKETT
CLERK and RECORDER
JACKSON COUNTY, OREGON

04-20369

JACKSON COUNTY TITLE DIVISION
CONTINENTAL LANDERS TITLE COMPANY
502 W. Main Street (P. O. Box 218) Medford, OR 97501 (503) 779-2811
STREET WIDENING
WARRANTY DEED

1-59513

ID
10
JK

KNOW ALL MEN BY THESE PRESENTS, that,

MARION ELIZABETH OWENS

hereinafter called the Grantor, for the consideration hereinafter stated, to Grantor
paid by

CITY OF MEDFORD

hereinafter called the Grantee, does hereby grant, bargain, sell and convey unto the
said Grantee and Grantee's heirs, successors and assigns, that certain real property
with the easements, hereditaments and appurtenances thereto belonging or appertain-
ing, situated in the County of JACKSON, State of Oregon, described as follows
to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MAKE A PART HEREOF

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

And Grantor hereby covenants to and with Grantee and the heirs of the survivor and
their assigns, that Grantor is lawfully seized in fee simple of the above granted
premises, free from all encumbrances, EXCEPT
SEE EXHIBIT "A" ATTACHED HERETO AND MAKE A PART HEREOF

and that Grantor will warrant and forever defend the said premises and every part and
parcel thereof against the lawful claims and demands of all persons whatsoever, except
those claiming under the above described encumbrances.

THE TRUE AND ACTUAL CONSIDERATION paid for this transfer, stated in terms of dollars
is \$7,405.75

WHERE THE CONTEXT SO REQUIRES, the singular includes the plural and all grammatical
changes shall be applied to make the provisions hereof apply equally to individuals and
to corporations.

IN WITNESS WHEREOF, the grantor has executed this instrument this 27th day of
May, 1994.

"THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN
VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS
INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THIS PROPERTY SHOULD CHECK WITH THE APPRO-
PRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, AND TO DETERMINE ANY
LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930."

Marion Elizabeth Owens
MARION ELIZABETH OWENS

STATE OF OREGON
COUNTY OF Jackson

The foregoing instrument was acknowledged before me this 27th day of May, 1994,
by

MARION ELIZABETH OWENS

Jodi Redhead
JOE REDHEAD
NOTARY PUBLIC - OREGON
My Commission Expires 12-17-94

SPACE FOR RECORDER'S USE

Full Tax Statements to:
Grantee
411 W. 8TH STREET
MEDFORD OR 97501

RETURN TO JACKSON COUNTY TITLE DIVISION
300 WEST MAIN ST., MEDFORD, OR 97501

Steffen K. Roennfeldt

From: Amber Judd <JuddAJ@jacksoncounty.org>
Sent: Friday, March 22, 2019 12:37 PM
To: Steffen K. Roennfeldt
Subject: File No. AC-19-028 Project Name: Circle K Mini Storage & Car Wash

Steffen,

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. 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 200 ft 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 Airport Region/District Office for On Airport construction.

Results

You exceed the following Notice Criteria:

Your proposed structure exceeds an instrument approach area by 7 feet and aeronautical study is needed to determine if it will exceed a standard of subpart C of 14CFR Part 77. The FAA, in accordance with 77.9, requests that you file.

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.

77.9(b) by 14 ft. The nearest airport is MFR, and the nearest runway is 14LF/32RF.

The FAA requests that you file.

Thank you,

CITY OF MEDFORD
EXHIBIT # R
File # AC-19-028

Amber Judd

Deputy Director-Administration
Rogue Valley International-Medford Airport (MFR)



1000 Terminal Loop Parkway, Suite 201
Medford, Oregon 97504
541-776-7222



MEDFORD IRRIGATION DISTRICT

PO Box 70.
Jacksonville OR 97530
Office (541)899-9913
Fax (541)899-9968

City of Medford
Planning Department
Lausmann Annex
200 South Ivy Street
Medford, OR 97501
ATTN: Steffen Roennfeldt
RE: FILE NO. AC-19-028
Project Name: Circle K Mini Store & Car Wash
371w20AB TL 3500

March 21, 2019

Medford Irrigation District holds a water right with 1 acre appurtenant to the property within this project. Prior to development the district requires the water right to be transferred off the property. You can contact the district office to begin the transfer process or if you have any questions.

Sincerely,



Jack G. Friend
Manager
Medford Irrigation District
Medid@medfordid.org
541-899-9913

CITY OF MEDFORD
EXHIBIT # S
File # AC-19-028

Steffen K. Roennfeldt

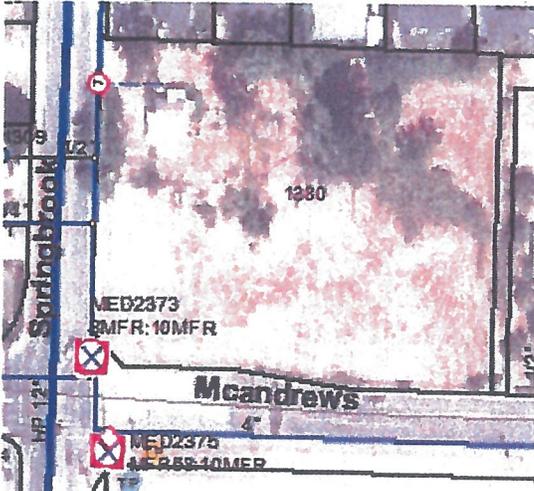
From: McFadden, David <David.McFadden@avistacorp.com>
Sent: Thursday, March 14, 2019 2:52 PM
To: Steffen K. Roennfeldt
Subject: RE: Review of File AC-19-028

To whom it may concern:

Avista Utilities, the natural gas provider in the Rogue Valley, sees no conflict with this proposal and strongly supports CIRCLE K's continued growth and service in and to our community.

Avista would prefer to serve the proposed building from the natural gas distribution main located on the east side of Springbrook Rd. A new service to the building can be installed at no cost to the project. A recommended location for the meter set would be about middle of the west side of the building, in the landscaping, north of the shown entrance and concrete pad.

Also, any excavation planned into the Springbrook Road right of way should take into consideration that Avista has a high pressure gas line within the right of way. Extreme care should be exercised during any excavation. Please have your excavator call the State of Oregon's "811" ONE CALL LOCATING SYSTEM at least 36 hours before digging.



While not part of this project, it would appear that natural gas service to FUTURE building would best be provided to the south side of southeast corner of the building, and from E. McAndrews Rd.

Sincerely Yours

David McFadden
Gas Facility Designer



Post Office Box 1709
Medford, Oregon 97501
580 Business Park Drive
Medford, OR. 97504

CITY OF MEDFORD
EXHIBIT # T
File # AC-19-018

35

Cell 541-941-4055
Office 541-858-4740
Fax 509-777-5584

***For Information on Programs, Incentives and Cash
Rebates for your Home, Rental or Business, visit
<https://www.avistautilities.com/savings/rebates/Pages/default.aspx>***

Or call Energy Trust of Oregon @ 1-866-368-7878.

Avista Fuel Cost Calculator
<https://www.avistautilities.com/savings/suite/Pages/fuelcalculator.aspx>

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CITY OF MEDFORD

PLANNING DEPARTMENT

10.328 Community Commercial, C-C.

The C-C district provides land for the development of commercial facilities servicing the shopping needs of the community and is typically comprised of community shopping centers. All uses, except as noted in section 10.337, do not exceed 50,000 square feet of gross floor area.

SIC Code

General List of Permitted Uses*

- 001 Business offices, not elsewhere classified
- 003 Marijuana related laboratory, dispensary and retail (special standards)
- 742 Small animal clinics non-livestock
- 75 Dog grooming only
- 271 Newspaper printing and publishing
- 40 Railroads
- 41 Local and interurban passenger transit, EXCEPT school bus service
- 42 US Postal Service
- 481 Telephone communication services
- 482 Telegraph communication services
- 52 Building materials and garden suppliers, EXCEPT 527 – mobile home dealers
- 53 General merchandise stores
- 54 Food stores
- 55 Automotive dealers and stations
- 56 Apparel and accessory stores
- 57 Furniture and home furnishing stores
- 58 Eating and drinking places (special standards – with outdoor eating)
- 59 Miscellaneous retailers, not elsewhere classified, EXCEPT 596 – non-store retailers and 598 – fuel dealers
- 60 Banking establishments
- 61 Credit agencies other than banks
- 62 Security, commodity brokers and services
- 63 Insurance carriers
- 64 Insurance agents, brokers and services
- 65 Real estate operators, lessors, owners, agents, developers, buyers and sellers
- 67 Holding and other investment offices
- 70 Hotels and other lodging places, EXCEPT 703 – camps and recreational vehicle parks
- 72 Personal services (special standards for funeral services and crematories)
- 73 Business services
- 75 Auto repair, services and garages
- 76 Miscellaneous repair services
- 78 Motion picture production, distribution, exhibition and rental
- 79 Amusement and recreation services

OVER

“Working with the Community to Shape a Vibrant and Exceptional City”

Lausmann Annex • 200 South Ivy Street • Medford OR 97501
 Phone (541)774-2380 • fax (541)618-1708 EXHIBIT # U
 www.ci.medford.or.us File # AC-19-028

10.328 **Community Commercial, C-C.**
General List of Permitted Uses
2019

SIC Code General List of Permitted Uses*

80	Health services, EXCEPT hospitals
81	Legal services
82	Educational services, EXCEPT elementary and secondary schools
83	Social services (special standards for child day care)
841	Museums and art galleries
86	Membership organizations
87	Engineering, accounting, and miscellaneous professional and management services
881	Dwelling units (special standards)
899	Miscellaneous services, not elsewhere classified
91	Executive, legislative and general government offices
92	Justice, public order, and safety (government establishments)
93	Finance, taxation and monetary policy (government establishments)
94	Administration of human resources (government establishments)
95	Administration of environmental quality and housing (government establishments)
96	Administration of economic programs (government establishments)
97	National security and international affairs (government establishments)

Conditional Uses

002	Public parks, recreation and leisure facilities
481	Wireless communication support structure
821	Elementary and secondary schools
842	Botanical and zoological gardens

*For a complete list of permitted uses, refer to Section 10.337 of the *Medford Land Development Code*. Uses not specifically listed may be prohibited. The numbers and titles listed are based on the 1987 *Standard Industrial Classification Manual* (SIC).

I. EXECUTIVE SUMMARY

Summary

Southern Oregon Transportation Engineering, LLC prepared a traffic impact analysis for a proposed zone change from single family residential (SFR-4) to community commercial (C-C) in Medford, Oregon. The development is located on the northeast corner of McAndrews Road and Springbrook Road on 2.50 acres (3.00 gross acres) at Township 37S Range 1W Section 20AB, tax lot 3500.

Access to the site is provided from both McAndrews Road and Springbrook Road. Under C-C zoning the site has the potential to generate up to 3,750 average daily trips (ADT) using the City of Medford's 1500 ADT per acre estimation. Three hundred seventy five of the trips are estimated to occur during the p.m. peak hour. The distribution of 375 p.m. peak hour trips to the transportation system impacts 13 intersections involving collectors and arterials with 25 or more peak hour trips. Refer to Figure 1 in Appendix A for a vicinity map outlining the study area.

Thirteen study area intersections were evaluated under existing year 2015, design year 2018, and future year 2023 no build and build conditions to determine what impacts the proposed zone change will have on the transportation system.

Conclusions

The findings of the traffic impact analysis conclude that the proposed zone change from SFR-4 to C-C on 2.50 acres (3.00 gross acres) at Township 37S Range 1W Section 20AB, tax lot 3500 in Medford, Oregon can be accommodated on the existing transportation system with a couple of improvements and/or conditions without creating adverse impacts. Intersection operations and safety was evaluated to address development impacts to the surrounding area. Results of the analysis show the following:

1. All study area intersections operate acceptably under existing year 2015, design year 2018, and future year 2023 no-build and build conditions during the p.m. peak hour.
2. There were no safety concerns as a result of 95th percentile queue lengths or crash histories.
3. Sight distance is unrestricted on Springbrook Road and McAndrews Road at proposed development access points.
4. Left turn lane criterion is shown to be met southbound on Springbrook Road at the development access under design year 2018 and future year 2023 build conditions. Right turn lane criterion is shown to be met northbound on Springbrook Road at the development access under the same conditions. Our recommendation is to include a requirement for both turn lanes, but to provide the applicant an option to re-assess the need for turn lanes at the time of development since the zone change analysis is based on a reasonable worst case condition. Criterion for a northbound right turn lane is not met on Springbrook Road if the actual proposed development generates less than 270 trips during the p.m. peak hour.

The proposed zone change is in compliance with the Medford Comprehensive Plan pursuant to Medford Land Development Code 10.227(1) and Goal No. 3, Policy 1 of the Public Facilities Element. Streets that serve the subject property will accommodate projected p.m. peak hour traffic volumes within acceptable levels of service with identified improvements.

S.O. TRANSPORTATION ENGINEERING, LLC | August 26, 2015 | NE Springbrook-McA Traffic Analysis | 5

File #

CITY OF MEDFORD

EXHIBIT #

AE-19-028

Roll Call Vote: Motion passed, 9-0.

50.4 ZC-15-126 Consideration of a request for a zone change from SFR-4 (Single Family Residential, four dwelling units per acre) to C-C (Community Commercial) on a 2.5 acre parcel located at the northeast corner of East McAndrews Road and Springbrook Road. (Thomas Fox Properties, LLC, Applicant; Ian Foster, Agent)

Chair McFadden inquired whether any Commissioners have a conflict of interest or ex parte communication they would like to disclose. Commissioner Pulver stated that he has involvement with this application and recused himself. Commissioner McKechnie stated the same goes for him and he recused himself.

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

Aaron Harris, Planner II, read the zone change criteria and gave a staff report.

The public hearing was opened.

a. Ian Foster, 2435 Lyman Avenue, Medford, Oregon, 97504. Mr. Foster reported that the applicant requests a slight modification or amendment to the stipulation regarding sewer outflows. The current condition as it is worded states that future development on the site shall not exceed the output of what is currently allowed under the SFR-4 Zoning District until the developer makes improvements to the downstream sanitary sewer system to alleviate the existing capacity constraints. The applicant requests that instead of it requiring the developer make the improvements to the downstream sanitary sewer system it should simply say "until the necessary improvements are made to the downstream sanitary sewer system to alleviate the existing capacity constraints." They feel that the stipulation as is does not meet the proportionality test having a developer for this site make the sewer improvements several miles downstream is a balanced approach to alleviating the problem. It would be more of a collaborative effort among more than one stakeholder in the City. The number they were given to fix the sewer problem was approximately \$600,000 which is more than twice the value of the property they are discussing this evening.

b. Joan Baer, 2543 E. McAndrews, Medford, Oregon, 97504. Ms. Baer stated that her concern is that this has been a residential area all this time. Supposedly a retirement home is being built across the street and now a commercial on the other corner. Her concern is that it would devalue her home. She is also concerned with flooding of her backyard field.

Mr. Georgevitch addressed the drainage issue stating that Public Works does not do a detailed drainage analysis at time of zone change. They verify there is adequate capacity. When a specific development plan comes in they will require hydrology analysis to determine that they will not be impacting any adjoining property owners and

making sure it naturally flows through the site is adequately handled through this development.

Mr. Georgevitch commented on the Public Works staff report stating that item I. Sanitary Sewer Facilities states "...or the Developer make improvements to the downstream sanitary sewer system to alleviate the capacity constraints". Public works has no problem striking "Developer" and adding "when there are adequate facilities to the downstream sanitary sewer system to alleviate the capacity constraints", which is their normal process. It would be up to the applicant to be able to prove that and go through Section 10.228 of the Code to have that removed through the Planning Director.

Chair McFadden asked Mr. Foster if he wanted to exercise his rebuttal time. Mr. Foster indicated that he did not need any rebuttal time.

The public hearing was closed.

Motion: The Planning Commission adopts the findings as recommended by staff and adopts the Final Order for approval of ZC-15-126 per the staff report dated December 3, 2015, including Exhibits A through J and changing the wording on the Public Works staff report, page 95, Item I. Sanitary Sewer Facilities, by striking the word "Developer" and adding "when there are adequate facilities to the downstream sanitary sewer system to alleviate the capacity constraints".

Moved by: Vice Chair Miranda

Seconded by: Commissioner Fincher

Roll Call Vote: Motion passed, 7-0-2, with Commissioner Pulver and Commissioner McKechnie recusing themselves.

50.5 ZC-15-143 Consideration of a request for a change of zone from SFR-10 (Single Family Residential, ten dwelling units per gross acre) to MFR-20 (Multiple-Family Residential, 20 dwelling units per gross acre) on approximately 6.36 acres located on the west side of North Ross Lane approximately 400' south of West McAndrews Road. (Housing Authority of Jackson County, Applicant; Scott Sinner Consulting, Inc., Agent)

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

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

Tracy Carter, Planner II, stated that the zone change criteria was read in the previous application and gave a staff report.

R-DR

Cnt=1 SHINGLJS

01/15/2016 09:28:40 AM

\$15.00 \$10.00 \$5.00 \$8.00 \$11.00

Total: \$73.00

\$20.00 \$4.00

RECORDING COVER PAGE

PER ORS 205.234

PLEASE FILL OUT
COMPLETE AND LEGIBLE

THIS COVER PAGE HAS BEEN PREPARED BY THE PERSON
PRESENTING THE ATTACHED INSTRUMENT FOR RECORDING
ANY ERRORS IN THIS COVER PAGE DO NOT AFFECT THE
TRANSACTION(S) CONTAINED IN THE INSTRUMENT ITSELF.



01700217201600012110030031

I, Christine Walker, County Clerk for Jackson County, Oregon, certify
that the instrument identified herein was recorded in the Clerk
records

Christine Walker - County Clerk

AFTER RECORDING RETURN TO:

NAME AND ADDRESS OF THE PERSON AUTHORIZED TO RECEIVE THE
INSTRUMENT AFTER RECORDING AS REQUIRED BY ORS 205.180(4)
AND ORS 205.238.

1. NAME OF THE TRANSACTION (S), DESCRIBED IN THE ATTACHED INSTRUMENT(S) AND REQUIRED BY ORS 205.234(A).

NOTE: Transaction as defined by ORS 205.010 "means any action required or permitted by state law or rule federal law or regulation to be recorded including, but not limited to, any transfer encumbrance or release affecting title to or an interest in real property".

Restrictive Covenant
MAP 371W 20AB TL 350D

2. Grantor/Direct (s) as described in ORS 205.160.

Jeanette M. Sieg, Trustee

3. Grantee/Indirect (s) as described in ORS 205.160.

The City of Medford

4. TRUE AND ACTUAL CONSIDERATION PAID for instruments conveying or contracting to convey fee title to any real estate and all memoranda of such instruments, reference ORS 93.030.

5. UNTIL A CHANGE IS REQUESTED, All Tax Statements shall be sent to the following name and address: for instruments conveying or contracting to convey fee title to any real estate reference ORS 93.260

6. SATISFACTION OF ORDER OR WARRANT ORS 205.234 (1) (f).

FULL _____ PARTIAL _____

7. LIEN DOCUMENTS: ORS 205.234 (1) (f). Amount of Lien \$ _____

Effective 09/07/2012

CITY OF MEDFORD
EXHIBIT # X
File # AC-19-028

791

Restrictive Covenant
Map 371W 20 AB, Tax Lot 3500

Jeanette M Sieg, Successor Trustee of the Marion E. Owens Revocable Living Trust, being the record owner of the real property located in Map 371W 20 AB, Tax Lot 3500, Jackson County, State of Oregon described on the attached Exhibit "A", does hereby make the following restrictive covenant pursuant to the Medford Planning Commission's approval on December 10, 2015 of a zone change (File ZC-15-126):

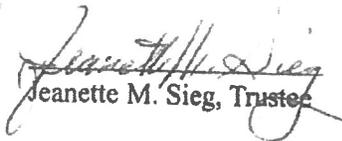
The foregoing property is subject to the following condition and restriction:

Development of the property is limited for sanitary sewer flows to the equivalent of 12 single family residential units until downstream improvements are made or capacity is shown to allow additional development.

This covenant shall run with the land and be effective until an instrument changing or terminating this covenant, signed by the duly authorized representative of the City of Medford, has been recorded.

The foregoing covenant shall be enforceable by suit in equity or action at law by the City of Medford. Failure by the City of Medford to enforce any violation of this covenant shall not be deemed a waiver of the right to do so thereafter.

Dated this 13 day of January, 2016.

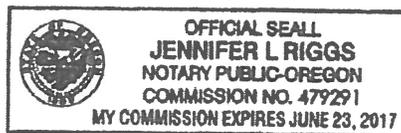

Jeanette M. Sieg, Trustee

The foregoing instrument was acknowledged before me this 13 day of January 2016

by Jennifer L Riggs

Notary Public for Oregon Jennifer L Riggs

My commission expires: June 23, 2017



L-55018 94-20368

EXHIBIT B

Commencing at the southwest corner of the Northwest Quarter of the Northeast Quarter of Section 20, Township 37 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon, thence along the centerline of East McAndrew Road as shown on the official plat of Mass Verde Estates Subdivision, now of record, Jackson County, Oregon, South 89°53'30" East, 265.08 feet, thence North 00°06'30" East, 25 feet to the northerly right of way line of East McAndrew Road for the point of beginning; thence North 83°02'56" West, 100.72 feet; thence along a line lying 37 feet northerly of and parallel with said centerline of East McAndrew, North 89°53'30" West, 104.31 feet; thence North 45°23'14" West, 43.48 feet to the easterly right of way line of Springbrook Road; thence along said easterly right of way line South 00°06'50" East, 42.48 feet to the northerly right of way line of East McAndrew Road; thence along said northerly right of way line South 89°53'30" East, 235.17 feet to the point of beginning.

(Case 4V-1, Account #1-33307-7, Map #371W20A, Portion 7th Lot #3500)

SUBJECT TO:

1. The effect of said property, or any part thereof, lying within the Medford Irrigation District, and subject to all water and irrigation rights, easements for ditches and canals, and all regulations of said District, including any and all assessments, liens and charges assessed, and to be assessed.
2. Easement over that portion lying within East McAndrew Road and Springbrook Road. (County Road)
3. Water and mineral rights reserved in United States patent recorded in Volume 13 page 46 of the Dead Records of Jackson County, Oregon.
4. Rights of way for irrigation lateral ditches now laid out or constructed, reserved in deed from the Medford Irrigation District recorded in Volume 258 page 70 of the Dead Records of Jackson County, Oregon.
5. Easement for communication line purposes granted to Pacific Northwest Bell Telephone Company in document recorded February 27, 1989 as No. 89-03939 and re-recorded February 15, 1992 as No. 91-03399 of the Official Records of Jackson County, Oregon.

Jackson County, Oregon
Recorded
OFFICIAL RECORDS

8:30 MAY 31 1994 AM

KATHLEEN S. BECKETT
CLERK and REGISTER
WOODRUFF COUNTY CLERK

EXHIBIT

A

Judy Farnsworth
1309 Springbrook Rd. • Medford, Oregon 97504
541-245-2600 (home) • 541-301-4580 (mobile) • spousecare@gmail.com

RECEIVED

APR 02 2019

PLANNING DEPT.

Matt Brinkley
Planning Director
City of Medford Planning Department
Lausmann Annex
200 South Ivy St.
Medford, Oregon 97501

Dear Matt Brinkley

Tuesday, April 2, 2019

I am a long-time resident of our great city, and I am writing to express my concern about the proposed construction at the address 1380 Springbrook Road, directly across the street from my home in Medford.

I understand that the addition of a coffee kiosk, a convenience store and a car wash with gas pumps would give a boost to our city's economy and provide much needed job opportunities, but it would also more than double the traffic in an already high traffic area, not to mention adding more dangers to the increasing car and pedestrian foot traffic. The proposed businesses would not only contribute to hazardous conditions, but would also cause an increase of trash, air pollution, criminal activities, increased noise levels, as well as decrease residential property values in our area.

North Medford High School is just 2 blocks from the proposed address. Students going to and from school and during lunch breaks, currently cause an unwanted accumulation of trash in our yards and streets as well as trespassing, theft & vandalism; we don't need an increase of it. The significant increase in air pollution to the ever-growing poor air quality issues in our neighborhood would have, ill-effects. My husband suffers from a sever and incurable respiratory disorder & would greatly suffer from the increased car exhaust/pollution. The Bonaventure Senior Living Community is located on E. McAndrews, also across from the proposed property, is home to numerous residents with a variety of health problems, including respiratory issues. They too could be ill-affected by the addition of the proposed businesses. I believe that the significant increase in traffic could also hinder access for emergency vehicles/personnel to surrounding neighborhood residents in a medical or emergency crisis.

There are already 8 convenience stores, 7 fuel stations, 5 car washes, and 9 coffee kiosks/coffee houses, all within a 2-mile radius of the proposed address. Do we really need to add to the already over-abundance of these types of businesses in such a small area? I would hope that a more suitable location could be found with less negative repercussions. Out of all the possible uses for this recently re-zoned property, the current proposed businesses have the most negative impact in our neighborhood.

Are these tradeoffs something that we really want to make? My neighbors and I, are against this proposed addition to our neighborhood. I am filing to start a petition against the proposed construction at 1380 Springbrook Road.

Sincerely,

Judy Farnsworth

CITY OF MEDFORD
EXHIBIT # Y
File # AG-19-028

NEIGHBORHOOD and COMMUNITY IMPACT

NEGATIVE IMPACT

- Increased traffic
- Increase noise pollution
- Increased poor local air quality
- Increased trash in yards & streets
- Increased dangers to pedestrians
- Increased driving hazards
- Increase in possible traffic accidents
- Increased loitering
- Increased transients digging through trash bins
- Increased property trespassers
- Increase of mischievous activity
- Increased vandalism
- Increased theft
- Increased available hub for drug activity
- Increased hinderance and obstruction to emergency vehicles/personnel
- Increase need for police patrols resulting in further stretching of our police force.

POSSITIVE IMPACT

- Boost for the local economy
- Increase in employment opportunities
- Increase police patrol

1475 Ramada Ave
Medford, OR 97504

Matt Brinkley/ Planning Director
City of Medford Planning Dept.

RECEIVED
APR 09 2019
PLANNING DEPT.

Matt Brinkley,

As the property owner of 1475 Ramada Ave and active voter in Medford and Jackson County elections, I wholeheartedly oppose the proposal to allow a convenience store, gas station, and car wash down the street from my house (Springbrook and McAndrews).

I am thoroughly disgusted with how with enough money or power, people seem to be able to push through their agendas despite community outcry and disapproval by the citizens. We have had this happen in our community before with the low income housing apartments that were put in off of Spring and McAndrews. Despite complete opposition by the community, the project was pushed through.

It looks like the same thing is happening again with this new proposal. If a concerned neighbor hadn't been beating the streets to let as many people know about it as possible, I would have been completely in the dark.

There are many reasons for concern about the proposed project. The decrease in home values is a major concern, but the more disturbing thing is why those home values will be dropping. The biggest reason for the home value drop and my biggest concern has to do with the increase in crime. Many of us have worked very hard in order to purchase homes in safer areas of Medford. Medford doesn't have a particularly good crime rating when compared to other cities of the same population- actually 2.5 times higher than the national average! Meth and other drug abuse, theft, burglary, assaults, etc are a very big issue in Medford as I am sure you are aware. To purposely put a place where such activities are common in the middle of a residential area with 2 schools very close in proximity seems not just foolish, but destructive to the safety of the whole neighborhood.

Another concern has to do with the increase in traffic and noise pollution that would result. Again there are 2 schools in very close proximity and I can attest to the number of children constantly walking and biking in the surrounding areas. To increase traffic on an already congested road would add more danger to the citizens both walking, biking, and driving.

I have little faith in the system as it stands especially after what happened with the low income apartments. Despite environmental, safety, traffic and issues and community outcry, the powers that be went ahead with their project. All I can do is make sure my vote will be heard next election time.

I've included a snippet from the article in the Mail Tribune in 2013 from the disputed "Cherry Creek" apartment project that was met with much the same feelings from the community.

CITY OF MEDFORD
EXHIBIT # 12
File # Ac-19-028

44 ✓

The Cherry Creek project faced criticism from neighbors because they thought a high-density residential complex was out of character with the neighborhood and would generate too much traffic.

The Medford City Council in September 2011 rejected the project. But the Oregon Land Use Board of Appeals ruled that the city made mistakes in denying the Housing Authority's application.

The Housing Authority threatened a discrimination lawsuit against the city last year, which led to a compromise over the project.

So even though everyone concerned agreed that it would not be a good thing for the neighborhood even being denied by the city council, it still went through. Simply disgusting and a disappointing abuse of power by those involved and the Housing Authority. There should be no reason that Circle K should have that kind of authority except if it is purchased.

In the last several years since those apartments have gone in, the Donahue-Frohnmeier park on Spring St has gone from a great neighborhood park and a place I took my kids, to being a place that I refuse to go to now. There are drug deals happening in the bathrooms and suspicious vehicles parked there all the time now. I shudder to think the effect that a gas station and convenience store would have. No longer will **MY** neighborhood be a safe place to walk or for my kids (or the hundreds of children at nearby schools) to play outside and feel safe.

Should this project also continue despite absolute opposition by the community that lives here, it will simply be another example of our local government failing to protect and serve the people that pay for it with our taxes.

As you can tell, I feel very passionately about my opposition to this project because I care deeply about the community and neighborhood that I live in. I beg you to take into consideration the many families and people who live here who want to preserve our quality of life, home values, and above all our safety.

Sincerely,

Angela Stephens

Property Owner at 1475 Ramada Ave



April 11, 2019
File No. AC-19-028

RECEIVED
APR 11 2019
PLANNING DEPT.

Dear Matt Brinkley,

Our names are Eli and Jennifer Clark. We live with our family at 2457 Pinebrook Circle. A culdesac street in East Medford near the intersection of McAndrews and Springbrook. It has come to our attention that the big field at the northeast corner is putting in for a zoning change and development of a fuel center, car wash. We are upset by the idea for a number of reasons. Springbrook already is quickly becoming one of the busiest and backed up in east Medford. Some mornings it can take a good 5-10 minutes or a good sumaritan to stop and let us out of our street. If planning allows a Circle K to go at this intersection it will decrease our peace in a number of ways. Traffic increase, noise increase, the lighting will glow around our neighborhood. Long story short, if there was a Circle K there when we purchased 3 years ago we would not have. Please consider the safety and peace of the neighborhood as important as commerce and development.

Was there a study or environmental done for this use? If so when and how can we review it? Not sure how else to oppose but please advise and I would love to be a "No" voice.

Eli and Jennifer Clark
Avery and Mason Clark
2457 Pinebrook Cir
Medford OR 97504

CITY OF MEDFORD
EXHIBIT : AA 2
File # AC-19-028

RECEIVED

APR 11 2019

PLANNING DEPT.

April 10, 2019

To: Steffen Roennfeldt, Planner III, City of Medford Planning Department

From: Jim Leavens & MT Dimick

Subject: Springbrook Corners proposed commercial development

We are concerned about a proposed development that Springbrook Corners LLC is planning adjacent to our property at 2542 Ashwood Court in Medford. Tax Lot 3500, on the corner of Springbrook Road and E McAndrews, is rife with problems for us if this project comes to fruition. Said project is to include a **Circle K Mini-store, a car wash, fuel station and coffee stand.**

The following is a list of our concerns regarding this development:

1. **NOISE** – A 24 hour convenience store involves people and vehicles entering the location all day and night long, which creates constant noise. A coffee stand which opens early in the morning (5am-6am) creates additional noise. Garbage trucks coming and going in the early morning will create noise. A gas station/car wash creates noise. The noise from this development will cause many problems for my family, as you can imagine.
2. **LIGHTS** – 24 hours per day/night which are observable from our bedroom window.
3. **SAFETY**– Businesses to be located here are the type that characteristically, but not always, bring individuals into the area who would not usually have a reason to be here. I am questioning what actions the developer has planned that will protect our privacy and safety? According to code, I expect we will see a 6' sound barrier fence between our home and the development? This lot sits 3' below our (very small) backyard, which would mean we would have a 3' wall to block the noise and lights, as well as people who will be wandering/hanging around the development.
4. **WETLANDS** – Currently, there are a small pond and creek located on this property. What plans are being made to accommodate these? Mr. Roennfeldt did not know these were located on this property, which leads me to believe the developer is unaware they exist.
5. **DRAINAGE** – When our home was built in 1996, we were required to create a drainage system to accommodate both the pond and creek (ATTACHMENT 1). This drainage system is NOT included on any site map. At the time this drain field was created it met city code. What are the developer's plans to replace/extend/modify the existing drain field? Is there a plan to tie into the present drainage area? This is of great concern to me as I am unsure who will be held financially responsible for modification of the current drainage, which is located on my property.
6. **DELIVERIES/GARBAGE TRUCKS** – There will be various trucks entering and leaving the property at all hours. Additionally, early morning garbage pickup is tremendously loud.

CITY OF MEDFORD

EXHIBIT # BB

File # Ac-19-028

According to the site map, the dumpsters are to be located approximately 40 feet from our master bedroom window.

7. TRAFFIC – Springbrook carries a tremendous volume of traffic, as does McAndrews. With the present number of vehicles using these roads, it is currently very difficult for the residents in this area to enter Springbrook. According to the site map, the proposed changes to these streets to accommodate increased traffic generated by this commercial growth, are adding turn lanes on both Springbrook and McAndrews. Although these will help ingress and egress from these businesses, they will do nothing to lessen the impact of the large increase of vehicles using these streets. This development is one that will have traffic entering and leaving 24 hours a day, unlike other types of commercial developments. If this were a different type of commercial development, for example, a professional office plaza or bank, the traffic flow would be affected but to a dramatically lesser degree.
8. PROPERTY VALUES – I believe the value of the residences located adjacent to this development will undoubtedly be decreased due to the existence of this commercial development.

Unfortunately, we were unaware the zoning of this property was changed until we were told (in 2016) it had been rezoned. We NEVER received the letter for the rezoning hearing, although our name/address is included on the list of people to be notified. We know a mini market/gas station is one example of the type of establishment that could be built on this property. The majority of residents living in a multi block area adjacent to this change are strongly opposed to its existence in our neighborhoods. Since there are other currently approved residential/business uses for this parcel, it seems it may be beneficial to explore an alternate form of development, which may face much less opposition from those of us who will be tremendously inconvenienced by this change.

Thank you very much for taking your time to read this. Hopefully, the investors/builders for this project will be made aware of our concerns and attempt to treat everyone affected by the expansion with fairness and respect.

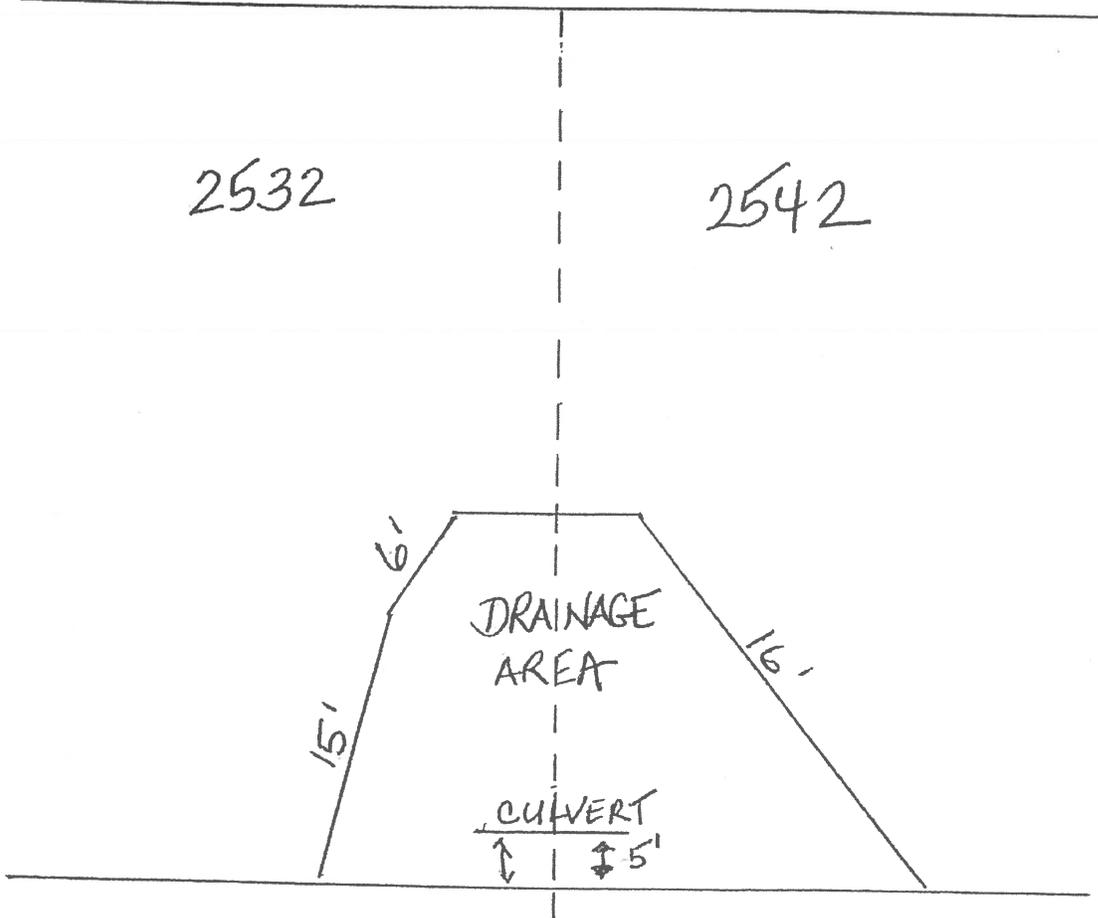
ATTACHMENT 1

NOT TO SCALE

← ASHWOOD COURT →

2532

2542



1380 SPRINGBROOK
TAX LOT 3500

RECEIVED

APR 12 2019

PLANNING DEPT.

Gary Sumrak
2485 Pinebrook Circle
Medford, OR 97504
4-12-2019

Matt Brinkley
Planning Director
City of Medford Planning Department
Lausmann Annex
200 South Ivy Street
Medford, OR 97501

Dear Matt Brinkley:

Upon reviewing the Planning Departments November 19, 2015 Public Notice (File No. ZC-15-126) mailing list of the potential rezoning of tax lot 371W20AB-3500 from SFR-4 to Community Commercial, it appears there are some items/short comings that need to be brought to your attention in hope that future notifications would be less confusing. In addition, and to the crux of this letter, there appears to have been three parties who were not notified of the potential rezoning of said lot.

First, the letter indicated that the 2.5-acre parcel on the northeast corner of East McAndrews Rd and Springbrook Rd was under consideration for rezoning. For the benefit of the letter's recipients and to be more specific, it would also be a good idea to notify them also of the address (1380 Springbrook Rd) and tax lot number (371W20AB-3500) of said property.

Second, the notice does not indicate any established criteria as to why the recipient is getting the letter. Ex: Residing within 200ft of the perimeter property lines of the property in question.

Third, in the case of this specific property, the effective notification area has been reduced by approximately 75ft to the south and west due to the widths of McAndrews and Springbrook Roads. Suggest streets, roads, etc. distances are not to be included in the calculation of the notification zone. There's nobody available to notify in the streets!

Forth, regarding sending out notices via the United States Mail. It would be beneficial to all if there was some sort of verification process that the notices were actually sent out and received. More importantly: some sort of an acknowledgement process/procedure to be instituted, whereby, the planning department can ascertain that the recipient has actually received the notice.

CITY OF MEDFORD
EXHIBIT # CC
File # AP-19-028

44

Matt Brinkley

4-12-2019

Page 2

Finally, to the nuts and bolts and real justification of this letter. Below is the list of three properties/parties within the 200ft notification area that did not receive the November 19, 2015 Public Notice.

1. As of 11-19-2015, addressee: Steigleder, Phillip/Steigleder, Threasa at 2496 Pinebrook Circle, Medford, OR no longer lived there. House was sold to Tod Morono and he was the effective owner as of 8/24/2015. Tod did not receive the 11-19-2015 notification.
2. Address: 2445 E. McAndrews, Medford, OR 97504 was never notified and is well within the 200ft notification area.
3. Tax Lot/Address: The owners of Tax 371W20AC-1700 now 2530 E. McAndrews Road, Medford, OR 97504 (the Bonaventure Senior Living facility) were never notified. Owners: MWSH McAndrew, Medford, LLC parcel #1.

Due to not fully complying with city code regarding the notification of parties within the defined notification area, the rezoning of said lot from SFR-4 to Community Commercial after the December 10, 2015 Public Hearing should be nullified and voided. The said lot shall be rezoned back to its original zoning of SFR-4.

Sincerely,

Gary Sumrak

April 8, 2019

Matt Brinkley
Planning Director
City of Medford Planning Department
Lausmann Annex
200 South Ivy Street
Medford, OR 97504

RECEIVED
APR 15 2019
PLANNING DEPT.

Dear Mr. Brinkley,

I am writing to object to the proposed planning permission of a Circle K Convenience Store with Gas Station and Carwash on the corner of Springbrook Road and East McAndrews. This objection is based on several important factors that I hope the council and yourself will take into consideration.

Firstly, I would like to express that I am not opposed to urban growth as it does create jobs which in turn helps our community. However:

1) Proximity to Other Gas Stations

I am alarmed by the close proximity the proposed Circle K would be to other gas stations. We currently have eight (8) gas stations that are less than two miles away from this location: Town Pump (.7 mi); Safeway (1.1 mi); ARCO (1.3 mi); Fred Meyer Fuel Center (1.4 mi); Chevron (1.5 mi); Mobil (1.6 mi); Shell (1.8 mi); and Spirit (1.8 mi).

2) Proximity to Other Carwashes:

For your information there are just as many car washes within a two (2) mile radius from the proposed location: Lasota Mobile Pressure Wash (.6 mi); Delta Waters Carwash, DIY (1.2 mi); Crater Carwash (1.3 mi); Medford Center Carwash (1.3 mi); Yellow Submarine Carwash (1.7 mi); Shell/Astro Jet (1.8 mi) and Miracle Shield of Medford (1.8 mi).

3) Traffic Issues

There already is a traffic issue during the peak hours, both in the morning, after school and school events and evenings. This causes great inconvenience to passengers of buses, motor cars, taxis and also to the pedestrians, which include school age children/teens. Sir, I like to draw your attention to the fact that adding the Circle K would create safety issues for everyone in this area.

4) Increase Crime

I had a sad personal experience a while back, as I had to make an early run to 7-11 in the early morning hours to purchase some cough medicine and witnessed a drug deal and a prostitution encounter all within the timeframe I was there. Having a Convenience Store that is open 24/7 creates this environment. Cause it is a convent place for these types of transactions to take place. Would you be adding additional patrolman to monitor this area? I don't think so, as this would cause additional hardship on our police force.

5) Noise Pollution and Bright Lights

I would like to draw your attention towards to the factors of noise pollution. Even if there is a noise control law, we all know this law is openly violated. If by allowing said law to be violated it would cause great damage to the health of the local neighborhoods and surrounding area. Noise pollution leads to

CITY OF MEDFORD
EXHIBIT #
File #
K-19-058
DD

irritation, loss of sleep, rest and peace. It is harmful to physical and mental health of people and persistent noise pollution causes a loss of sense of hearing. Could you guarantee this law would be strictly enforced? As for the bright lights it too will lead it irritability, loss of sleep and lack of rest in peace for our neighborhood. We all need to function to perform our daily tasks and to be productive citizens to our community.

6) Decrease in property value

Any conscious, concerned homeowner or potential buyer would definitely want to know the impact that this project would have on their property value. Due to the proximity of this project to my property I know it will have a negative impact on my property value. Plus make it harder to sell in the future. Therefore, I will be losing money. My home is my pride and joy.

For the foregoing reasons, I strongly urge you to vote against this proposed planning permission of Circle K Convenience Store with Gas Station and Carwash.

If you have any questions or would like to discuss this matter in further detail please contact me.

Sincerely,



Nicole Milam
2482 Pinebrook Cir
Medford Oregon 97504
(541) 326-1772

RECEIVED
APR 15 2019
PLANNING DEPT.

April 8, 2019

Matt Brinkley
Planning Director
City of Medford Planning Department
Lausmann Annex
200 South Ivy Street
Medford, OR 97504

Dear Mr. Brinkley,

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CITY OF MEDFORD

EE

AC-19-028

irritation, loss of sleep, rest and peace. It is harmful to physical and mental health of people and persistent noise pollution causes a loss of sense of hearing. Could you guarantee this law would be strictly enforced? As for the bright lights it too will lead it irritability, loss of sleep and lack of rest in peace for our neighborhood. We all need to function to perform our daily tasks and to be productive citizens to our community.

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For the foregoing reasons, I strongly urge you to vote against this proposed planning permission of Circle K Convenience Store with Gas Station and Carwash.

If you have any questions or would like to discuss this matter in further detail please contact me.

Sincerely,



Loy Charles Milam
2482 Pinebrook Cir
Medford Oregon 97504
(541) 816-6461

RECEIVED
APR 15 2019
PLANNING DEPT.

Janice Sumrak
2485 Pinebrook Circle
Medford, Oregon 97504
541-772-7279 Cell 541-941-6273
sumpicjd@charter.net

April 8, 2019

Matt Brinkley, Planning Director
City of Medford Planning Department
Lausmann Annex
200 South Ivy Street
Medford, Oregon 97501

Dear Mr. Brinkley,

I am writing to express my objection to the proposed construction of a convenience store, gas station and car wash at 1380 Springbrook.

Our home is located across the street, about 300 feet from this proposed project.

This proposed business would more than double the traffic in an already high traffic area which will lead to more vehicle accidents as well as an increase in danger to bicycle and foot traffic. In addition, we who live in the area will have to deal with the increased trash, criminal activity, air and noise pollution and above all a decrease in property value. There is a school zone just down the road from the proposed site. With the addition of a high traffic commercial use there will be additional issues in the school zone with speeding and will require more enforcement in an already difficult area to enforce. I understand that there will be turn lanes for ingress and egress into this proposed gas station. With already high traffic flows and cars turning across traffic, this will not bode well for safety.

This has always been a very nice residential area. We wish to keep it that way. There are many stores, gas stations and car washes within a radius of 2 miles of the proposed business. We do not want or need another.

The only winners in this are the owners of the 1380 Springbrook. Several hundred home owners are the losers.

I urge you to deny this permit and encourage the owners of 1380 Springbrook to find a more suitable plan for our neighborhood. Something that will improve the area and benefit us all.

Sincerely,



Janice Sumrak

CITY OF MEDFORD
EXHIBIT # FF
File # AC-19-028

From: Planning Department <planning@cityofmedford.org>
To: "Matt H. Brinkley" <Matt.Brinkley@cityofmedford.org>, Kelly Evans <Kelly.Evans@cityofmedford.org>
Cc: "Steffen K. Roennfeldt" <Steffen.Roennfeldt@cityofmedford.org>
Date Sent: Tuesday, April 16, 2019 10:55 PDT
Subject: FW: File: AC-19-028

From: Michael Palacios [mailto:palaciosmp16@gmail.com]
Sent: Saturday, April 13, 2019 1:33 PM
To: Planning Department <planning@cityofmedford.org>
Subject: File: AC-19-028

Attention: City of Medford Planning Department

It is my understanding after speaking to City of Medford Planning Department employee Steve Allen that the lot on the corner of Springbrook Rd. and East McAndrews will soon be developed. I am not opposed to this development per se, although I would like to see development that enhances Medford, rather than a gas station, car wash, and convenience store.

The reason I feel it necessary to address the development of this corner is out of concern for a family of nesting hawks that have made one of the large dead trees on this lot their home. This hawk's nest has been in that dead tree for many years and seems to always be in use during the spring and early summer.

I drive by this lot almost daily as it is on my way to and from work. I have observed a hawk in this nest many times recently and it appears she or he is sitting on eggs. I have often wondered when this property would be developed and the thought was always in the back of my mind that I hoped the tree would either be taken down in the fall or winter when the birds where not nesting. It would be such a terrible thing for these hawks to be disturbed while the eggs or fledglings where still in the nest. This could kill the babies and I believe the community would be outraged if these birds where not taken into consideration before development began.

I have done some reading up on the nesting habits of hawks recently, and from what I have read-hawks tend to lay eggs in March, with eggs incubating between 28-35 days and sometimes as long as 40 or so days. Then, it takes the babies about 50 days to leave the nest, but they still remain in the area and use the nest as a home base. I have included a couple websites which were informative to me about the hawk's life cycle:

<https://sciencing.com/life-cycle-redtailed-hawk-6540201.html>

http://naturemappingfoundation.org/natmap/ca/facts/birds/red-tailed_hawk.html

My recommendation would be for an employee do research as to when this development could begin without harming these beautiful birds. Local organizations such as Wildlife Images could even be consulted in the matter. If I had my preference, I would recommend waiting until late fall when the nest will surely be empty with no fledglings needing the tree for support. Medford has enough gas stations, car washes and convenience stores and a delay in construction to enable these birds to establish themselves would be the most humane course.

Thank you, Paula Palacios, City of Medford resident for about 22 years.

CITY OF MEDFORD
EXHIBIT # 661
File # AC-19-028

RECEIVED
APR 18 2019
PLANNING DEPT.

1170 Westview Court
Medford, OR 97504
April 18, 2019

City of Medford
Site Plan & Architectural Commission
200 South Ivy Street
Medford, Oregon 97501

Meeting date: April 19, 2019
Agenda item: AC-19-028

Dear Commission Members:

I live on West View Court, near the site of this proposed development. I would like to express my objection to the plan to construct a car wash and gas pumps at 1380 Springbrook Road. These uses would produce such a level of noise and air pollution that they are not compatible with the predominately residential character of the neighborhood in question. In my opinion, these uses should instead be located in a heavy commercial zoning district.

Yours truly,


Samuel Berry

CITY OF MEDFORD
EXHIBIT # HH
File # AC-19-028

RECEIVED

APR 22 2019

PLANNING DEPT.

April 20, 2019

Matt Brinkley

Planning Director

City of Medford planning Department

There are lots of specific reasons why I am writing this letter to oppose and ask that File No. AC 19-028 application be denied. I would like to dwell on all those reasons, but feel the decay to our quality of life is priority number one. From this location it does not take much to reach existing gas stations, convenience stores or car wash. A convenience store is already up Spring a couple of blocks. Who needs the issues brought on by crime, noise and traffic. When I think about all the issues involved in this matter, the one that jumps out at me is "kids". Living within eyesight of Springbrook, I daily watch the North Medford school kids make their way to and from school. Crossing McAndrews is a daily challenge. Now, will even be more so. Kids being kids will also find the Circle K convenience store a place to hang out.

Well, I hope the Planning Commission thinks about the quality of Medford life and makes the right decision on this matter.



Jack Shaffer

1750 Evan Circle

Medford OR 97504

*I HAVE INCLUDED A LETTER TO THE
MAIL TRIBUNE.*

CITY OF MEDFORD

EXHIBIT # II

File # AC-19-028

From: Jack Shaffer <jcshaff@aol.com>
To: letters <letters@rosebudmedia.com>
Subject: Quality of Life
Date: Sat, Apr 20, 2019 10:29 am

Some twenty-five years, ago, when we became part of Medford, we came here because of the quality of life. We enjoyed having folks visit from other parts of the country. We laughed when we told them we lived on Buckshot Hill. We could take them to the Frohnmeyer Park to check out the old barn and give them carrots to feed the horses and donkey that resided along Springbrook. I would kid them our street was so quiet, they could take a nap on it. What has become of this quality of life? The history of Buckshot Hill is only a memory. The barn, horses and donkey are no longer there. Oh, and a nap on Springbrook, that's only a dream. Traffic now backs from the corner of Spring and Springbrook to McAndrews. Check it out during the work hour rush. Our quality of life has been lost to the likes of a retirement center. To add insult to injury, Springbrook Corners LLC wants to add a convenience store with gas station and car wash. Hmmm. Wonder how many folks will use the parking lot at this operation to beat the light at Springbrook and McAndrews.

Jack Shaffer
1750 Evan Circle
Medford OR 97504
541-858-7925

CITY OF MEDFORD
EXHIBIT
File # _____

Lindsey M. Geil
1428 Matthews Pl
Medford OR 97504
541-499-9306

15 April 2019

Matt Brinkley, Planning Director
City of Medford Planning Department
Lausmann Annex
20 S. Ivy St
Medford OR 97501

RECEIVED
APR 22 2019
PLANNING DEPT.

Dear Mr. Brinkley,

I am writing to you regarding the proposed project for tax lot #371W20AB-3500 (1380 Springbrook Rd, Medford). I have substantial concerns regarding a gas station in a primarily residential area due to the negative health impacts that such a structure would have on its immediate community. I would like to know what the City of Medford has in mind to prevent, or mitigate the following issues:

- Vent piping is the largest source of emissions at gas stations. Recorded vent emission factors are more than 10 times higher than the current estimates used to determine setback distances (e.g. minimum distances away from other buildings) for gas stations.

Reference: Hilpert et al. "Vent pipe emissions from storage tanks at gas stations: Implications for setback distances." Science of the Total Environment. 650 (2019) 2239-2250

- There is a significant relationship between childhood leukemia and living near a gas station.

"Acute childhood leukaemia and residence next to petrol stations and automotive repair garages: the ESCALE study (SFCE)." Occup Environ Med. 2009 Sep;66(9):598-606. doi: 10.1136/oem.2008.042432. Epub 2009 Feb 12.

- Documented elevated air pollution at least to 100 meters (328) feet) of a gas station

"Assessing the impact of petrol stations on their immediate surroundings."

J Environ Manage. 2010 Dec;91(12):2754-62. doi: 10.1016/j.jenvman.2010.08.009.

Sergio M. Correa¹Graciela Arbilla²Monica R.C. Marques³Katia M.P.G. Oliveira⁴ "The impact of BTEX emissions from gas stations into the atmosphere"

Atmospheric Pollution Research Volume 3, Issue 2, April 2012, Pages 163-169

Per the plans shared thus far, I see no evidence that will sufficiently prevent the considerable amount of emissions from harming the health of the neighbors of this proposed project. I have also noted, that no one on the city council has proposed that such a project be placed in THEIR neighborhood. Given the negative health ramifications of a gas station, it would be significantly safer to have a gas station in a strictly and wholly commercially zoned area (rather than surrounded by residential zoning) and therefore in an area which would receive significantly less negative health impact from these high doses of carcinogenic (and dangerous) emissions.

Sincerely,



Lindsey M. Geil

CITY OF MEDFORD
EXHIBIT # 33
File # 18-19-028

Gary Sumrak
2485 Pinebrook Circle
Medford, OR 97504
4-19-2019

RECEIVED
APR 22 2019
PLANNING DEPT.

Matt Brinkley
Planning Director
City of Medford Planning Department
Lausmann Annex
200 South Ivy Street
Medford, OR 97501

Dear Matt Brinkley:

I'm writing this letter to present my thoughts as to why File No. AC-19-028 application to build a Circle K convenience store with Gas Station and Car Wash should be denied.

First off, the area around the proposed site is almost exclusively residential. You can just about drive a mile in either direction of the intersection of E. McAndrews Avenue and Springbrook Road and not run into another business. I question how an SFR-4 lot got rezoned to Community-Commercial lot primarily due to its located smack dab in the center of a residential neighborhood which includes a high school, elementary school, pre-school learning center and four care facilities and a city park. Even though the Bonaventure Senior Living facility is a business, it's a home to the senior tenants living there. Unlike the high traffic volume and noise created by a convenience store with a gas station and car wash, the Bonaventure is a peaceful and safe environment. It is very hard for me to picture gasoline tankers traveling back and forth through our residential neighborhood to deliver gas - very scary.

Secondly, this is going to be a big time "quality of life" issue for our neighborhood. This proposed project will introduce a new whole slew of issues for us to deal with: 1) Increase in crime, 2) increase in traffic congestion and therefore accidents, 3) increase in noise pollution, 4) increase in lighting pollution, 5) increase in air pollution, 6) increase in safety concerns and 7) most likely degradation of our neighborhood and ultimately a decrease in our property values. Not too much good to look forward to here.

Thirdly, a follow up by the planning department may be required. A neighbor here told me he heard a grandson of the late Mrs. Marion Owens (1380 Springbrook Road) request that she never wanted her property developed. She may have applied to an Indian organization to get part or the whole property registered as a Cultural Resource. Apparently on the eastern perimeter of the property where a small creek runs through, is where the Latgawa (Takelma) Indians used to

CITY OF MEDFORD
EXHIBIT # KK
File # AC-19-028

Matt Brinkley
4-19-2019
Page 2

gather to make arrowheads a process called "flint knapping." I'm sure a locally recognized Indian Tribe organization would like to investigate this property.

Fourthly, there are plans underway to demolish the existing 711 convenience store and outlying buildings at Crater Corners and construct a new 711 with a gas station and a restaurant on said property. This is appropriate use of this property since it is located within in an area of multiple commercial buildings and businesses. Do we really need to build another convenience store with a gas station, in a residential neighborhood, within a mile of the 711 project?

Finally, looking at the bigger picture: I would like to appeal to applicants of the proposed project to "withdraw" their application. I foresee, if this project goes through, a steady decline in our neighborhood and our lives within it. I would appeal to the applicants, if in fact the lot retains its commercial zoning status; to create a mix of friendly retail, businesses and restaurants (No fast food) or a cafe that would complement and enhance our neighborhood. The current proposed project would ultimately be a detriment to our current environment and way of living; it is not either a good or common-sense answer as to how this valuable plot of land should be utilized. I can't understand why anyone would want to put a convenience store with a gas station and carwash next to a major senior living and care facility that is a place of peace and tranquility for those in the final stages of their respective lives.

Sincerely,



Gary Sumrak

RECEIVED
APR 24 2019
PLANNING DEPT.

415 Sunrise Av.
Medford, OR 97504
April 24, 2019

handcarried

Matt Brinkley
Planning Director
City of Medford Planning Dept
200 S. Ivy St., Lausmann Annex
Medford, OR 97501

Ref: Application to build a Circle K convenience store with gas station and car wash at Springbrook & McAndrews

Dear Mr. Brinkley,

I write to ask that this application be denied. My reasons are numerous:

1. It would add great congestion to an already very busy intersection, entering/leaving site. It could possibly add more traffic, and increase the hours of that heavy traffic. There would certainly be heavier vehicles drawn to the location for deliveries: fuel tankers, grocery & other supplies, chemicals for car wash, etc.
2. Risk of pollution from fuel leaks, tainted water leaks. Pollution, too, from extra lighting.
3. Attractive nuisance to North High students who may want to leave campus for snacks, etc.
4. Attractive nuisance to thieves, or just loiterers. Increased risk of graffiti, commotions.
5. This type commercial venture very much out of place in a residential neighborhood! There is a convenience store at Spring St. and Valley View, within a half-mile. There's a convenience store and gas station within a half-mile at McAndrews and Crater Lake Av. No, there's no car wash that close by, but I've lived on Sunrise for 15 years and within a mile either direction of that intersection for another 15 years. It has never bothered me to drive over to Court St., or wash my car myself.

Sunrise is already a very busy street. Travel is allowed at 35 MPH instead of standard residential limit of 25 MPH. Noise is already an issue. But at least traffic volume ebbs after the workday and on weekends

Expanding on my reason #2, I draw your attention to the intersection of East Main St. and Hawthorne Av., site of a former gas station. My memory may be off a few years, but I recall my mother going there for car repairs after we moved here over 30 years ago. They had a fuel leak problem. Dirt dug up and covered for years. Your records would show how long it was in transition and finally closed. That site is only now becoming viable (a coffee venue coming 'soon'). Please consider very carefully the risks of pollution

Thank you, one and all. See you at the hearing May 3rd.

Robin Lee

Robin Lee

CITY OF MEDFORD
EXHIBIT # LL
File # AC-19-018

RECEIVED
APR 24 2019
PLANNING DEPT.

Matt Brinkley
Planning Director
City of Medford Planning Department
Lausmann Annex
200 South Ivy St
Medford OR 97501

4/20/19

To Whom It May Concern:

This letter is in regards to the Circle K convenience store that is proposed for the corner of Springbrook and McAndrews.

I am in the neighborhood where this is proposed and am very much against this. Not only will this negatively affect our quiet neighborhoods, but the traffic that this will create will be a negative impact on our lives. The noise will increase, we will see an increase in crime, due to numerous reasons – the increase in activity 24 hours a day, is a huge concern.

The quality of life that will impact us will not be a positive effect on our neighborhoods that we so love.

The environmental impact of the chemicals that will be put in the ground near us is not something we envision and would expect to be around us while we enjoy our daily lives.

We feel that the building of Circle K would be a horrible impact to us and will make our neighborhoods less appealing to those moving here.

We strongly urge you to disapprove of this.

Lois Malone

Lois Malone

1545 N Modoc Av

Medford OR 97504

CITY OF MEDFORD
EXHIBIT # MM
File # 18-19-018

gt

REBECCA L. AND JOHN D. HAWKINS

2431 Greenridge Drive, Medford, OR 97504 | 541-951-6856 | rebeccahawkins@mac.com

April 22, 2019

Matt Brinkley, Planning Director
City of Medford Planning Department
Lausmann Annex, 200 South Ivy Street
Medford, OR 97501

RECEIVED
APR 23 2019
PLANNING DEPT.

Dear Mr. Brinkley:

We are writing to request that the Medford Planning Department deny the **File No. AC-19-028 application** to build a Circle K Convenience Store, gas station and car wash on the corner of McAndrews and Springbrook Drive. To rezone Tax Lot 371W20-3500 as commercial and allow this type of business into a long-time, well-established residential area is unprecedented and unnecessary.

Mr. Brinkley, this tax lot and the entire area must remain residential; **there is absolutely no justification for this intrusive and unnecessary rezoning.** Commercial areas (including convenience stores and gas stations) already exist in abundance on McAndrews from Crater Lake Avenue westward, as well as in the Lone Pine/North Phoenix Road area.

We are concerned Medford residents and taxpayers who live very close to the proposed building site. Our nearest cross streets are McAndrews and Brookdale (one block east), and our property backs directly to McAndrews. Despite our proximity, **we were NOT notified of this rezoning proposal** and only learned about it from signs posted on the empty lot.

As Medford residents since 2012 and recent retirees, we purchased our home one year ago, in the good faith that we were buying our "forever home" in a safe **residential neighborhood** of East Medford. Outside of commuter hours, McAndrews is relatively quiet despite its size and traffic load. Had we known such a radical rezoning would happen, we would NOT have purchased here.

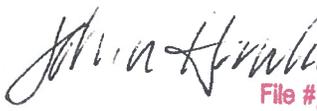
We genuinely believe this proposed business and rezoning will:

- **Decrease safety** for both traffic and pedestrians on already very congested streets
- **Lower the quality of life and property values** of homes in the area—who wants to live near commercial lighting, underground gas tanks, air-borne petroleum fumes, noise and business traffic at all hours of the day, seven days a week, 365 days a year?
- **Increase crime, noise and light pollution** for the nearby homes and for the elderly residents of the Bonaventure retirement community that directly faces the site

We are counting on your support to retain the peace, quiet, beauty and safety of this wonderful area. Please do the right thing and deny **File No. AC-19-028 application.**

Sincerely,


Rebecca L. and John D. Hawkins

 **CITY OF MEDFORD**
EXHIBIT # CNN
File # 18-19-028

RECEIVED

APR 25 2019

April 11, 2019

RE: Proposed Gas Station, Convenience Store and Car Wash on the Corner of E. McAndrews and Springbrook Roads. **PLANNING DEPT.**

Dear Alex Poythress:

We are Mark and Patsy Burton, who live at 2500 Bethany Court, Medford, OR 97504. We selected our lot in 2004 and our house was completed and we moved in in April 2005. While our house has a Bethany Court address our backyard is located on Springbrook Rd. Since we first moved in, the traffic on Springbrook Rd. has measurably increased, to the point that our backyard is nearly unusable due to the noise.

We are writing to voice our opposition to the proposed commercial development for the corner of Springbrook and E. McAndrews Roads. While we recognize that the lot is zoned for community-commercial, we have two concerns if the proposed gas station, convenience store and car wash use is approved. The first is how such a development will increase and worsen the flow of traffic in that intersection, which we drive multiple times per day. The traffic can already be quite difficult, with traffic backed up in all directions, with multiple side streets and driveways that open on to Springbrook Rd. It seems that adding a high traffic business, with cars trying to enter and exit the lot onto already busy streets might cause the intersection to fail for the residents that already live in the neighborhood who rely on it every day and that would not enhance the livability of our community.

Our second concern regarding this development is the viability of such business usage in this residential location. We realize no one can predict the success or failure of a new business, but given that all of the proposed services are already available within a short drive and with easier lot access, we wonder how the proposed business usage, with limited lot access, will be able to attract the customers it needs to succeed. And then, if it doesn't succeed, the neighborhood could be blighted with infrastructure and abandoned buildings that are not easily converted for other use.

Thank you for your time and we hope that you will give serious consideration to the negative impact a high traffic business can have on the livability of our neighborhood and not give approval for the proposed gas station, convenience store and car wash being considered for the corner of McAndrews and Springbrook Roads.

Sincerely,

Mark & Patsy Burton

Mark and Patsy Burton
2500 Bethany Court, Medford, OR 97504
541-772-4018

CITY OF MEDFORD
EXHIBIT # 00
File # AC-19-028

We the undersigned respectfully request that you consider our position AGAINST the Convenience Store – Gas Station – Car Wash at the corner of East Mc **RECEIVED** Road and Springbrook Road Proposal. Tax Lot 371W20 AB-3500 APR 22 2019
 File No AC-19-028

	Name	Address	Phone #	Home-Owner	PLANNING DEPT. Renter	Voter
✓ 1	Lindsay Geil	1428 Matthews Pl	541-499-9306	✓		✓
✓ 2	JEFF BAACK	1401 MATTHEWS PL.	541-890-4677	✓		✓
✓ 3	Shara Baack	1401 Matthews Pl.	541-840-5193	✓		✓
✓ 4	Nick Geil	1428 Matthews Pl.	541-499-9214	✓		✓
✓ 5	Nancy Hagan	1442 Matthews Pl	541-978-4452	✓		
✓ 6	Ron Hagan	1442 Matthews Pl	541-778-4476			
✓ 7	PATRICIA ANDERSON	1431 MATTHEWS PL	541-245-9409	✓		✓
✓ 8	LINDA M Boyd	1431 Matthews Pl	541-245-9409	✓		✓
✓ 9	Kim Hurd	1447 Matthews Pl	541-261-7432	✓		✓
✓ 10	ROBERT HURD	1447 MATTHEWS	541-840-1425	✓		
✓ 11	Toby Harrison	1463 Matthews	541 840 7338	✓		✓
✓ 12	Shirley West	1600 Valley View	541-7735233	✓		✓
✓ 13	Susan DeLand-Garten	1614 Valley View Dr.	707-321-9977		✓	✓
✓ 14	Kent Paulsen	1642 Valley View Dr	541 816 8760	✓		✓
✓ 15	Denise Paulsen	" "	" 541 890 8116			
✓ 16	MARGIE SUKRAW	2551 Bethany Ct	541-601-9191	✓		✓
✓ 17	Peter Sukraw	2551 Bethany Ct.	503-833-2555	✓		✓
✓ 18	Kendra Willis	2531 Bethany Ct.	541-778-4749		✓	
✓ 19	John Woodward	2511 Bethany Ct.	541-778-0421	✓		✓
✓ 20	Patsy Burton	2500 Bethany Ct.	541-772-4018	✓		✓
✓ 21	Mad Curpen	1427 Matthews Pl.	541-499-1042		✓	
✓ 22	JON EHLERS	2521 BETHANY CT	541-890-7005	✓		✓
✓ 23	Zuzka	1874 Bunkel Ct Svt 241 103		✓		✓
✓ 24	Wanda Koehler	2520 Bethany Ct.				✓

CITY OF MEDFORD
 EXHIBIT # 11
 FILE # 19-0781 of 3

	Name	Address	Phone #	Home-Owner	Renter	Voter
✓ 25	ROSLER LUTHER	2520 BETHANY CT	541-734-5187	✓		✓
✓ 26	Sarah Steiger	2530 Bethany Ct	541-821-3625		✓	✓
✓ 27	DAVID ERNEST	1414 MATTHEWS PL.	541 951 5302		✓	✓
✓ 28	Lillian Yuan	1400 Matthews pl.	541-392-0363	✓		✓
✓ 29	Mike Hurt	1390 Springbrook	(541) 890-3810	✓		✓
✓ 30	Casun Blouck	2416 Amaryllis St.	805-801-6316	✓		✓
✓ 31	Bonnie Borhman	2400 Amaryllis man	541.772.9027	✓		✓
✓ 32	James Borhman	2400 Amaryllis	541.772.9027	✓		✓
✓ 33	Jacque Romer	2350 Amaryllis	503 758 9198		✓	✓
✓ 34	Barbara Diane TOLLEFSON	233 1/2 Amaryllis	541-779-5446	✓		✓
✓ 35	Richard Balland	2359 Amaryllis	541-292-6630	✓		✓
✓ 36	Ruth Note	1361 Ramada	541-772-5353	✓		✓
✓ 37	Cheryl Kuhle	2327 Amaryllis	541	✓		✓
✓ 38	Judy Kuhl	2375 AMARYLLIS ST	541-531-7696	✓		✓
✓ 39	Jim + Julie Ormand	2411 Amaryllis	541-779-9617	✓		✓
✓ 40	Jason Smith	1422 Ramada	541 941 - 2104	✓		✓
✓ 41	Kristy Smith	1422 Ramada Ave.	(541) 301-7835	✓		✓
✓ 42	Briana Bayer	1384 Ramada Ave	541 890 6910		✓	✓
✓ 43	Eli ca Hammerickson	1372 Ramada	541.324.9523	✓		✓
✓ 44	Cory Hammerickson	1372 Ramada	951 8488	✓		✓
✓ 45	Sharon Dillingham	1312 Ramada	541 770 5856	✓		✓
✓ 46	Edith Javalera	1300 Ramada	945 90	✓		✓
✓ 47	Chen Longan	1313 Ramada Ave	341 944. 6224	✓		✓
✓ 48	Don Longan	" "	541-601-9661	✓		✓
✓ 49	D.R. Note	1361 RAMADA AVE	541-601-3838	✓		✓
✓ 50	Griffin Landauer	947 Medford OR.	404-218-9899	✓	✓	✓
✓ 51	Janet Morris	1457 Ramada	541-245-1664	✓		✓
✓ 52	Angela Stephens	1475 Ramada Ave	541-282-2345	✓		✓

RECEIVED

APR 22 2019 2 of 3 57

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	Name	Address	Phone #	Home-Owner	Renter	Voter
✓ 53	Jenny Buck	1483 Ramada Ave	541-601-1074	X		X
✓ 54	Linda Heath	1801 Pine Dale	541-779-4734	X		X
✓ 55	JACOB MADSEN	1821 PINEDALE ST	541-301-1610	X		X
✓ 56	Kathy Hischer	1840 Pinedale St	541-944-3121	X		X
✓ 57	George Hischer	1840 Pinedale St	541-944-2714	X		X
✓ 58	Harri Murray	1841 Pinedale St	541-941-6144	X		X
✓ 59	Erin Latham	1851 Pinedale St	(714) 797-5700	X		X
✓ 60	Michelle Hobson	1871 Pinedale St	541-499-8834	X		X
✓ 61	MARTY CLARK	1945 PINEDALE ST	541-301-6181	✓		✓
✓ 62	Sprij Russell	1985 Pinedale	(541) 301-7892	X		X
✓ 63	CLARK	1970 Pinedale	408-499-5770			
✓ 64	Sheil Hunt	1920 Pinedale	541-324-508	X	X	X
✓ 65	Beth Hammericksen	1800 Pinedale St	541-531-4479	X		X
✓ 66	Katee Sullivan	1443 Matthews Pl	541-840-6555	X		
✓ 67	Mark & Burtin	2500 Bethany Ct.	541-772-9018	X		
✓ 68	Russ & Koehn (Heidi)	2570 Bethany Ct.	(541) 779-4889	X		
✓ 69	GEORGE SOMMER	1851 PINEDALE	530-200-3000	X		X
✓ 70	Kissy Madsen	1821 Pinedale	541-944-1107	X		X
✓ 71	KRISTA JANKOWSKI	2539 Lone Pine Rd.	541-773-8018	X		X
✓ 72	RANDY JANKOWSKI	2539 LONE PINE RD.	541-773-8015	X		X
✓ 73	Tracy Robbins	1325 Ramada Ave	541-216-6509	X		X
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PLANNING DEPT.

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1 of 22

CONDUCTED BY: GARY SUMRAK, 2485 PINEBROOK CIRCLE, MED. 97504

PLANNING DEPT.

Petition to Deny Springbrook Corners Project File No. AC-19-028 for Tax Lot 371W20 AB-3500

Petition Summary To deny File No. AC-19-028 application to build a Circle K Conveince Store w/Gas Station & Car Wash

Action Petition for: We, the undersigned concerned residents of the proposed project, request the City of Medford Planning Commission members DENY this application due to it's detrimental impact on our neighborhood.

Print Name	Signature	Address	Comment	Date
Jill Wiseman-Bald	Jill Wiseman-Bald	2499 Pinebrook Cir, Medford 97504	The Corner Can't sustain the traffic.	4-2-19
Joachim Bald	Joachim Bald	2499 Pinebrook Cir, Medford 97504	Excess traffic dangerous corner,	4-2-19
Elliot Bald	Elliot Bald	2499 Pinebrook Cir, Medford, OR 97504		4-2-19
GARY SUMRAK	Gary Sumrak	2485 PINEBROOK CIR., MEDFORD, OR	WRONG USE OF PROPERTY	4/2/19
Janice Sumrak	Janice Sumrak	2485 Pinebrook Cir, Medford 97504	Excess traffic, Decrease property value	4-2-19
Lislied Roberts	Lislied Roberts	2431 Pinebrook Cir, Medford 97504	Drop in property value	4-2-19
LORETTA FOULIN	Loretta Foulin	2403 Pinebrook Cir Med	Please DO NOT do this	4-2-19
LILA (PAT) FORD	Lila Ford	2400 PINEBROOK CIR, MEDFORD	NOT A GOOD IDEA	4/2/19
Kaaren Jones	Kaaren Jones	2402 Pinebrook Cir Med	TRAFFIC CONCERNS WRONG USE	4/2/19
Terry Jones	Terry Jones	2402 Pinebrook Cir	Noise, litter Bad Idea	4/2/19
J.A. SMELSER	J.A. Smelser	2460 PINEBROOK CIR.	INCOMPATIBLE ZONING FOR ADJACENT RESIDENCES	4/2/19
Jill Jones	Jill Jones	2475 Pinebrook Cir.	too much traffic	4/2/19
Rick Jones	Rick Jones	2475 Pinebrook Cir	too busy already	4/2/19
James Chaney	James Chaney	2450 Pinebrook Circle	doesnt belong here	4/3/19
Kris Nottingham	Kris Nottingham	2460 Pinebrook Cir.	TOO MUCH TRAFFIC	4-3-19

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FILE # AC-19-028 CITY OF MEDFORD

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Petition to Deny Springbrook Corners Project File No. AC-19-028 for Tax Lot 371W20 AB-3500

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Action Petition for: We, the undersigned concerned residents of the proposed project, request the City of Medford Planning Commission members DENY this application due to it's detrimental impact on our neighborhood.

Print Name	Signature	Address	Comment	Date
Cecilia Hurt	Cecilia Hurt	1390 Springbrook Rd	completely oppose	4/2/19
Monty Derhak	M Derhak	2404 Springbrook	traffic	4-4-19
DAN FILLMORE	Dan Fillmore	1758 SPRINGBROOK RD	congestion / TRAFFIC	4-4-19
CLIFTA HUTCHINGS	Clifta Hutchings	1758 Springbrook Rd.	" "	4-4-19
Becky Martin-Cole	Becky Martin-Cole	1760 Springbrook rd.	Hawk / traffic	4-4-19
Thomas Moore	Tom Moore	1770 Springbrook Rd	Completely Oppose	4-4-19
Marie Moore	Marie Moore	1770 Springbrook Rd	NO!	4-4-19
Rocky Fender	[Signature]	1645 Springbrook Rd	Traffic	4/4/19
Robin Fender	[Signature]	1645 Springbrook Rd		4/4/19
Sabrina Morgan	Sabrina Morgan	1573 Springbrook Rd	Traffic, too much	4/4/19
JAMES FORD	James Ford	1565 Springbrook Rd.	congestion	4-4-19
Linda Ford	Linda Ford	"	congestion / if not	4-4-19
Sarah Ford	Sarah Ford	1565 Springbrook Rd	Strongly opposed	4-4-19
Judy Farnsworth	Judy Farnsworth	1309 Springbrook Rd.	Strongly opposed!	4-5-19
Brad Trask	Brad Trask	1706 GARDEN DR	opposed	4-5-19

Petition to Deny Springbrook Corners Project File No. AC-19-028 for Tax Lot 371W20 AB-3500

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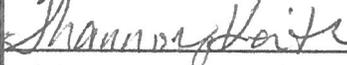
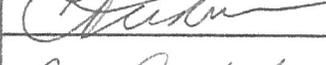
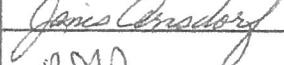
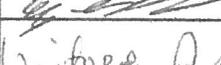
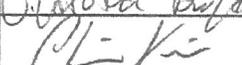
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Print Name	Signature	Address	Comment	Date
Jim Hawes	James R. Hawes	1824 GARDEN DR	I'm am very opposed	Apr 5 th
Pat Likes	Pat Likes	1822 2692 E Mc Andrews	No go	4-5-
William R. Trusty Sr	William R. Trusty Jr.	2702 E. McAndrews Rd medford, OR 97504	opposed to this	4-5-19
Andree Trusty	Andree Trusty	2707 E McAndrews Rd - Medford	no opposed	4-5-19
Chris Banuelos	Chris Banuelos	1221 Paulita Dr.	very opposed	4/5/19
Laura Bennett	Laura Bennett	1251 Paulita Dr	opposed	4/5/19
Garth Lucas	Garth Lucas	1148 Todd Circle	NO!	4-6-19
Rose J Lucas	Rose J Lucas	1148 Todd Circle	Opposed	4-6-19
FERRY SCHNEIDER	Ferry Schneider	1262 PAULITA DR	NO	4-6-19
Jondra Murph	Jondra Murph	2722 E. McAndrews Rd Medford OR	NO	4/6/19
Val Fabian	Val Fabian	1258 Paulita Dr	opposed	4/6/19
Amber Jones	Amber Jones	1241 Paulita Dr	Not good for neighborhood	4/6/19
WAYNE KOWBERRY	Wayne Kowberry	1238 PAULITA DR	NO	4-6-19
Adam Johnson	Adam Johnson	1228 PAULITA DR	NO	4/6/19
Jeff Dwire	Jeff Dwire	1261 Paulita Dr	NO	4-6-19

Petition to Deny Springbrook Corners Project File No. AC-19-028 for Tax Lot 371W20 AB-3500

Petition Summary To deny File No. AC-19-028 application to build a Circle K Convenience Store w/Gas Station & Car Wash

Action Petition for: We, the undersigned concerned residents of the proposed project, request the City of Medford Planning Commission members DENY this application due to it's detrimental impact on our neighborhood.

Print Name	Signature	Address	Comment	Date
BOBBY KAIN		1358 SEVERSON	Bad idea	4-5-19
Kimberly Boyd		1326 Severson Dr.	Keep our Neighborhood Private	4/5/19
Shannon Keith		1382 Severson DR	Residential only! ^{no} store	4/5/19
Mary Sands		2811 Crystal Dr.	Residential Only	4/5/19
Linda Rametes		1407 Severson Dr	"	4/5/19
Larry Rametes		1407 Severson Dr	"	4/5/19
Connie Turner		1349 Severson Dr	Need to upgrade corner for traffic control	4/5/19
Janis Arnsdorf		1323 Severson Dr.		4/5/19
Rob Murphy		2722 E. Mc Andrews	Neighborhood is nice	4/5/19
Marica Arias		1302 Brita Ave		4/6/19
Alex Thompson		2772 McAndrews Rd	Traffic is bad enough	4-6-19
Dickie Duff		2494. E. Mc Andrews. Rd.	traffic is crime	4-6-19
Chris Kiser		1239 Springbrook road	traffic	4-6-19
Margaret Lewis		1237 Springbrook Road	Traffic	4-6-19
Jimmy Allen		"	Traffic	4-6-19

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Print Name	Signature	Address	Comment	Date
Wayne Sider		108 Kensington Square Medford OR 97504	No on Building	4/3/19
Gerald merfeld		2954 Pinebrook Circle Medford OR	Stop Commercial on Home lots	4/3/19
Linda Merfeld		2454 Pinebrook Cirde Medford OR	No Commercial Building	4/3/19
Katerina Owens		2424 Pinebrook Cir. Medford, OR	No Commercial Building	4/3/19
Olga Johnson		2410 Pinebrook Cir Med.	Too much Traffic	4/3/19
Carole Chaney		2450 Pinebrook Circle ^{Medford,} OR	Too much Traffic	4/3/19
Jeff+Jill Feyersham		2446 Pinebrook Circle Medford, OR	NO COMMERCIAL BUILDING	4/3/19
Jill Feyersham		2446 Pinebrook Cir Medford, OR	Dr. Traffic	4/3/19
Laura Ballinger		2466 Pinebrook Cir Medford	Traffic	4/3/19
Nicole Milam		2482 Pinebrook Cir Medford	No Commercial Building	4/7/19
Chuck Nixon		2482 pinebrook cr medford	Traffic	4/7/19
JL SWEETSER		2460 PINEBROOK CIR	INCOMPATIBLE ZONING w/ EXISTING RESIDENTS	4/14/19
Eli Clark		2457 Pinebrook Cir.	Safety, Traffic	4/14/19
RICHARD BARTON		2442 PINEBROOK CIR	Traffic	4/14/19
Alex Lewelyn		2420 pinebrook cir.	Traffic	4/14/19

Petition to Deny Springbrook Corners Project File No. AC-19-028 for Tax Lot 371W20 AB-3500

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Print Name	Signature	Address	Comment	Date
Tim Fountain		1033 Springbrook Rd 04	BAD IDEA!!	4/6/19
RON PARRIS		1325 SPRINGBROOK RD. 97504	TOO 500 MUCH TRAFFIC	4/6/19
Wendy Greenman		1213 Springbrook rd	No need for gas station	4/6/19
Crystal Sheink		1209 Springbrook rd. 97504	Bad Idea	4/6/19
Joseph Zimmer		1600 Springbrook Rd. 97504	Too close!	4-6-19
Kelly Zimmer		1400 Springbrook Rd - 97504	Too close in residential	4-6-19
Fred Hav'Land		1653 Springbrook R 97504	Too Close	4-6-19
Ed BERNARDO		1557 Springbrook Rd 97504	NO THANK YOU	4-6-19
JANIS A. JACKSON		1317 Springbrook Rd . 97504	Traffic ^{Noise} increase, Safety Issue	4-10-19
Samuel D. Crocker		1317 Springbrook Rd 97504	No Way! Bad Fit!!	4-10-19
R C DAVIS		2857 CRYSTAL DR	NO	4-13-19
Mark O. Wright		2892 Crystal Dr.		4/13/19
DAVID SANDS		2811 Crystal Dr.	TO CLOSE	4/13/19
Bruce James		2839 Crystal Dr		4/13/19
Helean Ramos		2839 Crystal Dr	NO THANKS	4/13/19

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Print Name	Signature	Address	Comment	Date
Kathie Brooks	<i>[Signature]</i>	2552 Ashwood Ct Medford OR	DISTURBING WETLANDS? HEATING FROM ALL THE ASPHALT	4-2-19
JAMES R. Leavens	<i>[Signature]</i>	2542 Ashwood ct Medford	Safety - SOUND - LIGHTS	4-2-19
Karey Dixon	<i>[Signature]</i>	2572 Ashwood Ct. Medford	loud, too much traffic, safety	4-6-19
Suzanne Isom	<i>[Signature]</i>	2557 Ashwood Ct. Med.	Traffic	4-6-19
David Isom	<i>[Signature]</i>	2557 Ashwood Ct Med	Traffic	
Dolly Behrens	<i>[Signature]</i>	2547 Ashwood Court, Medford	Will disturb the Red Hawk nest.	4-6-19
RONALD NICK	<i>[Signature]</i>	2547 ASHWOOD CT, MED.	TRAFFIC, NOISE, GAS SMELL	
Shara Baack	<i>[Signature]</i>	1401 Matthews Pl. Medford	Traffic, Noise, Safety Disturbing wetlands	4-6-19
Jeff BAACK	<i>[Signature]</i>	1401 MATTHEWS TL. Medford	Light, Pollution, Traffic, Safety	4-6-19
MT DIMICK	<i>[Signature]</i>	2542 ASHWOOD CT	Safety, INVASION & Removal	4/6/19
Scott Brechtel	<i>[Signature]</i>	2577 Ashwood ct.	NOISE, SMELLS, TRAFFIC	
Kaila Brechtel	<i>[Signature]</i>	2577 Ashwood ct.	Safety, traffic, Smell	4/6/19
Shelley Brechtel	<i>[Signature]</i>	2577 Ashwood Ct	pollution, noise, safety	4/6/19
Marissa Brechtel	<i>[Signature]</i>	2577 Ashwood Ct.	noise, traffic, more diesel	4/6/19
Candi Nesberg	<i>[Signature]</i>	2878 Crystal Dr.	Traffic, noise	4/13/19

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Print Name	Signature	Address	Comment	Date
Shawn MacLachlan	Shawn MacLachlan	1853 Garden Dr		4-13-19
Chen MacLachlan	Chen MacLachlan	1853 Garden Dr		4/13/19
WAVE GAORAN	WAVE GAORAN	1849 GARDEN DR		4-14-19
MATE GAORAN	MATE GAORAN	"		4-14-19
KEN MORSE	KEN MORSE	1848 Garden Dr.		4-14-19
Roberta Nicol	Roberta Nicol	1830 Garden Dr		4-14-19
R. PASSINI	R. PASSINI	1829 GARDEN DR		4-14-19
ANITA GRAN	ANITA GRAN	1823 GARDEN DR.		4-14-19
JAMES GRAN	JAMES GRAN	1823 GARDEN DR		4-14-19
Georgia Vukovic	Georgia Vukovic	1792 Garden Dr.		4-14-19
EDWIN MATTOX	EDWIN MATTOX	1792 Garden Dr.		4-14-19
MARY WARD	MARY WARD	1774 GARDEN DR.		4-14-19
Karen Ward	Karen Ward	1774 Garden Dr		4-14-19
Susan Lightle	Susan Lightle	1747 Garden Dr		4-14-19
Steve Lightle	Steve Lightle	1747 Garden Dr.		4-14-19

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Print Name	Signature	Address	Comment	Date
		1786		
* Carol Sparks	<i>Carol Sparks</i>	1733 Garden Dr.	Professional OK; ^{High School} too close.	4-14-19
GERALD KINSTEIN	<i>Gerald Kinstein</i>	1733 GARDEN DR.	MAGNET FOR KIDS	4/14/19
Manvinder Singh	<i>Manvinder Singh</i>	1773 Garden DR		4/14/19
Jeffrey Smith	<i>Jeffrey Smith</i>	1836 Garden Dr.	Dangerous Intersection	4-18-19
Carolyn Burniffin	<i>Carolyn Burniffin</i>	894 Sunrise Dr.	traffic hazard dangerous area	4-20-19
SARAH BADKE	<i>Sarah Badke</i>	890 SUNRISE AVE	TOO BUSY OF AN INTERSECTION	4-20-19
CHAR McManus	<i>Char McManus</i>	1963 Bianca Ct	do not agree	4/20/19
RON NORRIS	<i>Ron Norris</i>	1975 BIANCA CT	STRONGLY OPPOSE	4/20/19
Lori Wilcox	<i>Lori Wilcox</i>	1975 Bianca Ct	Strongly Oppose	4-20-19
Kelly Lauerman	<i>Kelly Lauerman</i>	1972 Bianca Ct	NO, NO, NO	4-20-19
Gary Arnold	<i>Gary Arnold</i>	1952 Bianca Ct	Too much Traffic	4-20-19
Rebbi Arnold	<i>Rebbi Arnold</i>	1952 Bianca Ct	Too much traffic ^{already}	4/20/19
BRUCE HILL	<i>Bruce Hill</i>	400 SUNRISE		4/20/19
ANDY CHASTEN	<i>Andy Chast</i>	238 Sunrise		4/20/19

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Petition to Deny Springbrook Corners Project File No. AC-19-028 for Tax Lot 371W20 AB-3500

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Print Name	Signature	Address	Comment	Date
Debra RUSSELL	<i>Debra Russell</i>	2432 Ameryllis St. Med. OR	Please - NO	4-13-19
Leon Cope	<i>Leon Cope</i>	1530 N. Modoc Ave	Absolutely NO	4/13/19
Kathy Nyquist	<i>Kathy Nyquist</i>	2804 Cove Pine Rd	✓ ✓	4.13.19
Lois Malone	<i>Lois Malone</i>	1545 Modoc Av	Please no	4-13-19
Robert Malone	<i>Robert Malone</i>	1545 Modoc Ave	No way	4-13-19
Marijean Bernardo	<i>Marijean Bernardo</i>	1557 Springbrook Rd.	NO	4/13/19
Sheryl Mated	<i>Sheryl Mated</i>	1301 Springbrook Rd	Please No	4/16/19
Jack Shaffer	Jack Shaffer			
JACK SHAFER	<i>Jack Shaffer</i>	1750 EVANS CIRCLE	PLEASE NO	4-19-19
CAROLE SHAFER	<i>Carole Shaffer</i>	1750 EVANS CIRCLE	NO	4-19-19
Frances Lee	<i>Frances Lee</i>	1764 Evans Circle	NO	4/19/19
Carol Estabrook	<i>Carol Estabrook</i>	1769 Evans Circle	NO	4/19/19
JACK JUNKENTHAL	<i>Jack Junkenthal</i>	1731 EVANS CIRCLE	Not for a residential area	4/19/19
Julie Lamont	<i>Julie Lamont</i>	958 Sunrise Ave	NO	4/20/19
Scott Lamont	<i>Scott Lamont</i>	958 Sunrise Ave	No	4/20/19

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Petition to Deny Springbrook Corners Project File No. AC-19-028 for Tax Lot 371W20 AB-3500

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Print Name	Signature	Address	Comment	Date
CHRIS & Kimberly Wilkes		2167 Pinebrook Cir. Medford OR 97504	TOO MUCH NOISE & TRAFFIC	4/14/19
Garl Grigsby		704 Sunrise Ave	Not in Residential	4/20/19
GARTH BRADBURN		200 Sunrise Ave Medford 97504		4/20/19
Sarah		3018 Sunrise		9-2-19
Robin Lee		415 Sunrise Av 97504	Inappropriate near the High School & too much traffic	4/20/19
Diane Liles		425 Sunrise ave 97504	Inappropriate placement	4/20/19
Stephen Liles		425 Sunrise ave 97504	Inappropriate placement	4/20/19
Cherry Gregory		445 Sunrise AV 97504	Passive NOT NEEDED residential as such	4/20/19
Mary Grace Harbuck		535 Sunrise Av. Medford OR 97504	not needed its residential	4/20/19
Loida Tallar		535 Sunrise Ave. Medford Or	Its residential not needed	4/20/19
Lance Durham		1419 Clearwater Dr. medford	not needed	4/20/19
KATI TOMLINSON		661 SUNRISE AVE	AGREE WITH WRONG LAND USE, ISSUE RESIDENTIAL	4/20/19
Loetta Sias		641 Sunrise Ave Mfd	Inappropriate Med Residential + school	4/20/19
ARNOLD D. SIAS		641 SUNRISE AVE Medford	bad location/more traffic	4/20/19
TARA BEALS		765 Sunrise Ave Medford	not in residential	4/20/19

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Petition to Deny Springbrook Corners Project File No. AC-19-028 for Tax Lot 371W20 AB-3500

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Print Name	Signature	Address	Comment	Date
J DEAN FREEMAN	<i>J Dean Freeman</i>	885 SUNRISE		4/20/19
KURT CHRISTY	<i>Kurt Christy</i>	887 sunrise		4-20-2019
Daniel Pathsam	<i>Daniel Pathsam</i>	2478 Pinebrook Cir.		4/21/2019
Julie Russell	<i>Julie Russell</i>	2467 Pinebrook Cir.		4-21-19
Janx Meyer	<i>Janx Meyer</i>	2407 Pinebrook Cir.		4/21/19
Qiu Liyu	<i>Qiu Liyu</i>	1739 spring st.		4/21/19
Pier DiCero	<i>Pier DiCero</i>	2474 Pinebrook Cir		4/21/19
STEVE McNEAL	<i>Steve Mcneal</i>	2689 LAWNVIEW DR		4/22/19
JOHN PHILIP	<i>John Philip</i>	1168 BROOKDALE AVE		4/22/19
Helen M Philip	<i>Helen M Philip</i>	" " "	WE ALSO NEED TO CHANGE SPEED LIMITS TO ALL RESI AREAS TO 25MPH	4/22/19
Cindi Hickay	<i>Cindi Hickay</i>	1188 Brookdale Ave		4/22/19
YOWANDE DESCHENES	<i>Yowande Deschenes</i>	2417 GREENRIDGE DR		4/22/19
Rebecca Hawkins	<i>Rebecca Hawkins</i>	2431 Greenridge Dr.		4/22/19
MELODIE PEDERSON	<i>Melodie Pederson</i>	2433 Greenridge Dr.		4-22-19
Dennis McVicker	<i>Dennis McVicker</i>	2433 Greenridge Dr		4/23/19

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Petition to Deny Springbrook Corners Project File No. AC-19-028 for Tax Lot 371W20 AB-3500

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Print Name	Signature	Address	Comment	Date
SKYLER McNEAL	<i>[Signature]</i>	2313 Specific Hwy 7 Talent OR		4/10
Beulah FARNSWORTH	<i>[Signature]</i>	2530 E McAndrews #424 Med 97504		4/6
KATHY HOLT	<i>[Signature]</i>	P.O. BOX 105 Medford, OR 97501		4/7
Marilyn Minchinton	<i>[Signature]</i>	2530 E McAndrews Apt 206		4/7
Valerie Chamberlain	<i>[Signature]</i>	276 Idaho St #2 Ashland OR 97520		
S. SANCHEZ	<i>[Signature]</i>	2530 Mc Andrew Rd		4/7
HELEN STRAIN	<i>[Signature]</i>	2530 E Mc Andrews Rd APT 140		4/7/19
JAMES L Richmond	<i>[Signature]</i>	2530 E Mc Andrews Rd. Apt 324		4/7/19
Lois E. Richmond	<i>[Signature]</i>	2530 E McAndrews Rd. Apt. 324		4/7/19
Elizabeth C. Lashar	<i>[Signature]</i>	2530 E. McAndrews Rd Apt. 243		4/7/19
Kathryn A. Rieger	<i>[Signature]</i>	2530 E. McAndrews Rd. Apt. 205		4-7-19
LORETTA LISOWSKI	<i>[Signature]</i>	2530 E Mc Andrews Rd. APT 135		4-7-19
E DANIELLE LeVine	<i>[Signature]</i>	2530 E Mc Andrews Rd	will contribute to Noise & Traffic	4-7-19
Happy LeVine	<i>[Signature]</i>	2530 E Mc Andrews	VIOLATES RESIDENTIAL MUA	
ELAINE FOSTER	<i>[Signature]</i>	2530 E. McAndrews Rd. Apt. 328		4-7-19

Petition to Deny Springbrook Corners Project File No. AC-19-028 for Tax Lot 371W20 AB-3500

Petition Summary To deny File No. AC-19-028 application to build a Circle K Conveince Store w/Gas Station & Car Wash

Action Petition for: We, the undersigned concerned residents of the proposed project, request the City of Medford Planning Commission members DENY this application due to it's determental impact on our neighborhood.

Print Name	Signature	Address	Comment	Date
Mary Alice Collins	Mary Alice Collins	2530 E McAndrews		4/7/19
GEORGE L. GROOM	George L. Groom	2530 E. MCANDREWS # 208		4/7/19
DAWN GROOM	Dawn Groom	2530 E. MCANDREWS RD.		4/7/19
Earl McGinty	Earl McGinty	2530 E McAndrews Rd.		4/10/19
Florence McGinty	Florence McGinty	2530 W McAndrews Rd		
Theresa Runnig	Theresa Runnig	2530 W. McAndrews #401		4-10
Maria Laskoff	Maria Laskoff	511 Effie St. Medford 97504		4-10
Joyce Laskoff	Joyce Laskoff	2530 E. McAndrews		
Ruby Mae Reed	Ruby Mae Reed	2530 W. McAndrews #201		4/10
Dennis N. Wise	Dennis N. Wise	2530 E. McAndrews Rd. #203	Not a Commercial Neighborhood!	4/10/19
Teresa Damgaard	Teresa Damgaard	2530 E McAndrews Rd 103	" " "	4/10/19
Kirsten Damgaard	Kirsten Damgaard	221 N Central Ave #410 MEDFD 97501		
J.P. Pickett	J.P. Pickett	2530 E McAndrews		
G.W. Hollingsworth	G.W. Hollingsworth		DONot Build	4/10
Candace Longmire	Candace Longmire	2530 E McAndrews #447	HOMES/Apts/NOT COMMERCIAL	4/10/19

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Print Name	Signature	Address	Comment	Date
John D. Mavick	<i>John P. Mavick</i>	2433 Greenridge Dr.		4/22/19
MATT BURD	<i>Matt Burd</i>	2443 GREENRIDGE DR.		4/22/19
MARY ANN THOMPSON	<i>Mary Ann Thompson</i>	2463 GREENRIDGE DR		4/22/19
RANCE Cline	<i>Rance Cline</i>	2469 Greenridge Dr		4/22/19
Sandra Taylor	<i>Sandra Taylor</i>	2483 Greenridge Dr		4/22/19
DAVID Gwynn	<i>David Gwynn</i>	2495 GREENRIDGE DR		4/22/19
Ryan Petri	<i>Ryan Petri</i>	2476 Greenridge Dr.		4/22/19
Cesar Herrera	<i>Cesar Herrera</i>	2466 Greenridge Dr		4/22/19
Almiraz M. Dizon	<i>Almiraz M. Dizon</i>	2450 Greenridge Dr -		4/27/19
Ambra Elmer	<i>Ambra Elmer</i>	2440 Greenridge Dr.		4/27/19
RONALD VALENTINE	<i>Ronald Valentine</i>	2430 GREENRIDGE DR.		4-22-19
HOWARD WILLS	<i>Howard Wills</i>	2411 GREENRIDGE DR		4-27-19
JASON SLEWSON	<i>Jason Slewson</i>	2408 Greenridge Dr		4-22-19
Cathy Burrelle	<i>Cathy Burrelle</i>	1132 Brookdale Ave 97504		4-23-19
Ronald Gray	<i>Ronald Gray</i>	1112 Brookdale Ave 97504		4-23-19

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Print Name	Signature	Address	Comment	Date
William Jones		1241 Paulita Dr. Medford, OR 97504	Not in favor of any of the three business ideas.	4/8/19
Ben Blesse		2742 Juanita Ave, 97504	Don't want this	4-8-19
NANCY CALDWELL		2748 Juanita Ave 97504		4/8/19
Tiffany Schroder		2739 Juanita Ave. 97504	Don't do it!	4/8/19
Chris McCulloch		2739 Juanita Ave 97504		4-8-19
RON LAVETT		2733 JUANITA AVE 97504	NO CIRCLE K	4-8-19
Joyce Athanas		2727 Juanita Ave. 97504	Not a commercial Area	4-8-19
DAVID ATHANAS		2727 JUANITA AVE 97504	Don't do it	4-8-19
MARTIN PAOLA		2751 JUANITA AVE 97504	SAFETY CONCERNS/TRAFFIC	4-9-19
DANIEL HOBBS		1244 VALLEYVIEW DR 97504	TRAFFIC/Congestion	4-22-19
Don Foreman		1011 Brookdale Ave 97504	Traffic	4-23-19
Jane Asawall		1047 Brookdale Ave 97504	unsightly & traffic	4/23/19
Billie King		1057 Brookdale ave 97504	"	4/23/19
Sandra Rouhier		1101 Brookdale Ave 97504	Not appropriate for this area	4/23/19
James Sherbourne		1109 Brookdale Ave 97504		4/23/19

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Print Name	Signature	Address	Comment	Date
LEROY F MOORE	Leroy Moore	5530 E. McAndrews Rd No 102 Medford, OR. 97504	TO MUCH TRAFFIC ALL READY	04/21/19
MEG DUBOUCHÉ	Meg Dubouché	10071 Pacific Hwy #38 Talent, OR 97540	NOT IN MY BACKYARD	4/22/19
JOHN BODENSTAB	John Bodenstab	2530 E. McANDREWS RD N:322 MEDFORD, OR 97504	TOO MUCH TRAFFIC ON A NARROW STREET ALREADY	4/22/19
Rose-Alice Bodenstab	Rose-Alice Bodenstab	2530 E. McAndrews Rd # 322 Medford, Oregon 97504	area would be too congested.	4/22/19
Laurie Kishawi	Laurie Kishawi	330 Bessie St #2 Medford 97504	thmes a gas station down mc Andrews, then near the school	4/23/19
Jane Gossett	Jane W Gossett	2530 E McAndrews Rd. #326 Medford, Or. 97504	VERY much noise already too much traffic	4/23/19
Tina Newborne	Tina New	497 Scenic Dr. # B Ashland	Too much Traffic	4/23
Amber Hinderer	Amber Hinderer	1021 Morrison Ave Medford, OR	No need to destroy natural beauty for bustle	4/23
Wanda Kedar	Wanda Kedar	2430 E McAndrews #104		
Justin Watkins	Justin Watkins	3080 Pine View Ct Medford OR 97504	No good for Community	4/23
Loryane Bohm	Loryane Bohm	3060 Pineview Ct Medford, OR	NOT in residential area	4/23
Paul Bohm	Pete Bohm	3060 Pineview Ct Medford, OR	" " "	4/23
LORRAINE WEBB	Lorraine Webb	301, Pineview Ct Medford OR	Not in Any Residential Area	4/23/19
Bethann Barr	Bethann Barr	3081 Pineview Ct Medford	terrible idea,	4/23/19
Aycelia Chavez	Aycelia Chavez	1185 Brookdale ave Medford	terrible idea, too much traffic	4/23/19

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Print Name	Signature	Address	Comment	Date
DONALD RIEGGER	<i>Donald Riegger</i>	2530 E. McAndrews Rd. #205	We should have been notified	4/11/2019
JOHANNE WURBER	<i>Johanne Wurber</i>	2530 E. McAndrews #213	Too much traffic, etc already	4-16-19
JOSEPH R. WELLS SR	<i>Joseph Wells</i>	2530 E. McAndrews + 205 Merrimack	#213	4-16
Marti Johnson	<i>Marti Johnson</i>	2530 " " #113	too much traffic!	4-17-19
CLANCEY BARLOW	<i>Clancey Barlow</i>	2530 E McAndrews Rd. 237	Site a residential area	4-17-19
LEA D. WILSON	<i>Lea D. Wilson</i>	2520 E McAndrews Rd. rm. 101	too much traffic	4-18-19
Twilia Fogarty	<i>Twilia Fogarty</i>	2430 E McAndrews #168	don't need traffic	4-18-19
MARLENE SPOONIS	<i>Marlene Spoonis</i>	#427 2530 McAndrews Rd	TOO MUCH TRAFFIC + NOISE	4-18-
TERESA DAMGARD	<i>Teresa Damgard</i>	#103 2530 McAndrews Rd	Don't need ^{NOISE} the traffic	4/18/19
MARY M. CARDOON	<i>Mary M. Cardoon</i>	1179 Brookdale Ave.	Don't need more traffic	4-23-19
Sandra L. Gerritz	<i>Sandra L. Gerritz</i>	2401 Meadow Creek Dr	Too much traffic	4-23-19
Stephen L. Gerritz	<i>Stephen L. Gerritz</i>	" "	" "	
HARVE GOINGS	<i>Harve Goings</i>	2417 Meadow Creek Dr	Traffic	4/23/19
Keli Holston	<i>Keli Holston</i>	2423 Meadow Creek Dr.	Too much traffic!	4/23/19
Ralph Burrelle	<i>Ralph Burrelle</i>	1132 Brookdale Ave	Traffic, Congestion	4/23/19

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Print Name	Signature	Address	Comment	Date
OSE BEGLEY	Ose Begley	2530 E McANDREWS RD	MEDFORD	4/23/19
Eleanor Sebree	Eleanor Sebree	2530 EAST McANDREWS	MEDFORD	4/23/19
Laura Ault	Laura Ault	2447 Meadow creek DR	Medford	4/23/19
Robert M. Hirt	R M Hirt	2465 Meadow creek Dr.	Medford	4/23/19
Carol A Hirt	Carol Hirt	" "	"	"
Robert Miltz	Robert Miltz	2471 Meadow Creek Dr	Medford	4/23/19
Salvador medrano	Salvador medrano	2493 Meadowcreek DR	Medford	4-23/19
PAUL MCPHEE	Paul McPhee	2519 Meadowcreek Dr.	Medford	4/23/19
Loris Erickson	Loris Erickson	2559 Meadowcreek Dr	Medford	4/23/19
Joshua Guinn	Joshua Guinn	2560 meadowcreek Dr.	Medford	4/23/19
Lindsay Guinn	Lindsay Guinn	2560 meadowcreek Dr	Medford	4/23/19
Karen Keating	Karen Keating	2520 Meadow Creek Dr.	Medford	4/23/19
Nancy Weaver	Nancy Weaver	1870 St Clair St	Medford	4/24/19
Ronald Weaver	Ronald Weaver	1870 St Clair St	Medford	4/24/19
GAIL Cotter	Gail Cotter	1880 St. Clair St.	Medford	4/24/19

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Print Name	Signature	Address	Comment	Date
DONALD J. VETTE	<i>[Signature]</i>	2530 E. Mandreas Rd. # 439	Need more info.	4-22-19
BARBARA SMITH	<i>[Signature]</i>	" " # 301		4-23-19
TOMMY MARVIN	<i>[Signature]</i>	1916 ST CLAIR ST.		24 APR 19
MARCELLE KATZ	<i>[Signature]</i>	1875 ST CLAIR ST.		4/24/19

RECEIVED

APR 25 2019

PLANNING DEPT.

To: MATT BRINKLEY, AICP CFM, Planning Director

STEFFEN ROENNFELDT, Planner

File No.: AC-19-028

City of Medford, OR.

From: M.T. Dimick



The following pages are signed by 290 citizens in opposition to the construction of SPRINGBROOK CORNERS, 1380 Springbrook Road.

Thank you for allowing me to present these petitions.

CITY OF MEDFORD

EXHIBIT # RR

File # AC-19-028

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Petition to Deny Springbrook Corners Project File No. AC-19-028 for Tax Lot 371W20 AB-3500

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Print Name	Signature	Address	Comment	Date
MARNEE WIDLUND		1220 CRATER LAKE AVE		4/15/19
MATTHEW VISSER		1220 CRATER LAKE AVE		4-23-19
Michael Larson		1220 CRATER LAKE AVE		4/23/19
Adam Ram. re?		1987 Camellia AVE		4/23/19
MARCO VIGOR		Hybiscus McSPON		4-23-19
Pam Pingle		3017 Cleopatra Circle 97504		4-23-19
Danewell Wright		1220 crater lake Ave		4-23-19
R. Mike Jare		1220 Crater lake Ave		4-23-19
Ron Holman		1220 CRATER lake AVE		4-23-19
Angel Rosster		8284 24th St WL		4-23-19
John Slaton		2549 Hwy 227 trail		4-23-19
Shawn Conner		208 ARBOR ST R.R.		4-23-19
Veda Kent		1226 Crater Lake Hwy		4-23-19
Rebecca Popson		612 N Berkeley Way		4-23-19
Bob Hauice		2897 Fannington Ave Medford		4/23/19

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Print Name	Signature	Address	Comment	Date
Ty Waldron		1002 Spring St.		4/23/19
Mayla M				4-23-19
David Daniel				4-23/19
Bruce				4/23
Roger Lake		3529 Love Dine Rd		4-23
Sung Amore		La Rue Dr. Medford		4-23-19
Pete Amore		3270 La Rue Dr Medford		4-23-19
Mike Re		3267 LAFUC Drive medford		
Rick Casey		1734 Evans Circle		4/23/19
Eileen Hurd		1101 Woodrow #2 Med		4-23-19
Tikah Neumann		3202 Woodbriar Dr.		4/23/19
Tosha Black		1156 Skeeters Lane	FRANK Circle K !!	4/23/19
RAE NEWICK		1156 SKEETERS LANE		4/23/19
Felix Julas		1156 Ca		4-23-19
B Honey Russell		1850 Crestler lake A C	gc 7/11/14	4/23/19

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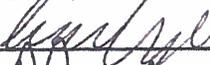
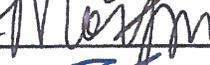
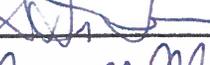
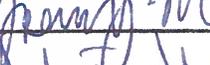
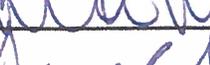
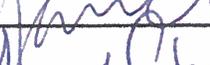
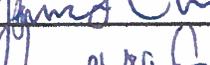
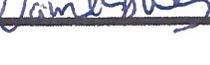
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Print Name	Signature	Address	Comment	Date
Kelly Duffy		1425 Crater Lake Ave		4-23-19
Russ Baxter		8728 " " Hwy		
Lindsay Faly		3105 Cedar Links Dr, 97504		4/23/19
Lindsey Rivera		1924 Hibiscus St - 97504		4-23-19
Nicole Gomez		274 E. McAndrews Rd		4/23/19
Kyle Hensco		1064 HWY 238 97530		4/23/19
Glen Willard		2478 E McAndrews Rd		4/23/19
Jason Easley		3316 Wellington Dr Medford 97504		4-23-19
Megan Fees-Sell		541 Royal ave. Medford, OR		4/23/19
Nick Perot		2538 Bel Abbes Ave Medford OR 97504		4/23/19
Chance Costin	Chance Costin	2378 Strasburg Street		4/27-19
Chris PFAU		657 Sheffield ^{EASE Point} DR 97524		
John Jensen	John Jensen			
Maryann C.				4-23-19
Kathleen Deine		12020 Morrow Rd		4-23-19

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Print Name	Signature	Address	Comment	Date
Wyatt Haas		1294 mohocke white city OR		4/25
Jason Pugh		3460 Poppywoods Dr med f		4/25
Stephanie Wittke		2456 Alma Drive		4/25
Amber Dwyer		1880 crater lake ave apt 4		4/25
Christy Rice		2292 Sunburst Ct		
Emily McKay		1941 Redbud Ln		4/25
Morgan Lee		2224 Crater Lake Ave		4/25
Priscilla		3444 Wainwright		4/26/19
Sosanna		1771 coast Ct		4/25
Doug Taylor		2250 Center Lake		4/25
Jeremy McKinney				
Marie Lentley		2025 Corona St.		4-25
Jacob Chavn		1888 Alcon Dr		4/25
James Chavez		1771 Hermes St		4/25
Vanessa Sanchez		1880 Alcon Dr		4/25

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Print Name	Signature	Address	Comment	Date
Racheal Stephens		1880 Alden Dr. Medford	traffic, noise	4-22-19
Samantha Stella		1710 Yukon Ave Medford	Traffic	4-22-19
MATT NEELY		1710 Yukon Ave Medford	WE HAVE ENOUGH STORES	4-22-19
Amy Hutchinson		2500 Whittier Ave medford	traffic	4-22-19
Troy Romike		2242 Sunburst CT #4	Traffic No way	4/22/19
FRANK RUDA		12051 Puggan	PA-E	4/22/19
Mike Hammer		575 W 5th St central point	founder	4/22/19
Joe Stella		4865 Antelope RD wherwy	Fried liver there	4/22/19
Walter Beeson		3318 pschman	KRO-	
Jarie Stella		546 Whitman pl	Traffic	4-24-19
LEON STEPHENS		1880 ALDEN	TRAFFIC	4-24-19
Ember Oppenaut		2030 Brookhurst	Traffic	4/25/19
MARVIN LIVING		2145 Roberts Rd		4/25/19
Jarred Evans		1495 Alpine Court		
Luke Moser		517 Golf View Dr	Traffic	4/25/19

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Print Name	Signature	Address	Comment	Date
Arlan Campen		2808 Crystal Dr	Traffic	4/15/19
Vanessa Campbell		1427 Lawnridg St.	Traffic/ Congestion	4/15/19
Jeff Marty		900 Valley View Dr	Traffic	4/15/19
Matt Beaber		1107 Brookdale Ave	Traffic	4/15/19
Jesse Taylor		1911 Gene Cameron	Traffic	4/15/19
Julie Chamberlain		11060 N. Berkeley Way	Disturbance of residence	4/15/19
Mike Copeland		1018 N. Berkeley Way	SAFELY	4/15/19
Wayne Ayers		3029 COUNIAL AVE	TRAFFIC	4-15-19
Ed Stewart		3069 Sycamore Way	Traffic	4-15-19
Kim Swain		516 Valley View	Don't need it!	4-15-19
BRANDON CARROLL		549 N. Wexford	Traffic / neighborhood	4-15-19
Fritz Schuler		570 Pioneer rd.	Traffic	4-15-19
Elijan Zierlinden		2240 Gardenstate Cir	Congestion	4-15-19
Destiny Bunker		2240 Gardenstate Cir	Congestion	4-15-19
William Johnson		2961 Chancery Cir	Traffic / Left right Fought crowd	4-15-19

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Steven C. Rennick		682 Kylee Ann Medford Dr. 97501	safety, traffic & noise	4-11-19
ROBERT HEATH		1511 CROWN AVE MEDFORD 97504	TRAFFIC, HOMELESSNESS	4-11-19
Pat Fries		1936 Hutchins Circle - 97501	TRAFFIC And Homeless	4-11-19
Stephanie Reyes		2630 Delta Waters Rd 97504	Traffic & homelessness	4-11-19
Gale Finstad		4752 Cloudcrest DR 97504	traffic & noise	4-11-19
EIZABETH FINSTAD		P O BOX 4029 MEDFORD OR 97501	SAFETY, TRAFFIC, NOISE	4-11-19
Phillip Barlow		520 Boardman St. ^{Medford} OR 97501	Traffic / Noise	4/11/19
Tony Reyes		2630 Delta waters Rd	Traffic/Noise	4/11/19
Mark Darrohn		1979 Hutchins Circle	Noisy near retirement home	4/11/19
LEIGH DARRONH		1979 Hutchins Circle	Traffic/Noise	4/11/19
ARROWAY DARRONH		1979 Hutchins Circle	Homeless People/Noise	4-11-19
CASSLE SMITH		822 W 12th St 97501	Traffic	4-11-19
Rachel Ray		610 Malabar St.	traffic noise	4/11/19
LES VIVARIC		4176 Ham Lock Dr. 04	TRAFFIC	
Mark Bell		2917 Hollyburn Ridge	Traffic	4-11-19

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Print Name	Signature	Address	Comment	Date
Malcolm Tracy		1611 Edgelyale Ave	- NOPE -	4/16/19
Ellen Radwsk		571 Pierce rd.	Traffic	4/16/19
Anne Mokeduan		1129 Westview Ct	no way	4/16/19
GARY DEGARMO		2901 STACIE WY	Traffic	4/16/19
Jennifer Formo		1883 Valley View	Traffic	4/16/19
Rayon Janowski		10000 Hillcrest	because	4-16-19
Jon Sherman		2243 Aloha		4-16-19
Pat Fossen		2304 RIDGEWAY		4/16/19
Brittany Peffe		2420 Pinebrook Cir	Traffic	4/16/19
Bob Davis		2934 Eric Circle	- NO -	4/16/19
Alic Prince		112 Washington St	Hell NO!	4/16/19
Michael Dunkel		6033 Hillcrest Rd		4/16/19
Erin Neuwenschwander		20320 Hillway	-NO-	4/16/19
Zachary Collier		2306 Spring St	NO!!!	4/16/19
Jessica Collier		2306 Spring St	No!!!	4/16/19

Petition to Deny Springbrook Corners Project File No. AC-19-028 for Tax Lot 371W20 AB-3500

Petition Summary To deny File No. AC-19-028 application to build a Circle K Conveince Store w/Gas Station & Car Wash

Action Petition for: We, the undersigned concerned residents of the proposed project, request the City of Medford Planning Commission members DENY this application due to it's determental impact on our neighborhood.

Print Name	Signature	Address	Comment	Date
Matt Bamford		3063 Atken Way	dumb	4/18
Erika Lewis		424 Valley View Dr	Bad Location	4-18
Nick Tarras		2925 West Medford	Bad Location	4/8
Allie Mitchell		1537 Spring St	Bad Location	4/19
Tim Soltes		2650 Galls Creek RD	Should Be Residential	4-19
Rachel Veffers		3442 Windgate Dr.	Location	4/19
Randy Hawker		1414 Sawerson Av	Traffic/Location	
Bennet Adee		317 S. Groveland Av	Bad Traffic Bad Loc.	4/19
Sandra A. B.		1556 Angelcove Dr.	terrible location/traffic	4/19
Lorraine Becker		3555 S. Pacific Hwy	Bad/Traffic	
Robert Beninger		3341 Toucan Ave	Bad/Traffic	4/19
Rachael Vasquez		2507 Agate Meadows		4/19
JOSH GEYER		1798 Spring St	Bad TRAFFIC	4/19
PAT TIPTON		2507 West Cedar Dr.	Bad Traffic	4/19
Michael Hanford		2236 Spring St. 97504	Awful Location	4-19

Petition to Deny Springbrook Corners Project File No. AC-19-028 for Tax Lot 371W20 AB-3500

Petition Summary To deny File No. AC-19-028 application to build a Circle K Conveince Store w/Gas Station & Car Wash

Action Petition for: We, the undersigned concerned residents of the proposed project, request the City of Medford Planning Commission members DENY this application due to it's detrimental impact on our neighborhood.

Print Name	Signature	Address	Comment	Date
GARY WILLIAMS		2454 PHEASANT LN	NOISE/TRAFFIC	4-13-19
Bonnie Huntley		1450 Moon Lane	Area already overgrown	4-13-19
Matt Bolton		3800 Cherry Ln	not needed	4/15/19
Mike Calvert		4709 Spyglass Ct	traffic/noise	4/13/19
Angela Galant		4709 Spyglass Ct	NOISE	4/13/19
Claudia Viets		727 Keene Dr	inappropriate for the neigh hood	4/13/19
DAN Wolff		3780 Harbroke RD	Too much Traffic	4-13-19
FRIN Martyn		645 Royal ave ^{apt 240}	noise / traffic	4-14-19
Moses Vasquez		2507 Agate meadows	The smell of gas station can't be good for the old	Colns 4-14-19
Tom Adams		2366 Westwood Circle Medford OR	Noise/Value	4-14
Kelly Willits		2454 Pheasant Ln, 97504	lot should stay residential	4/12/19
Ryan Humley		1450 Moon Terrace	too much traffic	4-14-19
Sandra Kifer		4946 Oak Tree Circle	TRAFFIC	4-19-19
Walter Fipps		1409 Larkspur Ave.	Traffic	4-19-19
Dane Smith		881 Island Pointe	TRAFFIC	4/18/19

Petition to Deny Springbrook Corners Project File No. AC-19-028 for Tax Lot 371W20 AB-3500

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Print Name	Signature	Address	Comment	Date
Jeffrey		2539 Winters Edge way		4/22
Kelsey		Eagle Point		4/22
Robin Cross		Brookdale Ave, Medford OR		4/22
Tom Herman		733 Woodbridge dr		4/22
Brian Peaslee		3600 AVE G # 36, WASTE CITY MEDFORD		4/22
Dom CRENSTAN		3070 PINEVIEW LT 97501		4/22
Laura Haynes		2933 Highborn Pkwy		4-22
Michelle Walters		1310 Stevens Road		4-22
Garrett Murphy		529 Mary St		
Jake Friend		2464 Anacallis		4-22
TYLER CAMBAS		2001 SPRING ST MED. OPE. 97504		4-22.
Ben Rodriguez		1228 W. 8th St MED 97501		4/23
Tyler Pearson		1626 monarch Lane med 97504		4/23
Scott Roberts		2346 Asher Dr Medford 97504		4/23
Matt Endswick		2200 RUTH way medford		4/23

Petition to Deny Springbrook Corners Project File No. AC-19-028 for Tax Lot 371W20 AB-3500

Petition Summary To deny File No. AC-19-028 application to build a Circle K Conveince Store w/Gas Station & Car Wash

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Print Name	Signature	Address	Comment	Date
Shawna Lewis	Shawna Lewis	1220 Valley View Dr		04/20/19
Autumn Mitchel	Autumn Mitchell	2093 Ridge Way	Not enough Room in area	04/20/19
DENISE Cline	Denise Cline	2409 GREEN RIDGE	too busy already	4/20/19
Brian Champay	Brian Champay	1772 Inverness Dr	too busy	4/20/19
BEN FOLEY	BEN FOLEY	2074 Hill Way	Bad idea	4/20/19
JASON WRIGHT	JASON WRIGHT	3537 S. Fork Little Butte Cr RD	Brings Transients	4/20/19
GLENN ALLEN	GLENN ALLEN	3058 MILHOAN DR MEDFORD 97504	INTERSECTION TOO BUSY	4/20/19
Molly Neron	Molly Neron	1418 Reddy Ave Medford 97504	Bad idea	4/20/19
Margaret Mitchell	Margaret Mitchell	1825 NE 39th, Portland 97212	grew up in this neighborhood	4/20/19
Aaron Andreessen	Aaron Andreessen	2300 Brentwood Dr		4/20/19
JOSEPH SLOAN	JOSEPH SLOAN	1608 PAPAJO DR		4/20/19
Greg Stubbald	Greg Stubbald			
Stacey Wood	Stacey Wood	1120 W Modoc Ave Med		4/20/19
FRED DE PIZZI	FRED DE PIZZI	300 WMAN RD PHOENIX		
Martha Koeper	Martha Koeper	1767 Spring St. Medford	Not Needed	04/20/19

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Petition to Deny Springbrook Corners Project File No. AC-19-028 for Tax Lot 371W20 AB-3500

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Action Petition for: We, the undersigned concerned residents of the proposed project, request the City of Medford Planning Commission members DENY this application due to it's determental impact on our neighborhood.

Print Name	Signature	Address	Comment	Date
Steven Cocter		1935 Spring		4-17-19
JENNIFER SNODGRASS		1342 FLOWER ST		4/17/19
Dennis Shewmaker		769 Gardendale		4/17/19
Kristi Kelly		3317 SYCAMORE Way 97504		4/17/19
STEVE JONES		3544 MICHAEL PARK DR.		4/17/19
Tony Robinson Jr		1767 Spring Street		4-17-19
Josh Sauer		2643 WILKSHIRE R		4/17/19
Steve Soderberg		1283 Gardendale		4-17-19
DAVID SCHODENAU		2693 E. McANDREWS.		4-17-19
Anjanette Wright		1534 Ridge Way Medford 97504		4-17-19
Kelly Nicholson		2808 Crystal Dr		4-17-19
David Formolo		2861 Anita Circle		4-17-19
Rachel Kuykendall		2861 Anita Circle		4/17/19
Scott Linder		1824 Silvercrest CT	FUCK NO Batches	4/17/19
Ryan G Green		1404 N. Keene	Why? Spring St.!!	4/17/19

Petition to Deny Springbrook Corners Project File No. AC-19-028 for Tax Lot 371W20 AB-3500

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Print Name	Signature	Address	Comment	Date
Mike Vaxton		1551 Starburst Way		4-20-19
Brod Skinner		536 N. Stoneham Cir		4/20/19
Chase Skinner		536 N. Stoneham Cir		4/20/19
JEROME DITTMAR		2455 SPRING ST		4/20/19
MIKE LOUGHEED		820 BROOKDALE AVE		4/20/19
Catherine Lougheed		820 Brookdale Ave		4/20/19
BOBBY MUCK		820 BROOKDALE AVE		4-20-19
MATT EDINGER		1540 SPRING ST		4-20-19
Thomas Moya		1020 N. Berkeley Way	No need for it	4-20-19
CHRIS GALPIN		2857 FARMINGTON AVE	NO USE	4-20-19
Debbie Nunes		1072 Castletwood Dr	not necessary	4-21-19
CORRY LAUER		2455 SPRING ST	NOT NECESSARY	4-21-19
Renee Wange		510 Valley View Dr		4-21-19

Petition to Deny Springbrook Corners Project File No. AC-19-028 for Tax Lot 371W20 AB-3500

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Print Name	Signature	Address	Comment	Date
Tony BRISW		9605 GARDEN SPRINGS CR	TRAFFIC	4/11/19
Jodie Bell		2917 Hollyburn Ridge	Traffic	4/11/19
FREN INLOW		711 MEDFORD CENTER #35	TRAFFIC	4/11/19
Foley Wheeler		2782 Judy way	Traffic/Noise	4/12/19
Charles Lindsay		900 S. Oakdale AV.	Traffic	4/13/19
Chris Batesole		800 ELLENDALE DR #22	TRAFFIC	4-23-19
BRETT SMITH		2640 E BARNETT RD	TRAFFIC	4-21-19
Dennis Thacker		1918 CAMELLIA AV.	Traffic	4-23-19
ADAM KERR		1010 TEMPLE DR / C.P.	TRAFFIC	4-23-19

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Petition to Deny Springbrook Corners Project File No. AC-19-028 for Tax Lot 371W20 AB-3500

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Action Petition for: We, the undersigned concerned residents of the proposed project, request the City of Medford Planning Commission members DENY this application due to it's deterrental impact on our neighborhood.

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Print Name	Signature	Address	Comment	Date
Diane Dabrowski		2392 Brighton Cir 97504		4/22/19
Jacob Palmnik		2708 Cedar Links 97504		
JERON DABROWSKI		3881 Crystal Springs		4/23/19
Aggie Hunt		615 N. Columbus Ave.	To many already	4/23/19
Jennifer Colorado		3439 Silverbirch Ct 97504		4/23/19
Eric Barrett		3439 Silverbirch Ct 97504		4/23/19
Paul P... ..		2399 Springbrook Rd 97504	Not needed	4/23/19
LINDA ANDERSON		2399 Springbrook Rd 97504	Don't need it	4/23/19
Julie Becksted		2393 Brighton Circle 97504		4/24/19
Nate Becksted		2393 Brighton Circle 97504	NO thanks	4/24/19

Petition to Deny Springbrook Corners Project File No. AC-19-028 for Tax Lot 371W20 AB-3500

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Print Name	Signature	Address	Comment	Date
Lynn Smith		3441 Kargers Wy Medford	- Neighbour hood?	4/18/19
Gene Dabrowski		2392 Brighton Cir	to much traffic	4-18-19
John Hunt		615 N. Columbus ave, Medford	Too big of city growth	4/18/19
MIKE RAGAN		2480 TANTON AVE medford	To much Traffic	4/19/19
Jessica Ragan		2480 Tanton medford	" "	4/19/19
Molly Taylor		705 Midway Rd Medford	Traffic + Noise	4/21/19
Marlon Taylor		705 Midway Rd. Medford	Traffic & Noise	4/21/19
MIKE LEAVENS		2611 BROOKSIDE DR MEDFORD	TRAFFIC	4-21-19
Jennifer Johnson		1416 Yucca Street Medford	traffic: safety of residents	4-21-19
Kevin Johnson		1416 Yucca street medford	traffic	4-21-19
Cynthia Leavens		241 Briarwood Ln Medford	traffic	4/21/19
Anne Leavens		2611 Brookside Dr Medford	Traffic & Safety	4/21/19

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Print Name	Signature	Address	Comment	Date
Brian Wager	<i>Brian Wager</i>	2045 Young Ct. Medford, Or.		4.12.19
Code Wager	<i>[Signature]</i>	2045 Young Ct Medford, Or		4/12/19
Steve Kummer	<i>[Signature]</i>	125 White Oak Drive		4.12.19
Shelly Wager	<i>Shelly Wager</i>	2045 Young Ct Medf 97504		4-12-19
RICHARD WAGER	<i>Richard Wager</i>	1416 AVOCADO LANE - MEDFORD, OR 97504		4-14-19
MIKE WALKER	<i>Mike Walker</i>	5745 McLaughlin Dr. OR 97502		4/14/19
DEBORAH WALKER	<i>Deborah Walker</i>	5745 McLOUGHLIN DR. CENTRAL POINT, OR 97502		4/14/19
Debbie McKee	<i>Debbie McKee</i>	2941 Leonard Ave Medford OR 97504		4-15-19

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Petition to Deny Springbrook Corners Project File No. AC-19-028 for Tax Lot 371W20 AB-3500

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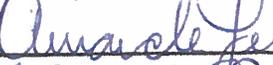
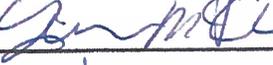
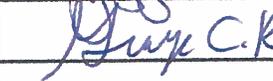
Print Name	Signature	Address	Comment	Date
TARA SNOLL		2643 Willshire		4/23/19
Bridgette Decker		1248 Paulita DR		4/23/19
ERIE Hollis		2430 Rockwood		4/23/19
Kathi Fernandez		1157 N Modoc		4-24-19
AMY LORIE McELGAN		2581 E. McANDREWS		4-24-19
Staci O'Shea		709 pierce		4/24/19
Georgette Lucier		3172 Springbrook		4/24/19
MIKE NERON		1418 REDDY AVE		4/24/19
Mike Susi		2925 LAZY CR. Dr.		4/25/19

Petition to Deny Springbrook Corners Project File No. AC-19-028 for Tax Lot 371W20 AB-3500

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Print Name	Signature	Address	Comment	Date
Kandi Urban		2161 Upper Dr. Medford	NO!	4/25/19
Cameron Mace		6123 Crater Lake Hwy CP	NO!	4/25/19
Debra Shuman	Debra Shuman	1858 Inner Circle	Nope/got two 7-11s	4/25/19
Destiny Matthews		1032 N. Berkeley Way	No way	4-25-19
Amanda Lewis		2514 Bel Abbes Ave	NO WAY!	4-25-19
Suma Clark		1850 Crater Lake ^{#122}	NOPE	4-25-19
Jess Bealwey	Jess Bealwey	2795 Forkedown Ave	NO way	4-25-19
George C. Rantz		2319 Crater Lake Ave Medford	Not in favor	4-25-19

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Petition to Deny Springbrook Corners Project File No. AC-19-028 for Tax Lot 371W20 AB-3500

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Print Name	Signature	Address	Comment	Date
Corey Lisa-Hanson		1850 Crater Lake Ave #32		4/23
Kristofer Goslin		1220 Crater Lake Ave 1220 Crater Lake Ave		4/23
Kevin Golden				
Kenneth Sweet		1850 Crater Lake Ave #35		4/24
Melissa Frazier		2579 Hawaiian Ave	<u>NO NO NO</u>	4/24

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Petition to Deny Springbrook Corners Project File No. AC-19-028 for Tax Lot 371W20 AB-3500

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Print Name	Signature	Address	Comment	Date
BRIAN BAKER		1639 VALEY VIEW DR.	RETAIL HAWK LIVES IN TREE ON LOT.	4/17/19
Marcy Funderburg		1808 Spring St #6	I don't want it	4/17/19
ADAM FOLEY		LEONA LINKS DR	BAD NEWS	4/18/19
Daniel K. Pouch		1101 Brookdale Ave	N O O O O O	4/18/19
Zack Bennett		513 Gray Lt	N O O O O	4/18/19
Seth Kuitert		2431 COLUMBUS POINT CT. MEDFORD	NO	4-18-19
Tom Wray		3220 Shaveridge Dr	No	4-19-19
John Prestige		3852 N. Footh. II Rd	NO	4-19-19
LISA WELLS				4-19-19
Mary Lou Warren		1946 St Clair St Medford	No	4-19-19
Katie Joy		1734 Evans Cir Medford		4/18/19
TRAVIS PUCKER		2394 Spring St. Medford	Loyalty	4/18/19
DAVID SOMMER		3232 PARKVIEW CT MEDFORD	NO	4/18/19
KEVIN KOEPEL		1767 SPRING ST 97504	NO WAY!	4-18-19

change.org

RECEIVED

APR 25 2019

PLANNING DEPT.

Recipient: Jackson County

Letter: Greetings,

We thee undersigned do not agree with the new build of a gas station, car wash, convenience store and coffee kiosk on tax lot #371W20-3500 (File No. ZC-15-126) which is located on the corner of Springbrook and McAndrews in Medford, Oregon 97504 . This is our neighborhood and we do not believe this would be a good addition to our residential community. Our small surrounding residential streets already get backed up with the school and commuting traffic in our area. We are worried about noise pollution, bright lights, increased crime rate, lower home values, increase in traffic accidents/ collisions and safety issues for our children walking to nearby schools. We are concerned on how people would enter and exit the property. We do not believe this would be a good addition to our area. We have a gas station less than .7 miles down the McAndrews hill towards the center of town, right across the street from the 711. We would love something in this field however, we mindfully request it be something that will enhance our neighborhood.

357 ^ signatures as of 4.25.2019 12:37^{pm}
online

CITY OF MEDFORD
EXHIBIT #
File # AC-19-028

Signatures

Name	Location	Date
Erica Hammericksen	Medford, OR	2019-04-10
Ryan Decker	Medford, OR	2019-04-10
Derek Horsley	Medford, US	2019-04-10
Nikky Horsley	Medford, OR	2019-04-10
Kali Walter	Central point, OR	2019-04-10
Asia Robinson	Medford, OR	2019-04-10
Dave Pettersen	Medford, US	2019-04-10
Melanie Dines	Medford, US	2019-04-10
amy connolly	Medford, OR	2019-04-10
Mary Williamson	Medford, US	2019-04-10
Krissy's Madsen	Medford, US	2019-04-10
Tamara Hernandez	Medford, US	2019-04-10
Richard DeMartini	Medford, US	2019-04-10
Sean Connolly	Medford, OR	2019-04-10
Rhianna Barnett	Medford, OR	2019-04-10
Steve Chastain	Medford, US	2019-04-10
Erica hammericksen	Medford, OR	2019-04-10
sarah milatz	Medford, OR	2019-04-10
Barbara Connair	Medford, OR	2019-04-10
Benjamin Nielsen	Medford, OR	2019-04-10

Name	Location	Date
Kristi Fisher	Medford, OR	2019-04-10
Amanda Hurd	Medford, US	2019-04-10
Bridgette Decker	Medford, OR	2019-04-10
Sable Jackson	Klamath Falls, OR	2019-04-10
Tilah Maytanés	Medford, OR	2019-04-10
KaSandra Bozeman	Eugene, OR	2019-04-10
Nakesha Morgan	Portland, US	2019-04-10
Ted McCullough	Medford, OR	2019-04-10
Jeane Imus	Medford, US	2019-04-10
Robert Rivero	Medford, OR	2019-04-10
Scott Noland	Medford, OR	2019-04-10
Edward Frakes	Medford, OR	2019-04-10
Sirena Pettersen	Medford, OR	2019-04-10
Crystelle Carrick	Medford, US	2019-04-10
Vera Jacobson	Medford, OR	2019-04-10
Cassie Payton	Medford, US	2019-04-10
Kala Lenn	Medford, OR	2019-04-10
Jaime Mercer	El Dorado Hills, US	2019-04-10
Trina Brousseau	Central Point, OR	2019-04-10
Hannah Messenger	Medford, OR	2019-04-10
Melissa King	Dallas, US	2019-04-10
Shane Kinney	Medford, OR	2019-04-10

Name	Location	Date
Carli Brousseau	Eugene, OR	2019-04-10
Dianna Rich-Bowdish	Ashland, OR	2019-04-10
Nancy Brousseau	Medford, OR	2019-04-10
Gina Banuelos	Medford, US	2019-04-10
Linda Brewer	Medford, US	2019-04-10
Mindy Noland	Medford, OR	2019-04-11
Amanda Fisher	Medford, US	2019-04-11
Jim Gear	Medford, OR	2019-04-11
Tanya Havniar	Medford, OR	2019-04-11
Erica Velez	Medford, OR	2019-04-11
Karen McCoy	Medford, US	2019-04-11
Melanie Kelsey	Medford, US	2019-04-11
Shanah Powell	Medford, OR	2019-04-11
James Joy	Medford, US	2019-04-11
Christina Aguiar	Medford, US	2019-04-11
Courtney Barnes	Medford, OR	2019-04-11
Laura Groom	Medford, OR	2019-04-11
Tasha Bolt	Medford, OR	2019-04-11
Jon Webb	Medford, US	2019-04-11
L MI	Medford, US	2019-04-11
Jason Newport	US	2019-04-11
Tracy Deal	US	2019-04-11

Name	Location	Date
Deloris Hardin	Talent, OR	2019-04-11
Kelsey Victorino	White City, OR	2019-04-11
Michelle Thomas	Salem, OR	2019-04-11
ashley parret	medford, OR	2019-04-11
Holly Gordon	Eagle Point, OR	2019-04-11
Nyleah Dixon	Medford, US	2019-04-11
Darian Madison	Medford, US	2019-04-11
Leslie Simpson	Medford, OR	2019-04-11
Miranda Cordova	US	2019-04-11
Kari Harris	medford, OR	2019-04-11
Cathy Cossette	Medford, US	2019-04-11
Victoria Reynolds	Medford, OR	2019-04-11
Maureen Stanton	Everett, WA	2019-04-11
Hazel Clements	Medford, US	2019-04-11
MT Dimick	Medford, OR	2019-04-11
Melanie Breidenthal	Medford, US	2019-04-11
Randy Rudy	Medford, OR	2019-04-11
Tonsina Wells	Rogue River, OR	2019-04-11
Mary Lima	Oregon	2019-04-11
Karisa Edwards	Medford, OR	2019-04-11
Nicole George	Medford, OR	2019-04-11
Erika Gray	Medford, US	2019-04-11

Name	Location	Date
Carol Walters	Medford, OR	2019-04-11
Nicki Ford	Ashland, OR	2019-04-11
Hugh Anderson	Medford, OR	2019-04-11
Kyle Shaver	Raymond, US	2019-04-11
Janice Haviland	Medford, OR	2019-04-11
Tiffany Knouff	Medford, OR	2019-04-11
Fred Jennimgs	Medford, US	2019-04-11
Mitzi P	Medford, OR	2019-04-11
Monique Grafton	Medford, US	2019-04-11
Patricia Anderson	Medford, OR	2019-04-11
Carole Jennings	Medford, US	2019-04-11
Deanna Mullenix	Medford, OR	2019-04-11
Jesse Moore	Medford, OR	2019-04-11
Denise Brown	Altamonte Springs, FL	2019-04-11
TIMOTHY SHOOP	Medford, OR	2019-04-11
GAYLA BURKE	Medford, US	2019-04-11
Mary Sarkis	US	2019-04-11
Jason Jex	Medford, US	2019-04-11
Rachel Hischar	Central Point, US	2019-04-11
Jebediah Helpss	Bunkeflostrand, US	2019-04-11
Ryan Lucas	Medford, OR	2019-04-11
Trash Hands	Astoria, US	2019-04-11

Name	Location	Date
Teresa Parker	Brookings, OR	2019-04-11
Dakota Sarnesky	Ada, US	2019-04-12
El Graham	West Linn, US	2019-04-12
Kemal Bajramovic	San Bernardino, US	2019-04-12
Amanda thiqq	Columbus, US	2019-04-12
Ashley Rayburn	Medford, OR	2019-04-12
Brian Hanna	Medford, OR	2019-04-12
Jacob Caffey	Omaha, US	2019-04-12
Tristan Lowe	Mankato, US	2019-04-12
Kyle Fulton	White City, OR	2019-04-12
Mark Empasis	Medford, OR	2019-04-12
Casey Carpenter	Portland, US	2019-04-12
Kathy Hischar	Medford, US	2019-04-12
Todd Rufener	Ashland, US	2019-04-12
Kendall DeCoste	Medford, US	2019-04-12
Chris Scholl	Neptune, NJ	2019-04-12
OULA Dakhan	Lutherville Timonium, US	2019-04-12
Kelly Adams	Rogue River, OR	2019-04-12
Caitlin Gallagher	tualatin, US	2019-04-12
Nellie Cervantes	Boise, US	2019-04-12
Ethan Yaroch	US	2019-04-12
Kaye Proctor	Medford, OR	2019-04-12

Name	Location	Date
Dee Perez	Medford, OR	2019-04-12
Lillian Kielty	US	2019-04-12
Paul Hart	Medford, US	2019-04-12
Sandra Confer	Medford, US	2019-04-12
Phillip Bradfield	Medford, US	2019-04-12
Teena Anderson	Medford, OR	2019-04-12
Abby Gardner	Medford, US	2019-04-12
Becky Chong	Medford, OR	2019-04-12
Amy Myrin	Medford, US	2019-04-12
Tamara Barrus	Medford, US	2019-04-12
Kathy Ray	Medford, OR	2019-04-12
Adam Kramer	Hoboken, NJ	2019-04-12
dana browning	Secaucus, US	2019-04-12
Richard Coreno	Cleveland, US	2019-04-12
Isabella Fennessy	Barrington, US	2019-04-12
Robert Maines	Clarksville, US	2019-04-13
Danette Hart	Medford, OR	2019-04-13
Deborah Carr	Medford, OR	2019-04-13
Ashley Chott	Medford, US	2019-04-13
Chernor Mills	Atlanta, US	2019-04-13
Cassidy Macgregor	Walpole, US	2019-04-13
Aidan Escobar	Long Beach, US	2019-04-13

Name	Location	Date
Jeffrey Cole	Jacksonville, OR	2019-04-13
Mason Minton	Carlisle, US	2019-04-13
Isabel Smith	Madison, US	2019-04-13
Cynthia Lee-Holloway	Medford, US	2019-04-13
Kathleen Rikli	Mesa, US	2019-04-14
Angel Gambino	Oxford, US	2019-04-14
Croix Vasquez	Fort worth, US	2019-04-14
David Kalil	LAKELAND, US	2019-04-14
Brian Dobrick	East Aurora, US	2019-04-14
Darren Robinson	Florence, US	2019-04-14
Kirk Hanbury	Saint Cloud, US	2019-04-14
Julie Barnett	Utah, US	2019-04-14
Hunter Tylee	Kingsland, US	2019-04-14
logan martucci	toms river, US	2019-04-14
Ali Atalmimi	Dearborn, US	2019-04-14
Jean Bellora	Saint Petersburg, FL	2019-04-14
Brian Autry	Rocky Face, US	2019-04-15
K M Kell	Medford, US	2019-04-15
Michelle Zuppe	Medford, US	2019-04-15
Elizabeth Valadez	Klamath Falls, US	2019-04-15
PETRE LAZEA	US	2019-04-15
Marcello Greco	Orlando, US	2019-04-15

Name	Location	Date
joel acosta	Vass, US	2019-04-15
Jacqueline gilbert	Overland Park, US	2019-04-15
Julius Choi	North Wales, US	2019-04-15
Angie Chumley	Medford, US	2019-04-15
Jake Nash	Medford, US	2019-04-15
Grace Solomon	Pflugerville, US	2019-04-15
Marcus Grafton	Medford, US	2019-04-15
Nytia Simmons	Greenville, US	2019-04-15
Mike Hawk	South Bend, US	2019-04-15
Miguel Pérez	Sacramento, US	2019-04-15
Dan Lieber	Long Branch, US	2019-04-15
Sean Dingley	Sparks, US	2019-04-15
Luke Freeman	Thousand Oaks, US	2019-04-15
Tracy Bertini	Buffalo, US	2019-04-15
William Waddell	Hartselle, US	2019-04-15
Emerald Davis	US	2019-04-15
Tianna Jones	Jacksonville, US	2019-04-15
Kara Baylog	Medford, OR	2019-04-16
Rachel Cabler	US	2019-04-16
Tiffany Roach	Medford, OR	2019-04-16
Lynnae Tracy	Modesto, CA	2019-04-16
Joseph Rayburn	Medford, OR	2019-04-16

Name	Location	Date
Angela Pierpoint	Medford, OR	2019-04-16
Kody Huxtable	Medford, US	2019-04-16
Robin Plankenhorn	Central Point, US	2019-04-16
Andrea Del Pizzo	Medford, OR	2019-04-16
Denise Skinner	Portland, OR	2019-04-16
Stephanie Rundle	Oregon	2019-04-16
Lane Mccutchen	Medford, US	2019-04-16
Tiffany Compton	Medford, US	2019-04-16
Gary Braden	Medford, OR	2019-04-16
Monty Holloway	Medford, OR	2019-04-16
Peggy Byrd	Medford, US	2019-04-16
Ava Collica	Bellmore, US	2019-04-17
Karlie Ilacqua	Medford, US	2019-04-17
Stefanos Vrusis	Merrick, US	2019-04-17
carey duram	medford, OR	2019-04-18
Stephanie Golden	Medford, OR	2019-04-18
Kevin Golden	Medford, US	2019-04-18
grace meier	Medford, US	2019-04-18
Cassandra Gordon	Clackamas, OR	2019-04-18
Jennifer Boettcher	Medford, US	2019-04-18
Jamie Anderson	Medford, US	2019-04-18
meg casey	Prineville, OR	2019-04-18

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Name	Location	Date
Bamby Griffin	Eagle Point, OR	2019-04-18
Kylie Camden	Ashland, US	2019-04-18
Kark Pettegrew	Medford, OR	2019-04-18
Alycia Cash	Medford, US	2019-04-18
Brenda Boettcher	Medford, OR	2019-04-18
Matthew Winchell	Medford, OR	2019-04-18
Crystal Armstead	Medford, US	2019-04-18
Mitch Coleman	Bellmore, US	2019-04-18
April Miller	Medford, OR	2019-04-19
Alan Engstrom	Medford, OR	2019-04-19
April Harrison	Medford, US	2019-04-19
Jeremy Roberson	Jacksonville, OR	2019-04-19
Ryan Bradley	Medford, US	2019-04-19
Kathy Spano	Medford, US	2019-04-19
Jonathan Lewis	Medford, OR	2019-04-19
Rebecca Killen	Medford, US	2019-04-19
Kara Pierpoint	Rogue River, US	2019-04-19
Nancy Monroe	Medford, US	2019-04-19
Paige Fusilier	Medford, OR	2019-04-19
Mike Bronze	Medford, OR	2019-04-19
Taylor Mackey	Medford, US	2019-04-19
David Harbolt	Medford, US	2019-04-19

Name	Location	Date
Patricia Kiger	Medford, OR	2019-04-19
cASSANDRA KRUGGEL	Medford, OR	2019-04-19
Tony Memdenhall	Medford, US	2019-04-19
Kimberly Howitt Ross	Medford, OR	2019-04-19
Diane Winchell-Riggs	Medford, OR	2019-04-19
Aimee Gorham	Medford, US	2019-04-19
Karen Menke	Medford, OR	2019-04-19
Cheri Campbell	Medford, OR	2019-04-19
Debra Wuerfel	Medford, US	2019-04-19
Sapphire Haynes	Medford, US	2019-04-19
Michelle Maloney	Medford, US	2019-04-19
paula guenther	Medford, OR	2019-04-19
David Watson	Rogue River, US	2019-04-19
savahanna cruthirds	Medford, OR	2019-04-19
Dave Cossette	Medford, OR	2019-04-19
Evie Carter	Casper, WY	2019-04-19
Heather Simon	Winston, OR	2019-04-19
Jeff Zippi	Medford, US	2019-04-19
Kristin McCollum	Central Point, OR	2019-04-20
Anesha Bayne	Medford, OR	2019-04-20
Katie Howitt	Medford, OR	2019-04-20
Kaleigh Jameson	Central Point, OR	2019-04-20

Name	Location	Date
Brian Munoz	Portland, US	2019-04-20
Carrie Rambo	Medford, OR	2019-04-20
CATHERINE WALLS	HOOD RIVER, OR	2019-04-20
Michelle Lockett	Medford, OR	2019-04-20
Carreen Petach	Medford, OR	2019-04-20
Courtney Norris	Medford, OR	2019-04-20
Joanie Baer	Medford, OR	2019-04-20
Martin Bay	Lancaster, CA	2019-04-20
Courtney combs	White City, OR	2019-04-20
Gwen Pettey	Medford, US	2019-04-20
Melissa Telford	Medford, OR	2019-04-20
April Bezuhly	Medford, OR	2019-04-20
bailey giancola	medford, OR	2019-04-20
louis maudlin	Medford, US	2019-04-20
Tamara Biles	Portland, US	2019-04-20
Chuck Anderson	Medford, US	2019-04-20
Khristine Breedlove	Ashland, US	2019-04-20
Carrie Goslin	Medford, US	2019-04-20
Brittany Hanigan	Medford, OR	2019-04-20
Stephanie Hanigan	Medford, US	2019-04-20
Shannan Widboom	Medford, OR	2019-04-20
Anthony Raye	Medford, OR	2019-04-21

Name	Location	Date
Clifford Josey	Medford, OR	2019-04-21
Melissa Taylor	Medford, OR	2019-04-21
Christina Shafer	Medford, US	2019-04-21
Angela Kell	Medford, OR	2019-04-21
Renay Carpenter	Eagle point, US	2019-04-21
Morgan Davidson	Medford, US	2019-04-21
Jacki Holcomb	Eagle point, US	2019-04-21
Amber Kinney	Central Point, US	2019-04-21
Debra Kammeraad	Kalama, WA	2019-04-21
Samantha Welch	Medford, OR	2019-04-21
Kym Kaleohano	Medford, OR	2019-04-21
Paige Goldate	Medford, OR	2019-04-21
Casey Fielder	Medford, US	2019-04-21
Charles Raye	Trail, OR	2019-04-21
Jon Martin	Medford, US	2019-04-21
Ashley Walborn	Medford, OR	2019-04-21
Cindy Brothers	Medford, OR	2019-04-21
Katherine Price	Medford, OR	2019-04-21
Dawn Seggelink	Chandler, AZ	2019-04-21
Sharon Hanstein	Medford, OR	2019-04-21
jeremiah gooding	Medford, US	2019-04-21
Tyler Riley	Ashland, US	2019-04-21

Name	Location	Date
Eric Benitez	Medford, OR	2019-04-21
Garret Wright	Bandon, US	2019-04-21
Dean Thompson	Santa Rosa, US	2019-04-21
Melanie Hammericksen	Portland, US	2019-04-21
Mary Horton	Medford, OR	2019-04-22
Bob Horton	Medford, US	2019-04-22
Amy Horton	Medford, US	2019-04-22
Lisa Lewis	Medford, OR	2019-04-22
Betty Welden	Medford, OR	2019-04-22
Ranae Lynch	San Diego, CA	2019-04-22
Keith Crowley	Corvallis, OR	2019-04-22
Emma Mccutchen	Medford, US	2019-04-22
Michael Rozen	Medford, OR	2019-04-22
Krystina Beech	Medford, OR	2019-04-22
Christine Snyder	Rogue River, US	2019-04-22
Evelyn Kinsella	Medford, OR	2019-04-22
Tau Swearingen	Medford, OR	2019-04-22
Kelly Uchytel	Portland, OR	2019-04-22
John Crowley	Medford, OR	2019-04-22
Amanda Cavolt-Glimpse	medford, OR	2019-04-22
Teri Kane	Medford, US	2019-04-22
Joni Mccleary	Central point, OR	2019-04-22

Name	Location	Date
Rosie Angulo	Medford, US	2019-04-23
Lindsey Jolliffe	Eagle Point, OR	2019-04-23
John Schleining	Medford, OR	2019-04-23
Kimberly Wade	Malverne, US	2019-04-23
Theresa Zwan	Medford, OR	2019-04-24
Sandi Hutton	Eagle point, OR	2019-04-24
Kenar Gelman	New York, US	2019-04-24
Mikaela Cohen	Hempstead, US	2019-04-24
Jennifer Lane	Rock Springs, US	2019-04-24
Kiana Lane	Rock Springs, WY	2019-04-24
Theresa Owen	Rock Springs, US	2019-04-24
Angela Cook	Coos Bay, US	2019-04-24
David Josephson	Shelter Island, US	2019-04-24
Alexander Coe	Medford, US	2019-04-24
Winter Mcculloch	Medford, US	2019-04-24
Linda Ramer	Medford, OR	2019-04-25
Kevin Lord	Mountain Home, ID	2019-04-25
Deborah Brown	Washington	2019-04-25
Tamia Lane	Rock Springs, US	2019-04-25
Ian Nicholson	Rock Springs, US	2019-04-25
nicole naylor	Medford, OR	2019-04-25
Michelle Simi	Eagle Point, OR	2019-04-25

Name	Location	Date
Steffanie Wikoff	Medford, OR	2019-04-25
Marilyn Boyce	Medford, OR	2019-04-25
Betti Jameson	Payson, AZ	2019-04-25

items w/ a Red
dot, I am unsure
of who commented
that and I deleted
them online But it
prints everything.

as of 4-23-2019

RECEIVED

APR 25 2019

PLANNING DEPT.

Name	City	State	Postal Code	Country	Commented Date	Comment
Ryan Decker	Medford	OR	97504	US	4/10/2019	As a home owner near this location would only bring the trouble that comes with all stores of this nature. There are many kids and two schools near this location that would be in danger of additional traffic and safety concerns for the youth. I am completely against this type of use for that lot. Let alone the potential loss in property values this will bring.
Asia Robinson	Medford	OR	97504-9709	US	4/10/2019	This is absolutely unnecessary!
Dave Pettersen	Medford		97504	US	4/10/2019	This is a residential area. There is no need to add this gas station as there is one two blocks down McAndrews
amy connolly	Medford	OR	97504	US	4/10/2019	Wrong location. This would bring too much trouble in the area and the fact that it's already a busy intersection with so many kids walking home from schools in that area.
Sean Connolly	Medford	OR	97504	US	4/10/2019	I live nearby and would rather this traffic went down McAndrews to the Biddle road like it is now.
Mindy Noland	Medford	OR	97504	US	4/11/2019	This needs to be stopped!!!! No need for this to be built there.
Jason Newport				US	4/11/2019	There is plenty of gas stations around. See what the people want and do what's right don't build it.
Tracy Deal				US	4/11/2019	I am a concerned homeowner with a child that will be walking to middle and high school in the next couple years. There is too much traffic already.
ashley parret	medford	OR	97501	US	4/11/2019	There's a blue house on one corner, a brown one across from it...Boneventure senior living is there now on the third corner...so that means they want Apple the donkeys property now that she is gone and her over died. They razed the house. But...it would sit...directly across from the senior living place. That is useless. It's right by the high school...but there's already "The Store", 711 on McAndrews..another 711 on Delta Waters...all the same distance...or closer. I PERSONALLY think a Walgreens would be swell there...been thinking that. We just don't need any off that stuff...right there. There's two car washes within blocks on delta waters...right by the 711. There's a gas station next to the...other 711. Its like...the least useful thing they could put there樂I drive it every day. Gotta be better uses. Men's a multi-family unit with a front facing play area; fenced of course. For the seniors to enjoy watching♡
MT Dimick	Medford	OR	97504	US	4/11/2019	I am SO AGAINST this development. We were completely unaware that the zoning was changed! We share a property line with this parcel of land and had we known the zoning was being changed, we would have been at the hearing to argue against it!!! Unfortunately, for some unknown reason, we failed to receive notification.
Erica hammericksen	Medford	OR	97504	US	4/11/2019	We are close as well, but not sharing property lines. I am amazed none of us were informed of the zone change. Maybe they are feeling the heat and that's why the meeting date has been pushed back to 5-3.
Erica hammericksen	Medford	OR	97504	US	4/11/2019	Same issue with us!
Trash Hands	Astoria	OR		US	4/11/2019	We need to make "Ginger" a racist term!

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Trash Hands	Astoria OR		US	4/11/2019	We need to make "Ginger" a racial slur!
MT Dimick	Medford OR	97504	US	4/12/2019	What does that mean??
Kyle Fulton	White City OR	97503	US	4/12/2019	Horrible place to build a gas station. The intersection already sucks!
Erica Hammericksen	Medford OR	97504	US	4/12/2019	I have no idea who and why that comment was made. It's gone now!
Dee Perez	Medford OR	97504	US	4/12/2019	We don't need or want a Circle K on that corner. It'll be a traffic nightmare and an eyesore.
Stephanie Golden	Medford OR	97504	US	4/18/2019	We dont need that as there are enough convenience stores around and this would add a lot of extra traffic in an already busy intersection. I also think these types of stores bring around certain types of undesirable people in a decent neighborhood.
Kevin Golden	Medford	97504	US	4/18/2019	Just one more bad idea from the City of Medford. Traffic flows through town are already segmented and scattered. What we don't need is another reason to encourage more cars onto an already overly busy road. Plus there is a gas station and 7-11 less than a mile away....
Paige Fusilier	Medford OR	97504	US	4/19/2019	I am a homeowner in the area and I am concerned with the increased traffic, increased crime, and transient population that this convenient store will bring to our neighborhood. Also, there are already 3 other quick-stop stores located in a 1 to 2 mile radius of this proposed location.
CASSANDRA KRUGGEL	Medford OR	97504	US	4/19/2019	Don't need anymore traffic here and this will cause more. Getting in and out of the gas station will be a nightmare.
Anesha Bayne	Medford OR	97504	US	4/20/2019	That's just crazy! And we don't need it! To close to home owners
April Bezuhly	Medford	97504	US	4/20/2019	I'd personally like to see better sidewalks on E Mcandrews as well as bike lanes. Not a gas station
Stephanie Elmo-Hanigan	Phoenix AZ	85339	US	4/20/2019	As demonstrated by the number of speeding cars and accidents that occur on McAndrews as it is, additional traffic will not be beneficial at all. This is a residential community and those of us who purchased our homes in this area did so because commercial properties are not around the corner. Through the development of this project, higher crime and lower home value will result, not to mention the additional traffic and accidents that will occur single-handedly because of its presence (think about all of the last minute turns to pull into the parking lot). No thank you!
Anthony Raye	Medford OR	97504	US	4/21/2019	I live in the area and would think it would cause many issues with north Medford high school students
Clifford Josey	Medford OR	97504	US	4/21/2019	Intersection is a joke already. It's not even needed here. Go down the hill to Crater Lk. for gas, or the 7/11
Debra Kammeraad	Kalama WA	98625	US	4/21/2019	Stop this build and all future proposals of this sort on this property.
Dawn Seggelink	Chandler AZ	85249	US	4/21/2019	My friend lives close by and has a young family.
Mary Lucas-Horton	Medford OR	97504	US	4/22/2019	With the

assisted living facility, the crazy amount of traffic at that intersection, the accidents that occur there, we do not need this added to the mess. We have lived here for 50 years, I understand growth but this is unreasonable, unsafe, and not needed!

Kelly Uchytel Portland OR 97267 US 4/22/2019 Medford is my home town, and this build is inappropriate. Don't turn Medford into Portland.
Amanda Cavolt-Glimpse medford OR 97504 US 4/22/2019 This intersection does not need a fast station nor convenience store, 711 is only blocks away, grand market and spring street markets are less than a mile away. It would make more sense up E. Mcandrews.

April 29, 2019

To: Matt Brinkley, Planning Director and Steffen Roennfeldt, File Contact
File No.: AC-19-028
City of Medford Planning Department

From: Janis Arlean Jackson and Sam Crocker
Homeowners @ 1317 Springbrook Road, Medford, Oregon 97504

Regarding: Proposed Property Development at 1330 Springbrook Road

As a property owner directly across Springbrook Road, I am alarmed and saddened that our suburban neighborhood will forever change if the above development is permitted and developed. In regards to the Site Plan and Architectural Review Approval Criteria from the Section 10.200(E) of the Medford Land Development Code, **I firmly believe that the proposed development IS NOT compatible with uses and development that exists on adjacent land.**

My husband and I purchased our home 8 years ago believing that the location close to green areas (Donahue Frohnmayer Park and sports park of Medford High School) offered a quiet and dog-walking area close to home. We have enjoyed a rather robust pedestrian vibe created by dog walkers, health walkers/runners, skateboarders, and children. Since then, the traffic density has progressively increased as residential density has increased and as motorists discover that Springbrook Road is a conduit between Crater Lake Highway and the medical facilities on and near Barnette Road. As the housing developments in the east hills along McAndrews and Hillcrest Roads have blossomed, we also experience added traffic on McAndrews Road. Intersection annoyances of both streets (car radios, car motor and driver noise, and emissions) as well as high speed car noise is now the norm for us with all house windows closed. The speed limit here is 35 mph but motorists often speed through the intersection at 45+ mph to catch a green or yellow signal light. Our mailbox is located on the east side of Springbrook Road. We typically wait through a signal change to retrieve our mail. Turning in and out of our driveway has become super tricky (sometimes upwards of a one minute wait) and will worsen as patrons turn in/out of the proposed commercial establishments. Obviously, this is very sad and frustrating for us.

Bonaventure Retirement Community as well as Veranda Park, east on McAndrews Road have generated a rapid uptick in emergency vehicle traffic and noise and I sense that most of us know this is necessary to keep people out of harms way. Here, my concern is that traffic and pedestrian congestion at the McAndrews/Springbrook intersection will be very problematic. Please envision such traffic scenarios.

We are also very concerned about the close proximity of North Medford High School (within approx. 1500 feet) to the proposed development. This is closer than the existing Dutch Brothers kiosk and convenience store at the corner of Roberts Road

TT
AC-19-028

and Crater Lake Avenue. I routinely observe students traveling to/from this commercial location during and after school hours as I walk my dog. I am confident that these same children (and more) will begin walking to the Circle K property via NMHS's southeast walkway, especially those participating in afterschool sports programs.

I am very concerned about the clientele who will be present in the night. My preface here is that I have observed the patrons at a nearby convenience store at a busy corner west of here as I commute back from my elderly parents' Central Point retirement community, often times late at night. Patrons and others gather at the store's sidewalk and also position close by at adjacent intersections and comfortable sitting areas. I do foresee that people will use my property in this way and I will no longer feel physically safe; I will need extra security for my possessions and backyard. Please also imagine vulnerable youth encountering/being influenced by some of the individuals who will exist in relation to the proposed development.

To the south of us on Springbrook Road is beautiful Dohahue Frohnmayer Park, a City of Medford Parks and Recreation property, where young families gather, kids play, and people walk their dogs. Imagining myself in the shoes of someone seeking a place to drink a beer, shoot or deal some drugs, gather with peers and basically seek shelter, I would head directly for this park. It is dark, hidden by trees and slope, and has many exit portals plus a large vacant area next to a townhouse development. Will the police be ready to enforce safety? The same goes for North Medford High School.

Another concern is the T-intersection at Lone Pine and Springbrook Roads where I have waited endlessly to make a left turn onto Springbrook and have seen traffic back up for "left-turners" onto Lone Pine Road. The congestion also includes dog walkers, skateboarders and students crossing Springbrook from the exit of the North Medford High School's southeast walkway. To avoid collisions and injuries, a conscientious planning body should envision to the need for a stop signal at this dangerous intersection. This signal could easily back up from the Springbrook and McAndrews intersection during school and rush hour periods. This would affect all of the other intersections pouring into Springbrook Road.

We have stores nearby; in fact, we have a convenience store a bit east on Spring Street as well as 24-hours Safeway Store and Food 4 Less stores, Fred Meyers, and other convenience stores. Gasoline is about one mile west on McAndrews Road...enough for me. I am concerned about the environmental impact of a gasoline station. Please note the historic wetlands sensitivity that exists along with a decades-old red tail hawk nest at is inhabited every year by a new family. A carwash is not something I have yearned for closer to my home and I suspect the developers have not researched the local demand for a car wash in the neighborhood. There is a carwash nearby at the Medford Center on Stevens Road. I honestly wonder if the developers really assessed community wishes and needs as they pondered their own development choices.

We are not opposed to a more community-suited development. Perhaps a coffeehouse, bakery, professional medical practice, denture clinic or entity that serves the huge Bonaventure community directly across McAndrews Road. What we are looking at with the proposed Circle K development is a Win-Loss prospect. Was it ever the developers' objective to create a Win-Win for their community? Please tell the developers to go rethink their proposal with the goal of creating compatibility with uses and development that exists on adjacent land.

I authored this letter during lengthy discussions with my husband and partner homeowner, Sam. Please consider these arguments consistent with his own concerns.

Sincerely,

A handwritten signature in cursive script that reads "Janis Arlean Jackson". The signature is written in black ink and is positioned above the typed name.

Janis Arlean Jackson
Homeowner,
1317 Springbrook Road, Medford, Oregon 97504
503-504-4164
crockerjacks@hotmail.com

City of Medford Planning Department
Lausmann Annex
200 S. Ivy Street
Medford, OR 97501

April 29, 2019

RE: AC-19-028 Circle K Mini Store, Carwash, Gas Pumps and Coffee Kiosk

Dear Planning Department,

I do not feel that this project will help the surrounding community. It will bring unwanted traffic, noise and loitering to the area. As you have stated in your report, this site is surrounded on three sides by SFR-4 Family Residential. We are a peaceful neighborhood for the most part, and when we bought our properties, this was the reason. I do not feel that this project will help our residential community, but hurt it. I also don't feel it is necessary, as we have:

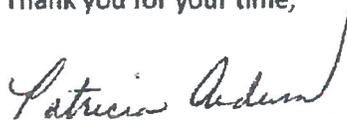
(4) Four Convenience stores within 1.7 miles, (4) Four gas stations within 2.1 miles, (4) Four Coffee Kiosks within 1.8 miles and (2) Two Car washes within 2.1 miles of this project site.

In the past 13 years, the traffic has increased considerably on Springbrook Rd. The time it takes to enter Springbrook Rd., from side streets has also increased considerably in the past 13 years. I have had to wait as long as 5 minutes to get onto Springbrook Rd. from Ashwood Ct. This project would bring much more traffic to the area. The noise level will heighten. As it stands now, noise from idling cars at the McAndrews/Springbrook Rd. signal are heard in my neighborhood. I have awoken from a sound sleep in the middle of the night by loud motorcycles at that signal. I can't imagine what the noise will be like from traffic all night long at a 24/7 mini market, gas pumps and carwash, as the sound travels toward the north from the south.

Having been to many convenience stores in my life, I have never not seen loitering outside of these stores. It is just human nature to hang out in front of stores. This can be innocent or nefarious in nature and branch out to the neighborhoods. It is my understanding that a drive thru coffee kiosk and retail stores are in this projects future, again heightening my concerns about traffic, noise and loitering.

Please do not ruin our neighborhood, with this type of C-C project. Just because you can, doesn't mean you should.

Thank you for your time,



Patricia Anderson
1431 Matthews PL
Medford, OR 97504

CITY OF MEDFORD
EXHIBIT # 111
File # AC-19-27

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Steffen K. Roennfeldt

From: Planning Department
Sent: Tuesday, April 30, 2019 8:06 AM
To: Steffen K. Roennfeldt
Subject: FW: AC-19-028 new store, gas station + car wash

From: Mary Horton [mailto:tunahorton@charter.net]
Sent: Tuesday, April 30, 2019 5:22 AM
To: Planning Department <planning@cityofmedford.org>
Subject: AC-19-028 new store, gas station + car wash

Good afternoon,
I'd like to talk about traffic this will create at this intersection
Going back 8 to 10 years when the property across the street was trying to be Developed
They tried to put a strip mall in. 33 house development. And low income housing apartments
Thank goodness this board turn them down
We ended up with a assistant living facility. quite large one
But with this we had the least amount of traffic impact on McAndrews and Springbrook
Thank you

Keep in mind this is several years ago and The traffic have increased dramatically

The three main concerns were traffic emergency equipment access And crime

I'm not sure if it's a city ordinance or this board chose to require that the driveways were at least 200 yards from the intersection

Having five lanes on McAndrews and four lanes on Spring Brook Going back from the interception approximately 150 to 200 yards in all directions. I cannot see any way this could possibly work

I invite all of you to come to the intersection at 8 o'clock in the morning or on any given evening around 3-5 the traffic Is backed up 400+ yards Every time the light turns red

We live at the 200 yard mark going east on McAndrews on the northside directly across from the driveway to the assisted-living facility. The Third house
Turning east across one lane of traffic at that point it can easily take up to two or three lights before we are able to get out.....

If they are allowed to have a driveway on McAndrews that would mean people would be crossing three lanes of traffic at this time. I can't imagine how many accidents there will be.....

The same goes for springbrook

I believe this board was very concerned about access for emergency equipment on both streets Both streets are a major roads that emergency vehicles use every day.
There is no doubt that this development will jeopardized this..

There are many other things A development of this type Will create

CITY OF MEDFORD
EXHIBIT # W VV
File # AC-19-28

More Crime. House break ins Etc

We have three minute markets and a gas station within 3/4 of a mile
All built in areas with other commercial businesses

If you elect to go forward with this
I would like to Request that there be a
traffic study
Crime study
And how it will affect emergency vehicles

I would like to ask everybody here if they would like this in their backyard
Thank you

Mr & Mrs Horton
2559 E Mc Andrews
Medford Or 97504
541-326-9315

Sent from my iPad

Steffen K. Roennfeldt

From: Green, Michael <michael_green@fws.gov>
Sent: Tuesday, April 30, 2019 11:25 AM
To: Steffen K. Roennfeldt; Matthew Stuber
Subject: Re: [EXTERNAL]
Attachments: 2Nest Memo m0407.pdf; 3Nest Memo FAQ.pdf

Hi Steffen,

That link doesn't seem to work from either my work or personal gmail accounts. I'm still interested in seeing the video, however, if you want to try again using another link.

Regardless, most medium-sized raptors such as Red-tailed Hawks will incubate for 28-35 days, and then fledge in about 45-50 days. They'll stay in the vicinity of the nest for another 3 weeks. So, a pair will complete the nesting process in about 3.5-4 months. You might be well into this period if the eggs have hatched already.

In a reinterpretation of the Migratory Bird Treaty Act by this administration, *incidental take*, i.e. 'taking' a bird while conducting activities that are otherwise legal, is no longer considered a violation of the act. Clearing land to prepare it for construction falls into this category.

However, we encourage developers, nonetheless, to consider delaying vegetation clearing activities until the nesting season for most birds is over. Normally this is by the end of July.

No matter when you clear the site, if you encounter nesting birds during that activity, there are two options available to you if you wish to try to save the birds. You may relocate the nest to a safe location - this requires a permit from us; or, you may take, or have someone else take, the nestlings to a permitted rehabilitation facility - this does not require a permit from us.

These scenarios and more are described in the attached documents.

Thanks for your inquiry, and please let me know if you have any further questions.

Michael Green
Deputy Chief, Migratory Birds & Habitat Program
USFWS, Pacific Region
503-872-2707
503-805-0213 (c)

[Western Working Group PIF](#)

FWS Links

[Facebook](#), [Twitter](#), [Blog](#), [Flickr](#), [YouTube](#), & [Tumblr](#)

On Mon, Apr 29, 2019 at 4:46 PM Steffen K. Roennfeldt <Steffen.Roennfeldt@cityofmedford.org> wrote:

CITY OF MEDFORD
EXHIBIT # WW
File # AC-19-028

64

Mike,

Thank you very much for your call!

Here's a link to the video I took a couple of days ago:

<https://photos.google.com/share/AF1OipMvVj9YKrIyo-EFsT63KJOLqSHe97hyLS2oOoMLyVIDwAD97wLoBUvDccWTVT1B7Q?key=RjRwLWdkcDF0b0poWFFCM21sMFBiMHk0OF1VQ21n>

Here's the site's location in case you need it:

42.342358, -122.845349

Thanks for your help!

Steffen

Steffen Roennfeldt

Planner III

City of Medford – Planning Department

Lausmann Annex, 200 S. Ivy Street

Medford, OR 97501

541-774-2380



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington D.C. 20240



In Reply Refer To:
FWS/DMBM/AMB/068029

Memorandum

To: Regional Directors
From: Assistant Director, Migratory Birds /sgd/ Jerome Ford 6/14/2018
Subject: Destruction and Relocation of Migratory Bird Nest Contents

The purpose of this memorandum is to clarify the application of the Migratory Bird Treaty Act (50 C.F.R. §§ 703-712; MBTA) to the destruction and relocation of migratory bird¹ nests and provide guidance for advising the public regarding this issue. This Memo replaces Migratory Bird Permit Memorandum MBPM-2 on Nest Destruction (Apr 15, 2003). This memo does not supersede or apply to other Federal, State, or Tribal laws and regulations, including the Endangered Species Act (16 U.S.C. §§ 1531; ESA) and the Bald and Golden Eagle Protection Act (16 U.S.C. §§ 668-668d; Eagle Act).

BACKGROUND:

The MBTA protects migratory birds, including migratory bird nests, eggs, and chicks. The prohibitions of the MBTA include *possession, transport, import, export, purchase, sale, barter, and take*. The regulatory definition of take, as defined by 50 C.F.R. § 10.12, means to *pursue, shoot, wound, kill, trap, capture, or collect, or attempt thereof*. This memo clarifies the Service's interpretation of how these prohibitions apply to migratory bird nests, eggs, and chicks.

The MBTA does not prohibit the destruction of an inactive² migratory bird nest, provided that no possession occurs during the destruction and no permit or other regulatory authorization is required (see Policy #1 below). Additionally, the Service should make every effort to inform the public of how to

¹ A list of species protected by the MBTA can be found at 50 C.F.R § 10.13

² An active nest is one that contains viable eggs and/or chicks. A nest becomes active when the first egg is laid and remains active until fledged young are no longer dependent on the nest. Nests that are empty, contain non-viable eggs, or are being built but do not yet have an egg in them are considered inactive.

EXHIBIT # XX
File # AC-19-028

minimize the risk of killing migratory bird species whose nesting behaviors make it difficult to determine occupancy status or continuing nest dependency (e.g., cavity and burrow nesting species).

On December 22 2017, the Department of Interior released M-Opinion 37050 (Opinion) regarding whether incidental take (the taking of migratory birds that results from an activity, but is not the purpose of the activity) is prohibited under the MBTA. The Opinion concludes that “the MBTA's prohibition on pursuing, hunting, taking, capturing, killing, or attempting to do the same applies only to direct and affirmative purposeful actions that reduce migratory birds, their eggs, or their nests, by killing or capturing, to human control” (M-Opinion, pg. 41). The Opinion clarifies that the MBTA does not prohibit the incidental or unintentional take of migratory birds and/or their active nest contents.

Therefore, an individual or entity may destroy an active nest while conducting any activity where the intent of the action is not to kill migratory birds or destroy their nests or contents. However, because the MBTA specifically protects migratory bird nests, eggs, chicks, and adults from possession and transport without a permit, individuals and entities cannot, in most cases, take reasonable protective actions (such as removing eggs and chicks prior to nest destruction or relocating nests) without first obtaining authorization to do so.

Currently, there are two mechanisms explained in Policy #2 and Policy #3 below for the temporary possession and transport of healthy, unaffected birds for the purpose of removing them from imminent danger (i.e., immediate threat of mortality). Policy #2 explains in more detail the Service's Good Samaritan provision included in the Rehabilitation regulation (50 C.F.R. § 21.31(a)). Policy #3 outlines the permitting mechanism under the Special Purpose regulation (50 C.F.R. § 21.27) for active nest situations that fall outside the Good Samaritan provision.

POLICY:

1. Inactive Nest Destruction

A permit or other regulatory authorization is not required under the MBTA to destroy an inactive migratory bird nest³, provided no possession occurs during or after the destruction. The MBTA does not authorize the Service to issue permits in situations where the prohibitions of the Act do not apply, such as the destruction of inactive nests.

The public should be made aware that, due to the biological and behavioral characteristics of some migratory bird species, destruction of their nests entails an elevated risk of unknowingly killing them. For example, it is difficult to detect whether or not the nest of a cavity-nesting species, such as a burrowing owl or a bank swallow, is active. Before destroying this type of nest, we recommend consulting with an expert (e.g., USDA-Wildlife Services, Wildlife Professionals, Environmental Consultants, or Rehabilitation experts) who can help determine nest activity.

³ An inactive nest is one that is empty, contains non-viable eggs, or is being built but does not yet have an egg in the nest.

Inactive nests may be protected by federal statutes other than the MBTA, such as nests of bird species federally listed as threatened or endangered under the ESA as well as nests of bald eagles and golden eagles, which are protected under the Eagle Act. State, Tribal, and local laws may also protect inactive bird nests. The Service should make every effort to ensure awareness regarding these possible additional protections and should inform the public of factors that will help minimize the likelihood that bird deaths would occur should nests be destroyed (i.e., when active nesting season normally occurs).

2. Good Samaritan Provision

For active nests, an individual or entity whose activity unintentionally or incidentally destroys an active nest, or is likely to do so, may collect the eggs or chicks and temporarily possess them for the purposes of transport to a federally-permitted rehabilitator under the Good Samaritan authorization in the rehabilitation regulation (50 C.F.R. § 21.31(a)). This Good Samaritan provision states: "Any person who finds a sick, injured, or orphaned migratory bird may, without a permit, take possession of the bird in order to immediately transport it to a permitted rehabilitator" (50 C.F.R. § 21.31(a)). The Service interprets the definition of "finds" to include encountering birds that become sick, injured, or orphaned while conducting activities where the intention is not to kill migratory birds or destroy their nests. "Finds" also applies when a planned activity is likely to cause or is about to cause destruction of an active nest resulting in the death, injury, or orphaning of eggs or chicks because, if nest destruction is imminent, any egg or chick in that nest can be considered orphaned. The Good Samaritan provision applies to the landowner of where the action is taking place and anyone designated to act on their behalf (e.g., wildlife professionals, pest-control contractors, rehabilitators, etc.). The Good Samaritan provision does not apply to regularly re-occurring actions where a single entity purposefully removes nests (e.g., a company that needs to purposefully remove nests from electrical distribution poles). For these situations a permit is recommended (see #3 below).

If the landowner is not comfortable with collecting the eggs or chicks, they may designate someone else to conduct the work on their behalf. After the eggs or chicks are collected, a federally-permitted rehabilitator may accept them as orphaned birds, consistent with their rehabilitation permit. All requirements and conditions of a rehabilitation permit apply. Rehabilitators have discretion as to what they will and will not accept and to determine the fate of any eggs or chicks accepted, including euthanasia. If a rehabilitator is unavailable or will not accept the eggs or chicks, the landowner (or the person acting on their behalf) may take the eggs or chicks to a licensed veterinarian who may temporarily possess, transfer, or euthanize the eggs or chicks without a permit (50 C.F.R. § 21.12(c)).

The Service can provide contact information for federally-permitted rehabilitators. The Service does not maintain or provide information on contractors, such as wildlife professionals, contractors, or pest control companies. Finally, the Service will provide information for voluntary reporting of active nest destruction in our Injury and Mortality Reporting System.

3. Special Purpose Permits

Permits are required to relocate a nest rather than destroy it, as possession of any nest is prohibited under the MBTA without prior authorization. Permits may also be appropriate for entities with ongoing projects that regularly need to intentionally remove or destroy nests. In these cases, permits can authorize possession of nests for various purposes, including active and inactive nest relocation, collection of nest contents for humane disposal, a combination thereof, or other compelling justifications. The Service can issue Special Purpose permits (50 C.F.R. § 21.27) to individuals or entities in these situations. In the case of utilities, authorization to destroy or relocate active and inactive nests is covered by applying for a specific type of special purpose permit: Special Purpose – Utility (<https://www.fws.gov/forms/3-200-81.pdf>).

Biologically, the success of nest relocation varies widely based on a number of factors, such as the distance moved, the presence of chicks, the nesting substrate, and the tolerance of the species and individual birds. Service biologists can provide technical assistance as to whether or not nest relocation is likely to succeed. Nest relocation should only be recommended for consideration when likely to result in success or when there are no other viable alternatives to achieve a conservation outcome. Relocation permit conditions will include short-term monitoring requirements by the person doing the nest relocation to ensure adults return to attend to the nest and an alternative protocol in the event nest abandonment occurs (such as collection and transport to a rehabilitator or veterinarian for euthanasia).

4. Other Permits and Authorizations

Other situations where there is purposeful take of active nests may fall under different permit types or regulatory authorizations. The Service will advise when a different permit or authorization may be appropriate.

**Attachment 1:
Migratory Bird Nest Destruction and Relocation
Frequently Asked Questions
June 14, 2018**

The Service recommends conducting activities outside the bird nesting season to avoid the need for active nest relocation or destruction, when appropriate. This is because (1) successful reproduction is essential to healthy bird populations; (2) measures can often be taken in advance to prevent nesting where it will create a problem; (3) inactive nests and nests under construction may be proactively destroyed without a permit; and (4) most bird species have short nesting cycles, and it can be practicable to delay an activity until the nestlings have fledged.

Notes:

- "Bird" refers to any species federally protected under the Migratory Bird Treaty Act (50 C.F.R. § 10.13; MBTA).
- This document does not apply to Bald Eagles and Golden Eagles or federally listed threatened or endangered species. The Bald and Golden Eagle Protection Act (16 U.S.C. §§ 668–668d) and the Endangered Species Act (16 U.S.C. §§ 1531) have additional protections for these species.
- States, Tribes, and local governments may have additional protections for active and/or inactive nests.

1. Is a permit needed to destroy an inactive migratory bird nest?

No. A permit is not required to destroy migratory bird inactive nests (i.e., nests without viable eggs or chicks), provided the nest is destroyed and not retained. From the time that one or more eggs are laid until chick(s) fledge, a nest is considered active and a permit is required for purposeful take of that nest. The Destruction and Relocation of Migratory Bird Nests Memorandum (MBPM-068029; 06/14/2018) provides additional guidance on inactive nest destruction (<http://www.fws.gov/policy/m0208.pdf>).

2. Is a permit needed to conduct activities near an active migratory bird nest?

No. A permit is not needed to conduct work near an active nest. An active migratory bird nest is one with viable eggs or live chicks present. We recommend caution when conducting activities near active nests due to the risk of nest failure. Nest failure occurs when a bird, egg, or chick is injured or killed or nest abandonment occurs as a result of the activity. If someone chooses to conduct activities near an active nest, we recommend contacting your local FWS Ecological Services or Regional Migratory Birds office to discuss voluntary best practices that may minimize impacts to nesting birds. To determine if best practices have been developed for specific industries see the USFWS, Migratory Bird Program Webpage at <https://www.fws.gov/birds/management/project-assessment-tools-and-guidance.php>

3. Is a permit required to destroy an active bird nest?

Yes. A permit is required for the **purposeful** take of an active migratory bird nest, such as active nests removed to resolve a depredation problem or activities that regularly need to intentionally remove or destroy active nests (e.g., purposefully removing nests from a structure such as an electric distribution pole). A permit is **not** required when conducting any activity where migratory birds and/or their eggs and chicks are accidentally killed during the activity (i.e., the intent of the activity is not to kill migratory birds).

Authorization is required to purposefully remove a nest or its contents prior to destruction. When eggs and chicks are in imminent danger of death from a lawful activity, there is a Good Samaritan provision that allows the collection of the nest contents without a permit for one-time, irregular, or highly infrequent occurrences. For frequent, regular occurrences of purposeful removal of an active nest or its contents, a Special Purpose permit may be appropriate. See the Destruction and Relocation of Migratory Bird Nests Memorandum for further information.

4. Is a permit required to relocate a nest? When is relocation appropriate?

Yes. A permit is always required to relocate an active nest, as the nest is in possession while being relocated. The decision to relocate or destroy an active nest is specific for each situation, bird species, and nest status. Some things to consider:

- a. *Are there eggs or chicks?* Relocation is most successful with chicks but rarely so with eggs.
- b. *Where is the nest?* If the nest is on a human-made structure, it may be easier to duplicate nest substrate and relocation may be more successful.
- c. *What is the species and its status?* Certain bird species and individuals are more tolerant to relocation than others.
- d. *Is it humane?* While sometimes counter-intuitive, active nest relocation can be less humane than nest destruction. Death from exposure and starvation is not humane; therefore, it is recommended that any nest relocation be monitored closely to verify adult birds return to attend to the nest and a back-up plan for removing the nest contents be in place. If the choice to relocate has a low chance of success, it is often best to contact a permitted rehabilitator to collect the nest contents and determine the appropriate disposition of those contents (i.e., rearing and release or euthanasia).

5. How can rehabilitators help?

Nest relocation or destruction cannot be done under a rehabilitation permit. However, migratory bird rehabilitators may provide technical expertise. Rehabilitators often have experience in nest relocations as well as caring for sick, injured, and orphaned birds in the event that removing nest contents is appropriate. They can provide guidance on whether or not chicks or eggs are likely to survive in a nest relocation attempt or during rehabilitation.

A list of federally-permitted rehabilitators can be found on the National Wildlife Rehabilitators Association webpage (http://www.nrawildlife.org/?page=Find_A_Rehabilitator). The Service can provide contact information for federally-permitted rehabilitators. The Service does not maintain or provide information on contractors, such as wildlife contractors or pest control companies.

6. What authorizations are available for bird nests?

6.1. Birds in Buildings Regulatory Authorization

The general public, under certain conditions, may remove migratory bird nests from the interior of a building or structure if (i) posing a health threat, (ii) attacking humans, (iii) posing a threat to commercial interests, and (iv) the bird may injure itself. Additional conditions and requirements are detailed in 50 C.F.R. § 21.12(d).

6.2. Good Samaritan Provision

For active nests, an individual or entity whose activity unintentionally or incidentally destroys an active nest, or is likely to do so, may collect the eggs or chicks and temporarily possess them for the purposes of transport to a federally permitted rehabilitator under the good Samaritan authorization in the rehabilitation regulations at 50 C.F.R. § 21.31(a). The Service interprets the definition of "finds" to include finding birds that become sick, injured, or orphaned while conducting activities where the intention is not to kill migratory birds or destroy their nests. "Finds" also applies when a planned activity is likely to cause or about to cause destruction of an active nest resulting in the death, injury, or orphaning of eggs or chicks because, if nest destruction is imminent, any egg or chick in that nest can be considered orphaned. The Good Samaritan provision applies to one-time, irregular, or highly infrequent occurrences, otherwise a permit is recommended.

6.3. Depredation Permits

Depredation includes agricultural damage, private/public property damage, threats to human health and safety, and threats to recovery of protected wildlife. A depredation permit can authorize active nest destruction or relocation when either the nest itself is causing damage or removal of the nest will relieve a depredation problem. The nest itself or birds attending to the nest must be contributing to physical damage or physical loss to constitute a depredation problem, and must not merely be causing a nuisance.

Applicants must meet depredation issuance requirements, including demonstrating that they have implemented practicable nonlethal measures, such as destroying inactive nests, exclusions, hazing, and habitat modification prior to applying for a permit. For more information see the Fact Sheet on Depredation Permits (<http://www.fws.gov/forms/3-200-13.pdf>).

6.4. Utility Permits

Special Purpose Utility Permits (SPUT) can be issued to utilities with nest concerns. A utility includes, but is not limited to, a business that owns or operates a facility that generates or transmits electricity, gas, oil, water, or communications structures such as cellular towers, microwave transmitters and their related infrastructure, as well as resource development and recovery businesses.

Utility permits can authorize the relocation and/or destruction of nests found on the utility structures when (1) the safety of the migratory birds, nests, or eggs is at risk, or (2) the migratory birds, nests, or eggs pose a threat of serious bodily injury or a risk to human life,

including a threat of fire hazard, mechanical failure, or power outage. This permit does not apply to situations in which birds are merely causing a nuisance or inconvenience, such as construction and routine maintenance, or to eagle nests. This permit also does not apply to clearing an area of active bird nests to reduce the likelihood of collision with infrastructure. For more information see the Fact Sheet for Utility Permits (<http://www.fws.gov/forms/3-200-81.pdf>).

6.5. Scientific Collecting Permits

Scientific Collecting Permits authorize active nest relocation or destruction for scientific research purposes only. The applicant must justify why this is an appropriate methodology for the research question they are seeking to answer. For more information, see the Fact Sheet for Scientific Collecting (<http://www.fws.gov/forms/3-200-7.pdf>).

6.6. Special Purpose Permits

If the activity does not fall into one of the categories above, the applicant may qualify for a Special Purpose permit. The Special Purpose regulation can be used to authorize active nest relocation or destruction when it is consistent with the MBTA for many otherwise lawful activities. The applicant must demonstrate how they meet at least one of the following criteria: (1) a sufficient showing of benefit to the migratory bird resource, (2) important research reasons, (3) reasons of human concern for individual birds, or (4) other compelling justification.

In general, requests for nest relocation or destruction are justified under "sufficient showing of the benefit to the migratory bird resource" (See 6.6.1) or "other compelling justification" (See 6.6.2.).

6.6.1. *What constitutes a sufficient showing of benefit to the migratory bird resource?*

An applicant may demonstrate that there is a benefit to the resource. The migratory bird resource can be the same species or different species as the species for which take is being requested under the permit. Supplemental Information may be requested as part of the application. A single document summarizing the organization's Best Management Practices may be developed by the applicant that includes benefits to the resource (e.g., habitat restoration, native landscaping, etc.), avoidance and minimization practices that will be implemented, and how the decision to intentionally relocate or destroy active nests will be made. While a Best Management Practices summary document is not required, the document can be referenced to streamline permit applications and conditions.

6.6.2. *What constitutes a compelling justification?*

An applicant may also demonstrate that there is a compelling justification that qualifies for a Special Purpose permit. Most commonly, a compelling justification often involves scenarios of multiple competing mandates, such as the MBTA and other federal laws, federal mandates, and/or court orders. Examples of a compelling justification include: a situation where two federal laws conflict (e.g., ESA requirements restrict the activity to only occur during bird nesting season); a critical infrastructure project that may affect human health and safety if not completed on schedule (such as emergency bridge repair); or protection of species of concern that would be harmed if not relocated (such as cavity or burrow nesters that primarily rely on

other species to create burrows). A compelling justification can also include that a planned activity that extends past the Good Samaritan provision (6.2 above) and is likely to cause or about to cause destruction of an active nest resulting in the death, injury, or orphaning of eggs or chicks.

7. What permits can authorize nest take to resolve financial loss?

Permits cannot be issued to resolve financial loss (i.e., construction delays, access to equipment) unless they meet one of the permit types above. If there is physical damage or physical loss in addition to financial loss, a Depredation permit can be issued for the purposeful removal of a nest. If there is solely financial loss, a Special Purpose permit is most appropriate; applicants must demonstrate a sufficient showing of benefit to the migratory bird resource or other compelling justification as described above.

8. What is incidental take and is an incidental take permit available?

On 22 December 2017, the Department of Interior released M-Opinion 37050 (Opinion) regarding whether incidental take (the taking of migratory birds that results from an activity, but is not the purpose of the activity) is prohibited under the Migratory Bird Treaty Act (16 U.S.C. §§ 703-712). The Opinion concludes that "...the MBTA's prohibition on pursuing, hunting, taking, capturing, killing, or attempting to do the same applies only to direct and affirmative purposeful actions that reduce migratory birds, their eggs, or their nests, by killing or capturing, to human control" (M-Opinion 37050, pg. 41). The Opinion clarifies that, under this interpretation, the MBTA does not prohibit the incidental or unintentional take of migratory birds and/or their active nests.

For individuals or entities seeking to voluntarily minimize impacts on migratory birds and their habitat may request technical assistance for suggested best practices can be referred to Service Migratory Bird biologists or Ecological Services offices. To determine if best practices have been developed for specific industries see the USFWS, Migratory Bird Program Webpage at <https://www.fws.gov/birds/management/project-assessment-tools-and-guidance.php>

RECEIVED

MAY 01 2019

PLANNING DEPT.

Good evening Mr. Brinkley,

It has been requested of me to write a letter in regards to the new Circle K projected to be built on the corner of Springbrook and McAndrews. The request was made because I own the 7-Eleven on the corner of Crater Lake and McAndrews, and this particular location has been in my family for the last 30 years.

My concern of the new store is 2 fold. My primary concern is how my business has been directly affected by the lack of response by the Medford Police Department. We have endured escalating transient issues at our store over the past couple of years. Trespassing, Theft and Harassment of my employees are the more common offenses that frequently occur in this area. Even though I have signed a No Trespass agreement with Medford Police Department, there is little being done to keep my business and employees safe from the escalating and all-too-often behavior from the transients frequenting this area. The scant police response has compounded the issue and the problems are getting worse, and as a result, I continue to suffer from the the loss of customers, revenue, and the pride in my local police department.

My concerns echo the community's, and are valid. With the new store also being a 24-hour operation, surely this will attract the same transient problem and potentially increase the victimization of our community due to the amount of residences surrounding this area.

The second concern is for our local business owners that could potentially be affected by this new convenience store moving in to our community. The Store on Roberts Rd, Spring St Market on Spring St, C & L Market on the corner of Crater Lake Ave. and Spring St, as well as my 7-Eleven on the Corner of Crater Lake Ave & McAndrews, are all locally owned and family operated businesses that support our community, donate to our community, and have been doing so for the last 30 years. A conglomerate from out of state will not have our community's best interests at heart, nor a vested interest in our community as we do.

In conclusion, I did provide petitions for my customers to sign if they wanted to, the several that I personally spoke with all made similar comments in regards to their concerns for the neighborhoods safety as well as their concern of the existing traffic cluster at that specific corner.

Thank you for your consideration,
Marnee Widlund
(541)210-3829

CITY OF MEDFORD
EXHIBIT # 22
File # AC-19-028

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MAY 01 2019

PLANNING DEPT.

April 30, 2019

Matt Brinkley, Planning Director

City of Medford Planning Department
Lausmann Annex
200 South Ivy Street
Medford, Or. 07501

Kaaren Jones

2402 Pinebrook Circle
Medford, OR 97504

Re: File No. AC-19-028

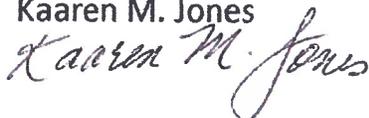
Dear Sir:

I am writing you in opposition to the above proposal. I am not opposed to the zone change, just in the type of commercial use under consideration. A 370 SF coffee kiosk, a 3,300Sf convenience store, a car wash and gas pumps on this 2.5 acre corner would be disruptive and negatively impact surrounding residential areas. I am concerned about the amount of traffic and noise these uses would generate at the intersection of Mc Andrews and Springbrook. While the new Retirement complex on the NE corner of this intersection has not been a problem to the neighborhood, I believe this proposal would drastically change the residential environment we have enjoyed. From Delta Waters going east on Mc Andrews and all streets going north or south off Mc Andrews there are quiet well maintained residential neighborhoods.

There are currently in Medford five Circle-K's mini markets. Some are open 24 hours a day, every day, including holidays. All are located in mostly Commercial areas that do not affect residential neighborhoods. The corner on Mc Andrews would better serve our neighborhood by developers interested in a proposal for offices or health clinics without the traffic and noise and would be open regular office hours and closed on weekends and holidays.

I live on Pinebrook Circle off Springbrook. We have supermarkets, gas stations, and car washes all less than two miles from our home. This proposal isn't a suitable use for the location and I respectfully hope that the Planning Commission will take these concerns under consideration.

Kaaren M. Jones



CITY OF MEDFORD

EXHIBIT # AAA

File # AC-19-028

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Collected by
MT Dimick

Petition to Deny Springbrook Corners Project File No. AC-19-028 for Tax Lot 371W20 AB-3500

Petition Summary To deny File No. AC-19-028 application to build a Circle K Conveince Store w/Gas Station & Car Wash

Action Petition for: We, the undersigned concerned residents of the proposed project, request the City of Medford Planning Commission members DENY this application due to it's detrimental impact on our neighborhood.

Page 259

Print Name	Signature	Address	Comment	Date
Kathleen Rulon	K. Rulon	212 Valley View Dr.	Absurd Idea !!	4-21-19
Katherine Bryon	Katherine Bryon	229 Valley View Dr Medford	traffic impacts	4-21-2019
Maryanne Kitcher	Maryanne Kitcher	1531 Satellite Dr. Medford		4/21/19
Christine VanZee	Christine VanZee	2668 Cort View Circle Medford		4/21/19
Douce VanZee	Douce VanZee	" " " "		4/21/19
Nancy Gross	Nancy Gross	4039 Monte Vista Dr 97504	traffic impacts, residential	4/21/19
Vickie Gonzalez	Vickie Gonzalez			4/22/19
Kevin Howell	Kevin Howell	919 Dakota Ave med. 97501		4-23-19
Kevin Forde	Kevin Forde	5293 W. Griffin Creek Rd	No	4/23/19
Ow. Tally	O. J. Tally	2241 Fairfield Dr		4-23-19
ANDI CRANK	Andi Crank	5293 W. GRIFFIN CREEK		4-23-19
Lynn Kenner	Lynn Kenner	2472 Roberts Rd	Horrible idea	4-23-19
Charles Shirey	Charles Shirey	2215 SPRING BROOK	NO COMMERCIAL	4-23-19
Meredith J. Wake	Meredith J. Wake	Central Point, OR 367017 Military Rd 97501	Keep in Residential	4-26-19

69
BBS
K/14

Debbie L. Strigle

From: jlkormand@charter.net
Sent: Thursday, May 2, 2019 12:05 PM
To: Planning Department
Cc: Matt H. Brinkley; Debbie L. Strigle; 'jlkormand@charter.net'
Subject: [Possible Spam] Opposition to AC-19-028
Importance: Low

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Dear Planning Department Staff & Site Plan & Architectural Commission Members ·

My name is Jim Ormand and I am a homeowner and have resided at 2411 Amaryllis Street (Medford) since December 2003. Unfortunately unexpected family matters now prevent me from attending your scheduled May 3rd Commission meeting. I hope my written comment reaches you for the public meeting.

I am writing to express my strong opposition to the proposal by Double R Products to construct a 3,300 sq ft convenience store, 1,304 sq ft car wash with gas pumps, and a 370 free standing coffee kiosk at 1380 Springbrook Road and McAndrews. This project must be denied due to public safety concerns, traffic and resident concerns.

To begin with this proposed project will negatively change the character of our residential neighborhood. Currently we have single family homes occupying two corners of the intersection. Tax Lot 371W20-3500 was a residential home. The addition of a 24 hour convenience store, car wash and gas pumps would not be consistent with historical and current use. The additional street lights for the proposed property and nighttime traffic would be offensive.

Secondly, we already know how busy that intersection can be during am/pm commute times and how fast the traffic usually travels. The 35mph limit is the exception and 40-45mph is the new norm. East bound McAndrews goes from two lanes into one...and there will be a increased bottleneck congestion to access this proposed project not to mention access issues for delivery trucks and fuel trucks. We don't need more traffic congestion at this intersection. Gas & groceries are available just down the road at McAndrews and Crater Lake....a commercial intersection!

Finally, this proposed project will threaten the safety of all children who use this intersection daily to attend Lone Pine Elementary School, Hedrick Middle School, and North Medford High School. With the addition of the proposed project and expected congestion and traffic, children may be attracted to the convenience store and away from the sidewalks.

This is not a good location for this type of commercial enterprise. I urge you to deny the proposed project due to concerns about public safety, increased traffic and congestion, and retaining the character of this neighborhood.

By the way are there any plans to humanely relocate the nesting redwing hawks that reside there?

Thank you for listening.

Jim Ormand
2411 Amaryllis Street, Medford
541-646-5985

CITY OF MEDFORD
EXHIBIT # CCC
FILE # AC-19-028

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PLANNING DEPT.

Springbrook Corners LLC
PO Box 970
Medford, Oregon 97501

May 3, 2019

Steffen Roennfeldt
Kelly Evans
Planning Department
City of Medford
200 Ivy Street
Medford, Oregon 97501

Re: AC-19-028

Dear Steffen and Kelly:

Springbrook Corners LLC owns the property at 1380 Springbrook which is the subject of this application and is writing to voice its support of the applicant and its project.

We feel this development is appropriate and beneficial to this part of the city and that its developer and end user of the property have given extensive consideration to minimize the impact on surrounding neighborhoods.

Thank you for your consideration in this matter.

Regards,


Springbrook Corners LLC

CITY OF MEDFORD
EXHIBIT # DDD
File # AC-19-28

401 8am

Name	City	State	Postal Cod	Country	Signed On
Erica Hammericksen	Medford	OR		US	#####
Ryan Decker	Medford	OR	97504	US	#####
Derek Horsley	Medford		97504	US	#####
Nikky Horsley	Medford	OR	97504	US	#####
Kali Walter	Central poi	OR	97502	US	#####
Asia Robinson	Medford	OR	97504-970	US	#####
Dave Pettersen	Medford		97504	US	#####
Melanie Dines	Medford		97504	US	#####
amy connolly	Medford	OR	97504	US	#####
Mary Williamson	Medford		97504	US	#####
Krissy's Madsen	Medford		97504	US	#####
Tamara Hernandez	Medford		97504	US	#####
Richard DeMartini	Medford		97501	US	#####
Sean Connolly	Medford	OR	97504	US	#####
Rhianna Barnett	Medford	OR	97504	US	#####
Steve Chastain	Medford		97504	US	#####
Erica hammericksen	Medford	OR	98953	US	#####
sarah milatz	Medford	OR	97504	US	#####
Barbara Connair	Medford	OR	97504	US	#####
Benjamin Nielsen	Medford	OR	97504	US	#####
Kristi Fisher	Medford	OR	97504	US	#####
Amanda Hurd	Medford		97504	US	#####
Bridgette Decker	Medford	OR	97504	US	#####
Sable Jackson	Klamath Falls	OR	97601	US	#####
Tilah Maytanes	Medford	OR	97501	US	#####
KaSandra Bozeman	Eugene	OR	97405	US	#####
Nakesha Morgan	Portland		97222	US	#####
Ted McCullough	Medford	OR	97504	US	#####
Jeane Imus	Medford		97504	US	#####
Robert Rivero	Medford	OR	97501	US	#####
Scott Noland	Medford	OR	97504	US	#####
Edward Frakes	Medford	OR	97504	US	#####
Sirena Pettersen	Medford	OR	97504	US	#####
Crystelle Carrick	Medford		97504	US	#####
Vera Jacobson	Medford	OR	97504	US	#####
Cassie Payton	Medford		97504	US	#####
Kala Lenn	Medford	OR	97504	US	#####
Jaime Mercer	El Dorado Hills		95762	US	#####
Trina Brousseau	Central Poi	OR	97502	US	#####
Hannah Messenger	Medford	OR	97504	US	#####
Melissa King	Dallas		97338	US	#####
Shane Kinney	Medford	OR	97501	US	#####
Carli Brousseau	Eugene	OR	97401	US	#####
Dianna Rich-Bowdish	Ashland	OR	97504	US	#####
Nancy Brousseau	Medford	OR	97504	US	#####
Gina Banuelos	Medford		97504	US	#####

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EXHIBIT # **EEB** Pg. 1 of 9
FILE # **AC-19-028**

Linda Brewer	Medford		97504 US	#####
Mindy Noland	Medford	OR	97504 US	#####
Amanda Fisher	Medford		97504 US	#####
Jim Gear	Medford	OR	97504 US	#####
Tanya Havnear	Medford	OR	97504 US	#####
Erica Velez	Medford	OR	97501 US	#####
Karen McCoy	Medford		97501 US	#####
Melanie Kelsey	Medford		97504 US	#####
Shanah Powell	Medford	OR	97504 US	#####
James Joy	Medford		97504 US	#####
Christina Aguiar	Medford		97501 US	#####
Courtney Barnes	Medford	OR	97504 US	#####
Laura Groom	Medford	OR	97504 US	#####
Tasha Bolt	Medford	OR	97501 US	#####
Jon Webb	Medford		97504 US	#####
L MI	Medford		97504 US	#####
Jason Newport			US	#####
Tracy Deal			US	#####
Deloris Hardin	Talent	OR	97540 US	#####
Kelsey Victorino	White City	OR	97504 US	#####
Michelle Thomas	Salem	OR	97308 US	#####
ashley parret	medford	OR	97501 US	#####
Holly Gordon	Eagle Point	OR	97524 US	#####
Nyleah Dixon	Medford		97501 US	#####
Darian Madison	Medford		97504 US	#####
Leslie Simpson	Medford	OR	97504 US	#####
Miranda Cordova			US	#####
Kari Harris	medford	OR	97504 US	#####
Cathy Cossette	Medford		97504 US	#####
Victoria Reynolds	Medford	OR	97504 US	#####
Maureen Stanton	Everett	WA	98204 US	#####
Hazel Clements	Medford		97504 US	#####
MT Dimick	Medford	OR	97504 US	#####
Melanie Breidenthal	Medford		97501 US	#####
Randy Rudy	Medford	OR	97504 US	#####
Tonsina Wells	Rogue River	OR	97537 US	#####
Mary Lima		OR	US	#####
Karisa Edwards	Medford	OR	97504 US	#####
Nicole George	Medford	OR	97504 US	#####
Erika Gray	Medford		97501 US	#####
Carol Walters	Medford	OR	97501 US	#####
Nicki Ford	Ashland	OR	97520 US	#####
Hugh Anderson	Medford	OR	97501 US	#####
Kyle Shaver	Raymond		43067 US	#####
Janice Haviland	Medford	OR	97504 US	#####
Tiffany Knouff	Medford	OR	97504 US	#####
Fred Jennings	Medford		97501 US	#####

Mitzi P	Medford OR	97504 US	#####
Monique Grafton	Medford	97504 US	#####
Patricia Anderson	Medford OR	97504 US	#####
Carole Jennings	Medford	97504 US	#####
Deanna Mullenix	Medford OR	97504 US	#####
Jesse Moore	Medford OR	97504 US	#####
Denise Brown	Altamonte FL	80233 US	#####
TIMOTHY SHOOP	Medford OR	97504 US	#####
GAYLA BURKE	Medford	97504 US	#####
Mary Sarkis		US	#####
Jason Jex	Medford	97504 US	#####
Rachel Hischar	Central Point	97502 US	#####
Jebediah Helpss	Bunkeflostrand	US	#####
Ryan Lucas	Medford OR	97501 US	#####
Trash Hands	Astoria	US	#####
Teresa Parker	Brookings OR	97415 US	#####
Dakota Sarnescky	Ada	45810 US	#####
El Graham	West Linn	97068 US	#####
Kemal Bajramovic	San Bernardino	92407 US	#####
Amanda thiqq	Columbus	43230 US	#####
Ashley Rayburn	Medford OR	97504 US	#####
Brian Hanna	Medford OR	97504 US	#####
Jacob Caffey	Omaha	50307 US	#####
Tristan Lowe	Mankato	56001 US	#####
Kyle Fulton	White City OR	97503 US	#####
Mark Empasis	Medford OR	97504 US	#####
Casey Carpenter	Portland	97206 US	#####
Kathy Hischar	Medford	97504 US	#####
Todd Rufener	Ashland	97520 US	#####
Kendall DeCoste	Medford	97504 US	#####
Chris Scholl	Neptune NJ	7753 US	#####
OULA DAKHAN	Lutherville Timonium	21093 US	#####
Kelly Adams	Rogue Rive OR	97537 US	#####
Caitlin Gallagher	tualatin	97062 US	#####
Nellie Cervantes	Boise	83704 US	#####
Ethan Yaroch		US	#####
Kaye Proctor	Medford OR	97504 US	#####
Dee Perez	Medford OR	97504 US	#####
Lillian Kielty		US	#####
Paul Hart	Medford	97504 US	#####
Sandra Confer	Medford	97504 US	#####
Phillip Bradfield	Medford	97501 US	#####
Teena Anderson	Medford OR	97504 US	#####
Abby Gardner	Medford	97501 US	#####
Becky Chong	Medford OR	97501 US	#####
Amy Myrin	Medford	97504 US	#####
Tamara Barrus	Medford	97504 US	#####

CITY OF MEDFORD
EXHIBIT # EEE Pg. 3 of 9
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Kathy Ray	Medford OR	97504 US	#####
Adam Kramer	Hoboken NJ	7030 US	#####
dana browning	Secaucus	7094 US	#####
Richard Coreno	Cleveland	44134 US	#####
Isabella Fennessy	Barrington	2806 US	#####
Robert Maines	Clarksville	37042 US	#####
Danette Hart	Medford OR	97504 US	#####
Deborah Carr	Medford OR	97504 US	#####
Ashley Chott	Medford	97501 US	#####
Chernor Mills	Atlanta	30092 US	#####
Cassidy Macgregor	Walpole	2081 US	#####
Aidan Escobar	Long Beach	90814 US	#####
Jeffrey Cole	Jacksonvill. OR	97530 US	#####
Mason Minton	Carlisle	40311 US	#####
Isabel Smith	Madison	53711 US	#####
Cynthia Lee-Holloway	Medford	97504 US	#####
Kathleen Rikli	Mesa	85214 US	#####
Angel Gambino	Oxford	6478 US	#####
Croix Vasquez	Fort worth	76132 US	#####
David Kalil	LAKELAND	33810 US	#####
Brian Dobrick	East Aurora	14052 US	#####
Darren Robinson	Florence	29501 US	#####
Kirk Hanbury	Saint Cloud	34772 US	#####
Julie Barnett	Utah	98290 US	#####
Hunter Tylee	Kingsland	31548 US	#####
logan martucci	toms river	8757 US	#####
Ali Atalmimi	Dearborn	48126 US	#####
Jean Bellora	Saint Peter FL	33730 US	#####
Brian Autry	Rocky Face	30740 US	#####
K M Kell	Medford	97504 US	#####
Michelle Zuppe	Medford	98504 US	#####
Elizabeth Valadez	Klamath Falls	9760e US	#####
PETRE LAZEA		US	#####
Marcello Greco	Orlando	32811 US	#####
joel acosta	Vass	28394 US	#####
Jacqueline gilbert	Overland Park	66210 US	#####
Julius Choi	North Wales	19454 US	#####
Angie Chumley	Medford	97504 US	#####
Jake Nash	Medford	97504 US	#####
Grace Solomon	Pflugerville	78660 US	#####
Marcus Grafton	Medford	97504 US	#####
Nytia Simmons	Greenville	29605 US	#####
Mike Hawk	South Bend	46619 US	#####
Miguel Pérez	Sacramento	95822 US	#####
Dan Lieber	Long Branch	7740 US	#####
Sean Dingley	Sparks	89436 US	#####
Luke Freeman	Thousand Oaks	91360 US	#####

Tracy Bertini	Buffalo		14224 US	#####
William Waddell	Hartselle	Al	US	#####
Emerald Davis			US	#####
Tianna Jones	Jacksonville		32216 US	#####
Kara Baylog	Medford	OR	97504 US	#####
Rachel Cabler			US	#####
Tiffany Roach	Medford	OR	97501 US	#####
Lynnae Tracy	Modesto	CA	95353 US	#####
Joseph Rayburn	Medford	OR	97504 US	#####
Angela Pierpoint	Medford	OR	97501 US	#####
Kody Huxtable	Medford		97504 US	#####
Robin Plankenhorn	Central Point		97502 US	#####
Andrea Del Pizzo	Medford	OR	97504 US	#####
Denise Skinner	Portland	OR	97202 US	#####
Stephanie Rundle		OR	75568 US	#####
Lane Mccutchen	Medford		97504 US	#####
Tiffany Compton	Medford		97504 US	#####
Gary Braden	Medford	OR	97504 US	#####
Monty Holloway	Medford	OR	97501 US	#####
Peggy Byrd	Medford		97501 US	#####
Ava Collica	Bellmore		11710 US	#####
Karlie Ilacqua	Medford		97501 US	#####
Stefanos Vrusis	Merrick		11566 US	#####
carey duram	medford	OR	97504 US	#####
Stephanie Golden	Medford	OR	97504 US	#####
Kevin Golden	Medford		97504 US	#####
grace meier	Medford		97504 US	#####
Cassandra Gordon	Clackamas	OR	97015 US	#####
Jennifer Boettcher	Medford		97504 US	#####
Jamie Anderson	Medford		97501 US	#####
meg casey	Prineville	OR	97754 US	#####
Bamby Griffin	Eagle Point	OR	97524 US	#####
Kylie Camden	Ashland		97502 US	#####
Kark Pettegrew	Medford	OR	97504 US	#####
Alycia Cash	Medford		97504 US	#####
Brenda Boettcher	Medford	OR	97504 US	#####
Matthew Winchell	Medford	OR	97504 US	#####
Crystal Armstead	Medford		97501 US	#####
Mitch Coleman	Bellmore		11710 US	#####
April Miller	Medford	OR	97504 US	#####
Alan Engstrom	Medford	OR	97504 US	#####
April Harrison	Medford		97504 US	#####
Jeremy Roberson	Jacksonville	OR	97530 US	#####
Ryan Bradley	Medford		97501 US	#####
Kathy Spano	Medford		97504 US	#####
Jonathan Lewis	Medford	OR	97504 US	#####
Rebecca Killen	Medford		97504 US	#####

CITY OF MEDFORD

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Kara Pierpoint	Rogue River	97537 US	#####
Nancy Monroe	Medford	97504 US	#####
Paige Fusilier	Medford OR	97504 US	#####
Mike Bronze	Medford OR	97501 US	#####
Taylor Mackey	Medford	97504 US	#####
David Harbolt	Medford	97504 US	#####
Patricia Kiger	Medford OR	97504 US	#####
cASSANDRA KRUGGEL	Medford OR	97504 US	#####
Tony Memdenhall	Medford	97504 US	#####
Kimberly Howitt Ross	Medford OR	97504 US	#####
Diane Winchell-Riggs	Medford OR	97504 US	#####
Aimee Gorham	Medford	97504 US	#####
Karen Menke	Medford OR	97505 US	#####
Cheri Campbell	Medford OR	97501 US	#####
Debra Wuerfel	Medford	97504 US	#####
Sapphire Haynes	Medford	97501 US	#####
Michelle Maloney	Medford	97501 US	#####
paula guenther	Medford OR	97504 US	#####
David Watson	Rogue River	97537 US	#####
savahanna cruthirds	Medford OR	97501 US	#####
Dave Cossette	Medford OR	97504 US	#####
Evie Carter	Casper WY	82604 US	#####
Heather Simon	Winston OR	97496 US	#####
Jeff Zippi	Medford	97504 US	#####
Kristin McCollum	Central Poi OR	97502 US	#####
Anesha Bayne	Medford OR	97504 US	#####
Katie Howitt	Medford OR	98662 US	#####
Kaleigh Jameson	Central Poi OR	97502 US	#####
Brian Munoz	Portland	97504 US	#####
Carrie Rambo	Medford OR	97501 US	#####
CATHERINE WALLS	HOOD RIVI OR	97031 US	#####
Michelle Lockett	Medford OR	97504 US	#####
Carreen Petach	Medford OR	97504 US	#####
Courtney Norris	Medford OR	97501 US	#####
Joanie Baer	Medford OR	97504 US	#####
Martin Bay	Lancaster CA	93536 US	#####
Courtney combs	White City OR	97503 US	#####
Gwen Pettey	Medford	97504 US	#####
Melissa Telford	Medford OR	97504 US	#####
April Bezuhly	Medford OR	97504 US	#####
bailey giancola	medford OR	97504 US	#####
louis maudlin	Medford	97501 US	#####
Tamara Biles	Portland	97224 US	#####
Chuck Anderson	Medford	97504 US	#####
Khristine Breedlove	Ashland	97520 US	#####
Carrie Goslin	Medford	97501 US	#####
Brittany Hanigan	Medford OR	97504 US	#####

CITY OF MEDFORD
EXHIBIT # EEE Pg. 6 of 9
FILE # AC-19-028

Stephanie Hanigan	Medford	97504 US	#####
Shannan Widboom	Medford OR	97501 US	#####
Anthony Raye	Medford OR	97504 US	#####
Clifford Josey	Medford OR	97504 US	#####
Melissa Taylor	Medford OR	97504 US	#####
Christina Shafer	Medford	97504 US	#####
Angela Kell	Medford OR	97501 US	#####
Renay Carpenter	Eagle point	97524 US	#####
Morgan Davidson	Medford	97501 US	#####
Jacki Holcomb	Eagle point	97525 US	#####
Amber Kinney	Central Point	97502 US	#####
Debra Kammeraad	Kalama WA	98625 US	#####
Samantha Welch	Medford OR	97501 US	#####
Kym Kaleohano	Medford OR	97504 US	#####
Paige Goldate	Medford OR	97501 US	#####
Casey Fielder	Medford	97504 US	#####
Charles Raye	Trail OR	97541 US	#####
Jon Martin	Medford	97504 US	#####
Ashley Walborn	Medford OR	97504 US	#####
Cindy Brothers	Medford OR	97504 US	#####
Katherine Price	Medford OR	97501 US	#####
Dawn Seggelink	Chandler AZ	85249 US	#####
Sharon Hanstein	Medford OR	97501 US	#####
jeremiah gooding	Medford	97504 US	#####
Tyler Riley	Ashland	97520 US	#####
Eric Benitez	Medford OR	97504 US	#####
Garret Wright	Bandon	97411 US	#####
Dean Thompson	Santa Rosa	95404 US	#####
Melanie Hammericksen	Portland	97267 US	#####
Mary Horton	Medford OR	97504 US	#####
Bob Horton	Medford	97504 US	#####
Amy Horton	Medford	97504 US	#####
Lisa Lewis	Medford OR	97504 US	#####
Betty Welden	Medford OR	97501 US	#####
Ranae Lynch	San Diego CA	92101 US	#####
Keith Crowley	Corvallis OR	97333 US	#####
Emma Mccutchen	Medford	97504 US	#####
Michael Rozen	Medford OR	97504 US	#####
Krystina Beech	Medford OR	97504 US	#####
Christine Snyder	Rogue River	97537 US	#####
Evelyn Kinsella	Medford OR	97501 US	#####
Tau Swearingen	Medford OR	97501 US	#####
Kelly Uchtyl	Portland OR	97267 US	#####
John Crowley	Medford OR	97504 US	#####
Amanda Cavolt-Glimpse	medford OR	97504 US	#####
Teri Kane	Medford	97501 US	#.....
Joni Mccleary	Central poi OR	97502 US	#

CITY OF MEDFORD
EXHIBIT # EEE Ps. 789
FILE # AC-19-028

12

Rosie Angulo	Medford	97504 US	#####
Lindsey Jolliffe	Eagle Point OR	97524 US	#####
John Schleining	Medford OR	97504 US	#####
Kimberly Wade	Malverne	11565 US	#####
Theresa Zwan	Medford OR	97501 US	#####
Sandi Hutton	Eagle point OR	97524 US	#####
Kenar Gelman	New York	10118 US	#####
Mikaela Cohen	Hempstead	11550 US	#####
Jennifer Lane	Rock Springs	82901 US	#####
Kiana Lane	Rock Sprin, WY	82901 US	#####
Theresa Owen	Rock Springs	82901 US	#####
Angela Cook	Coos Bay	97420 US	#####
David Josephson	Shelter Island	11964 US	#####
Alexander Coe	Medford	97501 US	#####
Winter Mcculloch	Medford	97501 US	#####
Linda Ramer	Medford OR	97504 US	#####
Kevin Lord	Mountain ID	83647 US	#####
Deborah Brown	WA	US	#####
Tamia Lane	Rock Springs	82901 US	#####
Ian Nicholson	Rock Springs	82901 US	#####
nicole naylor	Medford OR	97504 US	#####
Michelle Simi	Eagle Point OR	97524 US	#####
Steffanie Wikoff	Medford OR	97594 US	#####
Marilyn Boyce	Medford OR	97504 US	#####
Betti Jameson	Payson AZ	85541 US	#####
Cheryl Frances	Port Orford OR	97465 US	#####
Ashleigh Mead	Medford OR	97504 US	#####
Danya Ward	Salem OR	97302 US	#####
Karen Polsgrove	Medford OR	97501 US	#####
Jodee Smith	Medford	97504 US	#####
Sheryl Joseph	Rock Springs	82901 US	#####
Kayla Smith	San Diego CA	92114 US	#####
Kathy Diaz	Medford OR	97501 US	#####
Sridevi Sankaran	San Jose	95136 US	#####
Maria Gregg	Fremont	94536 US	#####
aakruti chokshi	Lafayette	94549 US	#####
dipesh chauhan	sunnyvale	94089 US	#####
AJITH SREENILAYAM	San Leandro	94577 US	#####
Sweety Shah	Fremont	94536 US	#####
JP Singg	Fremont	94536 US	#####
Satish Anupindi	Fremont	94539 US	#####
Cristen Dorman	Central Poi OR	97502 US	#####
Janani Manohar	San Diego	92114 US	#####
Meenakshisundaram Murugan	Las Vegas	89106 US	#####
bhakti vanzara	New Delhi	India	#####
Abhijit Kangude	Fremont	94536 US	#####
Shania Raman	Newark	94560 US	#####

Vince Singh	San Mateo	94401 US	#####
Lee Yung	Walnut Creek	94596 US	#####
Gail Lebon	Temecula	92591 US	#####
Vijaya Chabria	San Jose	94536 US	#####
satyaveer singh		281006 India	#####
robert kuo	Fremont	94536 US	#####
Nimma Singh	Fremont	94536 US	#####
Jeffrey Griffin	Medford	97504 US	#####
Blake Fahndrich		US	#####
Megan Shreeve	medford OR	82637 US	#####
Alexandra Wilson-Ali	Medford OR	97504 US	5/1/2019
Lillian Yuan	Medford	97504 US	5/2/2019
Peggy Harden	Paso Robles	93446 US	5/2/2019
Luke Jacobsma	Huntington Beach	92657 US	5/2/2019
Alexander Gao	Medford OR	97501 US	5/2/2019
Adam Kaluba	Cincinnati	45249 US	5/2/2019
Lanelle Piotrowski	Medford	97504 US	5/2/2019
Joseph Dooley	Stoneham	US	5/2/2019
Kate Stumpff	Medford OR	97501 US	5/2/2019
Utkarsh Nath	Fremont	94555 US	5/3/2019
Jackie Craig	Medford OR	97504 US	5/3/2019
Matthew Griffin	Central Poi OR	97504 US	5/3/2019
Laurel Rosas	Medford OR	97501 US	5/3/2019
Melinda Alicea	Mesa AZ	85207 US	5/3/2019
Allison Thiede	Medford	97504 US	5/3/2019
Amanda Matheisen	Medford OR	97501 US	5/3/2019

(89) TOTAL CALLS FOR SERVICE

T-Traffic

Call summary for: 10/01/2018 - 04/22/2019

Ass't - Public, Medical Ass
War - Warrant
SS - Subject Stop

Output for: PXTHOR

PHOENIX PD FOR THE CIRCLE K

RECEIVED

MAY 03 2019

Click on heading to change sort order.

Event IncName	Pri	Type	Group	Area	Unit	From	To	Location
#J182751016	1	911UNK	PXPD	PX0105	4621	22:03	22:15	CHEVRON GAS STATION, PH
#J182761082	2	DOC	PXPD	PX0105	4625	21:44	23:06	CIRCLE K, PH
#J182770659	1	T	PXPD	PX0105	4610	14:37	14:44	CIRCLE K, PH
#J182800634	1	T	PXPD	PX0105	4626	17:01	17:06	CIRCLE K, PH
#J182810158	1	T	PXPD	PX0105	4626	07:23	07:27	CHEVRON GAS STATION, PH
#J182870366	2	TRES	PXPD	PX0105	4626	12:51	13:06	CHEVRON GAS STATION, PH
#J182920444	1	T	PXPD	PX0105	4610	11:56	12:18	CIRCLE K, PH
#J182960008	2	DOC	PXPD	PX0105	4621	00:18	00:33	CIRCLE K, PH
#J182960079	2	DOC	PXPD	PX0105	4621	05:32	06:42	CIRCLE K, PH
#J182960588	5	ASSTM	PXPD	PX0105	4626	15:05	15:23	CHEVRON GAS STATION, PH
#J182980219	4	ASSTPP	PXPD	PX0105	4622	08:37	08:44	CHEVRON GAS STATION, PH
#J183000041	1	T	PXPD	PX0105	4625	01:07	01:12	CIRCLE K, PH
#J183020847	1	T	PXPD	PX0105	4624	19:22	19:27	CIRCLE K, PH
#J183030217	1	T	PXPD	PX0105	4626	08:43	08:49	CHEVRON GAS STATION, PH
#J183050546	1	SS	PXPD	PX0105	4625	14:25	14:27	CIRCLE K, PH
#J183080557	1	T	PXPD	PX0105	4626	17:29	17:32	CHEVRON GAS STATION, PH
#J183110019	1	T	PXPD	PX0105	4624	00:44	01:03	CIRCLE K, PH
#J183120061	1	FLAG	PXPD	PX0105	4624	02:27	02:46	CIRCLE K, PH
#J183150141	2	TRES	PXPD	PX0105	4626	07:49	08:01	CIRCLE K, PH
#J183150654	1	T	PXPD	PX0105	4624	20:20	20:24	CIRCLE K, PH
#J183150730	1	T	PXPD	PX0105	4624	22:35	22:38	CIRCLE K, PH
#J183160078	1	T	PXPD	PX0105	4624	02:56	03:12	CIRCLE K, PH
#J183160334	1	T	PXPD	PX0105	4626	11:05	11:15	730 N MAIN ST, PH
#J183170920	1	SUICP	PXPD	PX0105	4624	20:30	21:15	CIRCLE K, PH
#J183190642	1	T	PXPD	PX0105	4625	15:13	15:18	CHEVRON GAS STATION, PH
#J183220525	1	T	PXPD	PX0105	4626	17:19	17:25	CHEVRON GAS STATION, PH
#J183220548	2	HRUN	PXPD	PX0105	4624	17:41	19:10	CHEVRON GAS STATION, PH
#J183231009	1	T	PXPD	PX0105	4624	22:21	22:27	CIRCLE K, PH
#J183240166	2	DOC	PXPD	PX0105	4626	08:00	08:13	CHEVRON GAS STATION, PH
#J183300270	4	ASSTPP	PXPD	PX0105	4626	09:57	10:18	CIRCLE K, PH
#J183300465	1	T	PXPD	PX0105	4626	12:34	12:36	CHEVRON GAS STATION, PH
#J183301107	1	T	PXPD	PX0105	4624	23:56	00:17	CIRCLE K, PH
#J183320178	1	T	PXPD	PX0105	4625	08:09	08:13	CIRCLE K, PH
#J183320461	2	DUI	PXPD	PX0105	4612	13:02	13:06	730 N MAIN ST, PH
#J183340595	1	DOMEST	PXPD	PX0105	4625	13:28	13:52	CIRCLE K, PH
#J183360737	1	T	PXPD	PX0105	4624	21:38	21:42	CIRCLE K, PH
#J183370412	4	PROP	PXPD	PX0105	4630	12:08	13:09	CHEVRON GAS STATION, PH

PLANNING DEPT.

(37)

Police reports of the Circle K in Phoenix and 7-11 store on Crater Lake Avenue submitted by Erica Hammericksen at the Page 2162 Site Plan and Architectural Commission meeting.

CITY OF MEDFORD
EXHIBIT # FFF
FILE # AC-19-028

4/22/2019

TC
TB

#J183420461	3	KIDNAP	PXPD	PX0105	4625	14:31	15:05	CHEVRON GAS STATION, PH
#J183430113	3	WAR	PXPD	PX0105	4724	03:56	04:11	CIRCLE K, PH
#J183440980	1	DOMEST	PXPD	PX0105	4621	20:32	20:52	CIRCLE K, PH
#J183450396	1	T	PXPD	PX0105	4612	11:07	11:30	CIRCLE K, PH
#J183460243	4	FOLUP	PXPD	PX0105	4630	09:55	10:31	730 N MAIN ST, PH
#J183490850	1	T	PXPD	PX0105	4625	23:20	23:25	CIRCLE K, PH
#J183490873	1	T	PXPD	PX0105	4625	23:38	23:43	CIRCLE K, PH
#J183500186	1	T	PXPD	PX0105	4626	07:34	07:38	CHEVRON GAS STATION, PH
#J183520100	1	T	PXPD	PX0105	4624	05:38	05:59	CIRCLE K, PH
#J183530844	1	DOMEST	PXPD	PX0105	4621	17:19	17:31	CIRCLE K, PH
#J183550777	1	T	PXPD	PX0105	4625	16:50	16:55	CIRCLE K, PH
#J183570386	2	ATL	PXPD	PX0105	LAW	13:20	13:37	CHEVRON GAS STATION, PH
#J183580387	3	FRAUD	PXPD	PX0105	4626	12:16	12:46	CHEVRON GAS STATION, PH
#J183580777	2	DOC	PXPD	PX0105	4624	21:30	21:50	CHEVRON GAS STATION, PH
#J183590058	1	T	PXPD	PX0105	4624	03:29	03:38	CIRCLE K, PH
#J183650304	1	T	PXPD	PX0105	4621	10:14	10:27	CHEVRON GAS STATION, PH
#J183650992	1	T	PXPD	PX0105	4624	21:57	22:03	CIRCLE K, PH
#J190070828	1	T	PXPD	PX0105	4625	17:23	17:27	CHEVRON GAS STATION, PH
#J190080662	1	T	PXPD	PX0105	4625	15:56	16:00	CHEVRON GAS STATION, PH
#J190130761	3	THEFT	PXPD	PX0105	4623	21:12	21:19	CIRCLE K, PH
#J190140913	1	T	PXPD	PX0105	4623	20:33	20:38	CIRCLE K, PH
#J190160940	1	T	PXPD	PX0105	4624	20:13	20:17	CIRCLE K, PH
#J190221053	1	T	PXPD	PX0105	4623	21:06	21:33	CIRCLE K, PH
#J190230791	1	MVCUP	PXPD	PX0105	4624	17:30	18:07	CHEVRON GAS STATION, PH
#J190270662	4	FOLUP	PXPD	PX0105	4623	19:29	19:31	CIRCLE K, PH
#J190340444	2	FOLUP	PXPD	PX0105	4625	14:31	15:09	CHEVRON GAS STATION, PH
#J190340530	3	THEFT	PXPD	PX0105	4625	16:16	16:36	CHEVRON GAS STATION, PH
#J190360863	1	T	PXPD	PX0105	4623	21:59	22:05	CIRCLE K, PH
#J190440293	1	T	PXPD	PX0105	4625	10:23	10:30	CIRCLE K, PH
#J190480810	1	T	PXPD	PX0105	4623	23:46	23:54	CIRCLE K, PH
#J190510039	1	SS	PXPD	PX0105	4623	01:49	02:00	CHEVRON GAS STATION, PH
#J190560108	1	T	PXPD	PX0105	4623	05:37	05:51	CHEVRON GAS STATION, PH
#J190590065	3	WAR	PXPD	PX0105	4623	03:51	06:15	CHEVRON GAS STATION, PH
#J190600754	1	T	PXPD	PX0105	4624	17:56	18:01	CIRCLE K, PH
#J190610736	3	WAR	PXPD	PX0105	4624	18:52	19:49	CHEVRON GAS STATION, PH
#J190620144	1	911UNK	PXPD	PX0105	4624	05:19	05:37	730 N MAIN ST, PH
#J190620475	1	DOMEST	PXPD	PX0105	4625	14:54	15:18	CHEVRON GAS STATION, PH
#J190660967	1	T	PXPD	PX0105	4624	19:36	19:39	CIRCLE K, PH
#J190720379	1	T	PXPD	PX0105	4625	11:23	11:28	CIRCLE K, PH
#J190740962	1	T	PXPD	PX0105	4652	20:59	21:07	CIRCLE K, PH
#J190760235	1	T	PXPD	PX0105	4625	09:28	09:34	CHEVRON GAS STATION, PH
#J190801084	1	SS	PXPD	PX0105	4624	23:14	23:19	CIRCLE K, PH
#J190820042	1	T	PXPD	PX0105	4624	01:05	01:07	CIRCLE K, PH
#J190920282								

(44) (43)

22
73

	3	DWS	PXPD	PX0105	4625	10:28	11:12	CHEVRON GAS STATION, PH
#J190960326	4	PROP	PXPD	PX0105	46C1	11:54	14:27	CHEVRON GAS STATION, PH
#J190970473	1	T	PXPD	PX0105	4625	14:29	14:32	CHEVRON GAS STATION, PH
#J190980036	1	T	PXPD	PX0105	4623	01:22	01:27	CIRCLE K, PH
#J191010899	1	T	PXPD	PX0105	449	21:40	21:45	CHEVRON GAS STATION, PH
#J191060052	3	WELCHK	PXPD	PX0105	4623	02:11	02:17	CHEVRON GAS STATION, PH
#J191061111	1	T	PXPD	PX0105	4623	23:34	23:39	CHEVRON GAS STATION, PH
#J191071096	1	T	PXPD	PX0105	4621	19:32	19:37	CIRCLE K, PH
#J191110549	1	SS	PXPD	PX0105	4623	18:54	18:57	CIRCLE K, PH

(8)

$$\begin{array}{r} 37 \\ 44 \\ \hline 81 \end{array}$$
 TOTAL CALLS FOR SERVICE

Calls for Service Search

Medford Police Department
411 W 8th Street, Medford, OR 97501
Phone: (541) 774-2249 Fax: (541) 774-2570

RECEIVED
MAY 03 2019
PLANNING DEPT.

Date Range: 10/01/2018 to 04/22/2019

Parameters:

1220 CRATER LAKE AV

Calls for Service: 90

(7 ELEVEN STORE) FOR 6 MONTHS

Call #:	J182740015	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	10/01/2018 00:27:47	Call Type:	TRESPASS	Case #:	---
Dispatch:	10/01/2018 00:28:40	Officer:	ALDEN,JONATHAN	Disposition:	NR
On Scene:	10/01/2018 00:41:00		12.6		

Call #:	J182740836	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	10/01/2018 18:57:27	Call Type:	HARASSMENT	Case #:	---
Dispatch:	10/01/2018 19:34:00	Officer:	DEDRICK,JESSICA	Disposition:	NR
On Scene:	10/01/2018 19:34:13		GOSLIN,CHRIS/EMPLOYEE		

Call #:	J182740980	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	10/01/2018 22:20:18	Call Type:	TRESPASS	Case #:	---
Dispatch:	10/01/2018 22:21:43	Officer:	PIERCE,FLYNT	Disposition:	NR
On Scene:	10/01/2018 22:24:26		2.83		

Call #:	J182770199	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	10/04/2018 08:27:58	Call Type:	DISORDERLY CONDUCT	Case #:	18-20213
Dispatch:	10/04/2018 08:29:08	Officer:	JOHNSON,ROBERT	Disposition:	RTF
On Scene:	10/04/2018 08:40:06				

Call #:	J182771173	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	10/04/2018 23:07:04	Call Type:	CRIMINAL MISCHIEF	Case #:	---
Dispatch:	10/04/2018 23:10:51	Officer:	ALDEN,JONATHAN	Disposition:	NR
On Scene:	----		CABELLA,GABRIEL		

Call #:	J182820968	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	10/09/2018 19:24:32	Call Type:	THEFT	Case #:	---
Dispatch:	10/09/2018 19:39:07	Officer:	MOORE,CHRISTOPHER	Disposition:	NR
On Scene:	10/09/2018 19:41:11				

Call #:	J182850092	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	10/12/2018 03:14:27	Call Type:	WELFARE CHECK	Case #:	---
Dispatch:	10/12/2018 04:26:45	Officer:	ALDEN,JONATHAN	Disposition:	NR
On Scene:	10/12/2018 04:34:31				

Call #:	J182890082	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	10/16/2018 04:59:09	Call Type:	ASSIST TO MEDICAL	Case #:	---
Dispatch:	----	Officer:		Disposition:	X
On Scene:	----		JOHN		

8

90 TOTAL CALLS 10/1/18 - 4/22/19
CITY OF MEDFORD
EXHIBIT # FFF

FILE # AC-19-028

Call #:	J182910963	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	10/18/2018 21:06:28	Call Type:	WELFARE CHECK	Case #:	---
Dispatch:	10/18/2018 21:29:46	Officer:	KIRKPATRICK,GEOFF (SGT)	Disposition:	NR
On Scene:	10/18/2018 21:35:08		EMPLOYEE/BREANNA		

Call #:	J182950083	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	10/22/2018 05:09:13	Call Type:	TRESPASS	Case #:	---
Dispatch:	10/22/2018 05:14:00	Officer:	FREEMAN,KEVIN	Disposition:	NECA
On Scene:	10/22/2018 05:20:31	6.31	JUDY/OWNER		

Call #:	J182951000	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	10/22/2018 23:41:24	Call Type:	TRESPASS	Case #:	---
Dispatch:	10/22/2018 23:44:09	Officer:	PIERCE,FLYNT	Disposition:	NECA
On Scene:	10/22/2018 23:52:07	7.98	EMPLOYEE/GOSLIN,KRISTOFER		

Call #:	J182960001	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	10/23/2018 00:00:07	Call Type:	SUBJECT STOP	Case #:	---
Dispatch:	10/23/2018 00:00:07	Officer:	MOORE,CHRISTOPHER	Disposition:	
On Scene:	10/23/2018 00:00:07				

Call #:	J182970091	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	10/24/2018 05:30:13	Call Type:	TRESPASS	Case #:	18-21504
Dispatch:	10/24/2018 05:30:51	Officer:	PIERCE,FLYNT	Disposition:	RTF
On Scene:	10/24/2018 05:33:30	2.79			

Call #:	J182990901	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	10/26/2018 19:36:26	Call Type:	911 HANGUP	Case #:	---
Dispatch:	10/26/2018 19:37:43	Officer:	READ,PATRICK	Disposition:	NR
On Scene:	----				

Call #:	J183030020	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	10/30/2018 00:39:42	Call Type:	ASSAULT	Case #:	18-21943
Dispatch:	10/30/2018 00:45:35	Officer:	MOORE,CHRISTOPHER	Disposition:	RTF
On Scene:	10/30/2018 00:54:15				

Call #:	J183030126	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	10/30/2018 06:28:12	Call Type:	DOMESTIC PROBLEM	Case #:	---
Dispatch:	10/30/2018 07:00:20	Officer:	BOYD,LOGAN	Disposition:	NR
On Scene:	10/30/2018 07:18:11				

Call #:	J183090323	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	11/05/2018 11:08:57	Call Type:	THLFT	Case #:	---
Dispatch:	11/05/2018 11:10:41	Officer:	BOYD,LOGAN	Disposition:	NR
On Scene:	11/05/2018 11:31:53		EMPLOYEE/KATIE		

(9)

CITY OF MEDFORD
 EXHIBIT # FFF 8.5.14
 FILE # AC-19-028

Call #:	J183140206	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	11/10/2018 09:42:25	Call Type:	TRESPASS	Case #:	18-22657
Dispatch:	11/10/2018 10:03:52	Officer:	COOK,JEFF	Disposition:	RTF
On Scene:	11/10/2018 10:10:45		7-11/DANIELLE		

6.93

Call #:	J183140248	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	11/10/2018 10:37:31	Call Type:		Case #:	18-22660
Dispatch:	11/10/2018 10:37:31	Officer:	COOK,JEFF	Disposition:	ARS
On Scene:	11/10/2018 10:37:31				

Call #:	J183150045	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	11/11/2018 01:25:42	Call Type:	TRESPASS	Case #:	---
Dispatch:	11/11/2018 01:31:23	Officer:	TERANDO,TAYLER	Disposition:	NR
On Scene:	11/11/2018 01:35:47		7-11/DERREK		

4.24

Call #:	J183191053	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	11/15/2018 23:33:46	Call Type:	ASSIST TO MEDICAL	Case #:	---
Dispatch:	----	Officer:		Disposition:	NR
On Scene:	----		DERRIK		

Call #:	J183220646	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	11/18/2018 19:51:50	Call Type:	DISORDERLY CONDUCT	Case #:	---
Dispatch:	11/18/2018 19:56:20	Officer:	COOK,JEFF	Disposition:	NECA
On Scene:	11/18/2018 19:59:12		7-ELEVEN - KRIS		

Call #:	J183270162	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	11/23/2018 06:34:34	Call Type:	TRESPASS	Case #:	---
Dispatch:	11/23/2018 06:42:21	Officer:	DONEY,JOSHUA	Disposition:	NR
On Scene:	11/23/2018 06:56:29				

14.08

Call #:	J183320089	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	11/28/2018 04:45:41	Call Type:	SUSPICIOUS ACT	Case #:	---
Dispatch:	11/28/2018 04:48:52	Officer:	MOORE,CHRISTOPHER	Disposition:	NR
On Scene:	11/28/2018 04:51:54				

Call #:	J183350097	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	12/01/2018 02:23:41	Call Type:	TRAFFIC STOP	Case #:	---
Dispatch:	12/01/2018 02:23:41	Officer:	ALDEN,JONATHAN	Disposition:	NR
On Scene:	12/01/2018 02:23:41				

Call #:	J183360395	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	12/02/2018 14:24:25	Call Type:	SUSPICIOUS ACT	Case #:	---
Dispatch:	12/02/2018 14:54:45	Officer:	COOK,JEFF	Disposition:	UI
On Scene:	12/02/2018 14:57:46		SOTO,BRIANA		

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CITY OF MEDFORD
 EXHIBIT # FFF Pg. 6 of 14
 FILE # AC-19-028

Call #:	J183380038	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	12/04/2018 01:15:19	Call Type:	THEFT	Case #:	---
Dispatch:	12/04/2018 01:18:26	Officer:	MOORE,CHRISTOPHER	Disposition:	NR
On Scene:	12/04/2018 01:19:54		7-11/RICHARD		

Call #:	J183390077	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	12/05/2018 04:22:28	Call Type:	SUSPICIOUS ACT	Case #:	---
Dispatch:	12/05/2018 04:27:00	Officer:	MOORE,CHRISTOPHER	Disposition:	NR
On Scene:	12/05/2018 04:32:28		KERSHNER,RETHA		

Call #:	J183450115	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	12/11/2018 04:49:01	Call Type:	SUSPICIOUS ACT	Case #:	---
Dispatch:	12/11/2018 04:53:03	Officer:	MOORE,CHRISTOPHER	Disposition:	NR
On Scene:	12/11/2018 04:53:15		GOSLIN,CHRIS		

Call #:	J183511056	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	12/17/2018 23:05:46	Call Type:	DISORDERLY CONDUCT	Case #:	---
Dispatch:	12/17/2018 23:06:55	Officer:	PIERCE,FLYNT	Disposition:	NR
On Scene:	----				

Call #:	J183520122	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	12/18/2018 07:16:17	Call Type:	THEFT	Case #:	---
Dispatch:	12/18/2018 08:21:34	Officer:	BOYD,LOGAN	Disposition:	NR
On Scene:	12/18/2018 08:21:48		EMPL/ CHRIS		

Call #:	J183530016	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	12/19/2018 00:42:36	Call Type:	TRESPASS	Case #:	---
Dispatch:	12/19/2018 01:29:16	Officer:	CAM, BLAKE (CPL)	Disposition:	NECA
On Scene:	12/19/2018 01:31:53	2.37	711 EMPLOYEE/CHRIS		

Call #:	J183530054	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	12/19/2018 02:39:55	Call Type:	TRESPASS	Case #:	18-25321
Dispatch:	12/19/2018 02:47:23	Officer:	MOORE,CHRISTOPHER	Disposition:	RTF
On Scene:	12/19/2018 03:03:53	16.30			

Call #:	J183540129	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	12/20/2018 05:45:41	Call Type:	THREATS	Case #:	---
Dispatch:	12/20/2018 05:50:14	Officer:	ADAMSON, JOHNATHAN	Disposition:	NR
On Scene:	12/20/2018 05:58:19		EMPLOYEE/CHRIS		

Call #:	J183540439	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	12/20/2018 12:02:34	Call Type:	THEFT	Case #:	---
Dispatch:	12/20/2018 12:14:17	Officer:	JOHNSON,ROBERT	Disposition:	NR
On Scene:	12/20/2018 12:16:25		CHRIS GOSLIN		

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Calls for Service Search - Date Range: 10/1/2018 to 4/22/2019

For Public Release

Call #:	J183550061	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	12/21/2018 02:27:22	Call Type:	DRIVING WHILE SUSPENDED	Case #:	18-25482
Dispatch:	12/21/2018 02:27:22	Officer:	ALDEN, JONATHAN	Disposition:	RTF
On Scene:	12/21/2018 02:27:22				

Call #:	J183560107	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	12/22/2018 03:16:19	Call Type:	TRESPASS	Case #:	18-25555
Dispatch:	12/22/2018 03:46:30	Officer:	ALDEN, JONATHAN	Disposition:	RTF
On Scene:	12/22/2018 03:49:52	3.22			

Call #:	J183600046	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	12/26/2018 03:04:56	Call Type:	DISORDERLY CONDUCT	Case #:	18-25714
Dispatch:	12/26/2018 03:05:46	Officer:	PIERCE, FLYNT	Disposition:	RTF
On Scene:	12/26/2018 03:07:23				

Call #:	J183600875	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	12/26/2018 23:18:42	Call Type:	HARASSMENT	Case #:	---
Dispatch:	12/26/2018 23:28:16	Officer:	ADAMSON, JOHNATHAN	Disposition:	NR
On Scene:	12/26/2018 23:28:18	SEVEN ELEVEN/KRIS			

Call #:	J190010817	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	01/01/2019 22:29:37	Call Type:	ATTEMPT TO LOCATE	Case #:	---
Dispatch:	01/01/2019 22:30:27	Officer:		Disposition:	
On Scene:	----				

Call #:	J190030055	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	01/03/2019 01:34:29	Call Type:	TRESPASS	Case #:	---
Dispatch:	01/03/2019 01:35:29	Officer:	PIERCE, FLYNT	Disposition:	NR
On Scene:	01/03/2019 01:39:14	3.85			

Call #:	J190040769	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	01/04/2019 18:13:33	Call Type:	TRESPASS	Case #:	---
Dispatch:	01/04/2019 18:19:09	Officer:	FREEMAN, KEVIN	Disposition:	NR
On Scene:	01/04/2019 18:22:37	3.28			

Call #:	J190060120	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	01/06/2019 03:53:12	Call Type:	ASSIST TO MEDICAL	Case #:	---
Dispatch:	01/06/2019 03:59:13	Officer:	ALDEN, JONATHAN	Disposition:	X
On Scene:	----				

Call #:	J190070071	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	01/07/2019 02:37:17	Call Type:	THEFT	Case #:	19-347
Dispatch:	01/07/2019 02:48:47	Officer:	FREEMAN, KEVIN	Disposition:	NECA
On Scene:	----	SEVEN-ELEVEN/DEREK			

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Call #:	J190110042	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	01/11/2019 02:05:38	Call Type:	ANIMAL COMPLAINT	Case #:	---
Dispatch:	01/11/2019 02:20:47	Officer:	ALDEN, JONATHAN	Disposition:	NR
On Scene:	----		RAYMOND, CHAD		

Call #:	J190140045	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	01/14/2019 01:19:59	Call Type:	TRESPASS	Case #:	---
Dispatch:	01/14/2019 01:24:21	Officer:	OLLER, QUINT (CPL)	Disposition:	NR
On Scene:	01/14/2019 01:27:31				

3.1

Call #:	J190150947	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	01/15/2019 20:05:03	Call Type:	THEFT	Case #:	19-915
Dispatch:	01/15/2019 20:07:14	Officer:	CARDONA, ROBERT	Disposition:	RTF
On Scene:	01/15/2019 20:12:57		EMPLOYEE/JORDAN		

Call #:	J190160401	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	01/16/2019 11:11:00	Call Type:	POLICE INFORMATION CALL	Case #:	---
Dispatch:	----	Officer:		Disposition:	HBD
On Scene:	----		ANON		

Call #:	J190170690	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	01/17/2019 16:20:33	Call Type:	FRAUD	Case #:	---
Dispatch:	01/17/2019 16:22:28	Officer:	MCCURLEY, BOB	Disposition:	NR
On Scene:	01/17/2019 16:25:58				

Call #:	J190190080	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	01/19/2019 03:00:29	Call Type:	ATTEMPT TO LOCATE	Case #:	---
Dispatch:	01/19/2019 03:03:05	Officer:		Disposition:	
On Scene:	----				

Call #:	J190200527	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	01/20/2019 18:02:17	Call Type:	DISORDERLY CONDUCT	Case #:	---
Dispatch:	01/20/2019 18:43:13	Officer:	JONES, JASON	Disposition:	NR
On Scene:	01/20/2019 18:44:12		EMPLOYEE/CHRIS		

Call #:	J190220067	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	01/22/2019 02:35:20	Call Type:	ATTEMPT TO LOCATE	Case #:	---
Dispatch:	01/22/2019 02:37:35	Officer:		Disposition:	
On Scene:	----				

Call #:	J190240013	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	01/24/2019 00:26:29	Call Type:	THEFT	Case #:	---
Dispatch:	01/24/2019 00:28:48	Officer:	PIERCE, FLYNT	Disposition:	NECA
On Scene:	----		GOSLIN, CHRIS		

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Call #:	J190240040	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	01/24/2019 01:42:09	Call Type:	TRESPASS	Case #:	---
Dispatch:	01/24/2019 01:42:50	Officer:	MOORE,CHRISTOPHER	Disposition:	NR
On Scene:	01/24/2019 01:44:59		CHRIS/EMPLOYEE		

209

Call #:	J190260618	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	01/26/2019 17:45:13	Call Type:	STOLEN VEHICLE	Case #:	---
Dispatch:	01/26/2019 18:51:51	Officer:	FREEMAN,KEVIN	Disposition:	NR
On Scene:	01/26/2019 18:52:57		LAQUA,JOSIAH		

Call #:	J190280957	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	01/28/2019 22:50:21	Call Type:	THEFT	Case #:	---
Dispatch:	01/28/2019 23:15:41	Officer:	MOORE,CHRISTOPHER	Disposition:	NR
On Scene:	01/28/2019 23:17:53				

Call #:	J190320257	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	02/01/2019 09:27:37	Call Type:	ATTEMPT TO LOCATE	Case #:	---
Dispatch:	02/01/2019 09:30:28	Officer:		Disposition:	UTL
On Scene:	----				

Call #:	J190350292	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	02/04/2019 09:56:56	Call Type:	WELFARE CHECK	Case #:	---
Dispatch:	02/04/2019 10:00:12	Officer:	BOYD,LOGAN	Disposition:	NECA
On Scene:	----		VISSER,MATTHEW		

Call #:	J190360339	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	02/05/2019 12:16:26	Call Type:	PROPERTY - LOST	Case #:	19-2346
Dispatch:	02/05/2019 12:42:37	Officer:	HARVEY,CLEO	Disposition:	RTF
On Scene:	02/05/2019 12:51:56		CASEY,ENOLA		

Call #:	J190370029	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	02/06/2019 00:37:37	Call Type:	TRESPASS	Case #:	19-2369
Dispatch:	02/06/2019 00:39:01	Officer:	PIERCE,FLYNT	Disposition:	RTF
On Scene:	02/06/2019 00:41:02		CHRIS/EMPL		

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Call #:	J190410731	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	02/10/2019 22:41:52	Call Type:	DISORDERLY CONDUCT	Case #:	---
Dispatch:	02/10/2019 22:43:10	Officer:	JACKSON,DOUGLAS	Disposition:	NR
On Scene:	02/10/2019 22:46:30				

Call #:	J190430078	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	02/12/2019 04:09:59	Call Type:	DISORDERLY CONDUCT	Case #:	---
Dispatch:	02/12/2019 04:12:00	Officer:	MOORE,CHRISTOPHER	Disposition:	NR
On Scene:	02/12/2019 04:16:46				

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Call #:	J190430419	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	02/12/2019 11:55:51	Call Type:	THEFT	Case #:	---
Dispatch:	02/12/2019 11:58:44	Officer:	WILEMAN,JASON	Disposition:	NECA
On Scene:	02/12/2019 12:16:22		7 11/DANIELLE		

Call #:	J190500003	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	02/19/2019 00:12:33	Call Type:	CRIMINAL MISCHIEF	Case #:	19-3289
Dispatch:	02/19/2019 00:20:54	Officer:	MOORE,CHRISTOPHER	Disposition:	RTF
On Scene:	02/19/2019 00:23:19		GOSLIN,CHRIS		

Call #:	J190500856	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	02/19/2019 18:52:42	Call Type:	PROPERTY - LOST	Case #:	---
Dispatch:	02/19/2019 19:08:28	Officer:	MOORE,CHRISTOPHER	Disposition:	NR
On Scene:	02/19/2019 19:15:35		EMPLOYEE/STEFFANIE		

Call #:	J190501003	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	02/19/2019 22:55:20	Call Type:	HARASSMENT	Case #:	---
Dispatch:	02/19/2019 23:09:21	Officer:	MOORE,CHRISTOPHER	Disposition:	NR
On Scene:	02/19/2019 23:09:22		SEVEN ELEVEN/CHRIS		

Call #:	J190610989	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	03/02/2019 23:52:34	Call Type:	TRESPASS	Case #:	---
Dispatch:	03/02/2019 23:56:05	Officer:	ALDEN,JONATHAN	Disposition:	NR
On Scene:	03/03/2019 01:13:23	17-18	EMPLOYEE/DEREK		

Call #:	J190630063	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	03/04/2019 03:27:33	Call Type:	WARRANT	Case #:	19-4033
Dispatch:	03/04/2019 03:29:27	Officer:	SPENCER, DYLAN	Disposition:	RTF
On Scene:	03/04/2019 03:32:07				

Call #:	J190690527	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	03/10/2019 17:28:53	Call Type:	FLAG DOWN	Case #:	---
Dispatch:	03/10/2019 17:28:53	Officer:	ANDERSON,HANNAH	Disposition:	NR
On Scene:	03/10/2019 17:28:53				

Call #:	J190720073	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	03/13/2019 02:45:53	Call Type:	THEFT	Case #:	---
Dispatch:	03/13/2019 02:47:53	Officer:	MOORE,CHRISTOPHER	Disposition:	NR
On Scene:	03/13/2019 03:03:55		7-ELEVEN/CHRIS		

Call #:	J190720116	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	03/13/2019 05:13:26	Call Type:	TRESPASS	Case #:	---
Dispatch:	03/13/2019 05:23:11	Officer:	MOFFITT,LEVI	Disposition:	NECA
On Scene:	03/13/2019 05:23:39	28			

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Call #:	J190730012	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	03/14/2019 00:35:21	Call Type:	TRESPASS	Case #:	---
Dispatch:	03/14/2019 00:37:25	Officer:	MOORE,CHRISTOPHER	Disposition:	NR
On Scene:	03/14/2019 00:37:49		CHRIS/EMPLOYEE		

24

Call #:	J190730810	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	03/14/2019 18:13:17	Call Type:	DISORDERLY CONDUCT	Case #:	---
Dispatch:	03/14/2019 18:14:34	Officer:	PICKENS,TIM	Disposition:	NR
On Scene:	03/14/2019 18:18:50				

Call #:	J190740076	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	03/15/2019 02:34:57	Call Type:	DISORDERLY CONDUCT	Case #:	---
Dispatch:	03/15/2019 02:39:11	Officer:	ALDEN,JONATHAN	Disposition:	NR
On Scene:	----				

Call #:	J190781005	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	03/19/2019 20:53:35	Call Type:	PROPERTY - LOST	Case #:	19-5112
Dispatch:	03/19/2019 20:56:26	Officer:	WILEMAN,JASON	Disposition:	RTF
On Scene:	03/19/2019 21:01:38		7-ELEVEN		

Call #:	J190790018	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	03/20/2019 00:41:01	Call Type:	SUSPICIOUS ACT	Case #:	---
Dispatch:	03/20/2019 00:45:14	Officer:	PIERCE,FLYNT	Disposition:	NR
On Scene:	03/20/2019 00:49:40		711/CHRIS GOSLIN		

Call #:	J190790115	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	03/20/2019 06:27:28	Call Type:	SUSPICIOUS ACT	Case #:	---
Dispatch:	----	Officer:		Disposition:	X
On Scene:	----				

Call #:	J190800101	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	03/21/2019 04:19:01	Call Type:	TRESPASS	Case #:	---
Dispatch:	03/21/2019 04:20:10	Officer:	PIERCE,FLYNT	Disposition:	NR
On Scene:	03/21/2019 04:26:35		SEVEN ELEVEN/DANIELLE		

6.15

Call #:	J190810696	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	03/22/2019 17:21:28	Call Type:	WELFARE CHECK	Case #:	---
Dispatch:	03/22/2019 17:53:41	Officer:	FREEMAN,KEVIN	Disposition:	NR
On Scene:	03/22/2019 17:59:20				

Call #:	J190830590	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	03/24/2019 18:44:25	Call Type:	SUSPICIOUS ACT	Case #:	---
Dispatch:	03/24/2019 18:58:27	Officer:	FREEMAN,KEVIN	Disposition:	NR
On Scene:	03/24/2019 19:04:59				

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Call #:	J190850470	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	03/26/2019 13:13:14	Call Type:	SUSPICIOUS ACT	Case #:	---
Dispatch:	03/26/2019 13:17:02	Officer:	VERLING,PAUL	Disposition:	NR
On Scene:	03/26/2019 13:20:39		MATTY		

Call #:	J190860471	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	03/27/2019 13:14:39	Call Type:	HIT AND RUN	Case #:	---
Dispatch:	03/27/2019 13:18:21	Officer:	BRIDGES,JENNY	Disposition:	NR
On Scene:	----		ORR,JORDAN		

Call #:	J190890224	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	03/30/2019 09:38:22	Call Type:	HARASSMENT	Case #:	---
Dispatch:	03/30/2019 09:39:53	Officer:	COOK,JEFF	Disposition:	NR
On Scene:	03/30/2019 09:46:13				

Call #:	J190920727	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	04/02/2019 17:53:00	Call Type:	DISORDERLY CONDUCT	Case #:	---
Dispatch:	04/02/2019 17:54:21	Officer:	MCCURLEY,BOB	Disposition:	NR
On Scene:	04/02/2019 18:03:42				

Call #:	J190920868	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	04/02/2019 20:59:48	Call Type:	DRUG LAWS	Case #:	---
Dispatch:	04/02/2019 21:23:41	Officer:	MOORE,CHRISTOPHER	Disposition:	NR
On Scene:	04/02/2019 21:30:24				

Call #:	J190940914	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	04/04/2019 19:10:33	Call Type:	DRUG LAWS	Case #:	19-6194
Dispatch:	04/04/2019 19:12:50	Officer:	ALDEN,JONATHAN	Disposition:	RTF
On Scene:	04/04/2019 19:53:45		ALLEN,DEVIN		

Call #:	J190990104	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	04/09/2019 06:13:31	Call Type:	TRESPASS	Case #:	---
Dispatch:	04/09/2019 07:04:28	Officer:	BOYD,LOGAN	Disposition:	NR
On Scene:	04/09/2019 07:10:54		6-26		

Call #:	J190990923	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	04/09/2019 21:51:41	Call Type:	MVA - UNKNOWN	Case #:	19-6532
Dispatch:	04/09/2019 21:52:36	Officer:	MCCURLEY,BOB	Disposition:	RTFC
On Scene:	04/09/2019 21:52:38				

Call #:	J191050023	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	04/15/2019 00:39:02	Call Type:	CRIMINAL MISCHIEF	Case #:	---
Dispatch:	04/15/2019 00:56:00	Officer:	FREEMAN,KEVIN	Disposition:	NR
On Scene:	04/15/2019 00:57:36		KIMACK,MALAE		

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Call #:	J191060820	Location:	1220 CRATER LAKE AVE, MF	Agency:	MP
Received:	04/16/2019 17:00:29	Call Type:	HIT AND RUN	Case #:	---
Dispatch:	04/16/2019 17:35:05	Officer:	MEADOR,STEPHEN	Disposition:	NR
On Scene:	---		MELDY,SEAN		

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Thank you for allowing me the opportunity to speak today. My name is Nicole Milam and I live at Pinebrook Cir within the 200 ft radius of the subject site at 1380 Springbrook Road. I would like to express why I oppose this project:

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PLANNING DEPT.

- A. Proximity to other gas stations (8 in total less than 2 miles away)
- B. Proximity to other car washes within a 2 mile radius (7 total)
- C. Proximity to other convenient stores: (10 + all within 2 miles)

15+ all within 2 miles

- 1) Spring Street Market (0.4 mi)
- 2) The Store (0.7 mi)
- 3) 7-11 (0.7 mi) 1220 Crater Lake Ave
- 4) 7-11 (1.3 mi) 3001 Crater Lake Ave
- 5) Crown Market (1.2 mi) 547 Stevens St
- 6) Crown Market 900 (1.3 mi) 1808 Barnett Rd
- 7) K&H Enterprises Inc. (1.5 mi) 610 E Main St
- 8) Minute Market (1.5 mi) 456 Highland Dr
- 9) Minute Markets (0.8 mi) 836 Crater Lake Ave
- 10) 8th & Grape St. Market (1.9 mi)

Coffee Shops:
rise Coffeehouse
Dutch Bros (Craterlake 0.7 mi)
Human Bean (1.9 mi) Barnett Rd
Human Bean (1.4 mi) Biddle
Dutch Bros (1.3) Crater Lake
Dutch Bros (1.5) E Main
Bad Ass Coffee (0.9) Crater Lake

- D. It was mentioned in your Letter dated March 11, 2019, that your "intent for the site was to create a pedestrian friendly neighborhood amenity." How can a gas station, car wash and drive through coffee kiosk be pedestrian friendly, when you are building it in a residential area? There is already enough congestion at this intersection, you will be adding to it with hazardous delivery trucks such as a fuel truck and other merchant vendor trucks, then compounding that with a RVTB bus stop. Did you forget about the school buses that run daily with precious cargo, our children? Every one of these factors causes a heavier foot print and safety issue as the congestion would only increase. "NOT PEDESTRIAN FRIENDLY AT ALL". Just so you are aware NMHS has a campus policy for freshman and sophomores as they are not allowed to leave campus during lunch period. Let's be realistic, if built this would have those students leaving campus and breaking school rules. Is this what you want to promote?

Furthermore, in this letter you also mention that "the nearby high school and residents would enjoy the opportunity to sit and enjoy a beverage and food from the convent store". No, we will not enjoy it for multiple reasons: noise pollution, bright lights, decrease in property value, unwanted garbage and last but not least criminal activity (such as theft, drunk and disorderly, and drug sales, just to name a few). SAFETY FOR ALL (STUDENTS and RESIDENTS) SHOULD BE THE #1 REASON WHY THIS PROJECT IS SHUT DOWN!!

I would like to propose that you move this project to a better and more desirable location such as Lone Pine/Foothills (next to Lone Pine Drug and Anytime Fitness). I have been a long time resident of the Rogue Valley and I remember there was a Convenience store on Foothills, this was a popular location and was utilized by myself and other commuters on a daily basis. It would be a great location for this project and Foothill commuters.

I strongly urge you to vote against this proposed planning application of a Circle K Convenience Store, Gas Station, Carwash and Coffee Kiosk at 1380 Springbrook Road. Inclosing I hope you take the time to consider everything you have heard today regarding why this project should NOT be allowed to move forward.

Nicole Milam
(541) 326-1772

CITY OF MEDFORD
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PLANNING DEPT.

Gary Sumrak
2485 Pinebrook Circle
Medford, OR 97504

May 3, 2019

Matt Brinkley and the volunteer members of SPAC
Planning Director
City of Medford Planning Department
Lausmann Annex
200 South Ivy Street
Medford, OR 97501

Subject: Planning Commission Hearing for May 3, 2019 regarding File No. AC-19-028

Dear Matt Brinkley and the volunteer members of SPAC

My wife (Jan) and I just happen to reside 54ft beyond the Public Notification area of 200ft. We now refer to the (201ft) plus area as the "Dead Zone." Until the city put up signage on the property about the Public Hearing regarding the Circle K project, we and our neighbors were completely in the dark about this project. However, within a couple of weeks, we and our neighbors were able to collect over 1000 petition signatures and several letters were submitted to the Planning Department requesting that this application be denied!

Upon researching the 11-19-2015 zone change Public Notification around the 2nd week of April of this year, I discovered a deficiency/failure committed by the applicant who only notify 86% of property owners regarding zone change request ZC-15-126 of November of 2015. The zoning change was a request to have the property at 1380 Springbrook Road zoned from SFR-4 to C-C Commercial Community. The Public Notification letter was sent out on 11-19-2015. The following list identifies three property owners within the required public notification rezoning area of 200ft that did not receive the November 19, 2015 Public Notice mailing:

1. As of 11-19-2015, the addressees at 2496 Pinebrook Circle, Medford, OR no longer lived there. The house was sold to a new owner effective 8-24-2015. The new owner did not receive the 11-19-2015 notification.
2. Property owner at address 2445 E. McAndrews, Medford, OR 97504 was never notified and is well within the 200ft notification area.
3. Tax Lot/Address: The owners of Tax 371W20AC-1700, now the Bonaventure Senior Living Center at 2530 E. McAndrews Road, Medford, OR 97504 were never notified. Owners: MWSH McAndrew, Medford, LLC parcel #1.

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EXHIBIT # ~~1111~~ 10-17-3
FILE # AC-19-028

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Therefore, these three property owners were never provided the opportunity to challenge the rezoning of said lot. Due to not fully complying with city municipal code regarding the notification of property owners within the defined notification area, the rezoning of said lot from its original SFR-4 to Commercial Community after the December 10, 2015 Public Hearing should be nullified and voided. However, the current members of the Planning Commission in conjunction with the Planning Department and with some substantial and significant back-peddling, recently decided on their own, that the Improper Notice “neither nullifies the zone change application nor invalidates their previous 2015 decision.” I’m pretty sure a panel of Land Use Board of Appeals (LUBA) judges in Salem could possibly have a different opinion and come to a much different conclusion on this matter. This lot should not have been rezoned C-C Commercial Community and instead should effectively be rezoned back to its original zoning of SFR-4 until the Public Notification area is in 100% full compliance by the applicants.

Now, let’s discuss specifically the demographics of the 200ft public notification area and beyond. Twenty of the 21 properties in the public notification area are designated as single-family residences; this accounts for 95% of the adjacent land use to the property in question. The only other (one) property owner, the Bonaventure Senior Living Center at 2530 E. McAndrews Road, accounts for the other 5% of adjacent land use to the property in question (1380 Springbrook Road). The Bonaventure has a zoning designation of C-S/P Commercial Service Professional and is currently the residence of many senior citizens living in various states of health. Basically, the main use of all lands adjacent to the proposed project consist of twenty single-family homes and one senior independent and assisted-living residence.

Now, to the matter at hand. The Site Plan and Architectural Commission’s very own **number one imposed criteria** for any land development from section 10.200(E) of the Medford Land Development Code states:

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

The reality of it, is that there isn’t any existing adjacent compatible land at the proposed site! The nearest compatible adjacent land use locations are one mile away, to the west on E. McAndrews Road at the intersection of E. McAndrew Road and Crater Lake Avenue; and if you pan out one mile in every direction from the property in question, you will come to the realization that the entire area is 99% residential. Also, who here at this hearing could possibly think having a gas station and car wash located smack dab in the middle surrounding homes and a senior citizens residence is a good idea? Also, I’m almost 100% certain that there is not one member here serving on SPAC, the Planning Commission or in the City of Medford’s Planning Department that would want a gas station and car wash right next to their respective vested home; and neither do we! It’s overwhelmingly apparent here, the applicants are

✶

attempting to build their money-making project in the center of a residential neighborhood!
They would be better served to find a more suitable and less controversial location.

In closing, it is obvious this proposed development doesn't even come close to adhering to SPAC's number one criteria. Due to the improper and incomplete Public Rezoning Notification of 11-19-2015 and the complete lack of adhering to Medford's Land Development Code section 10.200(E) item (1); how can any member of SPAC, with a clear conscience and who each would probably not want this proposed project in their own front or backyard, approve this application?

We the residents of this neighborhood wholly recommend that you the members of SPAC DENY the File No. AC-19-028 application!

Sincerely,


Gary Sumrak

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Photos of Red-tail Hawk submitted by Dolly Behrens at the May 3, 2019, Site Plan and Architectural Commission meeting.

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FILE # AC-19-028

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May 2, 2019

Dear Mr. Brinkley,

I am writing this letter to voice my concern regarding the proposed construction at the NE corner of Springbrook Rd. and McAndrews Rd. I find the proposal objectionable for a number of reasons: There is already a carwash, market and gas station within two miles south and two miles north of the site. There is a market and a gas station 0.7 miles west of the site. Why do we need an additional carwash, gas station and market in this area and why in a residential area? The aforementioned commercial sites **are not** in a residential area.

The idea of constructing a car wash adjacent to homes virtually in their back yard is extremely inconsiderate and would probably put those adjacent homes in jeopardy of losing resale value. The noise of the car wash, what 12 hours a day, can you imagine? Would you by a house next to a car wash? It is also thoughtless to construct the proposed facility in that the retirement home located across the street would be facing the noise and lights through their front windows 24 hours a day.

The entire development is ill conceived and is extremely inconsiderate of the residents in the area.

For the well-being of the property owners, it is my hope that this project **will not be allowed to proceed.**

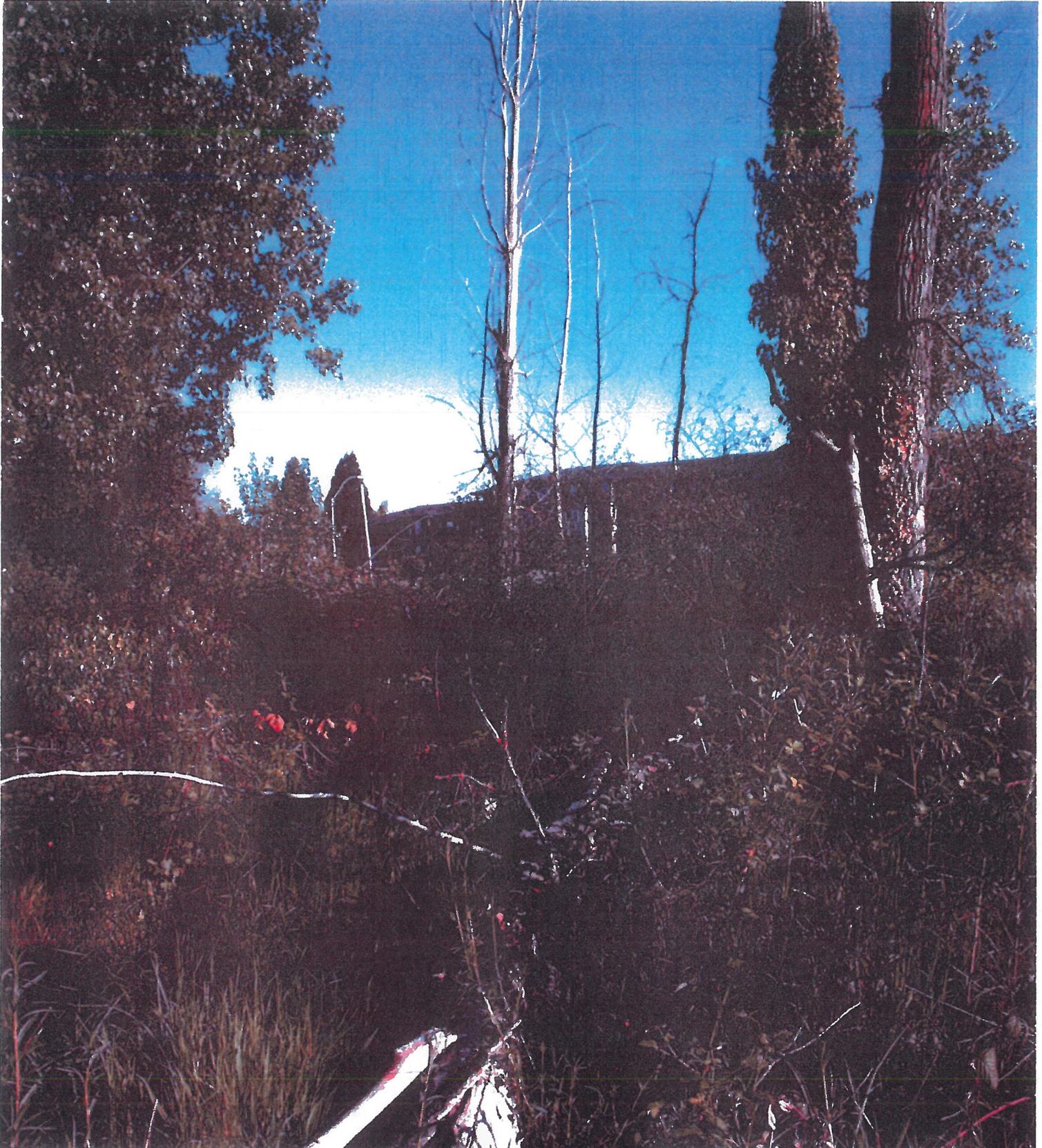
Sincerely,
Terry Jones



Terrence Jones
2402 Pinebrook Cir.
Medford, OR 97504

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EXHIBIT # JJJ
FILE # AC-19-028

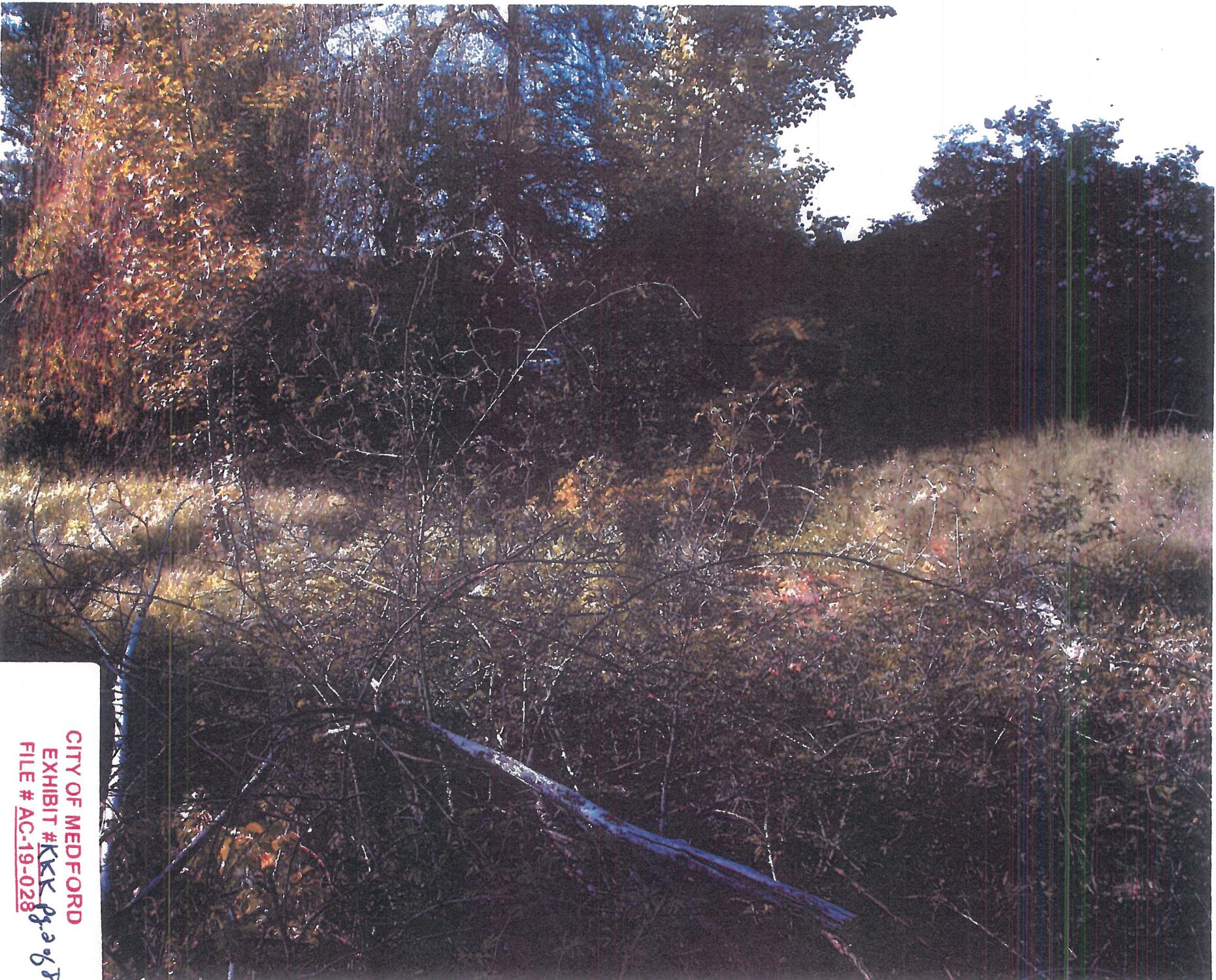
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Photos of wetlands area submitted by Jim Leavens at the May 3, 2019, Site Plan and Architectural Commission meeting.

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EXHIBIT # KKK 10.198
FILE # AC-19-028

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EXHIBIT # KKK Pg. 2 of 8
FILE # AC-19-028



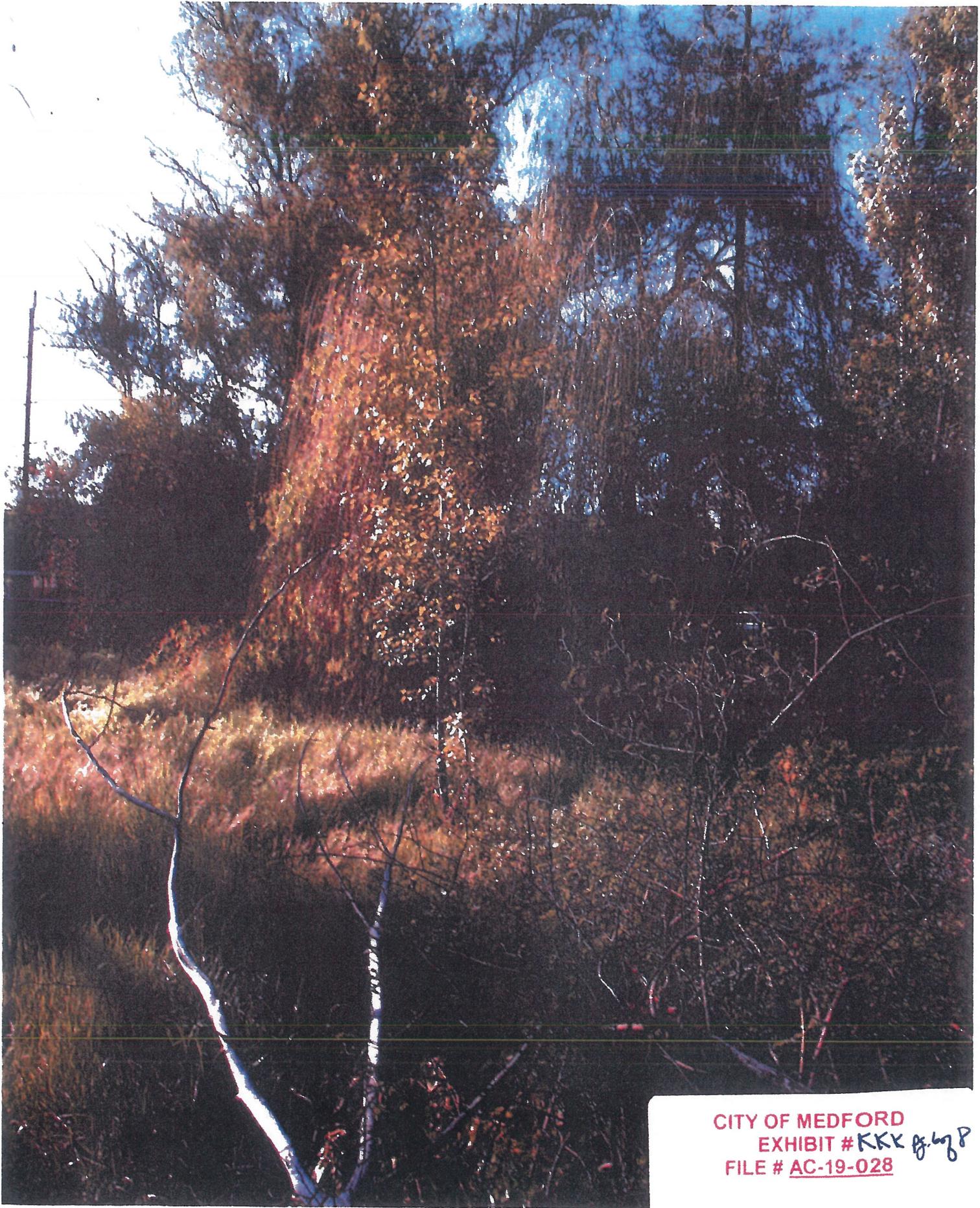
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EXHIBIT # KKK Pg. 3 of 8
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EXHIBIT # KKK-18-418
FILE # AC-19-028



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EXHIBIT # KKK Pg. 508
FILE # AC-19-028



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EXHIBIT # *KKK pg. 6 of 8*
FILE # AC-19-028

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EXHIBIT # KKKPg. 1 of 8
FILE # AC-19-028

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DEAR City Council.

We live at 1653 Springbrook Rd.
Right next to North Medford Baseball Field &
Lone Pine Rd. We are concerned neighbors &
Grandparents. My grandson spends every
Tuesday night with us, and we walk him
to the crosswalk. He's 5'7" - 6th grader.

The cars 75% of the time do not stop.
What's funny is when they don't I wave at them,
they usually wave back - ugh... Our concern
is for the students at the crosswalk. They
need a light here. Some child is going to get
hit one day, and if the gas station is approved,
I can't even imagine, "How much more traffic we
will get on Springbrook. Just in the last 2 months,
my husband Frank has called 911 3 times.
2 accidents on Springbrook & Lone Pine & 1
lost elderly woman, we do not want the gas
station/minute market

Sincerely

Janice Haviland

Frank Haviland.

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EXHIBIT # LLL
FILE # AC-19-028

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"LLL"

I WILL BE
SUBMITTING MORE!

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SUBMITTED BY:
MT DIMICK

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Petition to Deny Springbrook Corners Project File No. AC-19-028 for Tax Lot 371W20 AB-3500

Petition Summary To deny File No. AC-19-028 application to build a Circle K Conveince Store w/Gas Station & Car Wash

Action Petition for: We, the undersigned concerned residents of the proposed project, request the City of Medford Planning Commission members DENY this application due to it's detrimental impact on our neighborhood.

Print Name	Signature	Address	Comment	Date
Amanda Harbison		109.5 Brookdale Ave	Wrong Area	5/7/19
JASON GUTCHES		1150 CRATER LAKE AVE UNIT J	DON'T WANT IN MY NEIGHBORHOOD	5/7/19
MARK A REYES		2815 LOWE PINE	TO CLOSE	5-7-19
Paul Hildebrand		4805 OAKLEAF PASS	Bad Area	5-7-19
DAVID KUNZ		2559 MENCHOW CREEK DR.	To Much R. FF Hoff	5-7-19
Trista Bodman		1007 Morrison Ave	To close	5-7-19
JACK LEWIS		2625 JACOBSEN DRIVE	RESTRICTION!	5/7/19
Polly Klosterman		1611 Inverness DR.	Retail in Residential	5/7/19
CORI RODRIGUEZ		52327 Parkhill Place	trappie	5/7/19
Cory Benton		1119 Tara circle	Bad area	5-7-19
DALE WEAVER		1534 DORA CR.		5-7-19
Bernie Cherry		1105 N Medoc	This is a bad idea	5/7/19
Evan Lipson		2792 E McAndrews Rd	Poor use of land, bad sign for neighborhood 24 hr coffee shop	5/8/19
Dan Cappin		2044 Temple Dr		5/8-19
Bruce Carpenter		2495 Meadows Ln. Medford OR		5/8/19

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Print Name	Signature	Address	Comment	Date
Kerri Miller		2410 Spruce St	no store	4/5/19
JOBIE GREYHER		3091 LONE PINE RD. MED.	NO GAS STATION	5/5/19
Len Qualls		1562 Ridge Way Med	NO Gas station/Resident	2/1 5/5/19
Karen Seeley		1233 Valley View DR Med	No!	4-5-19
AL PYNCHES		2394 Spring St Medford	DON'T DO IT. Good	5-5-19
Kent Paulsen		1642 Valley View Dr Med	Won't shop there if ^{Don't need}	5-5-19
Rachel Koch		3015 E McAndrews Rd Med		5/5/19
JIAN TRAMMIE		2015 MILTON DR MED,	NO.	5/5/19
KYLE ROSBORG		2903 SPRING HILLS DR.	NO, TO INVASIVE FOR LOCAL RESIDENTS	5/5/19
Cris Roberts		2860 Pinecrest Ct	NO	5/5/19
Moses Vasquez		2507 Agate Mews, 97503		5-5-19
GERALD ARCHER		1701 WILLOW GLEN WAY	NO! NO! NO!	5-5-19
Gabriel Monroe		613 Bempdale Ave	Don't Do It!	
Jennifer Batten		1279 Hardendale Dr	Dont do it.	5/5/19
NICK ANTONIO		710 ISBWOOD DR	NO	5-6-19

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Print Name	Signature	Address	Comment	Date
Tylerly		1279 Gardendale	No	
M. Balsarini		3229 Tahitian Ave	Dout Need it	5-6
Craig Campbell		713 Narsegan + St		5-10
REGHY WRIBHT		1642 Redgeway Med	NO	5-6
Devin Soltis		1864 Filmore Dr	NO	5-6
Bob Cox		130 Varnoria	no	5-6
Larry Priebe		2717 SHANNON Dr	NO	5-6
Tylerly		316 Effie St	NO	5-6
Mitch James		425 S Greenland AVE	NO	5-6
Lisa Kunkle		996 S Shostz Eagle Point 47524		5/6
SEDRAR JAMES		583 N. STONEHAM CIR 97504	NO	5/6/19
Aisa Alfrey		273 Pinner Ln #2	NO	5/6/19
LESTER LEARD		3101 Cheltenham Way	NO	5/6/19
Katrina McGrath		2555 N Keone Way Dr		5-6-19

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Print Name	Signature	Address	Comment	Date
Debra Moore		1824 N. Modoc #31 Medford	high traffic area work impact residences.	5/6/19
August Ames		1224 N. Modoc #21 Medford		5/6/19
Serenity Jones		3633 Cedar Links,	Appreciation	5/6/19
ALLEN JACKSON		2701 E M th ANDREWS 97504		5/6/19
Kemi Urban		70da upper D Med. 97504	TOO Busy Already!	5/6/19
Ryan LUNDGAARD		1336 N MODOC AVE	INTERSECTION ALREADY TOO BUSY	5/6/19
TJ BEABER		1107 BROOKDALE AVE		5.6.19
Tara Curtis		4450 Ocean Ridge		5/6/19
Joni SHULL		9643 Wilkesville Dr	BAD LOCATION	5/5/19
Marla Outfleet		1642 Inverness Dr. Medford 97504	no need - already have store nearby & gas station too busy!	5/6/19
Kirk Joseph Gallup		1050 Spring St. Medford		5-7-19
Pamela J. Lucas		385 Pierce Road Medford		5-7-19
Mason Mercer		1956 Spring St. Medford	Too many stores already nearby.	5-7-19
Brandon Hansen		1488 Flower St Medford		
Tim Womack		500 Barnes Ave 97504		5/7/19

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Print Name	Signature	Address	Comment	Date
KATHRYN FERNANDEZ		1157 N Madoc Medf 97504		5-4-19
Patti McEwan		4047 N. ROXY DR		5-4-19
DORIAN RUIZ		1998 LAWNRIDGE ST.		5-4-19
Randi Wayman		2020 Ridge way		5-4-19
Moses Vasquez				
MIKE RAGER		2400 TATTITION AVE		5-4-19
Michael Pappas		2595 ST Thomas way		5-4-19
STEVE THOMAS		1951 CAMELIA AVE		5-4-19
John Bonfiglio		1314 Brookdale Ave		5-4-19
Tony Williams		2130 SPRING ST	No thank you	5-4-19
Corbett S		583 N Stone way	NTY	5-4-19
GREG BAILEY		1101 TARA CIR.	NO STATION!	4/4/19
Lindy Spangler		300 SUNRISE AVE	NO STATION!	5/3/19
Tanya Groenigen		1416 Flower street	NO STATION	5/4/19
Eric Miller		2400 CORNERS SQ	NO STATION	5/4/19

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Print Name	Signature	Address	Comment	Date
Jose Coronado		2115 Roberts Rd #104	Keep it Green	5-8-19
Tracy Patton		1458 Alhambra Dr Medford	Cannot support more traffic	5/8/19
Araceli Rivas		1710 Yukon Ave	Ideas stupid/No need	5/8/19
Michelle Eckardt		3060 Gary Dr. Medford	Save the Red tail Hawk	5/8/19
Perry Lemus		1208 E Jackson medford		
Ben Whiting		2166 Crater Lake Ave Medford		
Natalia Garcia		2166 Crater Ave medford		
Juliogarcia		2166 crater lake		
Esperanza Cano		2166 Crater lake		5/8
Brian Chubb		715 Sweethome Place	Anti Bump	5/8
DAOIS W SIMPSON		#1 2138 CRATER LAKE AVE #A	SUPPORT LOCAL BUSINESS	5/8 19
Janette Greyer		1363 Lawnridge Ave	Keep it Green	5/9/19
Aliciana Echanda		3791 Orr Drive	Keep it Green	05/09/19
Jennifer Waxler		2161 N. Keene Way Dr. #2		5/9/19
Meera Gumbay		354 Algonia Ct Medford	Traffic	5/9/19

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Print Name	Signature	Address	Comment	Date
James Wespremi		1324 Ramada Ave		5-6-19
Michea Bonella		1216 Mt Pitt	we need another car wash/ gas station like we need a hole in the head	5-6-19
Jeff Owens		2429 pine brook cir.	no more	5-6-19
Michael Higginbotham		1927 Hutzellins Cir.	NOT NEEDED	5-6-19
Danny Burellin		2377 Shush Dr	NOT NEEDED	5-7-19
Kelly Churchill		2260 ROBERTS RD MEDFORD	TRAFFIC CONCERNS	5/7/19
Megan Snyder		1400 Avocado lane Medford	Traffic, garbage, transacts	5-7-19
Eli Lease		3061 Village Cir	No More CR	5/7/19
Karen Kelly		1138 Valley View Dr	Not fit Neighborhood - Traffic	5/7/19
Preston Babb		2115 Roberts Road		
Austin J Hatfield		3060 Gary Dr	No Need	5-7-19
GARY HIGHLAND		1707 SERENITY DR	TRAFFIC	5-7-19
Jordan Ryan		2480 Tahiti Lane		
MARK RUSSELL		190 MARCO RD	TRAFFIC	5-7-19
AARON CLAMER		700 CRATER LAKE AVE # 93	DIRTY	5/7/19

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Print Name	Signature	Address	Comment	Date
Phil Bunke		881 Brookdale Ave	NO	5-8-19
Sasha Waits		405 Stratham Cir Medford OR	NO	5-8-19
TOM CAIL		1153 Springs St Med OR		5-8-19
Kathy Taylor		2750 Crater Ln AV	NO	5-8-19
Amanda Hurd		2357 Spring St. Medford	NO	5-8-19
Bonita ZAHLMANN		945 Brookdale Ave Medford	Dont need a car wash or another gas station	5/8/19
Joseph Stephens		2011 Lawnridge St medford		5-8-19
Jeffery S Balsiger		3408 Silverbirch Ct Medford		5-8-19
Bill Rushing		1302 Peasco Mo. OR	NO PLEASE	5-8-19
Heather Fines		129 Kelso St EPO R	NO	5/8/19
Tony Scapelite		1270 Valley View Dr	NA	5-8-19
Dale Macabebe		2793 Victoria Ct ^{MT} OR	NO/WAY	5-8-19
Laura Shannah		2793 Victoria Ct ^{MT} OR	No. No NO	5-8-19
_____	_____			
Ryan Schwarzen		582 Ridge Way	No way	5-8-19

"mmm" 5/8/20

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Print Name	Signature	Address	Comment	Date
Cheryl Leavitt		723 NESACK BL DR 97520		
JESSE K ALTAMIRANO		14910 CRAGLEA DR E.P 97524		
River Tompkins	River Tompkins	251 Berrydale Ln		
Terrance Pruitt	Terrance Pruitt			
Derrick Miller	Derrick Miller	1050 Spring St 97504		
Stefanie McPherson		1050 Spring St. 97504		05/06/19
Kristi Lambert	K. Jan	4546 Hillcrest Rd Medford OR 97504		5/6/19
Robert Chappell	Robert Chappell	2379 Bell Ct #58 Medford 97504		
Carla Kostal	Chostal	1730 Brookhurst St Medford 97504		
Bruce Sherburne		3767 Arrowhead dr. Med 97504		
Dannelle Wright		500 Monroe St Medford OR 97504		5-9-19
Amanda Bringer		1105 Stearns St #15 medford, OR 97504		5-9-19
Kristal Fleck		1730 Brookhurst St 97504		

Kelly Evans

From: Planning Department
Sent: Wednesday, May 15, 2019 10:20 AM
To: Kelly Evans; Steffen K. Roennfeldt
Subject: FW: Spring brook/ McAndrews AC-19-028

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

From: Joni [mailto:chinagreek@gmail.com]
Sent: Tuesday, May 14, 2019 9:05 PM
To: Planning Department <planning@cityofmedford.org>
Subject: Spring brook/ McAndrews AC-19-028

I have lived within a half mile or so of this intersection for 23 years; 19 on Amaryllis and 4, so far, on Aloha Ave. There is ZERO need for the proposed development - Shell station, 7-11, Spring Street Market are all in the area already. Traffic congestion will create a terrible problem. The center already established at Foothills and Lone Pine is in place and the majority of the customer base will be folks coming down from Roxy Ann. Please reconsider this foolish plan. Sincerely, Joni Sherman. 2243 Aloha Ave, Medford Or Sent from my iPhone

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File # AC-19-028

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Medford planning department

File# AC-19-028

McAndrews and Springbrook project

Bob and Mary Horton

2559 E. McAndrews Medford, OR 97504

My family and I Have lived here for over 50 years

First I'd like to state that we were never notified of the zone change in 2015 and therefore I request that there be a review of this zone change Before any decision is made on this property.

I've included the Medford city Council mission statement, I've highlighted different areas.

As you can see the mission of the city Council is to manage changes in the use of land so that the Medford community as a **WHOLE IS BEST**,

To **increase property value.**

CITY OF MEDFORD
EXHIBIT # 000
File # AC-19-028

To be responsive to the needs and the concerns of all people of the city of Medford and Jackson county

We all understand, and I'm sure that this project meets most of the criteria of the requirements, on the surface you could probably make anything fit there.

Clearly with the response of residents in the community it should make it very clear that there's huge disapproval of this project and it's not suitable for this property

And this should be the number One criteria

We have given you multiple reasons in just about every area why we disapprove.

And you should turn this down!!!

One of the biggest concerns is traffic.

I understand that you did a traffic review in 2014 For the zone change. I understand how you attempt to look forward in time and try to predict what traffic will be but clearly it's only a guess at best.

I do believe they got this one wrong the amount of traffic in the last five years has doubled if not more.

We would like to request that before You make a final decision you have A current and accurate traffic survey, than you can tell us what the traffic will be in five and ten years from now

FIRE MARSHAL

We would like to request that the fire marshal explain how they would be able to get emergency equipment in and out of the area.

Enclosed are pictures taken on Springbrook heading south towards McAndrews on Thursday, May 16 at 7:45 AM this is two blocks away from the intersection as you can see this is approximately a block and a half away from where the entrance would be. This is the entrance where the coffee place will be located.

I have enclosed A picture of the Dutch bro coffee at your location in Phoenix as you can see there is 10 cars backed up. This was taken Thursday, May 16th 8:30 AM

This would clearly be blocking all or most of that entrance along with people trying to get in and out and through the intersection

You would never be able to get emergency equipment in

The McAndrews entrance across from Bonaventure ,where I live was just as backed up and it's that way every day

Along with all the traffic that will be in the area of the gas station, minute market, and car wash at any given time not counting what phase 2 will bring

If Someone was having a heart attack at the gas station or minute market, I do not see how emergency responders could get through.

God forbid that if there was ever a fire there would be no way people would be able to evacuate unless they literally left their cars behind once again blocking emergency responders.

And this is not counting people that may need emergency equipment in the surrounding areas of this intersection as it is one of the main roads that emergency equipment use going east on McAndrews there's not a day that goes by that there's not firetrucks or ambulances that uses this intersection.

Thank you

Bob Horton

Tunahorton@charter.net

541 326 9315



Medford City Center Revitalization Plan

Mission Statement

The mission of the Urban Renewal Agency's Board is to eliminate blight and depreciating property values in areas within the Agency's jurisdiction and in the process, attract aesthetically pleasing, job producing private investments that will improve and stabilize property values and protect the Area's historic places and values.

Goals

- A. To resolve the problems created by existing blighted conditions so that unused and underused properties can be placed in productive condition and utilized at their highest and best use.
- B. To enhance opportunities for residential, civic, cultural, business and tourist-related property to be developed, redeveloped, improved, rehabilitated and conserved in ways which will:
 - A. Insure a more attractive, functional and economically viable central city;
 - B. Encourage the expansion and development of businesses that will produce jobs for the people of Medford and Jackson County, and
 - C. Increase property values so that the Area will contribute its fair share to the costs of public services, provided by the City, County, Schools, Library, Vector Control, Historic and Transit Districts.
 - D. Conserve historically significant places and properties
- C. Be responsive to the needs and the concerns of all people of the City of Medford and Jackson County in the details of preparing and implementing the Urban Renewal Plan;
- D. To encourage the maximum amount of public involvement and citizens participation in the formation and implementation of the Urban Renewal Plan by:
 - A. Explaining and discussing the details of the Urban Renewal process:
 - A. To the public at town hall type gatherings;
 - B. To invite special interest groups, public service organizations, public bodies and the general public to Board meetings;
 - C. Circulating periodic newsletters;
 - D. Cooperating with the print and electronic news media by being available to discuss the Urban Renewal Plan and process.



Mission Statement

Mission Statement

Planning Home

In the Spotlight

UGB Amendment

Liberty Park Neighborhood

Pl...

What We Do...

Historic Preservation

FEMA and Flood Awareness

Landscape & Irrigation Infor.

..

Planning Calendar

The Mission of the Planning Department is to manage changes in the use of land so that the Medford Community - as a whole - is best served.

Additional Department Information

FAQs

Links

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Weather

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CIRCLE K PHOENIX

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SPRING BROOK



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May 17, 2019

PLANNING DEPT.

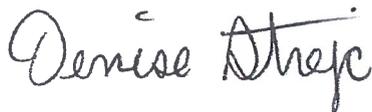
I am **horrified** that the residential area on Springbrook and McAndrews was zoned Commercial. This commercial zoning affects more than just a few houses, it affects the whole community surrounding this zoning designation. I'm appalled that the City of Medford would, and has, zoned this area commercial. The **community** near this zoning change, not just a few households, should have been notified prior to such a drastic designation. Medford should be trying to improve the quality of life for its citizens, not destroy it. If the City of Medford can do this type of gross negligence zoning in this residential area, they can do it anywhere.

I am totally against a gas station, car wash, and convenience store at this location. There is absolutely no need for any of this at this location. There's gas and food just a short distance down the road. The City of Medford should be planning something nice for this location. It has great potential! It's a **gem**! How many cities have a nesting pair of hawks for the citizens to admire? Not many.

Please, think about the citizens who live in Medford. Would you want this next door to where you live?

Citizen of Medford, and Community member,

Denise Strejc



CITY OF MEDFORD
EXHIBIT # PPP
File # AC-19-028

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Kristy Littlefield

From: BROWN Lauren [Lauren.BROWN@state.or.us]
Sent: Monday, May 13, 2019 5:32 PM
To: 'MT Dimick'; Lauren.Brown@state.or.us
Cc: jimleavens@whitelawwholesale.com
Subject: RE: Wetlands!

Good afternoon Jim-

I did not find anything in our database that shows anyone has been onsite to verify the presence or absence of wetlands. Based on your description it sounds like there are likely wetlands on site. Wetland/waters are regulated whether they are correctly mapped or not. I found the local wetland inventory from 2002 and it indicates that other waters were mapped (see below). I would recommend the developer have a wetland consultant to verify if wetlands/waters are on site. If they are then a wetland delineation report should be put together and sent into DSL to determine the wetland/water boundaries and to determine if the wetlands are jurisdictional and if a permit is required. Do you have the contact information for the land owners?



Lauren Brown, Wetland Ecologist
Aquatic Resource Coordinator
Oregon Department of State Lands
503.986.5218 Desk
503.302.3290 Cell

5/14/2019

CITY OF MEDFORD
EXHIBIT # _____
File # 999
AC-19-028

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Vent pipe emissions from storage tanks at gas stations: Implications for setback distances



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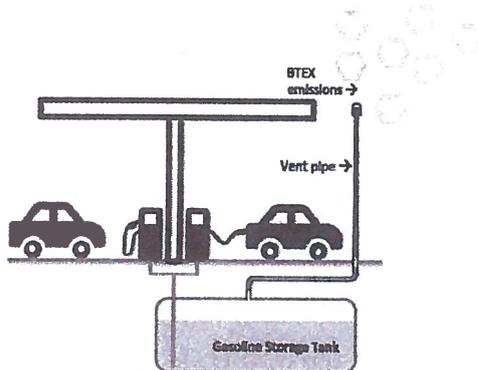
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HIGHLIGHTS

- At gas stations, fuel vapors are released from storage tanks through vent pipes.
- We measured vent pipe flow rates and tank pressure at high temporal resolution.
- Vent emission factors were >10 times higher than previous estimates.
- Modeling was used to examine exceedance of benzene short-term exposure limits.

GRAPHICAL ABSTRACT



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ABSTRACT

At gas stations, fuel vapors are released into the atmosphere from storage tanks through vent pipes. Little is known about when releases occur, their magnitude, and their potential health consequences. Our goals were to quantify vent pipe releases and examine exceedance of short-term exposure limits to benzene around gas stations. At two US gas stations, we measured volumetric vent pipe flow rates and pressure in the storage tank headspace at high temporal resolution for approximately three weeks. Based on the measured vent emission and meteorological data, we performed air dispersion modeling to obtain hourly atmospheric benzene levels. For the two gas stations, average vent emission factors were 0.17 and 0.21 kg of gasoline per 1000 L dispensed. Modeling suggests that at one gas station, a 1-hour Reference Exposure Level (REL) for benzene for the general population (8 ppb) was exceeded only closer than 50 m from the station's center. At the other gas station, the REL was exceeded on two different days and up to 160 m from the center, likely due to non-compliant bulk fuel deliveries. A minimum risk level for intermediate duration (>14–364 days) benzene exposure (6 ppb) was exceeded at the elevation of the vent pipe opening up to 7 and 8 m from the two gas stations. Recorded vent emission factors were >10 times higher than estimates used to derive setback distances for gas stations. Setback distances should be revisited to address temporal variability and pollution controls in vent emissions.

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Exhibit RRR, submitted by Lindsey Geil at the May 17, 2019, SPAC public hearing.

CITY OF MEDFORD
EXHIBIT # AC-19-028
FILE # RRR

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1. Introduction

In the US, approximately 143 billion gal (541 billion L) of gasoline were dispensed in 2016 at gas stations (EIA, 2017) resulting in release of unburned fuel to the environment in the form of vapor or liquid (Hilpert et al., 2015). This is a public health concern, as unburned fuel chemicals such as benzene, toluene, ethyl-benzene, and xylenes (BTEX) are harmful to humans (ATSDR, 2004). Benzene is of special concern because it is causally associated with different types of cancer (IARC, 2012). Truck drivers delivering gasoline and workers dispensing fuel have among the highest exposures to fuel releases (IARC, 2012). However, people living near or working in retail at gas stations, and children in schools and on playgrounds can also be exposed, with distance to the gas stations significantly affecting exposure levels (Terres et al., 2010; Jo & Oh, 2001; Jo & Moon, 1999; Hajizadeh et al., 2018). A meta-analysis (Infante, 2017) of three case-control studies (Steffen et al., 2004; Brosselin et al., 2009; Harrison et al., 1999) suggests that childhood leukemia is associated with residential proximity to gas stations.

Sources of unburned fuel releases at gas stations include leaks from storage tanks, accidental spills from the nozzles of gas dispensers (Hilpert & Breyse, 2014; Adria-Mora & Hilpert, 2017; Morgester et al., 1992), fugitive vapor emissions through leaky pipes and fittings, vehicle tank vapor releases when refueling, and leaky hoses, all of which can contribute to subsurface and air pollution (Hilpert et al., 2015). Routine fuel releases also occur through vent pipes of fuel storage tanks but are less noticeable because the pipes are typically tall, e.g., 4 m. These vent pipes are put in place to equilibrate pressures in the tanks and can be located as close as a few meters from residential buildings in dense urban settings (Fig. 1).

Unburned fuel can be released from storage tanks into the environment through “working” and “breathing” losses (Yerushalmi & Rastan, 2014). A working loss occurs when liquid is pumped into or out of a tank. For a storage tank, this can happen when it is refilled from a tanker truck or when fuel is dispensed to refuel vehicles (Statistics Canada, 2009) if the pressure in the storage tank exceeds the relief pressure of the pressure/vacuum (P/V) valve (EPA, 2008). P/V valve threshold pressures are typically set to around +3 and –8 in. of water column (iwc) (7.5 and –20 hPa). However, P/V valves are not always used, particularly in cold climates, as valves may fail under cold weather conditions (Statistics Canada, 2009).

Breathing losses occur when no liquid is pumped into or out of a tank because of vapor expansion and contraction due to temperature and barometric pressure changes or because pressure in the storage

tank may increase when fuel in the tank evaporates (Yerushalmi & Rastan, 2014; EPA, 2008). Although delayed or redirected by the P/V valve, breathing emissions can be significant and represent an environmental and health concern (Yerushalmi & Rastan, 2014).

Stage I vapor recovery systems, put in place to prevent working losses while delivering fuel to a station, collect the vapors displaced while loading a storage tank, redirecting them into the delivery truck. Stage II vapor recovery systems minimize working losses while delivering gas from the storage tank to the customer’s car. During Stage II vapor recovery, gasoline vapors can be released through the vent pipe, if the sum of the flow rates of the returned volume and of the fuel evaporating within the storage tank is greater than the volume of liquid gasoline dispensed (Statistics Canada, 2009). We refer to this scenario as pressure while dispensing (PWD). In theory, a properly designed Stage II vapor recovery system should not have working losses, although in practice this is not typically the case (McEntire, 2000).

Regulations on setback distances for gas stations are based on lifetime cancer risk estimates. Several studies have assessed benzene cancer risk near gas stations (Atabi & Mirzahosseini, 2013; Correa et al., 2012; Cruz et al., 2007; Edokpolo et al., 2015; Edokpolo et al., 2014; Karakitsios et al., 2007). Based on cancer risk estimations, the California Air Resources Board (CARB) recommended that schools, day cares, and other sensitive land uses should not be located within 300 ft. (91 m) of a large gas station (defined as a facility with an annual sales volume of 3.6 million gal = 13.6 million L or greater) (CalEPA/CARB, 2005). This CARB recommendation has not been adopted by all US states, and within states setback distances can depend on local government. Notably, CARB regulations do not account for short term exposure limits and health effects. An important limitation of existing regulations is the use of average gasoline emission rates estimated in the 90s that do not consider excursions (CAPCOA, 1997).

The main objective of this study is to evaluate fuel vapor releases through vent pipes of storage tanks at gas stations based on vent emission measurements conducted at two gas stations in the US in 2009 and 2015, including the characterization of excursions at a high temporal resolution (~minutes) and meteorological conditions at an hourly temporal resolution. In addition, we performed hourly simulations of atmospheric transport of emitted fuel vapors to inform regulations on setback distances between gas stations and adjacent sensitive land uses by comparing modeled benzene concentrations to four 60-min benzene exposure limits: an acute Reference Exposure Level (REL) for infrequent (once per month or less) exposure (WHO, 2010) and Emergency Response Planning Guidelines ERPG-1, ERPG-2 and ERPG-3 (AIHA, 2016). Finally we compared simulated benzene levels to a Minimal Risk Level (MRL) for benzene for intermediate exposure duration (14 to 364 days) (ATSDR, 2018) because that duration window includes our duration of data collection. See Table 1 for the various benzene exposure limits and issuing agencies.

2. Methods

Although we provide SI unit conversions, we report some measures in English engineering units (ft, gal, and lb) as regulatory agencies such as CARB use these units.

2.1. Sites

Data for this study were obtained from vent release measurements conducted at two gas stations as part of technical assistance to the gas stations to quantify fuel vapor losses through the vent pipes of their storage tanks. A motivation for conducting the measurements was to perform a cost-benefit analysis to compare the economic losses due to the lost fuel versus the cost of technologies that reduce the emissions. The exact location of the two gas stations is not revealed for confidentiality reasons. The gas station managers and staff who authorized the



Fig. 1. The three vent pipes (enclosed by the red ellipse) on the right side of the convenience store of a gas station are <10 m away from the residential building. (For interpretation of the references to color in this figure legend, the reader is referred to the web version of this article.)

Table 1

Benzene exposure limits, to which we compared simulation results. For unit conversion, we assumed a temperature of 25 °C, i.e., 1 ppm = 3194 µg/m³ (CAPCOA, 1997).

Agency	Name	Value (ppb)	Value (µg/m ³)	Exposure duration
California Office of Environmental Health Hazard Assessment (OEHHA)	REL	8	26	1 h
American Industrial Hygiene Association (AIHA)	ERPG-1	50	159,700	1 h
AIHA	ERPG-2	150	479,100	1 h
AIHA	ERPG-3	1000	3,194,000	1 h
Agency for Toxic Substances and Disease Registry (ATSDR)	MRL	6	19	14 to 364 days

ERPG = Emergency Response Planning Guidelines. The primary focus of ERPGs is to provide guidelines for short-term exposures to airborne concentrations of acutely toxic, high-priority chemicals.

collection and analysis of these data have not been involved in the current manuscript.

The first gas station, “GS-MW,” was located in the US Midwest and is a 24-hour operation. The study was conducted from December 2014 to January 2015 for 20 full days, and fuel sales \dot{V}_{sales} were about 450,000 gal (1.7 million L) per month. Fuel deliveries to the gas station usually took place during the nighttime. The second gas station, “GS-NW,” was located on the US Northwest coast and closed at night. Hours of operation were between 6:00 am and 9:30 pm on weekdays and between 7 am and 7 pm on weekends. That study was conducted in October 2009 for 18 full days, and fuel sales were $\dot{V}_{sales} \sim 700,000$ gal (2.6 million L) per month.

Both gas stations are considered to be high-volume, because they dispense >3.6 million gal of gasoline (both regular and premium) per year (CalEPA/CARB, 2005), and fuel was stored in underground storage tanks (USTs), which is typical in the US. Both gas stations had Stage II vapor recovery installed using the vacuum-assist method. In that method, gasoline vapors, which would be ejected into the atmosphere as a working loss during refueling of customer vehicle tanks, are collected at the vehicle/nozzle interface by a vacuum pump. The recovered vapors are then directed via a coaxial hose back into the combined storage tank ullage (head space) of the gas station. Stage I vapor recovery was also used at both gas stations during fuel deliveries. Both sites had a 3-inch diameter (7.5 cm) single above-grade vent pipe with below-grade manifold that connected the vent lines from several USTs; the cracking pressures of the P/V valves were set to +3 and –8 iwc (+7.5 and –20 hPa).

2.2. Vent emission measurements

To quantify evaporative fuel releases through the vent pipe of a storage tank, the volumetric flow of the mixture of gasoline vapor and air was measured in the vent pipe. A dry gas diaphragm flow meter (American Meter Company, Model AC-250) was used. For each cubic foot (28 L) of gas flowing through the meter, a digital pulse was generated. Every minute, the number of pulses was read out and stored together with date and time on a data logger. Gas flow meters were obtained from a distributor calibrated and equipped with temperature compensation and a pulse meter.

To determine the time-dependent volumetric flow rate $Q(t)$ of the gasoline vapor/air mixture through the vent pipe, the time series of measured flow volumes were integrated over an averaging period (15 or 60 min) and divided by the duration of that period. I.e., $Q(t)$ is given by the number of pulses registered by the gas flow meter in a time window multiplied by 1 cubic foot and divided by the averaging time. The 15-minute averaging time was chosen to visualize time-dependent data, while the 60-minute averaging time was chosen because air pollution simulations were performed at that resolution.

Gas pressure p in the ullage of the storage tank was measured to assess vent emission patterns. For instance, releases can occur when the pressure exceeds the cracking pressure of the P/V valve in the vent pipe (the dry gas flow meter was fitted with a P/V valve on the outlet). Pressure was measured with a differential pressure sensor (Cerabar PMC 41, Endress + Hauser) every 4 s, and 2-minute average values

were stored. The sensor range was scaled from –15 to +15 iwc (–37 to +37 hPa), with a full scale accuracy of 0.20%. We also obtained 15- and 60-minute averaged tank pressure data $p(t)$ where averages represent the means of the 2-minute average pressure measurements taken during each time window.

2.3. Descriptive analysis

For the 60-minute flow rate, we calculated medians and inter quartile ranges (IQRs). To illustrate diurnal fluctuations in vapor emissions, we created box plots for the 60-minute flow rate distribution that occurred during each hour of the day. Spearman correlation coefficients between the time series for pressure and flow rate were calculated to evaluate whether pressure can be used to infer vent emissions.

To estimate the mass flow rate of gasoline \dot{m}_{gas} that is released through the vent pipe in the form of a mixture of gasoline vapors and fresh air, we assumed, following the protocol of a study by the California Air Pollution Control Officers Association (CAPCOA) that assessed risks from fuel emissions from gas station (Appendix D-2 (CAPCOA, 1997)), that the density of gasoline vapors in this mixture is given by $\rho_{gas}^{(v)} = 0.3 \times 65 \text{ lb} / 379 \text{ ft}^3 = 0.824 \text{ kg/m}^3$, i.e., the molar percentages of gasoline and air were 30% and 70%, respectively. Then the volumetric flow rate Q can be converted into a mass flow rate of the vaporized gasoline:

$$\dot{m}_{gas} = \rho_{gas}^{(v)} Q \quad (1)$$

To arrive at vent emission factors, we first calculated the mean volumetric flow rate \bar{Q} , and then the mean mass flow rate $\bar{\dot{m}}_{gas} = \rho_{gas}^{(v)} \bar{Q}$. From the latter, one can calculate the vent emission factor

$$EF_{vent} = \bar{\dot{m}}_{gas} / \dot{V}_{sales} \quad (2)$$

For EF_{vent} , CARB uses units of pounds of emitted gasoline vapors (also called total organic gases (TOG)) per 1000 gal dispensed, or more briefly lb/kgal where kgal stands for kilogallons.

As we were not able to measure benzene levels in the tank ullage, we assumed like the CAPCOA study (Section C) that the density of the mixture of gasoline vapors and fresh air was $\rho_{mix}^{(v)} = 1.05 \text{ lb/ft}^3 = 1.682 \text{ kg/m}^3$ and that the emitted gasoline vapor/air mixture contained 0.3% of benzene by weight (CAPCOA, 1997). Therefore, the mass flow rate of benzene through the vent pipe was estimated as follows:

$$\dot{m}_{benz} = 0.003 \rho_{mix}^{(v)} Q \quad (3)$$

2.4. Air pollution modeling

We used the AERMOD Modeling System developed by the US Environmental Protection Agency (EPA) to model the dispersion of benzene vapors released into the environment through vent pipes of fuel storage tanks and from other sources (Cimorelli et al., 2005). AERMOD simulates atmospheric pollutant transport at a 1-hour temporal resolution. 3D polar grids were created with the gas station in the origin and potential receptors at different radial distances (up to 170 m) and angles (10°

increments). The grids were placed at the ground level ($z = 0$ m), in the breathing zone ($z = 2$ m), and at the 2nd floor level ($z = 4$ m) where the vent pipe emissions were assumed to occur. The topography was simplified for modeling purposes consistent with the CAPCOA study (CAPCOA, 1997), i.e., the terrain was assumed to be flat with no buildings present. Vent pipe emissions were modeled as a capped point source. Chemical reactions of benzene were not modeled, as residence times of atmospheric benzene are on the order of hours or even days (ATSDR, 2007), i.e. much longer than the travel time of benzene vapors across the 340-m diameter model domain.

For the period of time when vent emission measurements were made, we obtained meteorological data at a 1-hour temporal resolution that are representative for the geographic locations of the two gas stations. Table SI-1 provides descriptive statistics of that data. The time series were used in AERMOD to model the transport of benzene in the temporally varying turbulent atmosphere. We also used the 1-hour average time series of benzene emission rates (Eq. (3)) as an input into AERMOD.

To evaluate at each grid point whether OEHHA's acute REL or AIHA's ERPG levels were exceeded at least once, we determined maximum 1-hour average benzene concentrations that were simulated for about three weeks. To evaluate how often the OEHHA REL was exceeded at each grid point in the breathing zone, we created plots indicating the number of exceedances and the day when the maximum benzene level was observed.

To facilitate comparison to published benzene measurements around gas stations, we determined for each simulated radial distance from a gas station the mean of the average concentrations simulated for each ten degree increment on the radius around the gas station.

3. Results: vent releases

3.1. Times series of tank pressure and flow rate

Fig. 2 shows the time-series data for the volumetric flow rate Q of the gasoline vapor/air mixture through the vent pipe and tank pressure p that we collected at the two gas stations. At GS-MW, little vapor was typically released in the late night and in the very early morning, while releases were generally much higher during the daytime and evenings, presumably when more fuel was dispensed (Fig. 2a). Occasionally, no vapor releases occurred for several hours. While we do not have access to time of fuel delivery records, field visits indicate that time periods with no releases coincide with fuel deliveries. For instance, fuel delivery likely occurred on January 6 at 7 pm (see Fig. 3a; an amplification of data shown in Fig. 2a). As a result, the UST pressure dropped by about 10 hPa, far below the cracking pressure of the P/V valve. The decreased gas pressure in the ullage increased until the cracking pressure of the P/V valve was reached. A very small vapor release (~ 2 L/min) was observed briefly on the next day at 2 am. The vapor flow rate becomes relatively large again, ~ 12 L/min, only after 6 am, i.e., 11 h after fuel delivery.

Fig. 3b amplifies a major vapor release at GS-MW. The UST pressure significantly exceeded the cracking pressure of the P/V valve and rose rapidly up to 37 hPa, which coincides with vapors being released at a high flow rate (15-min average) of about 470 L/min.

At GS-NW, vapor releases followed a quite different pattern (Fig. 2b). Contrary to GS-MW, vapor releases occurred in a cyclical pattern, and tended to be higher in the late night and in the very early morning when the gas station was closed.

3.2. Statistics of vapor emissions

The average volumetric flow rate \bar{Q} through the vent pipe for the entire period of time during which measurements were taken was $\bar{Q} = 7.9$ L/min for GS-MW and $\bar{Q} = 15.4$ L/min for GS-NW, which is

consistent with the higher sales volume \bar{V}_{sales} of GS-NW. These emissions consist of a mixture of gasoline vapors and air. Using Eq. (1), the volumetric flow rates were converted into average mass flow rates of gasoline: $\bar{m}_{gas} = 0.39$ kg/h for GS-MW and $\bar{m}_{gas} = 0.76$ kg/h for GS-NW. Using Eq. (2), we determined a vent emission factor $EF_{vent} = 0.17$ kg per 1000 L = 1.4 lb/kgal for GS-MW and $EF_{vent} = 0.21$ kg per 1000 L = 1.7 lb/kgal for GS-NW.

The medians (IQRs) for the 60-minute averaged flow rate Q (L/min) were 6.1 (1.9, 10.9) for GS-MW and 16.0 (12.7, 18.4) for GS-NW. For GS-MW, the mean is larger than the median, indicating a more skewed distribution of flow rates when compared to GS-NW. Also the first quartile is much lower than the median for GS-MW, indicating that there are periods of time during which little emissions occurred. Conversely, GS-NW was releasing emissions more consistently.

Fig. 4a shows boxplots illustrating the distribution of flow rate Q for each hour of the day at GS-MW. Less vapor was released between 10 pm and 4 am, even though the gas station was in operation, albeit at lower activity levels. The flow rate Q at GS-NW (Fig. 4b) had fewer outliers, and the highest outlier was an order of magnitude lower than the highest one at GS-MW. Emissions were highest between 1 and 3 am, when the gas station was closed.

The Spearman correlation coefficients between tank pressure p and vent flow rate Q were $r = 0.58$ for GS-MW and $r = 0.85$ for GS-NW. Thus, vent releases are moderately and strongly correlated with tank pressure, respectively. Table 2 summarizes statistical properties of vent emissions at the two gas stations.

4. Results: air pollution modeling

4.1. Emission sources and rates

Vent pipe emissions of benzene were modeled at a 1-hour temporal resolution as described in Section 2.4. However, they are not the sole source of gasoline emissions at gas stations. Accidental spills from nozzles regularly occur near the dispensers, "refueling losses" can occur when gasoline vapors are released from the vehicle tank during refueling due to the rising liquid levels in the tanks, fuel vapors are released from permeable dispensing hoses, and "fugitive" or leakage emissions occur with driving force derived from storage tank pressure. In Section A of Supporting material, we detail how these other emission sources were modeled. Table 3 summarizes estimated mean emission rates. Note that the vent pipe losses are much greater than other losses.

4.2. Predicted benzene levels

Fig. 5 shows for both gas stations and at each grid point the maximum 1-hour average benzene concentration observed during the simulated periods in time. Benzene levels depend significantly on elevation within a 50-meter radius around the centers of the gas stations. Close to the centers of the gas stations, benzene levels are higher at the 4-m elevation and at ground level due to vent pipe emissions, which represent the largest emission source (Table 3). Further than 50 m away from the center, the vertical concentration differences become less obvious due to dispersion causing vertical mixing of benzene vapors.

At GS-MW, the 1-hour acute REL of $26 \mu\text{g}/\text{m}^3$ was exceeded 160 m away from the center of the gas station, at the location ($x = 158$ m, $y = 28$ m) both at ground level and in the breathing zone. At grid points with a distance >50 m from the center of the gas station, the REL was exceeded at most once (Fig. SI-1a). However, the exceedance at different grid points did not occur on the same day (Fig. SI-1b). Within the 20 days during the measurement campaign, exceedances occurred on the 4th and 13th of January.

At GS-NW, the furthest REL exceedance occurred at 50 m from the center of the gas station at the grid point ($x = -38$ m, $y = 32$ m) as

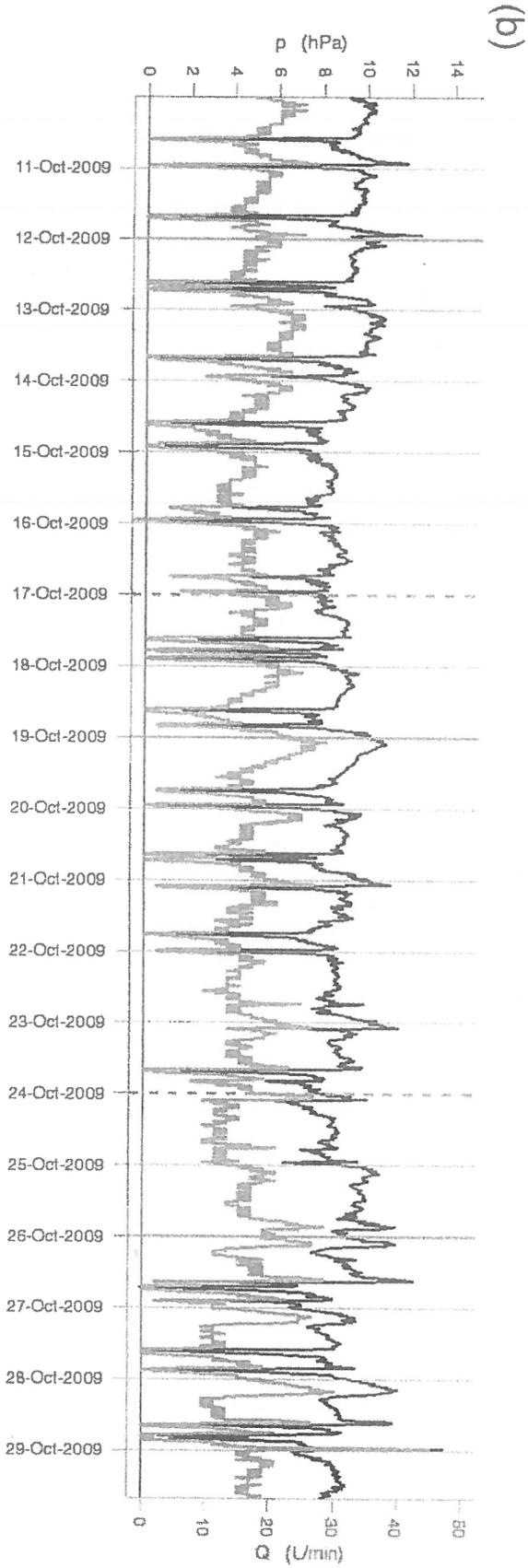
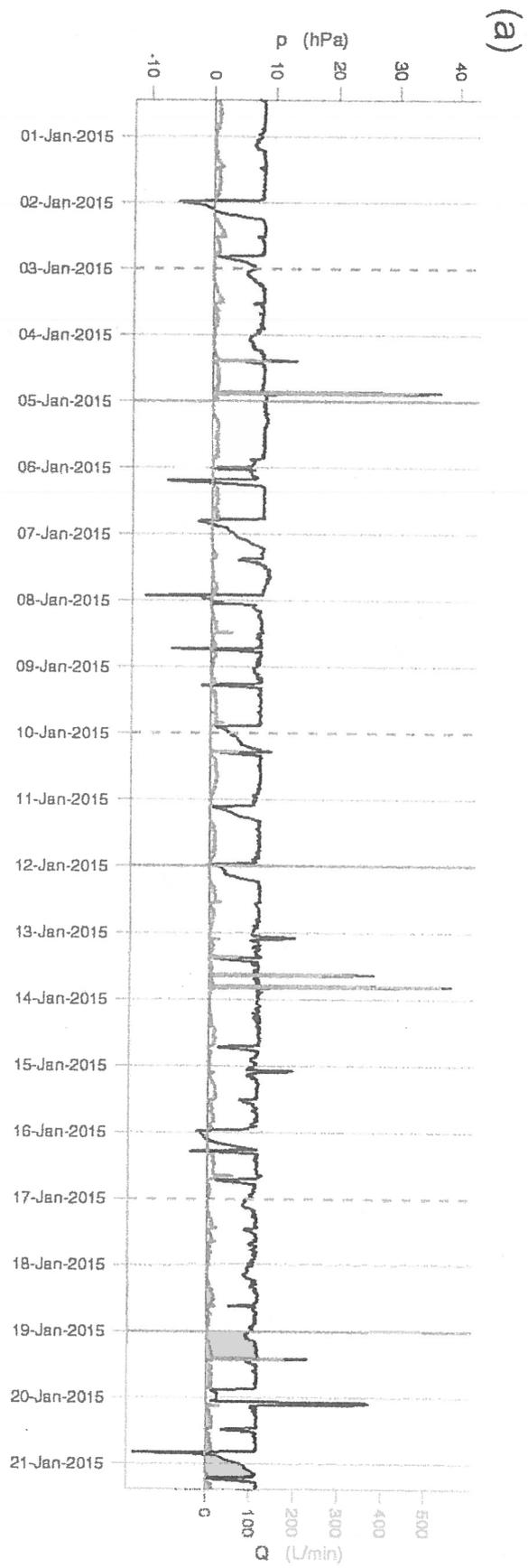


Fig. 2. Time series of uliage pressure p (left ordinate) and volumetric flow rate Q (right ordinate) for (a) CS-MW and (b) CS-NW. Horizontal tick marks indicate midnights. The vertical dashed and thick solid gray lines enclose weekends.

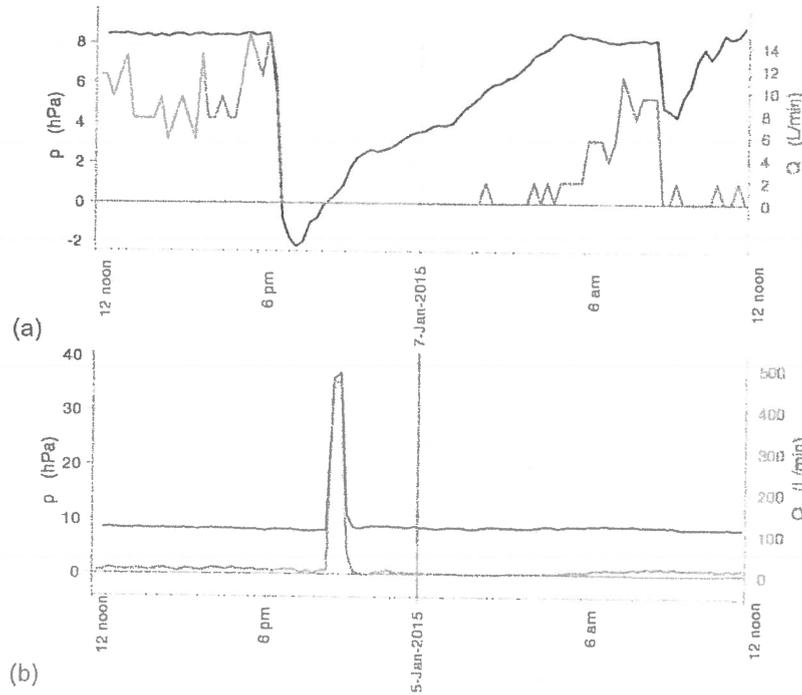


Fig. 3. Amplifications of time series data (15-minute averages) for GS-MW. (a) Tank pressure p became negative after fuel delivery. As a result, vent emission ceased for several hours. (b) A major vapor release (burst) likely occurred when the cracking pressure of the P/V valve was significantly exceeded at around 9 pm during a non-compliant bulk fuel delivery.

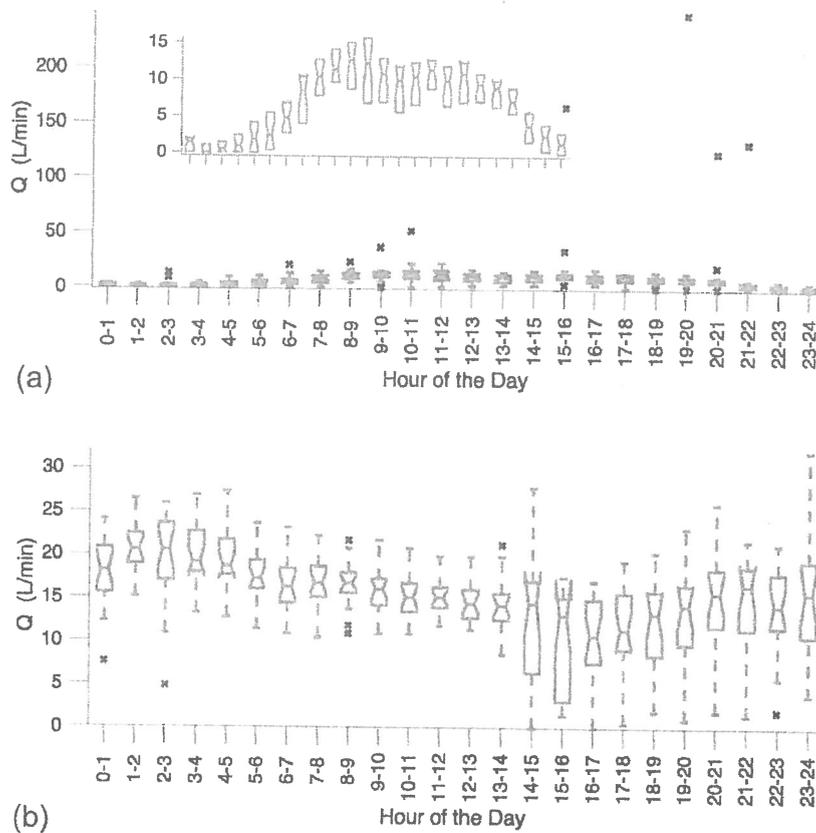


Fig. 4. Distribution of vent emissions Q observed for each hour of the day at (a) GS-MW [insert shows the IQRs of Q] and (b) GS-NW gas stations. In (a), outliers make it difficult to recognize variations in median hourly emissions. We therefore plotted in the inset only the IQRs. Boxes indicate median and IQR, whiskers values within 1.5 the IQR, and asterisks outliers.

Table 2
Summary of gas station characteristics and vent emissions.

	GS-MW	GS-NW	Units
Sales volume \dot{V}_{sales}	450,000	700,000	gal/month
Volumetric flow rates (of gasoline vapor/air mixture)			
Mean \bar{Q}	7.9	15.4	L/min
Median (IQR) of 60-min average	6.1 (1.9, 10.9)	16.0 (12.7, 18.4)	L/min
Maximum of 60-min average	250	32.1	L/min
Vent emission factor EF_{vent}	1.4	1.7	lb/kgal
Mass flow rates of gasoline (w/o air)			
Mean \bar{m}_{gas}	0.39	0.76	kg/h
Maximum of 60-min average	12.3	1.6	kg/h
Correlation coefficient Between Q and p	0.58	0.85	–

shown in Fig. SI-2a. At a distance of 40 m, the REL was exceeded three times at one grid point (260° angle), and at 35 m four times at two grid points (250° and 260° angles) (Fig. SI-2b). At a distance of 20 m, the REL was exceeded at 30 (out of 36) grid points, and on nine different days.

Average benzene levels are shown in Fig. 6 for both gas stations. The MRL is exceeded at the elevation of the vent pipe opening, $z = 4$ m, up to 7 m away from GS-MW and up to 8 m from GS-NW. Fig. 7 shows the average benzene concentration as a function of distance at an elevation of 2 m. Close to the center, benzene levels first increase and then decrease.

5. Discussion

5.1. Vent emission factors

We present unique data on vent emissions from USTs at two gas stations. Emissions can be compared to vent losses assumed by CAPCOA (CAPCOA, 1997). For a gas station with Stage I and II vapor recovery technology and a P/V valve on the vent pipe of the UST (Scenario 6B), the CAPCOA study assumed loading losses of 0.084 and breathing losses of 0.025 lb/kgal dispensed. The total loss of gasoline through the vent pipe is the sum of the two and amounts to a vent emission factor $EF_{vent} = 0.109$ lb/kgal. Based on actual measurements in two fully functioning US gas stations, we obtained EF_{vent} values of 1.4 lb/kgal for GS-MW and 1.7 lb/kgal for GS-NW, more than one order of magnitude higher than the CAPCOA estimate. While the difference between our measurements and the CAPCOA estimates may appear surprising, it is important to consider that the CAPCOA estimates are based on relatively few measurements and some unsupported assumptions (Aerovironment, 1994), particularly with regard to uncontrolled emissions due to equipment failures or defects (Appendix A-5 (CAPCOA, 1997)).

5.2. Pressure measurements

Tank ullage pressure p was moderately to strongly positively correlated with vent flow rate Q , likely because exceedance of the cracking pressure of the P/V valve causes a vent release. Thus pressure

Table 3
Mean benzene emission rates \bar{m}_{benz} for the two gas stations.

Emission source	Benzene emissions (mg/s)	
	GS-MW	GS-NW
Gas station		
Vent pipe	0.80	1.55
Spillage	0.39	0.65
Refueling	0.41	0.69
Hose permeation	0.06	0.10
Total	1.67	2.90

measurements can be used to infer vent releases. Real-time detection of equipment failures and leaks via so-called in-station diagnostics systems is based on our observed correlations between p and Q .

5.3. Diurnal fluctuations in vent emissions

Diurnal vent emissions were quite different at the two gas stations. At GS-MW, a 24-hour operation, vent emissions were high during the daytime, presumably due to PWD. Emissions ceased at night, likely because less gasoline was dispensed and fuel deliveries with relatively cool product were frequent. Evaporative losses could also have been lower at night because the cooler delivered fuel would cause slight contraction of the liquid phase with corresponding growth in the ullage volume while at the same time lowering the vapor pressure of gasoline in the UST.

At GS-NW, vent pipe releases occurred most of the time, during the daytime when fuel was dispensed (PWD) and at night when the gas station was closed. Vent releases were higher when the gas station was closed, suggesting that during the day-time Stage II vapor recovery resulted in the injection of vapors into the storage tank that were not completely equilibrated with the liquid gasoline. During night-time, the gradual equilibration of unsaturated air in the ullage of the UST with gasoline vapors could then have caused exceedance of the cracking pressure of the P/V valve and consequently vapor release. It seems counterintuitive that less nighttime emissions occurred at the gas station where fuel was dispensed. However, while fuel is being dispensed, the outgoing liquid creates additional ullage volume, and depending on excess air ingestion rate, a negative pressure could result that lowers vent pipe emissions.

Dispensing fuel to customer vehicles and the associated Stage II vapor recovery system interact with vent emissions and can even cause vent emission during PWD, because the vacuum-assist method can negatively interfere with Onboard Refueling Vapor Recovery (ORVR) installed in customer vehicles (EPA, 2004). However, Stage II vapor recovery is not obsolete. It can be used in conjunction with ORVR to minimize exposure of gas station customers and workers to benzene due to working losses (Cruz-Nunez et al., 2003), particularly when customer vehicles are not equipped with ORVR (e.g., older vehicles, boats, motorcycles) or small volume gasoline containers are refueled. Enhanced Stage II vapor recovery technology can significantly reduce vapor emissions both at the nozzle and from UST vent pipes (CARB, 2013).

5.4. Fuel deliveries and accidental vent releases

Based on observations and interpretation of time series of the tank pressure data, it is likely that the peak vent emissions (e.g., Fig. 3b) were partly due to non-compliant bulk fuel drops where the Stage I vapor recovery system either was not correctly hooked up by the delivery driver or to hardware problems with piping and/or valves. This

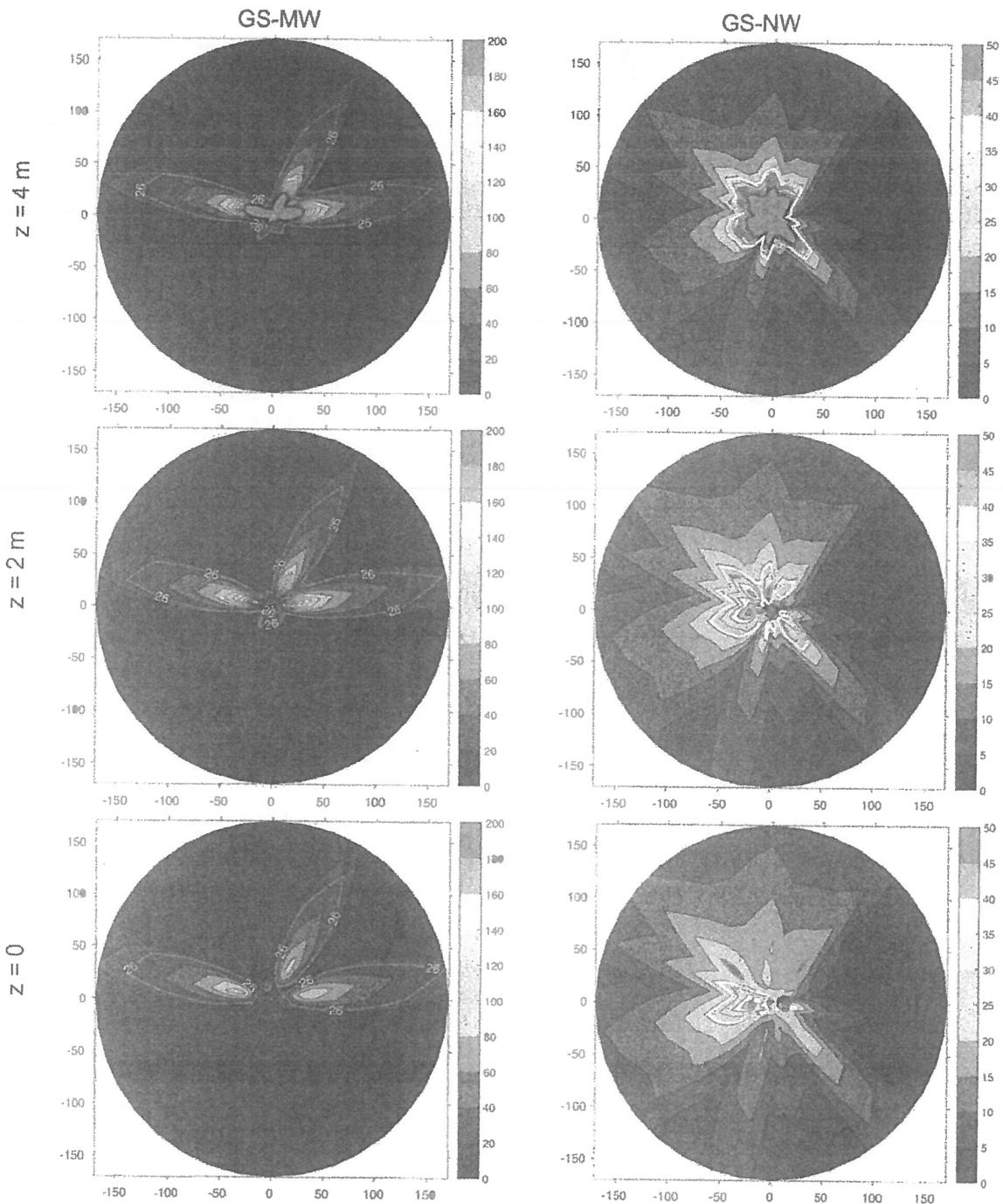


Fig. 5. Modeled maximum benzene concentrations for GS-MW and GS-NW at three different elevations z . The x - and y -axes indicate horizontal coordinates in meters. The color indicates benzene levels in units of $\mu\text{g}/\text{m}^3$. Left column: time series of benzene emission rates were used. Right column: average benzene emission rate was used in the modeling. The white isoline indicates OEHHA's acute REL of $26 \mu\text{g}/\text{m}^3 = 8 \text{ ppb}$.

conjecture is consistent with typical US storage tank volumes (~10,000 to 30,000 gal). Assuming that Phase I vapor recovery did not work at all and that 10,000 gal (~38,000 L) of fuel were delivered, the working loss (volume of gasoline vapor/air mixture released to the atmosphere through the vent pipe) is 38,000 L. It is also reasonable to assume that delivery lasted less than 1 h. According to Table 2, the maximum hourly flow rate through the vent pipe was 250 L/min at GS-MW, which would result in a maximum cumulative vapor release of 15,000 L within this hour. The measured maximum cumulative release underestimates the

assumed working loss of 38,000 L. This could be due to a fuel delivery, which involved dropping fuel from multiple compartments of a tanker truck, with the vapor return hose not being correctly hooked up for only some of the emptied compartments.

At GS-MW, UST pressure decreased after fuel delivery (causing vent emissions to cease for several hours) during the climatic conditions prevalent during the observation period, behavior not observed at GS-NW. In practice, it is possible to observe both positive and negative pressure excursions, even during the same fuel delivery (when multiple fuel

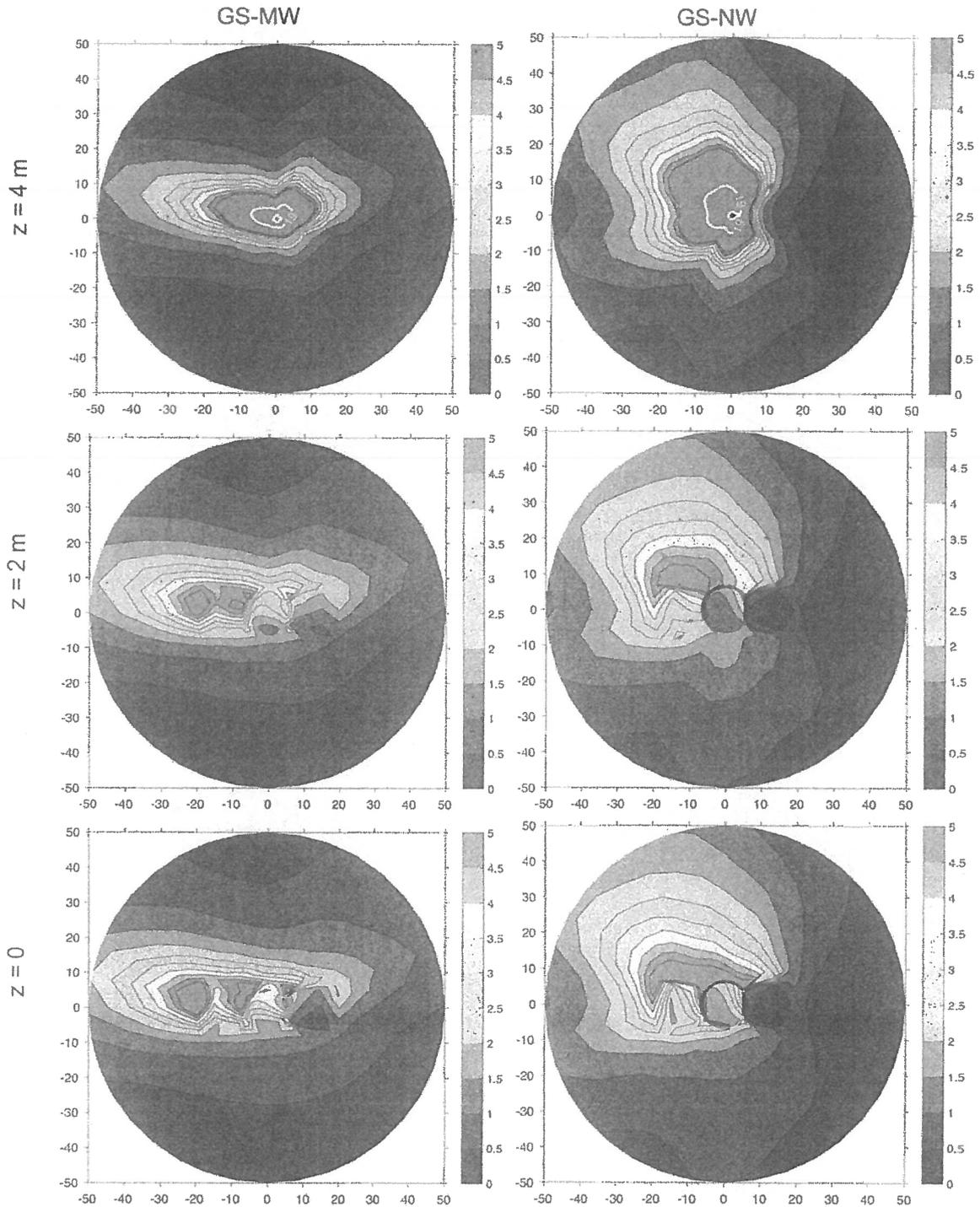


Fig. 6. Modeled average benzene concentrations for GS-MW and GS-NW at three different elevations z . The x - and y -axes indicate horizontal coordinates in meters. The color indicates benzene levels in $\mu\text{g}/\text{m}^3$ and the white isoline the MRL of $19 \mu\text{g}/\text{m}^3 = 6 \text{ ppb}$.

compartments of tanker trucks are unloaded), when Stage I vapor recovery is in place (personal observation by TT).

5.5. Exceedance of 1-hour exposure limits

AERMOD air pollution modeling suggests that at GS-MW the 1-hour acute REL was exceeded at one grid point 160 m (525 ft) from the center of the gas station once in 20 days (Fig. 5). This distance

is larger than the 300-ft (91 m) setback distance recommended by CARB for a large gasoline dispensing facility (CalEPA/CARB, 2005). Assuming the gas station's fence line is $\sim 225 \text{ ft}$ (69 m) from its center (where the vent pipe was assumed to be located), our study shows that sensitive land uses at a distance further than 300 ft from the fence line of the gas station would represent a health concern despite compliance with the CARB guidelines because of non-compliance with the acute REL.

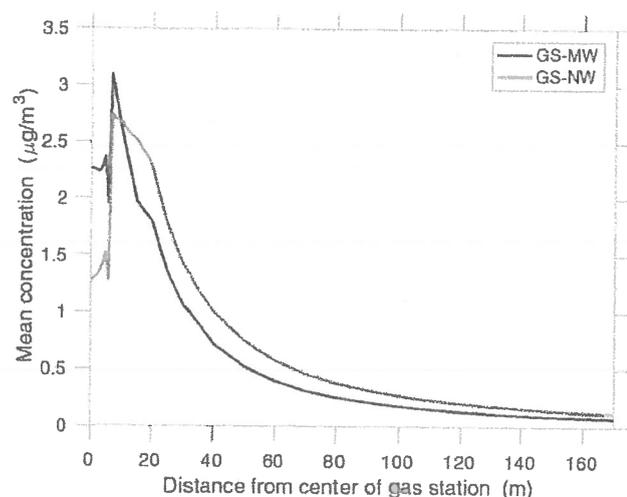


Fig. 7. Mean benzene concentrations as a function of distance from the center of the gas stations.

At any location further than 50 m from the gas station's center, the REL was exceeded at most once during the 20-day measurement campaign (Fig. SI-1a). However, exceedance occurred at several locations, and on two different days (Fig. SI-1b). E.g., at a distance of 120 m from the center, the REL was exceeded at three grid points, and the number of grid points increased with closer proximity to the gas station. This suggests that it was not just a single worst-case scenario or a single accidental vapor release that led to REL exceedance; rather exceedance may occur more frequently than is anticipated. Prevalent wind directions during the measurement campaign explained the directional patterns of exceedances (see the wind rose in Fig. SI-3a).

At GS-NW, despite its higher sales volume, the REL was exceeded only closer than 50 m from the gas station's center. However, exceedance occurred much more frequently (Fig. SI-2), likely because of the higher sales volume of GS-NW. Again, the wind rose for GS-NW (Fig. SI-3b) explains spatial patterns of REL exceedance.

None of AIHA's three ERPG levels were exceeded, meaning that individuals, except perhaps sensitive members of the public, would not have experienced more than mild, transient adverse health effects.

5.6. Average benzene levels

The initial increase in average benzene levels when moving away from the gas stations' centers (Fig. 7) is likely due to the vent emissions (at 4 m) which represent the largest benzene source, and which require a certain transport distance until they reach the 2-m level through dispersion. Further away from the gas station, benzene levels are higher for GS-NW than for GS-MW likely because of the higher sales volume of GS-NW. However, close to the center, benzene levels are higher at GS-MW. This can be attributed to the higher wind speeds at GS-NW (Table SI-1), which result in greater initial dilution of emitted pollutants in the incoming airstream and also in greater subsequent pollutant dispersion.

Modeled average benzene concentrations are generally lower ($\sim 10 \mu\text{g}/\text{m}^3$ or less) than those measured in the surroundings of gas stations, likely because our simulations do not account for traffic-related air pollution (TRAP). For instance, a study published by the Canadian petroleum industry found average benzene concentrations of 146 and 461 ppb (466 and $1473 \mu\text{g}/\text{m}^3$) at the gas station property boundary in summer and winter, respectively (Aklund, 1993), values orders of magnitudes higher than ours. A South Korean study examined outdoor and indoor benzene concentrations at numerous residences within 30 m and between 60 and 100 m of gas stations and found median outdoor benzene concentrations of 9.9 and $6.0 \mu\text{g}/\text{m}^3$, respectively (Jo &

Moon, 1999), while we simulated benzene levels on the order of $1 \mu\text{g}/\text{m}^3$ (Fig. 7). In a study on atmospheric BTEX levels in an urban area in Iran, the three highest BTEX levels were measured near gas stations (~ 150 m away); the measured benzene levels (64 ± 36 , 31 ± 28 , $52 \pm 26 \mu\text{g}/\text{m}^3$) were again much higher than ours simulated at that distance, likely due to TRAP. Our modeled average benzene levels at a distance of about 50 m are on the same order as background benzene levels of $1.0 \mu\text{g}/\text{m}^3$ that were measured in 2010 in the National Air Toxics Trend Sites (NATTS) network of 27 stations located in most major urban areas in the US (Strum & Scheffe, 2016). However, our modeled levels at a distance of 170 m were 0.07 at GS-MW and 0.12 at GS-NW, a non-negligible addition to urban background levels.

At both gas stations, the MRL was exceeded at the level of the vent pipe opening in the vicinity of the gas stations, up to 7 m away from the vent pipe at GS-MW and 8 m at GS-NW. Therefore there might be an appreciable risk of adverse noncancer health effects for individuals living at the 2nd-floor level relatively close to high-volume gas stations such as GS-MW and GS-NW.

5.7. Limitations

A limitation of our study is that data were collected only in fall and winter. Results cannot be easily extrapolated to other seasons, because vent pipe emissions are seasonally dependent, e.g., due to seasonally dependent gasoline formulations and meteorological conditions. However, modeled exceedance of the OEHHA acute REL in the winter season is already of concern, because that REL was developed for once per month or less exposures.

Another limitation is that we did not directly measure benzene levels in the vent pipe, and instead made assumptions about vapor composition that were also made in the CAPCOA study (CAPCOA, 1997) of gas station emissions. In practice it may be difficult to obtain permission from gas station owners to measure benzene levels directly.

In part because we did not want to reveal the locations of the gas stations, we did not use site-specific topography information in the air dispersion modeling and instead assumed flat terrain. While this simplification results in less accurate air pollution predictions for the two sites, using a "generic" gas station is perhaps more representative of other gas station sites, and is consistent with an approach used in a previous study (CAPCOA, 1997).

Finally, our study did not predict benzene levels in indoor environments. Even though indoor air pollution levels may substantially differ from outdoor levels due to indoor sources (e.g., smoking, photocopying) (El-Hashemy & Ali, 2018), our study can still inform exposure levels in indoor environments as outdoor sources may be the main contributors to indoor air pollution, e.g., in buildings situated in urban areas and close to industrial zones or streets with heavy traffic (Jones, 1999). This is relevant to workers and customers in C-stores or other fast-food/gasoline station combination facilities.

6. Conclusions

Our study is to the best of our knowledge the first one to (1) report hourly vent emission data for gasoline storage tanks in the peer-reviewed literature and (2) use these data in hourly simulations of atmospheric benzene vapor transport. This allowed us to examine potential exceedance of short-term exposure limits for benzene. Prior studies including CAPCOA's (CAPCOA, 1997) could not do so as average emission rates were used (only meteorological data was used at an hourly resolution).

Our findings support the need to revisit setback distances for gas stations, which are based on >2-decade old estimates of vent emissions (Aerovironment, 1994). Also, CARB setback distances are based on a binary decision, related to whether the gasoline sales volume V_{sales} is >3.6 million gal per year. Our data support, however, that setback

distances should be a continuous function of sales volume V_{sales} and also include the type of controls installed at the facility. Setback distances should also address health outcomes other than cancer. OEHHA's acute REL for benzene could be used to inform setback distances as it accounts for non-cancer adverse health effects of benzene and its metabolites (Budroe, 2014). ATSDR's MRL could also be considered since it is a health-based limit.

We note that CARB recommended their setback distances in 2005, presumably assuming pollution prevention technology yielding a 90% reduction in benzene emissions (CalEPA/CARB, 2005). Since then, CARB further promoted use of second-generation vapor recovery technology (Enhanced Vapor Recovery, EVR) to reduce emissions further. EVR includes technology that is supposed to prevent fuel vapors in overpressurized tanks from being expelled into the atmosphere (CARB, 2017). To that end, "bladder tanks" have been proposed, into which the gasoline vapor/air mixture is directed as the pressure in the combined ullage space of the storage tank increases, and from which the mixture is redirected into the fuel storage tanks if the ullage pressure becomes negative (when fuel is dispensed). The challenge with such a system is to ensure that the bladder tank capacity is not exceeded by the fuel evaporation rate. Alternatively, fuel vapor release can be reduced by processing the fuel/air mixture through either a semi-permeable membrane which selectively exhausts clean air and returns enriched fuel vapor (Semenova, 2004) or an activated carbon filter which adsorbs hydrocarbons (and water vapor) and exhausts air into the atmosphere, or by combusting the fuel/air mixture which would otherwise be released through the P/V valve. Therefore, current CARB setback distances might be adequate for gas stations in California but less so for the other 49 US states, and other countries—depending on pollution prevention technology requirements.

The larger areal extent of modeled REL exceedance at GS-MW is due to "accidental" releases of gasoline vapors. Even though regulations appear generally not to be driven by accidental releases, at GS-NW such releases likely led on two different days to REL exceedances at distances beyond CARB's recommended setback distances. Policies should address accidental fuel vapor releases that depending on pollution prevention technology (here Stage I vapor recovery) and its proper functioning can occur on a frequent basis (twice at GS-MW within about three weeks).

In future work, potential exceedance of other shorter-term exposure limits should be examined, e.g., the 15-minute short-term exposure limits (STELs) and the 8-hour time-weighted averages (TWAs) used for occupational exposures.

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Competing financial interest declaration

TT directs a company (ARID), which develops technologies for reducing fuel emissions from gasoline-handling operations. AMR, BAM and MH have no conflicts of interests to declare.

Appendix A. Supplementary data

Supplementary data to this article can be found online at <https://doi.org/10.1016/j.scitotenv.2018.09.303>.

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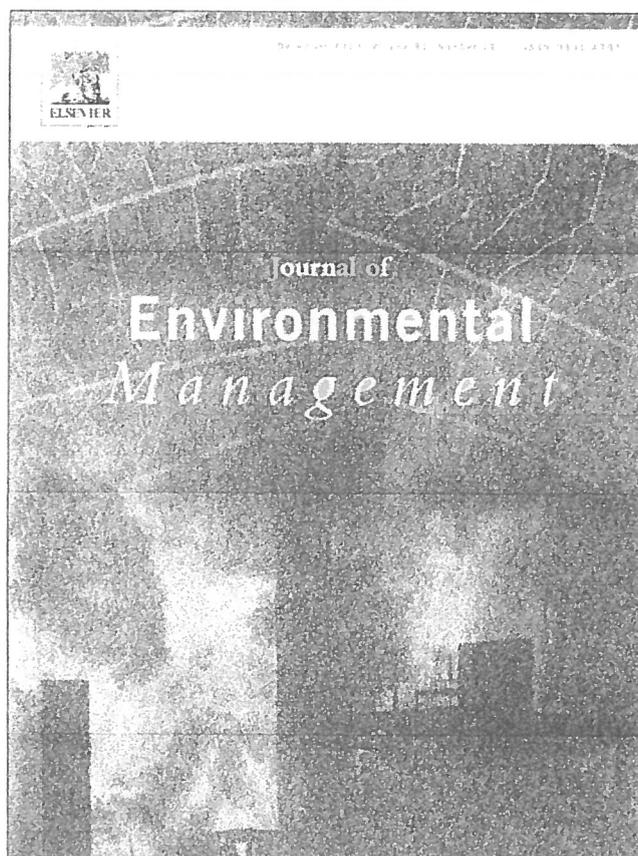
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Assessing the impact of petrol stations on their immediate surroundings

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Aromatic/aliphatic concentration ratio

ABSTRACT

This paper describes a novel methodology for evaluating the extent to which petrol stations affect their surroundings. The method is based on the fact that the ratio of the concentrations of aliphatic and aromatic hydrocarbon pollutants in the air of the petrol stations and their surroundings (basically determined by vapor emissions from unburned gasoline) differs from the ratio found in urban air, which is mainly influenced by traffic emissions. Bearing this in mind, the spatial limit of influence of petrol stations in any direction would be the first point, moving away from the station, where the ratio becomes equal to the urban background ratio. Application of the methodology involves multipoint measuring campaigns of the air at the studied petrol station and built-up area in general and processing the data with software capable of providing isoconcentration contours. The procedure should help local authorities in terms of land management, so that a "belt" can be established around petrol stations where housing or vulnerable populations and activities such as those in schools, hospitals and community centers should be restricted.

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1. Introduction

Volatile organic compounds (VOCs) belong to a very heterogeneous group of chemicals characterized by their relatively high vapor pressures. Exposure to these compounds can bring about a variety of adverse health effects, including asthma, headaches, mucosal symptoms (Steinemann, 2008) and, in some cases (e.g. benzene), an increased risk of cancer (Ott et al., 1978; Lynge et al., 1997). In Europe, the only legally regulated VOC as regards air quality is benzene (Directives 2000/69/EC and 2008/50/EC). The indirect effects of VOCs on health are related to their role as precursors of ozone and other photochemical pollutants.

In urban areas, the main source of VOCs is usually traffic. Additional sources are petrol stations and small-scale industries (paint, adhesives, etc.) which use organic compounds as solvents. Petrol stations as emission sources of VOCs have been the subject of considerable study, a particular interest being those related to the design and evaluation of control systems in an attempt to diminish emissions (Uren, 1997; Ohlrogge et al., 2000), those related to their effects on workers (Brugnone et al., 1997; Periago and Prado, 2005) and environmental studies to evaluate associated air quality

(Gonzalez-Flesca et al., 2002; Palmgren et al., 2001; Srivastava et al., 2005; Fernández-Villarrenaga et al., 2005).

Although Spanish petrol stations were traditionally located in largely uninhabited areas, the continuous urban growth experienced by Spain in recent years has resulted in many petrol stations being built within urban areas surrounded by buildings. This situation has led to controversy between the citizens whose houses are close to the petrol stations and the authorities responsible for land management. However, few methods permit us to establish the impact of these petrol stations on the surrounding environment, the work carried out by Karakitsios et al. (2007) in this respect being a notable exception. These authors concluded that petrol stations make a significant contribution to ambient benzene concentration in their vicinity. They calculated this contribution by comparing the background concentration, measured by passive samplers, to the contribution of the roads, estimated with both COPERT and CALINE4 models. However, the use of dispersion models is always affected by considerable uncertainty.

In this paper, an alternative methodology is described for use as a land management tool by responsible authorities. The methodology is based on the fact, which we demonstrate in this study, that the ratio of the concentrations of aliphatic and aromatic hydrocarbon pollutants in the air in the vicinity of petrol stations differs from that found in "normal" urban air. The point of using concentration ratios is that they eliminate from the analysis

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a number of local factors (e.g. wind speed) which affect absolute concentrations and which are impossible to take into account (Gelecsér et al., 1997).

2. Experimental section

2.1. Location

The study was carried out in the city of Murcia, located in the south-east of the Iberian Peninsula, which is characterized by very low annual rainfall (around 375 l/m²), annual average temperature of 18 °C and extreme temperatures of 40–45 °C in summer and –2–0 °C in winter.

The air of the urban surface of the city, around 465 hm², was the subject of the study with regard to VOC concentrations together with that of a petrol station known as "La Fica". This petrol station is located on the east side of the city and is Stage I implemented, that is, it uses vapor recovery devices to return the VOC-saturated volume of air displaced from the storage tank being filled to the tank being emptied (Gonzalez-Flesca et al., 2002). It has four pumps for gasoline and diesel and one for motorbikes. The N and S approaches to the petrol station are unhindered due to the presence of a 30 m-wide road. A single low building is situated east of the station and has no more construction behind it. On the other

side of the road (west of the station) stand several 3-storey blocks. This explains why this particular petrol station was chosen: the west area is inside the built-up area of the city, whereas the east is practically undeveloped (Fig. 1).

2.2. Sampling

As the traffic conditions in the city are not the same throughout the week, working days (from Monday 08.00 h to Friday 22.00 h) were distinguished from weekends (Friday 22.00 h to Monday 08.00 h). This study was carried out in two different Monday-to-Friday campaigns (from 26/05/08 to 30/05/08, and from 16/06/08 to 20/06/08) with a total exposure time in each campaign of 110 h.

One-hundred-and-five Radiello[®] passive samplers (RAD130 Cartridge Adsorbent and RAD120 Diffusive Bodie, Sigma Aldrich, Inc., St. Louis, Missouri (US)) were used to measure VOCs in the urban area. Information about sampler deployment throughout the city and quality control can be found in González Ferradás et al., 2010. The present study forms part of a larger one aimed at evaluating different aspects related to the influence of VOCs in Murcia (e.g., the best locations for siting air monitoring stations to measure benzene (González Ferradás et al., 2010)), which explains the great number of measuring points chosen. Therefore, fewer samplers can be used to reduce cost and time in future studies.

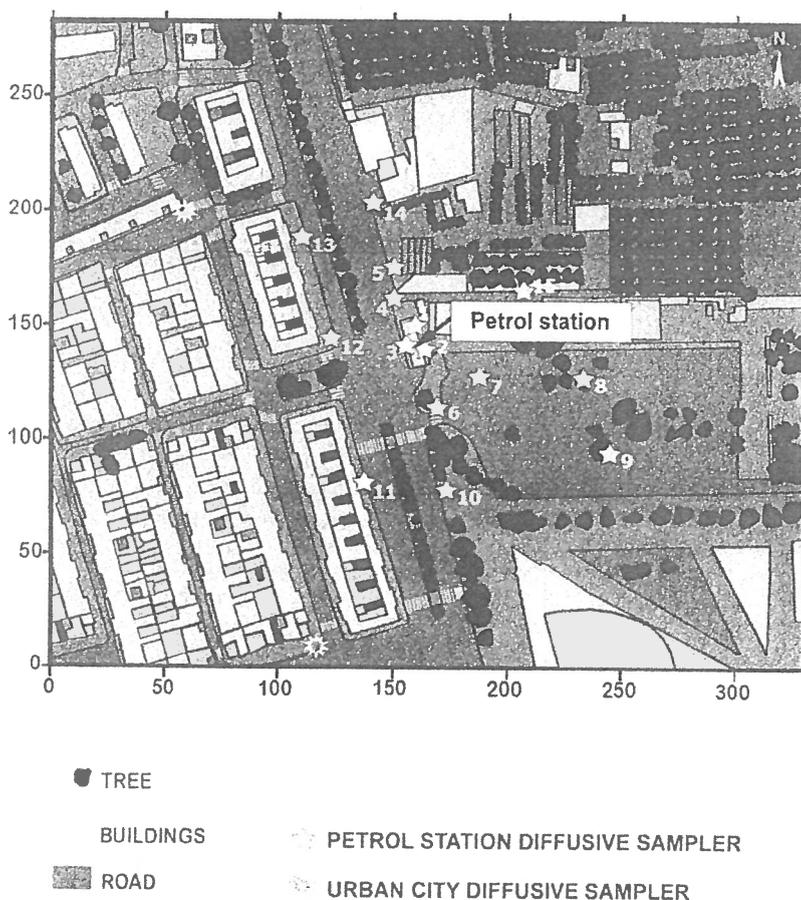


Fig. 1. Location of the passive samplers inside and around the petrol station "La Fica". (2 passive samplers from the 105 passive samplers used in the urban sampling are also shown). (Distances in meters).

With regard to the measurements in the petrol station, fifteen Radiello® passive samplers (apart from the 105 passive samplers used in the city area) were set up in the vicinity, three of them within the petrol station itself, close to the pumps, and the rest were set up to achieve a maximum radial layout of 100 m. The final location was determined by the availability of fastening places. The distribution of the passive samplers around the petrol station can be seen in Fig. 1.

Temperature, wind speed and wind direction were measured hourly during the two sampling campaigns at an air quality monitoring station located near the petrol station. Temperature was measured with a PT100 Hygroclip S3 sensor (Rotronic Instruments Ltd, Crawley, West Sussex (UK)) and wind speed and direction with a Young 03002 anemometer (R.M. Young Company, Traverse City, Michigan (US)).

2.3. Analysis and concentration calculations

Benzene, n-hexane and cyclohexane were the VOCs chosen for analysis during the two different Monday-to-Friday campaigns as these compounds are representative of aromatics, paraffins and cyclic paraffin hydrocarbons, respectively. Hydrocarbon desorption from the active charcoal in the passive samplers was carried out using carbon disulfide. Further details regarding solvent desorption can be found in González Ferradás et al., 2010. A gas chromatograph (HP 6890, Agilent Technologies, Inc., Santa Clara, California (US)) equipped with a flame ionization detector and a semi-capillary DB-5 column (J&W Scientific; 50 m long and 0.32 mm i.d.; film thickness 1 µm; Agilent Technologies, Inc., Santa Clara, California (US)) was used for quantitation. The oven temperature was programmed from 50 °C (0 min) at 10 °C/min to 80 °C (10 min) and at 10 °C/min to 200 °C (10 min). The injector and detector temperatures were 250 and 350 °C, respectively, and the flow rate of the carrier gas (N₂) was 40 ml/min. Operational procedures (sampler set up and recovery, desorption and analysis of VOCs) were developed in order to assure comparable results.

Once the mass of each hydrocarbon was known, m_i , the concentration, C_i , was calculated using the following equation: $C_i = m_i / (SR_i \cdot t)$, where SR_i is the sampling rate of the Radiello diffusive sampler for the i -component (8.0×10^{-5} m³/min for benzene, 6.6×10^{-5} m³/min for n-hexane and 5.4×10^{-5} m³/min for cyclohexane), obtained from Fondazione Salvatore Maugeri (2008), and t is the exposure time.

3. Data treatment

First of all, linear correlations between the different measured hydrocarbons in each campaign were noted. Unusual observations were detected with the help of Minitab 13.0 (Minitab Inc., State College, Pennsylvania (US)). Minitab is a statistical software package which includes, among others, modules for general univariate statistics, multivariate statistics, time series analysis and non-parametric statistics. We used the regression option to obtain regression equations, the Pearson coefficients, and unusual observations. We could distinguish two types of atypical points; points that were atypical for all of the pollutants (a behaviour that was observed in only one campaign) were omitted because they were probably due to analytical mistakes, whereas points that were atypical for just one or some of the pollutants or which showed atypical behaviour in more than one campaign were not removed because a source other than traffic could have existed. The percentage of points removed was around 5% in the urban sampling whereas no data from the vicinity of the petrol station was eliminated. After that, a statistical analysis with SPSS 15.0 (SPSS Inc., Chicago, Illinois (US)) was carried out to determine the frequency

distributions of pollutant concentrations. These concentrations showed a lognormal behaviour whereas pollutant ratios followed normal distributions for a 95% confidence level.

From the comparison of the measurements in the city and in the petrol station, a methodology for evaluating the influence of petrol stations on their vicinity was determined. The methodology was based on the fact that the ratio of certain VOCs differs in the general ambient air of the city from that in the air of petrol stations. For each pair of hydrocarbon concentration ratios, the following parameters were calculated: $URB(N)$, defined as the average value in the urban area of the N ratios (~ 105) obtained for each pair of contaminants, and $PS(3)$, defined as the average value of the 3 ratios obtained for each pair of contaminants within the petrol station. For instance, $URB(N)$ and $PS(3)$ for the quotient of benzene and n-hexane were calculated with equations (1) and (2), respectively.

$$(Benz/nHex)_{URB(N)} = \frac{\sum_{i=1}^N (Benz/nHex)_i}{N} \quad (1)$$

$$(Benz/nHex)_{PS(3)} = \frac{\sum_{i=1}^3 (Benz/nHex)_i}{3} \quad (2)$$

For each average ratio of pollutants, the relative difference between that found in the urban area and that found in the petrol station, D , was calculated, taking as the reference the lower value of each pair which coincided with that found in the urban area, equation (3).

$$D = \frac{\left[\left((Benz/nHex)_{PS(3)} - (Benz/nHex)_{URB(N)} \right) \right]}{(Benz/nHex)_{URB(N)}} \times 100 \quad (3)$$

The next step was to draw the isoconcentration curves of the two hydrocarbons with the highest relative difference in ratios, radiating from the petrol station by means of suitable software, in this case SURFER 8.0 (Golden Software Inc., Golden, Colorado (US)), and using as inputs the concentration data of the passive samplers located inside (3 points) and around the petrol station (12 points). It was also necessary to include some background concentrations taken from the urban monitors. These graphs permit us to obtain the concentration values of each selected pollutant at different distances from the petrol station in each primary direction (N, S, E and W). The extent of the influence of the petrol station is taken as the first point in each direction moving away from the station where the ratio becomes equal to the urban background ratio.

4. Results and discussion

4.1. Meteorological data

The average temperature during each campaign was 19.7 and 23 °C, respectively. With regard to wind speed, the average value for the first campaign was 1.8 m/s, whereas in the second campaign an average value of 1.5 m/s was found. In both campaigns, similar wind behaviour was observed. The main wind direction was NE-ESE during 30% and 40% of the time of the first and second campaign, respectively. When wind speed was <3 m/s no prevalent direction was shown in any case.

4.2. Concentration data in the city

Statistical analysis of the distribution of the concentration data by Kolmogorov–Smirnov and Shapiro–Wilks tests showed that spatial concentrations in the area of the petrol station and the

urban city could be fitted to lognormal distributions for a significance level of 0.05. Ratios of concentrations also passed the normality tests with the same level of significance. The average values of the concentration logarithms for n-hexane, benzene and cyclohexane (and their standard deviations in parenthesis) were 0.581 (0.179), 0.519 (0.195) and 0.491 (0.193) for the first sampling campaign and 0.547 (0.184), 0.493 (0.203) and 0.554 (0.210) for the second one, respectively. Analysis of variance showed that there were no significant statistical differences in the results obtained in the urban area from the first to the second campaign at a 95% confidence level.

A significant result found was the very good linear correlation ($R^2 > 0.9$) between the different pairs of pollutants in the city. Taking benzene as a reference, the Pearson correlation coefficients obtained for n-hexane and cyclohexane versus benzene were 0.946 and 0.954, respectively, for the first campaign, and 0.970 and 0.928, for the second campaign, after eliminating unusual observations (around 5%) by means of Minitab 13.0 as explained in Section 3. In Fig. 2, the relationship between n-hexane and benzene in the urban area (solid lines) can be observed for the two campaigns. Similar graphs were obtained for cyclohexane and benzene. From the examination of Fig. 2, the following aspects can be concluded:

1. The concentrations of benzene and n-hexane in Murcia (far away from other sources such as petrol stations) are mainly from traffic emissions as there is a clear linear trend, shown in Fig. 2 by means of solid lines. Any point located outside this general trend is indicative of an emission source other than traffic, which is the case of the concentrations found inside the petrol station, linked by dotted lines.
2. Uncertainty calculation of the slopes of the solid lines in Fig. 2 showed that the slight differences found in them are inside the variability of the slopes for a confidence interval of 95%. Nevertheless, it could happen that there were significant differences from one campaign to another as petrol and diesel composition is not constant over time. Meteorology, traffic density and architectural elements do not influence the ratio but they can proportionally affect the concentration changes of both compounds in air. In this sense, the more traffic there is, the higher the concentrations of n-hexane and benzene will be, however, the ratio, as seen in Fig. 2, remains constant.
3. Taking into account the two previous points, the air in the city of Murcia and in other similar cities in relation to emission patterns, i.e. with no important emission sources other than traffic, can be defined by means of straight lines that link the concentrations of two organic compounds emitted by traffic.

4.3. Calculating the impact of petrol stations

N-hexane, benzene and cyclohexane concentrations measured in and around the petrol stations are shown in Table 1. F1–F15 are the codes of the diffusive samplers. F1–F3 were located inside the petrol station and the rest of them outside as explained in Section 2.2. The higher concentrations obtained in F1–F3 in the second campaign are probably due to the higher ambient temperature registered in the latter campaign. They could also be due to a greater activity in the petrol station during the second campaign but, unfortunately, we have no information on the petrol and diesel dispensed during the sampling periods.

As can be seen in Table 1, the lowest concentrations are found in E direction. There are several reasons for this. The first is that no other anthropogenic emissions are present in this direction whereas in all other directions the influence of the road is clearer. The presence of buildings also hinders pollutant dispersion favouring higher concentrations between them and the petrol station. Finally, the wind blowing from NE-ESE favours a higher impact of pollutants from the petrol station in WSW-SW directions.

It can be checked from Fig. 2 that the concentrations of n-hexane and benzene measured at the petrol station (3 sites) do not follow the same behavior (dashed lines) as the points in the city located a distance away. In Fig. 2b, point F3 is not shown because of its high concentrations, but it was taken into account in the linear regression. These high concentrations were probably due to a greater proximity of the corresponding sampler to an emission source (tanks, pumps) together with a possibly higher amount of petrol/diesel sold in that campaign and higher temperatures.

From the above, it can be concluded that the air at the petrol station does not have the same proportion of VOCs as the general city air. Presumably, there is an area close to the petrol station where the VOC concentrations are influenced by both the petrol station and traffic. As we go further from this area, the VOC concentrations are closer to that found in the general air. The closest places to the petrol station, in each direction, where the ratio becomes equal to the background one delimit the area which is influenced by the petrol station.

Following the methodology described in Section 3, the best pair of pollutants was n-hexane and benzene in the two campaigns, as their ratio had the highest relative difference between the petrol station and the rest of the city. The differences for each campaign are shown in Table 2.

In both cases, the highest deviations were obtained when comparing n-hexane (non-aromatic hydrocarbon) with benzene (aromatic), while aliphatic–aliphatic comparisons, and presumably, aromatic–aromatic comparisons, showed lower deviations.

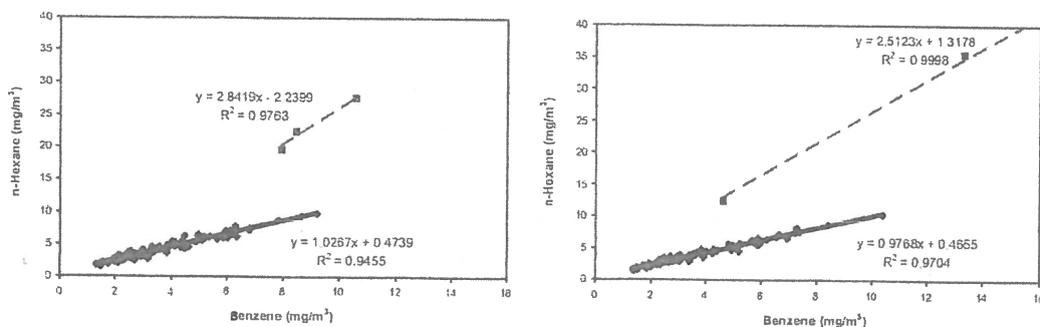


Fig. 2. N-hexane vs benzene concentrations in the city (solid lines) and in the petrol station (dashed lines). (a) First sampling campaign; (b) second sampling campaign.

Table 1

N-hexane, benzene and cyclohexane concentrations ($\mu\text{g}/\text{m}^3$) measured with the 15 passive samplers in and around the petrol station. F1–F3 were located inside the petrol station. F4–F15 were deployed to achieve a maximum radial layout of 100 m. Their orientation respect to the petrol station is also indicated.

Passive sampler code	Orientation	1st Campaign			2nd Campaign		
		n-hexane	benzene	cyclohexane	n-hexane	benzene	cyclohexane
1	Centre	19.7	7.91	14.9	12.4	4.61	11.1
2	Centre	22.4	8.44	15.9	35.5	13.3	31.9
3	Centre	27.7	10.6	21.2	94.8	37.3	100.2
4	N	9.63	4.69	6.51	19.6	8.60	21.9
5	N	7.92	3.84	5.76	8.69	4.14	8.56
6	S	2.03	1.72	1.66	2.24	1.81	2.19
7	SE	2.21	1.88	1.88	2.21	1.64	2.83
8	ESE	1.77	1.46	1.40	2.08	1.27	1.86
9	SE	1.53	1.38	0.98	1.69	1.36	1.82
10	S	2.29	2.18	2.22	2.26	1.99	3.08
11	SSW	5.45	4.82	4.49	5.84	5.33	6.48
12	W	4.96	4.84	4.44	6.91	5.59	6.43
13	NNW	3.71	3.65	3.02	6.00	4.61	6.29
14	N	5.32	4.19	3.55	6.05	4.22	5.99
15	ENE	1.88	1.36	1.39	1.36	1.16	2.34

This can be attributed to the thermal stability of these compounds during the combustion process. Aliphatic compounds are more easily burned than aromatic compounds, which meant that aliphatic/aromatic concentration ratios were significantly lower in the city air than in the petrol station, where the air was mainly characterized by unburned gasoline vapours. These findings were corroborated by their autoignition temperatures, being 498, 260 and 240 °C for benzene, cyclohexane and n-hexane, respectively (INSHT, 2003).

Selected pollutant (n-hexane and benzene) isoconcentration curves for each campaign were obtained by means of SURFER 8.0, selecting a multiquadric interpolation (Figs. 3 and 4, respectively), using as inputs the concentration data of the 15 passive samplers located inside and in the vicinity of the petrol station (Fig. 1). Only one point representative of the petrol station was used, obtained from the average concentration of the three passive samplers located inside the station. It was also important to use as input several concentration values typical of the urban air to set the background concentrations of the city relatively close to the petrol station. Finally, using the grid node editor tool of the above-mentioned software, concentrations of the selected compounds were obtained at different distances from the centre of the petrol station, in each geographical direction, so that the ratio of n-hexane/benzene could be calculated at different distances from the petrol station.

The relationship between the n-hexane/benzene ratio and the distance from the petrol station for each campaign is represented in Fig. 5. The horizontal solid line represents the average n-hexane/benzene ratio obtained in the city during each campaign. The 95% confidence interval of this average is shown as dashed lines. The distances in each direction at which the ratios start having similar values to that found in ambient air, that is, when the ratios are inside the 95% confidence interval of the typical urban air ratios, delimit the area influenced by the petrol station.

As shown in Fig. 5, the further we go from the petrol station the concentration ratio gets closer to that found in city air, which is mainly characterized by traffic emissions. From Fig. 5, the impact of the petrol station in each direction can be calculated as the point where the n-hexane/benzene ratio falls within the region of the 95% confidence interval of the urban average ratio. Table 3, summarizes the distances obtained in both campaigns.

A comparison of the distances obtained in both campaigns shows a higher influence of the petrol station in the second campaign probably due to the higher temperatures registered in the latter campaign. Although emissions from vehicle traffic have an evaporative loss contribution (around 10%), motor vehicle exhaust represents the main source of the total VOC on-road emission rate (around 90%) (Doskey et al., 1999; Olson et al., 2009). High temperatures favour evaporation losses in both locations – urban city and petrol station – but they are likely to be more noticeable in the air around the petrol station as they represent the main emission source. Anyway, the distances were similar in both campaigns and, in all cases, below or equal to 75 m.

It is also worth noting that, in both sampling campaigns, the most affected directions were N and E, whereas the less affected direction was W. This can be explained by the following: The petrol station is located in the limit of the urban perimeter. An NNW-SSE heavy traffic road splits the area into two: one with a considerably high level of traffic (West half) and one largely uninhabited (East half). The higher the traffic near the petrol station, the higher the concentrations of pollutants coming from it and, consequently, the ratio of any pair of aromatic and paraffinic hydrocarbons will be more representative of traffic than of the petrol station, that is, the emissions coming from the petrol station will be more and more insignificant as other emission sources become more important. Also, the presence of buildings in the W direction acts as a barrier against the pollution coming from the petrol station and the main road. This implies that the distance

Table 2

Average concentration ratios in the urban area, URB (N) and inside the petrol station "La Fica", PS(3), and relative differences, D, for the two sampling campaigns.

	1st Campaign			2nd Campaign		
	n-Hex/Benz	n-Hex/Cyclohex	Cyclohex/Benz	n-Hex/Benz	n-Hex/Cyclohex	Cyclohex/Benz
URB(N)	1.16	1.23	0.95	1.10	0.96	1.14
PS(3)	2.59	1.34	1.93	2.63	1.06	2.49
D, %	123	8.94	103	139	10.4	118

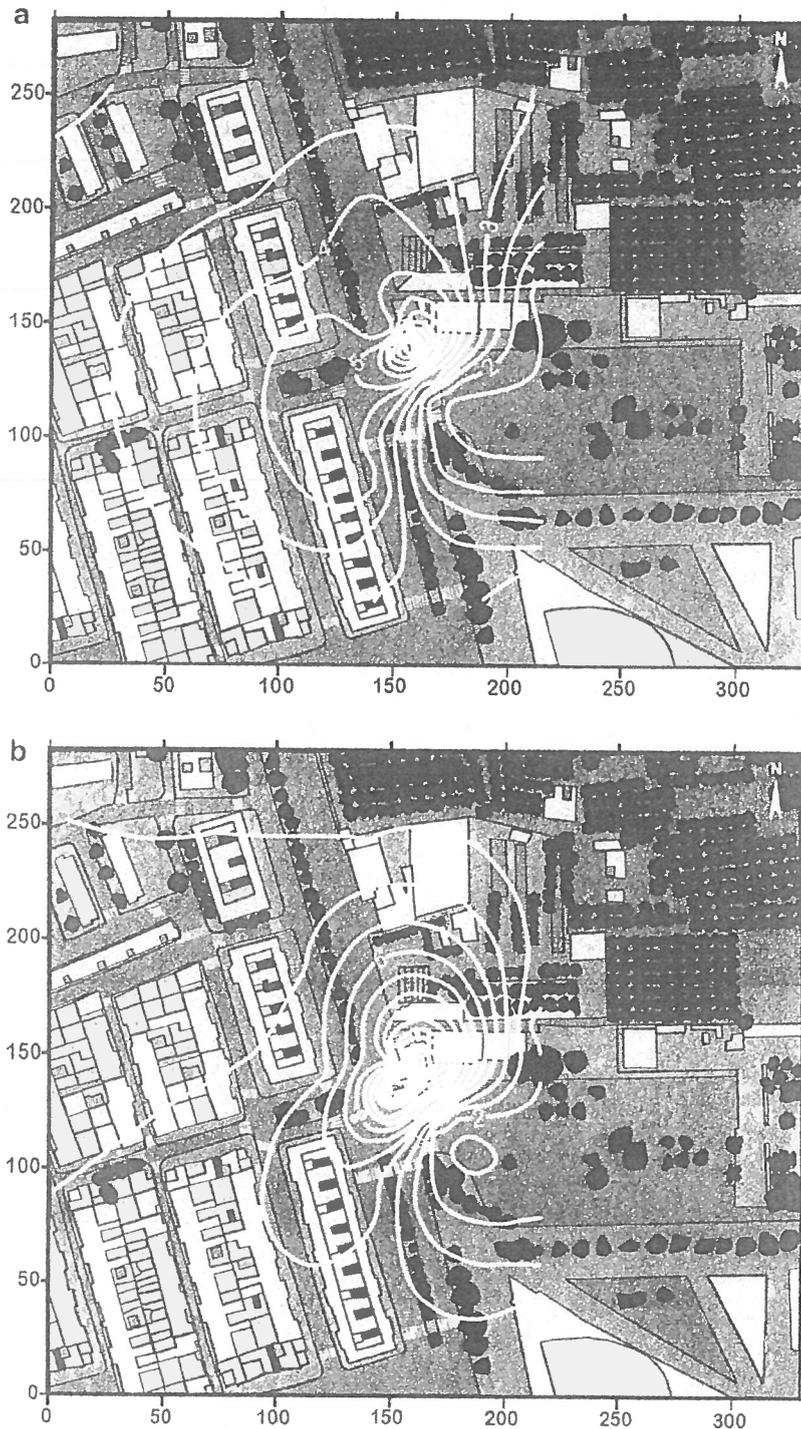


Fig. 3. Isoconcentration curves ($\mu\text{g}/\text{m}^3$) of (a) benzene and (b) n-hexane in the first sampling campaign (Distances of the axis in meters).

between the buildings and the petrol station is likely to be the maximum influence distance in this direction as, behind them, concentrations are very close to the city background ones. These results highlight the fact that the influence of petrol stations

depends on the characteristics of the surrounding area (mainly traffic density), thus we can establish that their spatial influences are relative. However, the special location of the studied petrol station, the time of year the samples were taken and the results

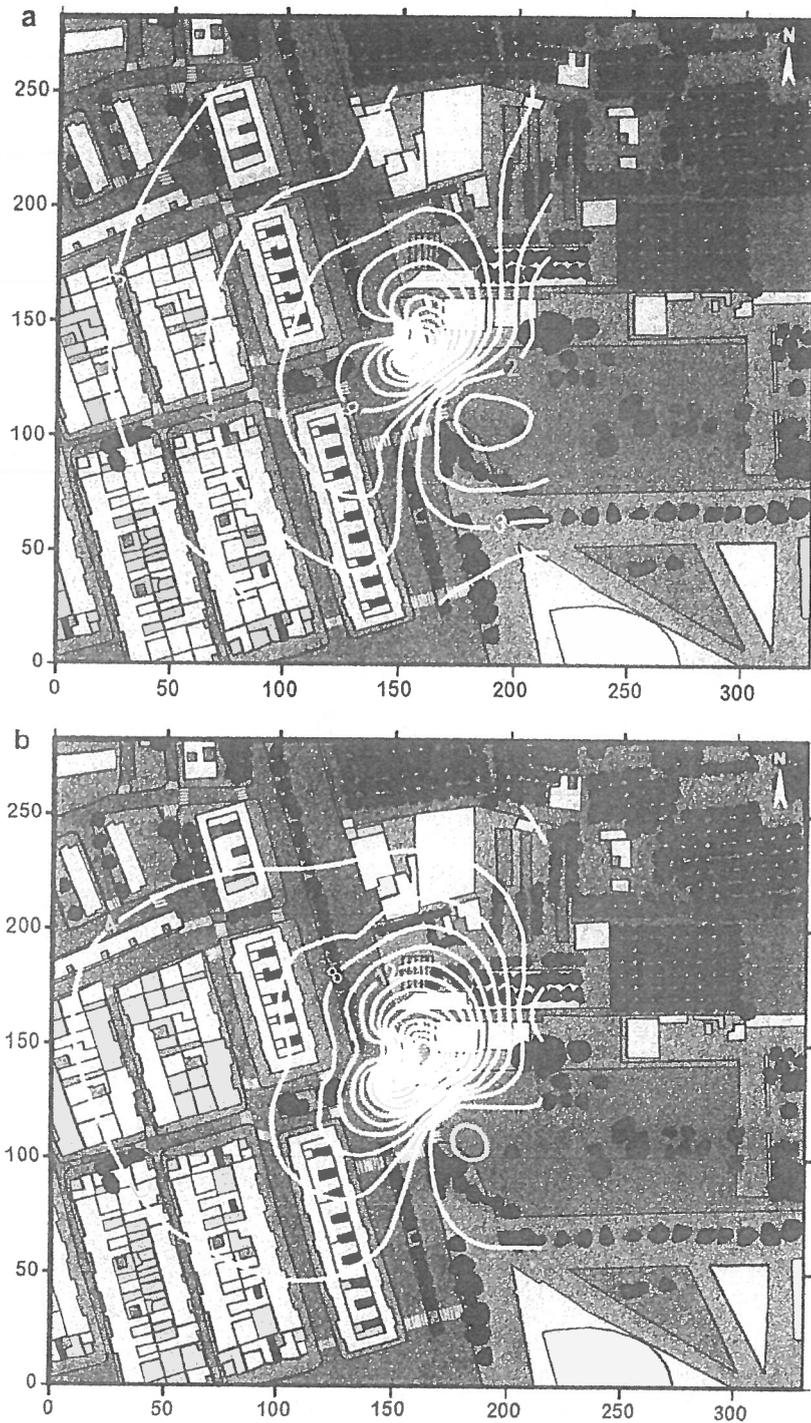


Fig. 4. Isoconcentration curves ($\mu\text{g}/\text{m}^3$) of (a) benzene and (b) n-hexane in the second sampling campaign. (Distances of the axis in meters).

obtained suggest that the impact of small and medium sized petrol stations will be, approximately, within a 100 m radius. Nevertheless, it would be advisable to apply this methodology in any case in order to establish with more precision the impact of

petrol stations on their environment in order to carry out more efficient land management. It would be also interesting to carry out indoor samplings in the buildings close to the petrol station to estimate resident exposure.

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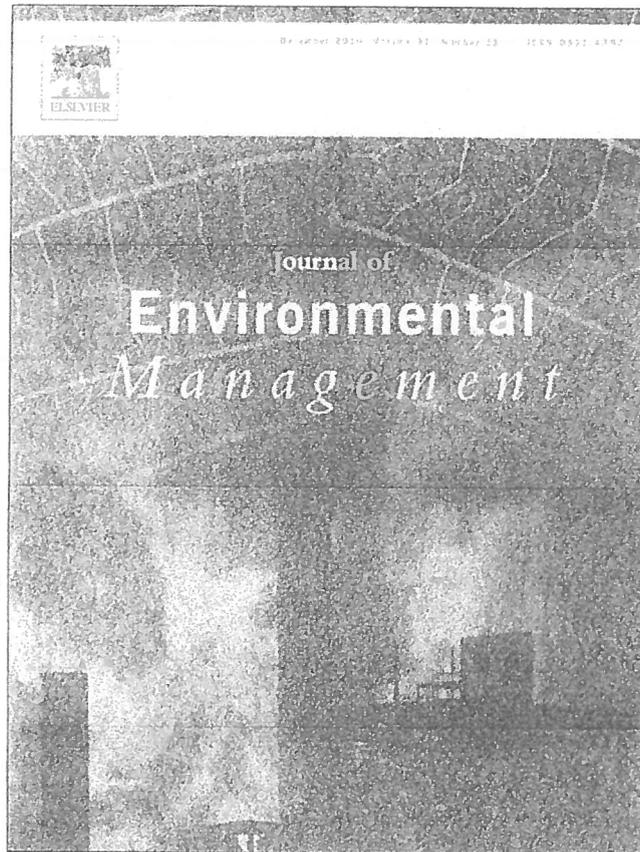
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Assessing the impact of petrol stations on their immediate surroundings

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1. Introduction

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2. Experimental section

2.1. Location

The study was carried out in the city of Murcia, located in the south-east of the Iberian Peninsula, which is characterized by very low annual rainfall (around 375 l/m²), annual average temperature of 18 °C and extreme temperatures of 40–45 °C in summer and –2–0 °C in winter.

The air of the urban surface of the city, around 465 hm², was the subject of the study with regard to VOC concentrations together with that of a petrol station known as “La Fica”. This petrol station is located on the east side of the city and is Stage I implemented, that is, it uses vapor recovery devices to return the VOC-saturated volume of air displaced from the storage tank being filled to the tank being emptied (Gonzalez-Flesca et al., 2002). It has four pumps for gasoline and diesel and one for motorbikes. The N and S approaches to the petrol station are unhindered due to the presence of a 30 m-wide road. A single low building is situated east of the station and has no more construction behind it. On the other

side of the road (west of the station) stand several 3-storey blocks. This explains why this particular petrol station was chosen: the west area is inside the built-up area of the city, whereas the east is practically undeveloped (Fig. 1).

2.2. Sampling

As the traffic conditions in the city are not the same throughout the week, working days (from Monday 08.00 h to Friday 22.00 h) were distinguished from weekends (Friday 22.00 h to Monday 08.00 h). This study was carried out in two different Monday-to-Friday campaigns (from 26/05/08 to 30/05/08, and from 16/06/08 to 20/06/08) with a total exposure time in each campaign of 110 h.

One-hundred-and-five Radiello[®] passive samplers (RAD130 Cartridge Adsorbent and RAD120 Diffusive Bodie, Sigma Aldrich, Inc., St. Louis, Missouri (US)) were used to measure VOCs in the urban area. Information about sampler deployment throughout the city and quality control can be found in González Ferradás et al., 2010. The present study forms part of a larger one aimed at evaluating different aspects related to the influence of VOCs in Murcia (e.g. the best locations for siting air monitoring stations to measure benzene (González Ferradás et al., 2010)), which explains the great number of measuring points chosen. Therefore, fewer samplers can be used to reduce cost and time in future studies.

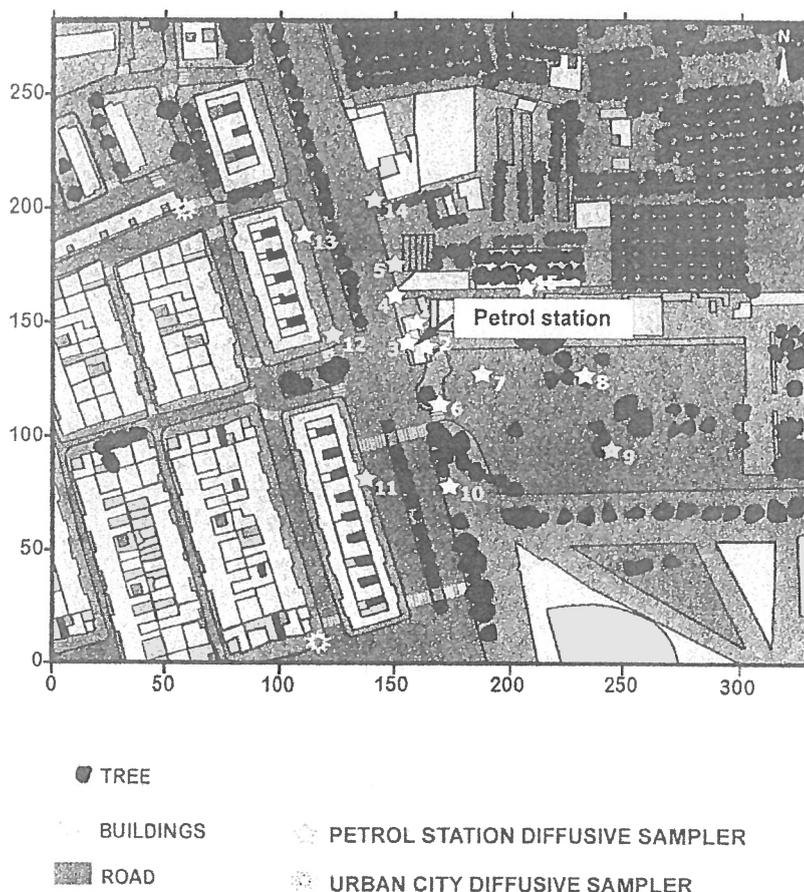


Fig. 1. Location of the passive samplers inside and around the petrol station “La Fica”. (2 passive samplers from the 105 passive samplers used in the urban sampling are also shown). (Distances in meters).

With regard to the measurements in the petrol station, fifteen Radiello® passive samplers (apart from the 105 passive samplers used in the city area) were set up in the vicinity, three of them within the petrol station itself, close to the pumps, and the rest were set up to achieve a maximum radial layout of 100 m. The final location was determined by the availability of fastening places. The distribution of the passive samplers around the petrol station can be seen in Fig. 1.

Temperature, wind speed and wind direction were measured hourly during the two sampling campaigns at an air quality monitoring station located near the petrol station. Temperature was measured with a PT100 Hygroclip S3 sensor (Rotronic Instruments Ltd, Crawley, West Sussex (UK)) and wind speed and direction with a Young 03002 anemometer (R.M. Young Company, Traverse City, Michigan (US)).

2.3. Analysis and concentration calculations

Benzene, n-hexane and cyclohexane were the VOCs chosen for analysis during the two different Monday-to-Friday campaigns as these compounds are representative of aromatics, paraffins and cyclic paraffin hydrocarbons, respectively. Hydrocarbon desorption from the active charcoal in the passive samplers was carried out using carbon disulfide. Further details regarding solvent desorption can be found in González Ferradás et al., 2010. A gas chromatograph (HP 6890, Agilent Technologies, Inc., Santa Clara, California (US)) equipped with a flame ionization detector and a semi-capillary DB-5 column (J&W Scientific; 50 m long and 0.32 mm i.d.; film thickness 1 µm; Agilent Technologies, Inc., Santa Clara, California (US)) was used for quantitation. The oven temperature was programmed from 50 °C (0 min) at 10 °C/min to 80 °C (10 min) and at 10 °C/min to 200 °C (10 min). The injector and detector temperatures were 250 and 350 °C, respectively, and the flow rate of the carrier gas (N₂) was 40 ml/min. Operational procedures (sampler set up and recovery, desorption and analysis of VOCs) were developed in order to assure comparable results.

Once the mass of each hydrocarbon was known, m_i , the concentration, C_i , was calculated using the following equation: $C_i = m_i / (SR_i \cdot t)$, where SR_i is the sampling rate of the Radiello diffusive sampler for the i -component ($8.0 \times 10^{-5} \text{ m}^3/\text{min}$ for benzene, $6.6 \times 10^{-5} \text{ m}^3/\text{min}$ for n-hexane and $5.4 \times 10^{-5} \text{ m}^3/\text{min}$ for cyclohexane), obtained from Fondazione Salvatore Maugeri (2008), and t is the exposure time.

3. Data treatment

First of all, linear correlations between the different measured hydrocarbons in each campaign were noted. Unusual observations were detected with the help of Minitab 13.0 (Minitab Inc., State College, Pennsylvania (US)). Minitab is a statistical software package which includes, among others, modules for general univariate statistics, multivariate statistics, time series analysis and non-parametric statistics. We used the regression option to obtain regression equations, the Pearson coefficients, and unusual observations. We could distinguish two types of atypical points; points that were atypical for all of the pollutants (a behaviour that was observed in only one campaign) were omitted because they were probably due to analytical mistakes, whereas points that were atypical for just one or some of the pollutants or which showed atypical behaviour in more than one campaign were not removed because a source other than traffic could have existed. The percentage of points removed was around 5% in the urban sampling whereas no data from the vicinity of the petrol station was eliminated. After that, a statistical analysis with SPSS 15.0 (SPSS Inc., Chicago, Illinois (US)) was carried out to determine the frequency

distributions of pollutant concentrations. These concentrations showed a lognormal behaviour whereas pollutant ratios followed normal distributions for a 95% confidence level.

From the comparison of the measurements in the city and in the petrol station, a methodology for evaluating the influence of petrol stations on their vicinity was determined. The methodology was based on the fact that the ratio of certain VOCs differs in the general ambient air of the city from that in the air of petrol stations. For each pair of hydrocarbon concentration ratios, the following parameters were calculated: URB(N), defined as the average value in the urban area of the N ratios (~ 105) obtained for each pair of contaminants, and PS(3), defined as the average value of the 3 ratios obtained for each pair of contaminants within the petrol station. For instance, URB(N) and PS(3) for the quotient of benzene and n-hexane were calculated with equations (1) and (2), respectively.

$$(Benz/nHex)_{URB(N)} = \frac{\sum_{i=1}^N (Benz/nHex)_i}{N} \quad (1)$$

$$(Benz/nHex)_{PS(3)} = \frac{\sum_{i=1}^3 (Benz/nHex)_i}{3} \quad (2)$$

For each average ratio of pollutants, the relative difference between that found in the urban area and that found in the petrol station, D , was calculated, taking as the reference the lower value of each pair which coincided with that found in the urban area, equation (3).

$$D = \frac{\left| ((Benz/nHex)_{PS(3)} - (Benz/nHex)_{URB(N)}) \right|}{(Benz/nHex)_{URB(N)}} \times 100 \quad (3)$$

The next step was to draw the isoconcentration curves of the two hydrocarbons with the highest relative difference in ratios, radiating from the petrol station by means of suitable software, in this case SURFER 8.0 (Golden Software Inc., Golden, Colorado (US)), and using as inputs the concentration data of the passive samplers located inside (3 points) and around the petrol station (12 points). It was also necessary to include some background concentrations taken from the urban monitors. These graphs permit us to obtain the concentration values of each selected pollutant at different distances from the petrol station in each primary direction (N, S, E and W). The extent of the influence of the petrol station is taken as the first point in each direction moving away from the station where the ratio becomes equal to the urban background ratio.

4. Results and discussion

4.1. Meteorological data

The average temperature during each campaign was 19.7 and 23 °C, respectively. With regard to wind speed, the average value for the first campaign was 1.8 m/s, whereas in the second campaign an average value of 1.5 m/s was found. In both campaigns, similar wind behaviour was observed. The main wind direction was NE-ENE during 30% and 40% of the time of the first and second campaign, respectively. When wind speed was <3 m/s no prevalent direction was shown in any case.

4.2. Concentration data in the city

Statistical analysis of the distribution of the concentration data by Kolmogorov–Smirnov and Shapiro–Wilks tests showed that spatial concentrations in the area of the petrol station and the

urban city could be fitted to lognormal distributions for a significance level of 0.05. Ratios of concentrations also passed the normality tests with the same level of significance. The average values of the concentration logarithms for n-hexane, benzene and cyclohexane (and their standard deviations in parenthesis) were 0.581 (0.179), 0.519 (0.195) and 0.491 (0.193) for the first sampling campaign and 0.547 (0.184), 0.493 (0.203) and 0.554 (0.210) for the second one, respectively. Analysis of variance showed that there were no significant statistical differences in the results obtained in the urban area from the first to the second campaign at a 95% confidence level.

A significant result found was the very good linear correlation ($R^2 > 0.9$) between the different pairs of pollutants in the city. Taking benzene as a reference, the Pearson correlation coefficients obtained for n-hexane and cyclohexane versus benzene were 0.946 and 0.954, respectively, for the first campaign, and 0.970 and 0.928, for the second campaign, after eliminating unusual observations (around 5%) by means of Minitab 13.0 as explained in Section 3. In Fig. 2, the relationship between n-hexane and benzene in the urban area (solid lines) can be observed for the two campaigns. Similar graphs were obtained for cyclohexane and benzene. From the examination of Fig. 2, the following aspects can be concluded:

1. The concentrations of benzene and n-hexane in Murcia (far away from other sources such as petrol stations) are mainly from traffic emissions as there is a clear linear trend, shown in Fig. 2 by means of solid lines. Any point located outside this general trend is indicative of an emission source other than traffic, which is the case of the concentrations found inside the petrol station, linked by dotted lines.
2. Uncertainty calculation of the slopes of the solid lines in Fig. 2 showed that the slight differences found in them are inside the variability of the slopes for a confidence interval of 95%. Nevertheless, it could happen that there were significant differences from one campaign to another as petrol and diesel composition is not constant over time. Meteorology, traffic density and architectural elements do not influence the ratio but they can proportionally affect the concentration changes of both compounds in air. In this sense, the more traffic there is, the higher the concentrations of n-hexane and benzene will be, however, the ratio, as seen in Fig. 2, remains constant.
3. Taking into account the two previous points, the air in the city of Murcia and in other similar cities in relation to emission patterns, i.e. with no important emission sources other than traffic, can be defined by means of straight lines that link the concentrations of two organic compounds emitted by traffic.

4.3. Calculating the impact of petrol stations

N-hexane, benzene and cyclohexane concentrations measured in and around the petrol stations are shown in Table 1. F1–F15 are the codes of the diffusive samplers. F1–F3 were located inside the petrol station and the rest of them outside as explained in Section 2.2. The higher concentrations obtained in F1–F3 in the second campaign are probably due to the higher ambient temperature registered in the latter campaign. They could also be due to a greater activity in the petrol station during the second campaign but, unfortunately, we have no information on the petrol and diesel dispensed during the sampling periods.

As can be seen in Table 1, the lowest concentrations are found in E direction. There are several reasons for this. The first is that no other anthropogenic emissions are present in this direction whereas in all other directions the influence of the road is clearer. The presence of buildings also hinders pollutant dispersion favouring higher concentrations between them and the petrol station. Finally, the wind blowing from NE-ENE favours a higher impact of pollutants from the petrol station in WSW-SW directions.

It can be checked from Fig. 2 that the concentrations of n-hexane and benzene measured at the petrol station (3 sites) do not follow the same behavior (dashed lines) as the points in the city located a distance away. In Fig. 2b, point F3 is not shown because of its high concentrations, but it was taken into account in the linear regression. These high concentrations were probably due to a greater proximity of the corresponding sampler to an emission source (tanks, pumps) together with a possibly higher amount of petrol/diesel sold in that campaign and higher temperatures.

From the above, it can be concluded that the air at the petrol station does not have the same proportion of VOCs as the general city air. Presumably, there is an area close to the petrol station where the VOC concentrations are influenced by both the petrol station and traffic. As we go further from this area, the VOC concentrations are closer to that found in the general air. The closest places to the petrol station, in each direction, where the ratio becomes equal to the background one delimit the area which is influenced by the petrol station.

Following the methodology described in Section 3, the best pair of pollutants was n-hexane and benzene in the two campaigns, as their ratio had the highest relative difference between the petrol station and the rest of the city. The differences for each campaign are shown in Table 2.

In both cases, the highest deviations were obtained when comparing n-hexane (non-aromatic hydrocarbon) with benzene (aromatic), while aliphatic–aliphatic comparisons, and presumably, aromatic–aromatic comparisons, showed lower deviations.

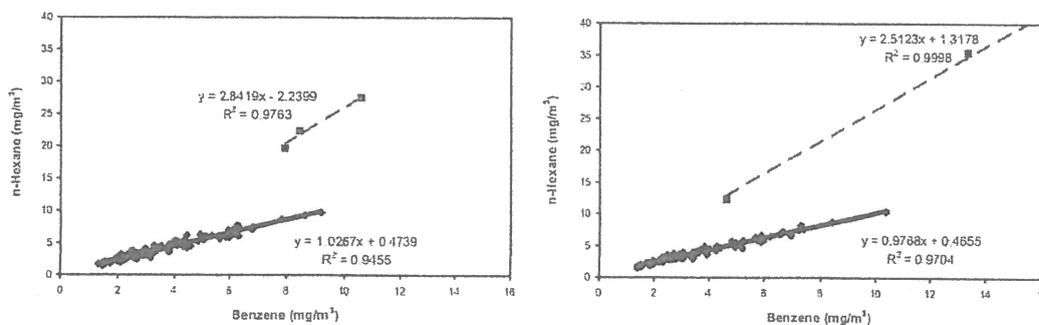


Fig. 2. N-hexane vs benzene concentrations in the city (solid lines) and in the petrol station (dashed lines). (a) First sampling campaign; (b) second sampling campaign.

Table 1

N-hexane, benzene and cyclohexane concentrations ($\mu\text{g}/\text{m}^3$) measured with the 15 passive samplers in and around the petrol station. F1–F3 were located inside the petrol station. F4–F15 were deployed to achieve a maximum radial layout of 100 m. Their orientation respect to the petrol station is also indicated.

Passive sampler code	Orientation	1st Campaign			2nd Campaign		
		n-hexane	benzene	cyclohexane	n-hexane	benzene	cyclohexane
1	Centre	19.7	7.91	14.9	12.4	4.61	11.1
2	Centre	22.4	8.44	15.9	35.5	13.3	31.9
3	Centre	27.7	10.6	21.2	94.8	37.3	100.2
4	N	9.63	4.69	6.51	19.6	8.60	21.9
5	N	7.92	3.84	5.76	8.69	4.14	8.56
6	S	2.03	1.72	1.66	2.24	1.81	2.19
7	SE	2.21	1.88	1.88	2.21	1.64	2.83
8	ESE	1.77	1.46	1.40	2.08	1.27	1.86
9	SE	1.53	1.38	0.98	1.69	1.36	1.82
10	S	2.29	2.18	2.22	2.26	1.99	3.08
11	SSW	5.45	4.82	4.49	5.84	5.33	6.48
12	W	4.96	4.84	4.44	6.91	5.59	6.43
13	NNW	3.71	3.65	3.02	6.00	4.61	6.29
14	N	5.32	4.19	3.55	6.05	4.22	5.99
15	ENE	1.88	1.36	1.39	1.36	1.16	2.34

This can be attributed to the thermal stability of these compounds during the combustion process. Aliphatic compounds are more easily burned than aromatic compounds, which meant that aliphatic/aromatic concentration ratios were significantly lower in the city air than in the petrol station, where the air was mainly characterized by unburned gasoline vapours. These findings were corroborated by their autoignition temperatures, being 498, 260 and 240 °C for benzene, cyclohexane and n-hexane, respectively (INSHT, 2003).

Selected pollutant (n-hexane and benzene) isoconcentration curves for each campaign were obtained by means of SURFER 8.0, selecting a multiquadric interpolation (Figs. 3 and 4, respectively), using as inputs the concentration data of the 15 passive samplers located inside and in the vicinity of the petrol station (Fig. 1). Only one point representative of the petrol station was used, obtained from the average concentration of the three passive samplers located inside the station. It was also important to use as input several concentration values typical of the urban air to set the background concentrations of the city relatively close to the petrol station. Finally, using the grid node editor tool of the above-mentioned software, concentrations of the selected compounds were obtained at different distances from the centre of the petrol station, in each geographical direction, so that the ratio of n-hexane/benzene could be calculated at different distances from the petrol station.

The relationship between the n-hexane/benzene ratio and the distance from the petrol station for each campaign is represented in Fig. 5. The horizontal solid line represents the average n-hexane/benzene ratio obtained in the city during each campaign. The 95% confidence interval of this average is shown as dashed lines. The distances in each direction at which the ratios start having similar values to that found in ambient air, that is, when the ratios are inside the 95% confidence interval of the typical urban air ratios, delimit the area influenced by the petrol station.

As shown in Fig. 5, the further we go from the petrol station the concentration ratio gets closer to that found in city air, which is mainly characterized by traffic emissions. From Fig. 5, the impact of the petrol station in each direction can be calculated as the point where the n-hexane/benzene ratio falls within the region of the 95% confidence interval of the urban average ratio. Table 3, summarizes the distances obtained in both campaigns.

A comparison of the distances obtained in both campaigns shows a higher influence of the petrol station in the second campaign probably due to the higher temperatures registered in the latter campaign. Although emissions from vehicle traffic have an evaporative loss contribution (around 10%), motor vehicle exhaust represents the main source of the total VOC on-road emission rate (around 90%) (Doskey et al., 1999; Olson et al., 2009). High temperatures favour evaporation losses in both locations – urban city and petrol station – but they are likely to be more noticeable in the air around the petrol station as they represent the main emission source. Anyway, the distances were similar in both campaigns and, in all cases, below or equal to 75 m.

It is also worth noting that, in both sampling campaigns, the most affected directions were N and E, whereas the less affected direction was W. This can be explained by the following: The petrol station is located in the limit of the urban perimeter. An NNW-SSE heavy traffic road splits the area into two: one with a considerably high level of traffic (West half) and one largely uninhabited (East half). The higher the traffic near the petrol station, the higher the concentrations of pollutants coming from it and, consequently, the ratio of any pair of aromatic and paraffinic hydrocarbons will be more representative of traffic than of the petrol station, that is, the emissions coming from the petrol station will be more and more insignificant as other emission sources become more important. Also, the presence of buildings in the W direction acts as a barrier against the pollution coming from the petrol station and the main road. This implies that the distance

Table 2

Average concentration ratios in the urban area, URB (N) and inside the petrol station "La Fica", PS(3), and relative differences, D, for the two sampling campaigns.

	1st Campaign			2nd Campaign		
	n-Hex/Benz	n-Hex/Cyclohex	Cyclohex/Benz	n-Hex/Benz	n-Hex/Cyclohex	Cyclohex/Benz
URB(N)	1.16	1.23	0.95	1.10	0.96	1.14
PS(3)	2.59	1.34	1.93	2.63	1.06	2.49
D, %	123	8.94	103	139	10.4	118

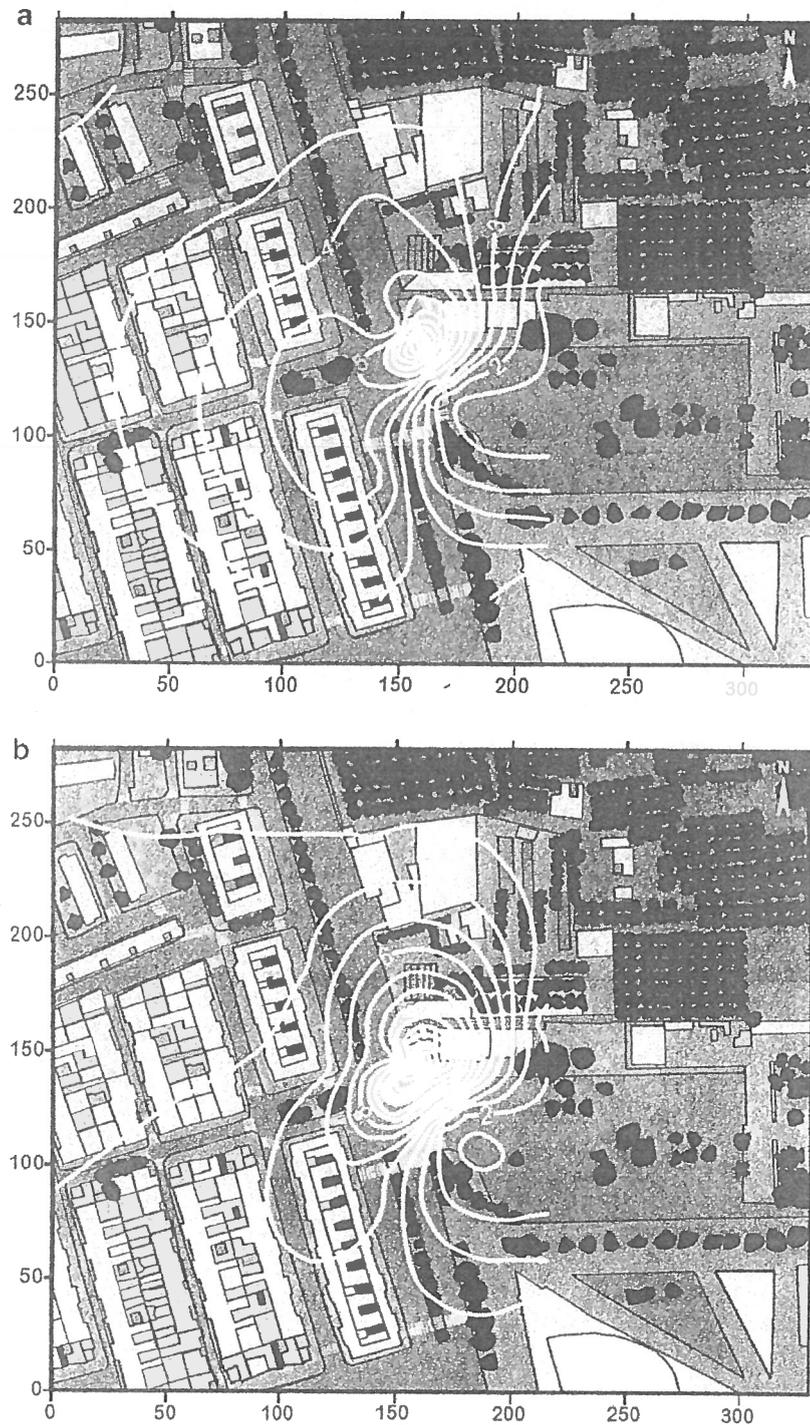


Fig. 3. Isoconcentration curves ($\mu\text{g}/\text{m}^3$) of (a) benzene and (b) n-hexane in the first sampling campaign. (Distances of the axis in meters).

between the buildings and the petrol station is likely to be the maximum influence distance in this direction as, behind them, concentrations are very close to the city background ones. These results highlight the fact that the influence of petrol stations

depends on the characteristics of the surrounding area (mainly traffic density), thus we can establish that their spatial influences are relative. However, the special location of the studied petrol station, the time of year the samples were taken and the results

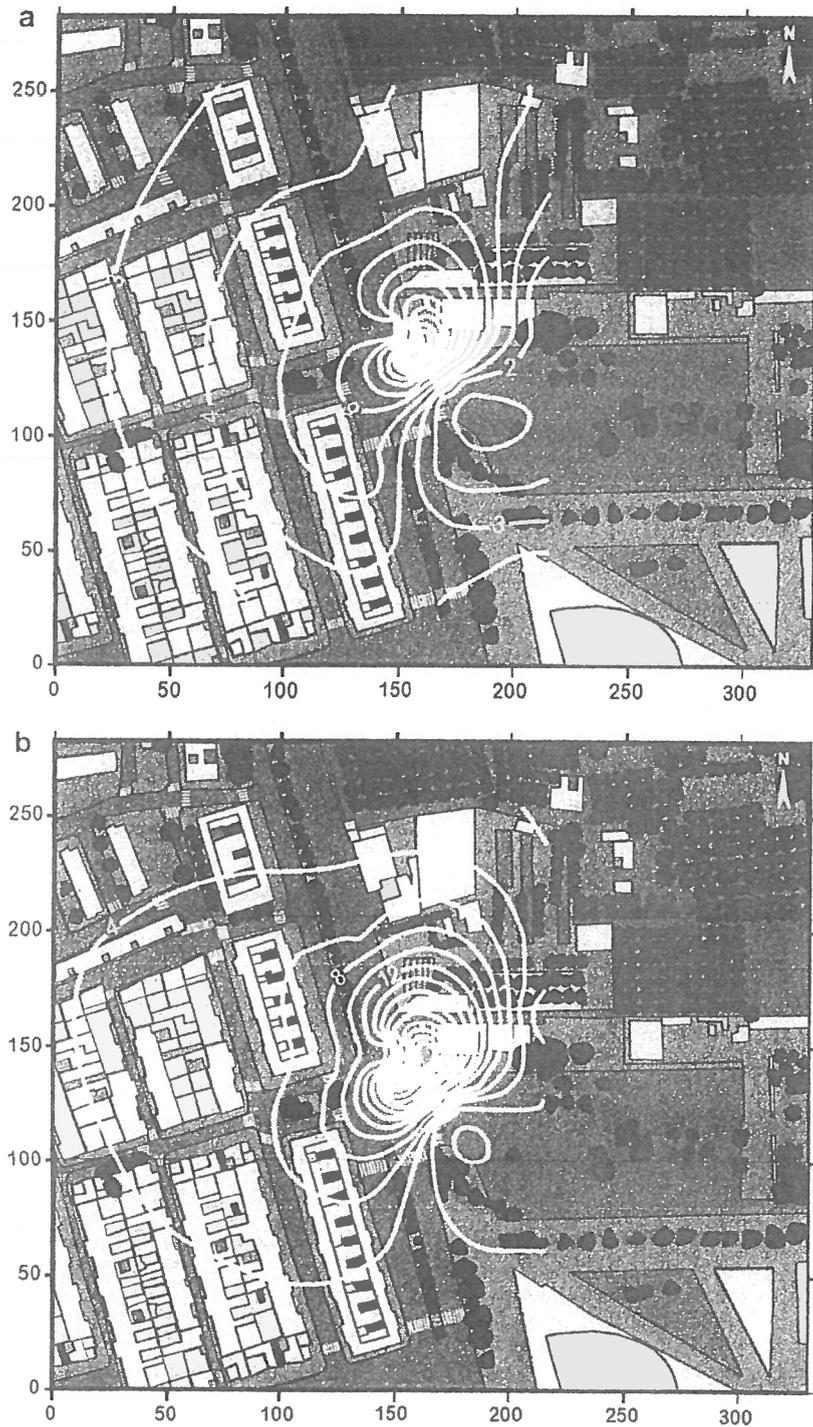


Fig. 4. Isoconcentration curves ($\mu\text{g}/\text{m}^3$) of (a) benzene and (b) n-hexane in the second sampling campaign. (Distances of the axis in meters).

obtained suggest that the impact of small and medium sized petrol stations will be, approximately, within a 100 m radius. Nevertheless, it would be advisable to apply this methodology in any case in order to establish with more precision the impact of

petrol stations on their environment in order to carry out more efficient land management. It would be also interesting to carry out indoor samplings in the buildings close to the petrol station to estimate resident exposure.

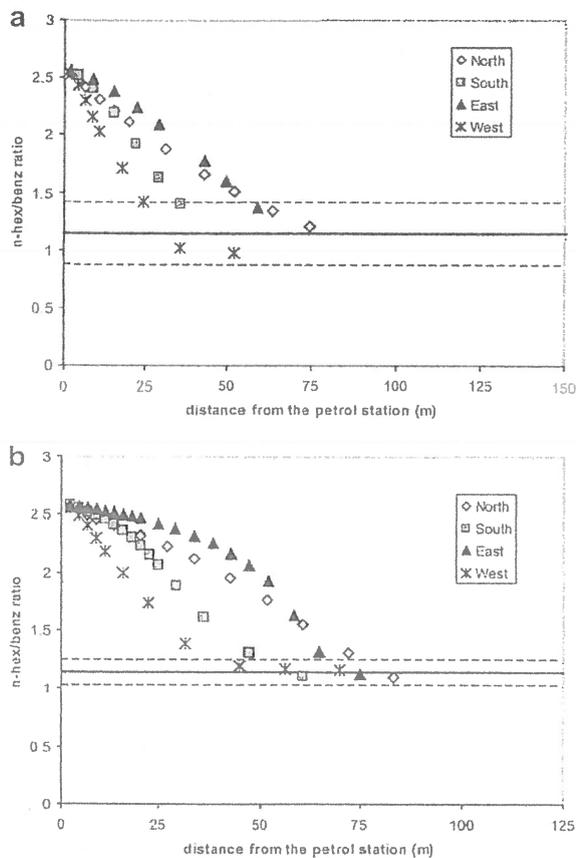


Fig. 5. Relationship of the n-hexane/benzene ratio vs distance from the petrol station. (a) First sampling campaign; (b) second sampling campaign.

Table 3
Maximum spatial influence distances (in meters) of the petrol station "La Fica" in the two sampling campaigns.

Direction	1st Campaign	2nd Campaign
North	60	75
South	36	49
East	60	67
West	25	39
Average	45	58

Finally, we should remember that it is necessary to aim at avoiding the impact of any type of major pollution source on the population. As has been shown before, in the W direction, the influence of the petrol station was lower because a different pollution source was even more important than the one coming from the petrol station with the subsequent harmful effects of that source on the population. Minimization of concentrations of chemicals of concern, regardless of their sources, is indispensable for effective health protection.

5. Conclusions

In this work, we present a methodology for estimating the spatial influence of petrol stations on their surroundings based on the fact that the concentration ratio of n-hexane and benzene

found in the air of the petrol stations is different from that found in city air (mainly determined by motor vehicle exhaust). The first point in each geographical direction moving away from the petrol station where the ratio becomes equal to the urban background ratio delimit its area of influence.

The reach distances obtained in the second measuring campaign (June) are higher than those of the first one, probably due to the higher ambient temperature in June which favours evaporation losses in the petrol station during filling up. Anyway, the distances were similar and, in all cases, below or equal to 75 m.

In both campaigns, lower impacts were obtained in those directions with heavy traffic density (W and S), whereas directions N and E, without buildings or roads, showed higher impacts. This can be explained as follows: when the petrol station is surrounded by roads with intense traffic, the emissions from the petrol station are not as important as those coming from vehicle combustion. If the petrol station emissions are mixing with relatively clean air the typical n-hexane/benzene ratio from these stations changes more slowly. From these results, it can be concluded that the influence of petrol stations is a relative question although, in no case, was the influence greater than 75 m.

Presumably, small and medium sized petrol stations will have a similar impact on their surroundings as the one in this work; however, it is recommended that this methodology be applied to specify their reach with more precision. This methodology will help establish a "belt" around petrol stations where vulnerable populations and activities such as those in schools and hospitals should be restricted. Finally, we should remember that minimization of concentrations of chemicals of concern, regardless of their sources, is indispensable for effective health protection. For this purpose, similar or different methodologies should be applied or developed to assess the spatial limits of influence of these other sources.

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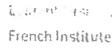
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Acute childhood leukaemia and residence next to petrol stations and automotive repair garages: the ESCALE study (SFCE)

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ABSTRACT

Background: The association between acute childhood leukaemia and residing next to petrol stations and automotive repair garages was analysed in a national registry-based case-control study carried out in France in 2003–2004.

Methods: Population controls were frequency matched with cases on age and gender. Data were collected by standardised telephone interview with the mothers. The latter were asked to report the proximity of their homes to petrol stations, automotive repair garages and other businesses from the conception of the index child to the diagnosis (for cases) or interview (for controls). Odds ratios were estimated using unconditional regression models adjusted for age, gender, number of children under 15 years of age in the household, degree of urbanisation and type of housing.

Results: 765 cases of acute leukaemia and 1681 controls were included. Acute leukaemia was significantly associated with residence next to petrol stations or automotive repair garages (OR 1.6, 95% CI 1.2 to 2.2) and next to a petrol station (OR 1.9, 95% CI 1.2 to 3.0). The OR showed no tendency to increase with duration of exposure. The results were not modified by adjustment for potential confounding factors including urban/rural status and type of housing.

Conclusions: The results support the findings of our previous study and suggest that living next to a petrol station may be associated with acute childhood leukaemia. The results also suggest that the role of low-level exposure to benzene in acute childhood leukaemia deserves further evaluation.

Benzene exposure has mainly been studied in the occupational health field (the rubber industry, the Pliofilm cohort) and has been identified as an established cause of acute leukaemia, especially acute non-lymphoid leukaemia, in adults. The International Agency for Research on Cancer (IARC) included benzene in group 1 (carcinogenic to humans) in 1982. Benzene can be bioactivated to toxic metabolites such as 1,4 benzoquinone, which can alter signalling pathways and affect chromosomal integrity. Benzoquinone has been shown to increase the activity of c-Myb, which is an important transcription factor involved in haematopoiesis, cell proliferation and cell differentiation.¹ A recent study has also shown that exposure to low-dose benzene (urban traffic police) could alter DNA methylation and induce epigenetic changes in gene expression.²

What this paper adds

- High exposure to benzene is a known risk factor for adult leukaemia.
- This population-based case-control study investigated the vicinity of petrol stations as a potential source of environmental benzene exposure.
- Our results, consistent with that of our previous study on the same subject and with some studies on traffic and leukaemia, support the hypothesis that living next to a petrol station may be associated with acute childhood leukaemia.
- On the basis of these findings, the role of exposure to low level benzene in childhood acute leukaemia deserves further evaluation.

Environmental non-occupational exposures to benzene have been less investigated. Unleaded fuel contains small amounts of benzene and studies have shown that the benzene concentration close to the pump during refuelling ranges between 1 and 10 mg/m³, while the environmental background concentration is about 4 µg/m³.³ For children, one of the main sources of outdoor exposure to benzene is petrol. Living next to a petrol station or repair garage may increase the opportunity for benzene exposure. Thus, the influence of a petrol station or garage in the immediate neighbourhood on childhood leukaemia was investigated.

Various geographical studies have been carried out to determine the relationship between children residing in the neighbourhood of potential hydrocarbon pollution sources (eg, oil refineries, petrol tanks and stations) and acute childhood leukaemia.^{4–9} Six case-control studies and a geographical study focused on the role of exposure to automotive emissions and acute childhood leukaemia.^{3 10–16} Five of the six studies showed a positive association between different indicators of air pollution or heavy traffic in the vicinity of children's homes and acute leukaemia. Three of the associations were statistically significant.^{11 12 16}

In 2004, a previous case-control study carried out in France by the present authors¹⁷ found a significant positive association between acute childhood leukaemia and living next to an automotive repair

garage or petrol station during childhood (OR 4.0, 95% CI 1.5 to 10.3). A statistically significant positive trend between the duration of childhood exposure to a neighbouring repair garage or petrol station and acute leukaemia was also found (OR 1.03, 95% CI 1.01 to 1.05, per month of exposure).

The present study again investigated the relationship between acute childhood leukaemia and residing next to repair garages and petrol stations in utero and during childhood, using an improved methodology compared to the previous study. The present study is population based and national, whereas the previous study, conducted in 1995–99 in four cities, was hospital based.

METHODS

The ESCALE study was conducted in 2003 and 2004 to investigate the role of infectious, environmental and genetic factors in four childhood neoplastic diseases (leukaemia, lymphoma, neuroblastoma and brain tumour).^{13,24} Only leukaemias are considered in the present study.

Selection of cases and controls

Cases were identified directly by the investigators assigned to each French paediatric oncology hospital department, with the support of the French National Registry of Childhood Blood Malignancies.²⁵ In order for the cases to be eligible, children had to have been diagnosed with acute leukaemia between 1 January 2003 and 31 December 2004. The cases were also required to be aged less than 15 years old and to be resident in France at the time of diagnosis. Cases who had been adopted, whose biological mother had died, whose mother did not speak French, or whose mother was suffering from a serious psychiatric disorder were not eligible. For ethical reasons, children who had died or who were receiving hospital palliative care were not eligible. Of the 938 cases of acute leukaemia identified during the study period, 843 cases were eligible. The reasons for non-eligibility were the child's death (34), hospital palliative care (7), the biological mother's death (10), a non-French speaking mother (29) or a mother with a serious psychiatric disorder (15). A total of 765 incident cases of acute leukaemia were included after 78 (9%) of the 843 eligible cases had refused to participate.

The controls were randomly selected from the French population. A first sample of 60 000 addresses, representative of the French population in terms of the 22 administrative regions and nine degrees of urbanisation, was randomly extracted from the French national telephone directory (plus randomly generated unlisted numbers).

Quotas were then applied so that controls were similar to the whole set of cases, including cases of leukaemia, lymphoma, neuroblastoma and brain tumour, in terms of age and gender, based on the expected distributions provided by the French national registries.²⁶ The following age strata were used for quota sampling: 0–1 years, 2 years, 3 years, 4 years, 5–6 years, 7–8 years, 9–11 years and 12–14 years. Additional quotas were used to ensure that the control group was also representative of the French general population in terms of the number of children aged less than 15 years living in the household, conditionally on age, based on the 1999 population census. Like the cases, the controls were not to have been adopted and were to have a French-speaking biological mother who could be interviewed and was not suffering from a serious psychiatric disease.

Of the 50 217 phone numbers dialled, 22 584 did not connect to a home number because they were non-residential numbers. They were mainly wrong numbers (16 953), business telephone numbers (2143) and numbers remaining unanswered (3488). Another set of 24 410 phone numbers consisted of ineligible home numbers, mostly households with no children (17 479) or with children suitable for already completed quotas (5277) and households with no mother or no biological mother or with a non-French speaking mother (1654). For the 2361 remaining numbers, there were 679 refusals to participate. Thus, 1682 mothers were interviewed (71.2%). One child with a history of neuroblastoma was excluded; 1681 children were included as controls.

Data collection

The same trained interviewers carried out the telephone interview with the biological mothers of the cases and controls using structured questionnaires. The mothers of the cases were interviewed 6 months, on average, after the diagnosis. Apart from a few questions relating to quota sampling and targeting the control mothers, the questionnaire and interview conditions were exactly the same for the cases and controls. Case-control status was therefore not likely to have influenced the interview. Many interviews were monitored by the epidemiological team in order to check the reliability of interviews and their independence with respect to case-control status. The cases and controls were interviewed during the same time period, and the case and control interviews were similarly distributed by age within that period.

The telephone questionnaire elicited information on demographic and socioeconomic characteristics, childhood environment, lifestyle, and personal and familial medical history. The questions relating to businesses in the vicinity of the home covered all residences (up to a maximum of seven) from pregnancy to date of diagnosis or interview. For each residence, the mothers were asked the name of the municipality and its zip/area code, the type of housing (apartment, house or farm) and whether a business adjoined it. A checklist of closed questions was used to explicitly elicit information on repair garages, petrol stations, car bodywork repair shops and printing plants; open questions were used for factories and other businesses.

The degree of urbanisation of the municipalities of residence was derived from the 1999 census data. The parents' professional category was taken to be the higher of the maternal and paternal occupations at interview and was coded using the two-digit ILO classification (ISCO 1988).

Variables

The group of children "exposed" to a given business included those who had lived next to that business in at least one residence from the date of conception to the date of diagnosis (cases) or interview (controls). "Next" to a business is taken to mean that there was no building or road between the residence and the business of interest. The interviewers had been clearly instructed with respect to that definition. The reference group was the group of children whose mothers did not mention the business in connection with any residence. Because the authors' previous study did not distinguish between garages and petrol stations, and because those businesses are frequently combined, the following variables were considered: combined exposures to garages and petrol stations (garage or petrol station/neither of them; exposure to garage only/petrol station only/both garage

Table 1 Distribution of cases and controls by the stratification variable age×gender (16 categories) used for quota sampling

Age (years)	Controls (n = 1681)		Cases						No of controls per case
			ALL (n = 765)		ALL (n = 646)		AML (n = 100)		
	No	%	No	%	No	%	No	%	
Boys									
0-1	201	12	53	7	34	5	17	17	3.8
2	79	5	54	7	49	7	5	5	1.5
3	87	5	60	8	57	8	2	2	1.4
4	89	5	48	6	42	6	4	4	1.8
5-6	126	8	60	8	50	7	6	6	2.1
7-8	96	6	36	5	30	4	5	5	2.7
9-11	137	8	59	8	49	7	9	9	2.3
12-14	117	7	45	6	35	5	6	6	2.6
Total	932		415		346		54		
Girls									
0-1	168	10	62	8	44	7	18	18	2.7
2	74	4	47	6	44	7	3	3	1.6
3	79	5	50	7	47	7	2	2	1.6
4	56	3	38	5	35	5	3	3	1.5
5-6	102	6	60	8	55	8	5	5	1.7
7-8	67	4	39	5	33	5	5	5	1.7
9-11	88	5	35	4	27	4	7	7	2.5
12-14	115	7	19	2	16	2	3	3	6.0
Total	749		350		301		46		
Cases vs controls (χ^2)			p<0.001		p<0.001				

ALL, acute lymphocytic leukaemia; AML, acute myeloblastic leukaemia.

and petrol station/neither of them), and separate exposures (exposure to garage (yes/no) and exposure to petrol station (yes/no)). The questionnaire also elicited exposures to car bodywork repair shops, printing plants, and factories (unspecified).

For garage and petrol station exposures, various exposure periods, relative to child development (intrauterine only, childhood only, both periods and sub-periods within childhood) were considered. Separate analyses were performed for the exposures before and after the publication of the previous study on petrol stations and childhood leukaemia.¹⁷ The periods before and after 2001, when implementation of the regulation on petrol vapour recovery began in French petrol stations (Directive 94/63/EC)²⁷ were also distinguished. The duration of exposure during childhood (duration<the median of the distribution/duration>the median of the distribution) and the duration since the end of exposure were also analysed.

An attempt was made to evaluate potential differential reporting of the immediate proximity of a petrol station between case and control mothers. Various independent and objective data sources (Catalist,²⁸ Navteq,²⁹ Mappy,³⁰ Google Earth,³¹ and telephone directories) were used to confirm the reported presence of a petrol station adjacent to a residence. Checking was conducted blind to case/control status and focused on the residences at the time of the interview because only those addresses were sufficiently detailed to be located on a map.

Statistical analysis

The odds ratios (OR) and their 95% confidence intervals (CI) were estimated by the use of unconditional logistic regression, with adjustment for the stratification variables, age and gender, and for the number of children under 15 years of age living in the household.

Adjustment for potential confounders, including factors that were associated with the type of business in the vicinity of the home or with acute childhood leukaemia, was carried out.

Thus, analyses were adjusted for type of housing, degree of urbanisation (rural: <5000 people; mixed: 5000-100 000 people; urban: >100 000 people) and parental socioeconomic category. Adjustments were also made for early infections in childhood, paternal smoking and maternal domestic pesticide use during pregnancy, all of which had previously been shown to be related to childhood leukaemia in the literature and in the ESCALE study^{23, 24} (J Clavel, personal communication). The analyses have also been adjusted for maternal smoking during the index pregnancy.

The SAS software package (version 9; SAS Institute, Cary, North Carolina, USA) was used for all analyses.

The study complied with all applicable international regulatory requirements including submission to an ethical committee (DGS No. 2003/0259). The participants gave their oral informed consent to the interview prior to the study.

RESULTS

A total of 765 cases of acute leukaemia were included. They consisted of 647 cases of acute lymphocytic leukaemia (ALL; 544 common B-cell ALL, 27 mature B-cell ALL, 67 T-cell ALL and 8 unspecified ALL), 118 cases of acute non-lymphocytic leukaemia (ANLL; 100 acute myeloblastic leukaemia (AML) and 18 cases of unclassified leukaemia).

Comparability of cases and controls

The distribution of the cases and controls by the quota variable combining age and gender is shown in table 1.

The ALL distribution showed the expected male predominance and incidence peak at 2-5 years of age.

The cases and controls were similar with respect to the stratification variable age×gender for the study as a whole, but not for each malignancy. In particular, the controls were significantly younger than the cases of acute leukaemia. Therefore, all the strata contained more than one control per

Table 2 Distribution of cases and controls by educational level, professional category, type of home and area of residence

	Controls (n = 1681)		Cases (n = 765)		OR* (95 CI)
	No	%	No	%	
Maternal educational level					
≤ High school	979	58.2	465	60.8	1.0 (ref)
> High school	701	41.7	299	39.1	0.9 (0.8 to 1.1)
Paternal educational level					
≤ High school	1063	63.2	526	68.8	1.0 (ref)
> High school	601	35.7	230	30.1	0.8 (0.6 to 0.9)
Parental professional category					
Managers, intellectual/intermediate professions	715	42.5	279	36.5	1.0 (ref)
Administrative and sales workers	477	28.3	224	29.3	1.2 (0.9 to 1.5)
Service workers	215	12.8	96	12.5	1.2 (0.9 to 1.5)
Factory/agricultural workers, unemployed	274	16.3	165	21.6	1.5 (1.2 to 1.9)
No of residences between conception and interview					
1	766	45.6	267	34.9	1.0 (ref)
2	613	36.5	292	38.2	1.3 (1.1 to 1.6)
≥3	296	17.6	204	26.7	2.2 (1.7 to 2.8)
Type of home					
At conception					
Apartment	756	44.9	394	51.5	1.0 (ref)
House	899	53.5	358	46.8	1.3 (1.1 to 1.5)
Farm	23	1.4	7	1.0	0.7 (0.3 to 1.7)
At interview					
Apartment	484	28.8	249	32.5	1.0 (ref)
House	1173	69.8	506	66.1	1.2 (0.9 to 1.4)
Farm	23	1.4	10	1.3	0.9 (0.4 to 1.9)
Rural/urban status at the time of interview					
Rural	601	35.7	251	32.8	1.0 (ref)
Mixed	391	23.2	184	24.0	1.1 (0.9 to 1.4)
Urban	689	41.0	330	43.2	1.1 (0.9 to 1.4)

*OR estimated by unconditional logistic regression models including the stratification variables, age and gender, and the number of children <15 years of age living in the household.

case for adjustment, with the most controls per case in the youngest strata.

The distribution of the cases and controls by parental professional category, type of home and area of residence is shown in table 2.

The parents of controls had a slightly higher educational level and higher professional status than the parents of cases. The cases had moved house more often than controls, with odds ratios of 1.3 and 2.2 for two dwellings and three or more dwellings, respectively. The parents of controls lived in a house during the index pregnancy slightly more often than the parents of cases. There was no difference between cases and controls with regard to the degree of urbanisation of the place of residence at the time of interview. The frequency of maternal smoking during pregnancy and childhood was also similar in cases and controls.²²

Exposure to a neighbouring automotive repair garage or petrol station and acute childhood leukaemia

The ORs associated with residing in the vicinity of a garage or petrol station are shown in table 3.

At least one home next to a garage or petrol station was reported by 10% of the mothers of cases and by 6.4% of the mothers of controls. There were only six missing data, for six controls (0.3%) who had all had more than seven homes between the date of conception and date of diagnosis or interview and whose questionnaire was incomplete for the childhood period.

A positive significant association between living in a residence adjoining an automotive repair garage or petrol station and acute leukaemia (OR 1.6, 95% CI 1.2 to 2.2) was observed. The association was stronger for petrol station only (OR 2.1, 95% CI 1.1 to 4.0).

There were no significant associations between acute leukaemia and living next to a car bodywork repair shop, factory or printing plant. Actually, the OR of 1.6 (95% CI 0.9 to 3.0) observed for car bodywork repair shop decreased to 1.2 (95% CI 0.6 to 2.3) when the analysis was adjusted for exposure to garage or petrol station. This is due to the fact that car bodywork repair shops are often associated with repair garages.

On the basis of the open questions, seven cases and 10 controls had lived next to other factories or businesses (joinery: three cases and two controls; food processing company: five controls; metal industry: two cases and one control; building industry: two cases and two controls).

The associations between acute leukaemia and living next to an automotive repair garage or petrol station were similar for the ALL and AML subtypes (table 4). The associations were also similar when the analyses were restricted to common B-cell ALL.

The association between acute leukaemia and living next to a garage or petrol station was strongest when the exposure was intrauterine only and much weaker when both intrauterine and childhood exposure occurred.

The associations between acute leukaemia and living next to a garage or petrol station were similar for all the child-age-at-diagnosis strata used for quota sampling and for the youngest children as well (see supplemental table A).

Table 3 Acute childhood leukaemia and residence next to businesses

Residence in the vicinity of businesses	Cases (n = 765)		Controls (n = 1681)		OR* (95 CI)
	No	%	No	%	
Automotive repair garage					
Never	708	92.6	1590	94.6	1.0 (ref)
Ever	57	7.4	85	5.1	1.4 (1.0 to 2.0)
Petrol station					
Never	730	95.4	1633	97.2	1.0 (ref)
Ever	35	4.6	42	2.5	1.9 (1.2 to 3.0)
Garage or petrol station					
Never	689	90.0	1568	93.3	1.0 (ref)
Ever	76	10.0	107	6.4	1.6 (1.2 to 2.2)
Never	689	90.0	1568	93.3	1.0 (ref)
Garage only	41	5.4	65	3.8	1.4 (0.9 to 2.1)
Petrol station only	19	2.5	21	1.2	2.1 (1.1 to 4.0)
Both	16	2.1	21	1.2	1.7 (0.9 to 3.4)
Other businesses					
Car bodywork repair shop (yes vs no)	19	2.5	27	1.6	1.6 (0.9 to 3.0)
Factory (yes vs no)	39	5.1	92	5.5	0.9 (0.6 to 1.4)
Printing plant (yes vs no)	10	1.3	20	1.2	1.0 (0.5 to 2.2)
Missing	0		6	0.3	

*OR estimated by unconditional logistic regression models including the stratification variables, age and gender, and the number of children <15 years of age living in the household.

The odds ratios showed no trend toward an increase with duration of exposure to a neighbouring garage or petrol station (table 5). The association seemed to be stronger when exposure occurred during pregnancy only than when it occurred during childhood only, but the number of children who experienced intrauterine exposure only was very small. For most of the exposed children, exposure began before the age of 1 year. The odds ratio was higher when exposure began after the age of 1 year. The association seemed to increase when the time since the end of exposure was greater than 2 years. With regard to the strengthening of petrol station regulation in 2001 (Directive 94/63/EC),²⁷ when implementation of the petrol vapour recovery regulation began in France, there was no tendency toward a reduction in the association for exposures occurring after the cut-off date.

Among the controls, residence adjoining a garage or petrol station varied with the degree of urbanisation and the type of housing. At the time of interview, 59.6% of the control mothers who reported having lived next to a garage or petrol station

lived in apartments and 55.1% of them lived in urban areas. Control mothers who did not report having lived next to those businesses resided in apartments (28%) or in urban areas (40.1%) less often. For the controls, residence adjoining a garage or petrol station did not vary with parental socioeconomic category. Stratified analyses showed that the associations between acute leukaemia and residence next to a garage or petrol station were stable across the three urbanisation categories and two types of housing. Odds ratios of 1.5 (95% CI 0.7 to 2.8), 1.4 (95% CI 0.7 to 2.9) and 1.7 (95% CI 1.1 to 2.6) were observed for children living in rural, mixed and urban areas. Odds ratios of 1.5 (95% CI 0.9 to 2.5) and 1.6 (95% CI 1.1 to 2.4) were observed for children living in apartments and houses. None of the children had lived on a farm adjoining a garage or petrol station.

As the cases had moved house between conception and diagnosis or interview slightly more than controls (average number of homes: 2.0 vs 1.8), the analyses were stratified on the number of residences occupied by the children. The associations

Table 4 Acute childhood leukaemia and residence adjoining a garage or petrol station by leukaemia subtype: acute lymphoid leukaemia (ALL) and acute myeloblastic leukaemia (AML)

	ALL					AML				
	Cases (n = 647)		Controls (n = 1681)		OR* (95 CI)	Cases (n = 100)		Controls (n = 1681)		OR* (95 CI)
	No	%	No	%		No	%	No	%	
Any period of exposure										
Garage or petrol station	67	10.3	107	6.4	1.6 (1.9 to 2.3)	7	7.0	107	6.4	1.1 (0.5 to 2.5)
Garage only	37	5.7	65	3.8	1.5 (0.9 to 2.3)	3	3.0	65	3.8	0.8 (0.2 to 2.5)
Petrol station only	16	2.4	21	1.2	2.0 (1.0 to 4.0)	3	3.0	21	1.2	2.5 (0.7 to 8.8)
Garage and petrol station	14	2.1	21	1.2	1.8 (0.9 to 3.5)	1	1.0	21	1.2	0.8 (0.1 to 6.2)
Missing	0	0.0	6	0.3		0	0.0	6	0.3	
Garage or petrol station by period										
Intrauterine only	9	1.4	4	0.2	6.0 (1.8 to 19.5)	2	2.0	4	0.2	8.3 (1.4 to 49.4)
Childhood only	16	2.5	19	1.1	2.3 (1.2 to 4.5)	2	2.0	19	1.1	2.2 (0.5 to 9.8)
Both	38	5.9	77	4.6	1.3 (0.9 to 1.9)	2	2.0	77	4.6	0.4 (0.1 to 1.7)
Missing	5	0.8	13	0.8		1	1.0	13	0.8	

*OR estimated by unconditional logistic regression models including the stratification variables, age and gender, and number of children <15 years of age living in the household.

Table 5 Acute childhood leukaemia and residence adjoining an automotive repair garage or petrol station by duration of exposure, period of exposure, age at start of exposure, time between end of exposure and diagnosis or interview, and first year of exposure to a petrol station

	Cases (n = 765)		Controls (n = 1681)		OR* (95 CI)
	No	%	No	%	
Duration of exposure in childhood only					
Never	688	90.0	1573	93.6	1.0 (ref)
≤31.8 months†	13	1.7	5	0.3	4.7 (1.6 to 13.6)
>31.8 months	7	1.0	15	0.8	1.2 (0.5 to 3.0)
Missing	57	7.5	88	5.2	
Period of exposure					
Never	688	90.0	1573	93.6	1.0 (ref)
Childhood (yes vs no)	61	8.0	99	5.9	1.3 (0.9 to 1.9)
Intrauterine (yes vs no)	54	7.1	83	4.9	1.4 (1.0 to 2.1)
Childhood or in utero					
Childhood only	19	2.5	19	1.1	2.2 (1.1 to 4.2)
Intrauterine only	11	1.4	4	0.2	6.1 (1.9 to 19.7)
Both	41	5.4	77	4.6	1.2 (0.8 to 1.7)
Missing	6	0.7	8	0.5	
Age at start of exposure					
Never	688	90.0	1573	93.6	1.0 (ref)
<1 year old	61	8.0	90	5.3	1.5 (1.1 to 2.1)
≥1 year old	12	1.6	12	0.7	2.3 (1.0 to 5.2)
Missing	4	0.4	6	0.3	
Time since end of exposure					
Never	688	90.0	1573	93.6	1.0 (ref)
≤6 months	39	5.1	65	3.9	1.3 (0.9 to 2.0)
>6 months and ≤24 months	11	1.4	16	0.9	1.5 (0.7 to 3.3)
>24 months	22	2.8	22	1.3	2.3 (1.2 to 4.2)
Missing	5	0.6	5	0.3	
First year of petrol station exposure					
Never	729	95.4	1638	97.5	1.0 (ref)
≤2001	25	3.2	28	1.7	1.9 (1.1 to 3.3)
>2001	9	1.2	13	0.8	1.9 (0.8 to 4.6)
Missing	2	0.3	2	0.1	

*OR estimated by unconditional logistic regression models including the stratification variables, age and gender, and number of children <15 years of age living in the household.

†The median of duration of exposure during childhood was 31.8 months.

between acute leukaemia and residence next to a garage or petrol station were similar for the three categories of number of residences (one, two, three or more).

The results were unchanged after adjustment for parental socioeconomic category, birth order, early infections in childhood (at least one infection per quarter before the age of 1 year), domestic pesticide exposure during pregnancy, maternal smoking during pregnancy and paternal smoking before conception, during pregnancy and during childhood.

Exclusion of the cases with Down's syndrome from the analyses did not modify the results.

The results were unchanged when the analyses were restricted to the cases and controls interviewed before August 2004, when the authors' previous study was published and publicised.

Similarly, the results were unchanged when the six controls with missing last residence data were considered exposed to a garage or petrol station.

Out of the 30 residences at the time of interview reported to be located in the immediate vicinity of a petrol station, the presence of a station was confirmed by the independent databases for 16 residences. The confirmation frequency was similar for the cases (54%) and controls (52%).

DISCUSSION

The present study mainly showed a significant association between a history of childhood or intrauterine residence adjoining an automotive repair garage or petrol station and acute childhood leukaemia.

The size of the study generated sufficient statistical power for many of the associations under study, but not for investigation of period or duration of exposure or for subtype analyses.

The cases were identified through the data collection system of the French National Registry of Childhood Blood Malignancies, which is extremely comprehensive (>99% of acute leukaemia cases diagnosed in mainland France), making case selection at the identification stage unlikely. The case mother participation rate was very high, at about 90%. The main reason for non-inclusion was the child's poor state of health.

However, living next to a garage or petrol station is unlikely to have been related to the severity of the disease or short term survival, particularly since the associations were similar for rural, semi-urban and urban places of residence, in which health care may differ.

The controls were randomly selected from the overall population using the national telephone directory. Unlisted

numbers were randomly generated in order to prevent selection of controls on socioeconomic category or related factors, which might influence inclusion in the telephone directory. People with cell phones only could not be contacted and included as controls. This could have induced a bias if that category of people differed from those with a landline with regard to the variables under study. A French study on how psychoactive drugs are perceived³⁹ compared cell phone only owners with landline owners, and showed that the former were mainly young men (average age: 29 vs 42 years) and were less frequently parents (45% vs 72%). Cell phone only owners are thus likely to constitute only a small fraction of the source parent population.

The quota sampling process successfully ensured that the responding controls had the same distribution as the case group with regard to gender and age, and the same distribution as the overall population with regard to birth order and region, as shown by comparison with the French national perinatal surveys.³³⁻³⁵ The degree of urbanisation was not reported in those surveys. The refusals to take part in the study could have been related to parental socioeconomic status, which appeared higher for controls than cases. However, the results were unchanged after adjustment for parental socioeconomic status.

The residences adjoining a garage or petrol station were more often apartments and located in urban areas. The controls lived in a house slightly more frequently than the cases, which may have resulted in overestimation of the association. However, the estimates were similar when stratified by type of dwelling and urban/rural place of residence.

There was therefore no indication that the results may be due to selection of controls on factors related to residence adjoining a garage or petrol station. Adjustment for type of housing and place of residence did not change the results.

As the cases had lived in slightly more residences than the controls, the analyses were also adjusted for, and stratified by, the number of residences occupied by the cases and controls between conception and diagnosis or interview. The estimates were not modified by those adjustments or stratifications.

The case and control interviews were conducted in exactly the same manner, by the same interviewers, using closed questions in order to reduce differential misclassifications. However, misclassifications are likely to have occurred: the businesses adjoining the residences were described retrospectively and reported in maternal interviews; the questionnaire aggregated the exposures by residence as though the neighbourhood had not changed over the time spent in the same residence. The misclassifications may have been differential, since the parents of cases may have more readily reported having resided in a residence next to a garage or petrol station, even if the business was not located immediately next to their home, than the parents of controls. The French public started to become aware of the potential association between vehicle exhaust fumes and acute childhood leukaemia in August 2004, when the authors' previous study was published.¹⁷ However, the results were unchanged when the post-August 2004 interview data were excluded.

In a study by Schüz *et al.*,²⁶ the recall bias was greater when parents reported the exposures of young children, since case parents were considered to be more sensitive to minor exposures than control parents, when the exposures occurred shortly before the interview. In the present study, exposure was reported by case mothers more often than by control mothers for all age subgroups (9.3% for children aged 4 years; 9.1% for

children aged over 11 years) (see online supplemental table A). Interestingly, there was no association with residence adjoining businesses other than garages and petrol stations, although car bodywork repair shops or printing plants, for instance, could have been subject to the same degree of recall bias, at least before August 2004.

The associations between acute leukaemia and living next to a garage or petrol station were stronger when the exposure was intrauterine only or during childhood only, than when the exposure was both intrauterine and during childhood. However, the exposure may be more imprecise when the duration of exposure increases, as the questionnaire did not take into account the possible closing of businesses during the time children were living in a residence. Moreover, many petrol stations closed during the 1990s.

There were no missing or "not known" answers to the questions on the businesses next to the home. The only missing data were for the six controls who had lived in more than seven residences. When all those controls were included in the group exposed to a garage or petrol station, the results were unchanged.

Two main databases (Catalist²⁹ and Navteq²⁹), which only covered the year 2005, were used to validate the addresses of petrol stations. The proximity of a petrol station to a residence at the time of interview, was confirmed for 52% of the controls and 54% of the cases who had reported living near a petrol station, which suggests non-differential misclassification. Unfortunately, the extent of the misclassification could not be estimated from the set of sources available, since none of them was sufficiently comprehensive to be considered a gold standard. Their comprehensiveness was around 58% for each and 80% taken together and they did not cover petrol stations that closed before 2005. Therefore, no conclusion can be drawn for the 14 residences for which the presence of a petrol station was not confirmed, since the station may either have closed before 2005 or have been omitted from the databases.

There are only a few known factors that may have confounded the results. Urban/rural status and type of housing were associated with residence adjoining a garage or petrol station: more apartments and more urban residences were located next to those businesses. However, the results were similar after stratification by, or adjustment for, those factors. Analyses were also adjusted for parental smoking and pesticide use and the results were unchanged. Down's syndrome is a strong risk factor for childhood leukaemia and 11 children had this syndrome. Their exclusion from the analyses did not modify the results.

Other environmental factors not measured in the present study may have confounded the relationship, such as power lines or heavy traffic in the vicinity of homes, although neither is currently a recognised risk factor. However, a recent case-control study on acute childhood leukaemia and traffic¹⁶ found a significant association between childhood exposure to traffic fumes and risk of acute leukaemia, with an OR of 3.91 (95% CI 1.36 to 11.27) for the high exposure group (estimated annual average benzene exposure $>10 \mu\text{g}/\text{m}^3$) and an OR of 1.51 (95% CI 0.91 to 2.51) for the intermediate exposure group (estimated annual average benzene exposure between 0.1 and $10 \mu\text{g}/\text{m}^3$), compared to the unexposed group.

The results are in favour of a role of childhood exposure to vehicle exhaust fumes and low levels of benzene in acute childhood leukaemia. In the study, the traffic density at the place of residence at diagnosis or interview is to be derived from an ongoing geocoding process.

Other benzene sources, such as cigarette smoke, building materials or commuting may contribute to children exposure. In recent studies,^{37, 33} benzene concentrations were determined in some childhood microenvironments, such as outside the home, inside the home and at school. The concentrations varied from 0.6 µg/m³ in school and 1.2 µg/m³ outside the home, to 2.1 µg/m³ in homes in one study.³⁷ In another study,³³ the mean concentration in homes was 4.6 µg/m³, with variations depending on the urban/rural location of the home. The latter finding supports the influence of outdoor benzene levels on indoor benzene concentration.

The concentrations are much lower than those in petrol stations, close to the pump (1–10 mg/m³),³ but they are average concentrations that do not reflect the peak exposures to which children may be exposed several times a day.

In France, a recent campaign by the oil industry association³⁷ showed benzene concentrations in the air ranging from 4.5 to 31.5 µg/m³ close to petrol pumps, and from 1.2 to 8.2 µg/m³ at the edges of petrol stations. The levels were markedly higher in urban than in rural areas. The highest levels were found in petrol stations located under buildings. The levels were approximately three times lower in 2005 than in the period 1990–2000. In 1994, CONCAWE determined the air benzene concentrations around petrol stations in nine European countries and found that concentrations at petrol station boundaries were higher than the background concentrations. In France, the mean concentrations were 28.0 µg/m³ at petrol station boundaries and 15.4 µg/m³ in the background, in winter.¹⁰ The CONCAWE authors estimated that a petrol station increased the benzene level of a residence next to the station by 6 µg/m³.

To the authors' best knowledge, the associations between exposure to neighbouring automotive repair garages and petrol stations and acute childhood leukaemia have only been analysed in their previous case-control study, which was hospital based and carried out in four urban areas.¹⁷ The results reported herein support the previous finding of an association between childhood residence in the vicinity of a garage or petrol station and acute childhood leukaemia.

In the present study, the OR for childhood residence adjoining a garage or petrol station is lower (2.2, 95% CI 1.1 to 4.2) than that in the previous study (4.0, 95% CI 1.5 to 10.3), but the confidence interval is narrower. In the present study, the separate analyses of exposure to a neighbouring garage and exposure to a neighbouring petrol station showed a stronger association for petrol station only.

In the present study, there was a significant association between exposure to a garage or petrol station during the intrauterine period only and acute childhood leukaemia (OR 6.1, 95% CI 1.9 to 19.7), but in the previous study¹⁷ the association was not significant (OR 2.2, 95% CI 0.9 to 5.7).

No trend with respect to the duration of exposure to a neighbouring garage or petrol station and acute childhood leukaemia, was observed in the present study, but a statistically significant positive trend was found in the previous study (OR 1.03, 95% CI 1.01 to 1.05 per month of exposure). It is to be noted that the duration used in the present study is the time spent by the child in the residence. This may be different from the time the business remained next to the residence.

CONCLUSION

The results support the findings of the authors' previous study, that living in the vicinity of a petrol station might be associated with an increased risk of acute childhood leukaemia. The

information was only obtained by interview and no dose–risk relationship was evidenced, preventing an overly strong causal interpretation. However, many potential confounders were taken into account.

On the basis of these findings, the role of low level benzene exposure in acute childhood leukaemia deserves further evaluation with, as far as possible, a more accurate assessment of childhood exposures.

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Ethics approval: Ethics approval was obtained for this study (DGS No. 2003/0259). SFCE, Société Française de lutte contre les Cancers et Leucémies de l'Enfant et de l'Adolescent (see appendix 1 for a list of the SFCE investigators of the ESCALE study).

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APPENDIX 1

Table A1 SFCE Investigators of the ESCALE study

Principal investigator	Degree	Hospital	City (France)
André Baruchel	MD	Saint-Louis/Robert Debré	Paris
Claire Berger	MD	Centre Hospitalier Universitaire	Saint-Etienne
Christophe Bergeron	MD	Centre Léon Bérard	Lyon
Jean-Louis Bernard	MD	La Timone	Marseille
Yves Bertrand	MD	Debrousse	Lyon
Pierre Bordignon	MD	Centre Hospitalier Universitaire	Nancy
Patrick Boutard	MD	Centre Hospitalier Régional Universitaire	Caen
Gérard Couillaud	MD	Hôpital d'Enfants	Dijon
Lionel De Lumley	MD	Centre Hospitalier Régional Universitaire	Limoges
Anne-Sophie Defachelles	MD	Centre Oscar Lambret	Lille
François Demeocq	MD	Hôtel-Dieu	Clermont-Ferrand
Alain Fischer	MD	Hôpital des Enfants Malades	Paris
Virginie Gandemer	MD	Centre Hospitalier Universitaire – Hôpital Sud	Rennes
Olivier Hartmann	MD	Institut Gustave Roussy	Villejuif
Jean-Pierre Lamagnere	MD	Centre Gatien de Clocheville	Tours
Françoise Lapiere	MD	Centre Hospitalier Universitaire Jean Bernard	Poitiers
Guy Leverger	MD	Trousseau	Paris
Patrick Lutz	MD	Hôpital de Hautepierre	Strasbourg
Geneviève Margueritte	MD	Arnaud de Villeneuve	Montpellier
Françoise Mechinaud	MD	Hôpital Mère et Enfants	Nantes
Gérard Michel	MD	La Timone	Marseille
Frédéric Millot	MD	Centre Hospitalier Universitaire Jean Bernard	Poitiers
Martine Münzer	MD	American Memorial Hospital	Reims
Brigitte Nelken	MD	Jeanne de Flandre	Lille
Hélène Pacquement	MD	Institut Curie	Paris
Brigitte Pautard	MD	Centre Hospitalier Universitaire	Amiens
Yves Perel	MD	Pellegrin Tripode	Bordeaux
Alain Pierre-Kahn	MD	Enfants Malades	Paris
Emmanuel Plouvier	MD	Centre Hospitalier Régional	Besançon
Xavier Riolland	MD	Centre Hospitalier Universitaire	Angers
Alain Robert	MD	Hôpital des Enfants	Toulouse
Hervé Rubie	MD	Hôpital des Enfants	Toulouse
Nicolas Sivvent	MD	L'Archet	Nice
Christine Soler	MD	Fondation Lenval	Nice
Danièle Sommelet	MD	Centre Hospitalier Universitaire	Nancy
Jean-Pierre Vannier	MD	Charles Nicolle	Rouen

**Assessing the Impact of Fuel Filling Stations on the Environment
In Ghana**

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Ghana Technology University College
Accra, Ghana

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Abstract

Ghana's emerging oil and gas industry is creating new economic opportunities as anticipated. Even though the oil and gas industry is in its infant stages many downstream distribution channels are springing up. One of the main offshoots of the industry is the emergence of fuel (Petrol/Diesel and Gas (LPG)) filling stations across the country. The potential environmental impact of these stations on residential communities has raised concerns in recent times. The objective of the study was to assess the impact of the filling stations on the environment. Using GPS, data on fuel station locations and associated permitting, environmental and safety requirement was collected. Using ARCGIS, various analytical tools were employed to analyze the data. The paper presents a GIS based analysis on the effect of fuel stations location on the environment.

I. INTRODUCTION

Several studies have been conducted to look at environment and safety risks associated with filling (gas) stations. In a study conducted by Cezar-Vaz et al. on the risk perception of occupation accidents of gas station workers in Brazil, several risks factors were identified including psychological, physical and chemical risks [1].

In a similar study, Sergio et al [2] studied the impact of BTEX (benzene, toluene, ethylbenzene, and xylenes) emission from gas stations into the atmosphere. They concluded that concentrations of these gases were appreciably higher in filling stations than what is found in location with high vehicular flux. In fact, they concluded that the concentration levels at the gas station were similar to those found in tunnels. In the same paper, Sergio et al [2] citing Karakitsios et al. (2007) presented some results of a study conducted in Greece. Results indicated that people in the vicinity of gas stations have an increased risk of cancer from 3 to 21%.

The proliferation of filling stations in Ghana, and the location of some of the new filling stations warranted a study to determine the safety and other effects of the citing of these stations on the nearby homes and businesses.

II. RESEARCH METHODOLOGY

The study had three main objectives: 1) to determine whether practices at the fuel station conform to set down environmental requirements, 2) to measure safety perception of filling station attendants and 3) to determine whether the fuel stations in Ghana were using approved permitting methods in establishing and operating the fuel stations.

This study involved a comprehensive survey of 33 fuel stations, and 85 service station attendants, mechanics, sales persons, lube bay attendants and vehicle washers.

Both secondary and primary data was used for this study. Secondary data used included data from several agencies such as the National Petroleum Authority (NPA), the Ghana Environmental Protection Agency (EPA), the Ghana National Fire Service (GNFS), the ministry of Environment, Science and Technology, the Accra Metropolitan Assembly (AMA) and the Tema Metropolitan Assembly (TMA). Data collected from the NPA, the ministry, EPA, and the GNFS included requirement

for setting up of fuel station at various locations. Data such as building infrastructure and minimum plot requirements, underground tank locations and their relative distances from building boundaries, minimum length of vent pipes and their relative distance from dwelling places and fuel discharge locations were collected. These data were used as the benchmark data to determine station compliance as compared to what was measured in the field. Additional data collected across all agencies included other location, safety and fire standards such as height of fuel station walls, availability of pollution prevention and fuel spillage equipments.

Primary data was collected at three levels: 1) location survey using GPS of all the 33 fuel stations, 2) existing infrastructure measurement such as wall heights, relative location of vent pipes, etc. and 3) a questionnaire based survey of 85 persons measuring their perception of safety and environmental concerns on the proliferation of fuel stations in Accra.

After processing the position information in Excel, Arcmap was used to analyze permitting data. The GPS data provided the location information associated with the various fuel stations. All field data were brought to excel and processed.

III. RESULTS AND DISCUSSIONS

Data Characteristic: The study was designed to include a mix of most of the major oil companies in Accra. Companies surveyed included: Engen, Total, Goil, Shell, and Allied Oil. In all 33 stations were surveyed. Table 1 shows the distribution of the stations surveyed while table 2 shows the characteristics of the respondents.

Table 1: Fuel Companies Surveyed

COMPANY	NO.
ENGEN	8
TOTAL	6
SHELL	4
ALLIED OIL	4
OTHER	11
TOTAL	33

Table 2: Characteristics of Survey respondents:

Gender		%
male	42	49.4
Female	43	50.6
Total	85	100
Level of Education		
Junior High	5	5.9
Senior High	60	70.6
College	10	11.8
Other	10	11.8
Total	85	100
Age (yrs)		
less than 19	1	1
19-30	55	65
31-45	18	21
46-50	1	1
greater than 50	2	2
No data	9	10
Total	85	100

A. FUEL STATION AND THE ENVIRONMENTS:

To evaluate the effect of filling stations on the environment, two approaches were used: 1) a field survey was conducted to determine whether the stations were in compliance with current regulations and 2) a questionnaire based study to peoples (station attendants and people living around filling stations) perception on safety and environmental effects. For environmental issues, threes key areas were addressed namely: vapor recovery and air pollution, spillage and leakages. The next few paragraphs present results and discussion from the study.

1. Vapor Recovery System and Air Pollution

Vapor recovery is the process of recovering the vapors of gasoline or other fuels, so that they do not escape into the atmosphere. This is often done (or required by law) at filling stations, in order to reduce noxious and potentially explosive fumes and pollution [3]. 49% of filling station surveyed did not have vapor recovery system. This suggest that various hydrocarbon are easily released into the air during fuel delivery. Certainly, this is an environmental hazard.

2. Spillage

The data revealed that 82% of the filling stations surveyed have adequate spillage measures to prevent spillage. 18% considered the spillage

system not adequate at their facilities. Considering the fact that spillage has the potential of causing serious fires, 18% appears to be too high.

3. Leakages

Leakage detection systems alert station attendants when there is a leak anywhere in the station. 28% of the stations surveyed do not have a leak detection system. On the issue of how regularly service lines are checked for leaks, only 35% of service stations do check their supply lines and other leakages (15% check at least once a month, 10% about every two months and 10% about twice a year). This means that 65% of the stations either do not have the means or do not check for leaks. This suggests that even if there are leakages at the stations, there is no way of knowing and this is a serious environmental threat. Leaks especially through underground storage tanks can pose a threat to the soil, surface water and ground water. There have been several instances where filling stations especially in the United States have been fined for not attending to leakage issues properly [4].

B. Fuel Station and Safety

This section of the paper looked at safety practices including safety training at the filling stations.

Also, perception of safety by fuel station attendants and people who live around these stations is discussed.

98% of the attendant surveyed indicated that they were trained on safety issues before they started working there. Only 2% did not get training. While at work, 88% of the workers surveyed affirmed they are trained often on safety issues. 12% did not get regular training on new safety measures. 74% percent felt protected as far as dangers like fire at the station were concerned. On protection from weather condition such as heat and rain, it was found that 89% of the station had canopies while 11% did not. On the topic of inhalation as a health hazard, 73% of the respondents who work at the various fuel station felt they inhale these vapors on a regular basis. Overall, 80 per cent of the respondents feel safe working at the service stations. This is a general response covering all the categories of workers there.

C. Compliance Issues (Permitting, etc) For Compliance issues, six factors were looked at to determine whether they satisfy the minimum

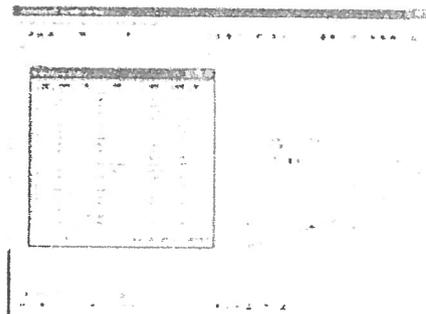


Figure 1: Wall Height Compliance requirement to

operate the filling stations. The factors looked were: 1) Wall Height (WH), 2) Length of vent pipe above ground level (MLVPGL), 3) Length of vent pipe away from dwelling place (MVPDP), 4) length of vent pipe away from loading point (MVPL), 5) Distance between station and closest house (DBHS), and 6) Distance between fuel tank and closest building (DBTB.)

1. Wall Height (WH) Compliance

As shown in figure 1, 21 out of the 33 filling stations do not comply with the WH requirement. Since the wall height are designed to protect the residential neighborhood, it appears most of the filling station represent environment hazard to their neighbors especially in cases like fire.

2. Vent Pipe Above Ground level (MLVPGL),

As shown in figure 2, 16 of the 33 filling stations did not comply with the height of vent pipe

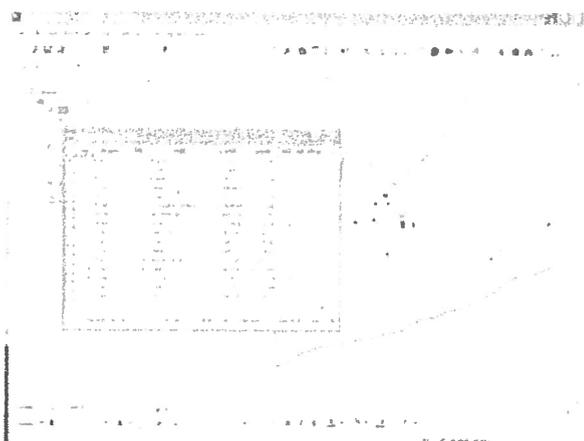


Figure 2: Height of vent pipe.

requirement. Since most of the stations have shorter pipes, exposure to residential communities may be considered to be above standard since a shorter vent pipe will mean early discharge of the vapor.

3. Length of vent pipe away from dwelling place (MVPDP),

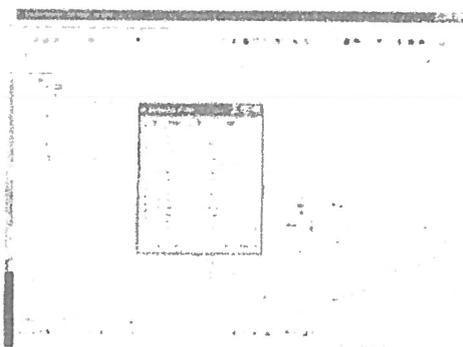


Figure 3: Distance of vent pipe and closest building.

21 out of the 33 stations were also found to violate this requirement. Figure 3

Figure 3: Distance of vent pipe and closest building.

With similar analysis, it was found that 23 filling station violated the Distance between station and closes house (DBHS) requirement, 29 violated the length of vent pipe away from loading point (MVPL) requirement and only 1 station out of 33 filling station violated requirement for Distance between fuel tank and closest building (DBTB).

Based on the above results, it is evident that most of the stations over 60% of them are violating the principal permitting requirements needed to prevent serious environmental hazards and also on safety issues.

III. CONCLUSION

Based on the results and discussion presented so far, it can be concluded that on the issue of environmental concern, while most vapor recovery systems are not adequate in about half of the filling station, leakages seem to be a major concern since systems to check is not adequate and the frequency of leakage check is also very low. On safety, even though about 80% of the people surveyed feel safe, it appears the data from the permitting and compliance section do not support their argument. The simple reason may be that, they do not know and understand the scientific implication of the absence of such systems in place. Results from the compliance section present a whole different picture. For all the six critical compliance factors studied, most of the stations violated all the requirements. One can speculate that perhaps, the permitting requirements are just on paper or the regulating bodies are not cracking down on violators. Such practice put the community at risk at all levels including environmental hazards condition and safety condition. It has to be stated here though that to generalize results, an expanded study is required to expand the scope to cover a significant part of the region or perhaps across the whole country.

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The impact of BTEX emissions from gas stations into the atmosphere

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ABSTRACT

Gas stations in Brazil are commonly located in residential and commercial areas, which lead to the degradation of health quality for people who live and work in the neighborhood. In this study, eleven gas stations located at Rio de Janeiro, Brazil, were evaluated. Forty-nine samples were collected in the gas station area and others 250 m away from one of the studied areas to evaluate the plume dispersion of the contaminants emitted during the filling process. This study focused on the BTEX (benzene, toluene, ethyl benzene and xylenes) emissions, as content of these compounds in gasoline sold in Brazil is near 40% v/v. Samples were collected using coconut shell charcoal cartridges, and the chemical analyses were done using a GC-MS technique after sample extraction with dichloromethane. Results indicated an average value of 29.7 $\mu\text{g m}^{-3}$ for benzene, 47.7 $\mu\text{g m}^{-3}$ for toluene, 23.3 $\mu\text{g m}^{-3}$ for ethyl benzene, 46.9 $\mu\text{g m}^{-3}$ for m-p-xylene and 14.3 $\mu\text{g m}^{-3}$ for o-xylene. The concentrations of the saturated vapors of five commercial gasoline samples were evaluated by using the static headspace technique. Ambient air concentrations estimated using a Gaussian plume dispersion model indicated that values for BTEX were greater than those found in the downtown area of Rio de Janeiro, even 150 m away from the gas station which can impact a nearby hospital, two schools and several residences. These results indicated that more attention should be given to the locations of gas stations.

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1. Introduction

Brazilian vehicular fleet growth is a phenomenon with several issues, including the lack of public transportation, the unplanned growth of urban centers, the economic stability that facilitated credit for families, and the more affordable fuel prices. This increase in fleet size can be seen in Figure 1, together with the fuel consumption evolution and the numbers of gas stations present during the last decade.

Figure 1 clearly shows that the three variables are closely linked. In addition, this increase in the number of gas stations is concentrated within cities, often in places with a large circulation of people, consisting of residents, pedestrians and commerce in general.

Even with the significant advances in fuel quality and engine technology in recent years, air pollution in urban centers in Brazil still largely comes from mobile sources, as stated in the latest annual reports of the INEA (2009) and CETESB (2009), the local environmental agencies from Rio de Janeiro and Sao Paulo states, respectively. Other significant sources of pollutants to the atmosphere are gas stations, industries that use solvents in their processes, refineries and landfills (CETESB, 2009).

In Brazil, there is no specific legislation for the locations of gas stations that focuses on air pollution to their surroundings. National Environment Council (CONAMA) Resolution number 273/1990 deals with the environmental licensing of this activity type with a focus on possible accidents involving fires, explosions and liquid fuel leaks to surface and groundwater bodies. The actual legislation allows new gas stations near residential areas and trades, such as schools and hospitals.

Some studies regarding the volatile organic compound emissions from gas stations were conducted in European countries with the aim of evaluating control systems to prevent emissions (Uren 1997; Ohlrogge et al. 2000) and to study their effects on workers (Brugnone et al., 2000; Periago and Prado, 2005).

An extensive report was conducted by IEH (1999) about the benzene emissions to the atmosphere. They reported that benzene emissions to the atmosphere from the evaporation of petrol in UK is 5.5% and 65.3% is from light vehicles.

Li et al. (2011) also evaluated the impact of BTEX emissions from combustion (85%), evaporation (small contribution) and industrial sources (less than evaporation) at New York State using canisters to collect samples following the U.S. EPA TO-15 methodology.

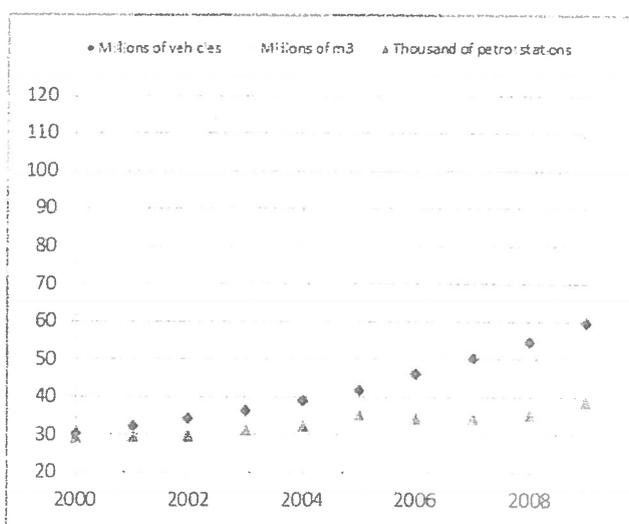


Figure 1. Evolution of the vehicular fleet, fuel consumption and gas stations in Brazil in the last decade (DENATRAN, 2010; ANP, 2007).

Others authors also relate the BTEX emissions to the atmosphere with focus on benzene (Fujita et al., 1995a; Fujita et al., 1995b; Derwent et al., 1995; Srivastava et al., 2005; Srivastava et al., 2006). All these authors pointed out that emissions from transportation sector is more than the half of total emissions. The gas stations are the second major source (less than 20%) and industrial sector has a minor contribution.

In Brazil, a local worker usually fills up fuel tanks on vehicles. By filling the tank, e.g., with gasoline, there is an exchange of saturated vapor inside the tank of the vehicle by the corresponding liquid fuel coming from the underground tank. This underground tank also makes this exchange of saturated vapor by liquid fuel to be supplied by the tanker truck.

These compounds are responsible for numerous adverse health effects, such as asthma, mental confusion, fatigue, throat and eye irritation and nausea (Godish, 1981, 1990; DHS, 1989).

Some European countries and states in U.S. have adopted vapor recovery techniques (CARB, 1996), which Brazil still needs to regulate.

There is no value set for acceptable levels of BTEX in ambient air in Brazilian law. For comparison, one can use the values assigned by law for occupational environments, as stipulated in the Regulatory Standard Number 15 of the Ministry of Labor-Unhealthy Activities and Operations, as shown in Table 1 or the U.S. equivalent standard of NIOSH.

Table 1. Occupational exposure limits for BTEX – 8 hours

BTEX	NR-15	Hazard Degree	NIOSH
Benzene	0	Maximum	3.19 mg m ⁻³
Toluene	290 mg m ⁻³	Average	375 mg m ⁻³
Ethyl benzene	340 mg m ⁻³	Average	435 mg m ⁻³
Xylenes	340 mg m ⁻³	Average	435 mg m ⁻³

A Brazilian national agreement stipulates that it is forbidden to use benzene after 1 January 1997 for any use, except in industries and laboratories that produce or use it in chemical synthesis, fuels, chemical analysis, and the production of anhydrous ethanol. However, in general, the maximum values for occupational environments are relatively high compared to the air

considered safe for an urban environment, which is used to ensure the welfare and health of the population, especially children, the elderly, and sick.

This article presents data on the impact of evaporative emissions arising from gas stations with a focus on gasoline, which is a mixture of a number of light hydrocarbons, including aromatics. Data on atmospheric concentrations of BTEX (benzene, toluene, ethyl benzene and xylenes) obtained at eleven gas stations, the content of these compounds in gasoline samples and the plume dispersion modeling was used to assess the extent of the area affected by these evaporative emissions.

2. Materials and Methods

2.1. Sampling sites

Eleven gas stations were sampled at Rio de Janeiro city and the locations were chosen for ease of access to facilities and are located on busy roads and residential or trade centers in the neighborhood.

Nine ambient air samples were collected near of one of the gas stations, which were used in the plume dispersion modeling study. These samples were collected 250 m away from the gas station for comparison of modeled values with measured concentrations. This specific gas station was chosen because it is located in a residential area, near two big hospitals and two schools.

2.2. Air sampling at gas stations

Samples were collected during normal business hours for 20 minutes, 1.5 meters above ground and 2 to 3 meters away from the fuel pump. A sample flow rate of 1 000 mL min⁻¹ was used with an SKC, battery-operated air sampling pump model PCXR4, and the flow was measured with a Dwyer flow meter model MMA-20. Activated charcoal cartridges with a double bed (400/200 mg, Supelco Orbo 32) were used to collect samples. At each site, two to nine samples were collected at several time intervals (total 50 samples).

2.3. Chemical analyses

After collection, the cartridges were sealed and transported in an insulated box to the laboratory. One microliter of 100 ng mL⁻¹

deuterated toluene was added with a micro syringe into the cartridge to evaluate the recovery process. The extraction and recovery process of BTEX in these types of cartridges was detailed in a previous publication (Correa and Arbilla, 2006). The content of each cartridge bed was placed in separate vials, and 1 000 μL of dichloromethane (ACS 32222 Sigma–Aldrich) was added at a temperature below 0 °C. The sealed vials were placed in a cooled ultrasonic bath for 20 minutes and then left for 1 hour at 10 °C.

A VF–5MS column (30 m, 0.25 mm and 0.25 μm film thickness) was used for the chemical analysis. Injections of 1.0 μL were used at 200 °C with a split ratio of 1:4, using Helium at 2.0 mL min^{-1} as the carrier gas. The temperature program started at 40 °C and was maintained for 3 minutes; this was followed by a heating rate of 15 °C min^{-1} up to 200 °C, and the column was maintained at this temperature for 6 minutes. The temperatures of the ion trap, manifold and transfer line were 150 °C, 40 °C and 180 °C, respectively. The mass selective detector monitored ions from 72 to 79, 89 to 93 and 101 to 107 and 119 to 121 (m/z).

The BTEX calibration was performed with a standard solution (Supelco EPA TO–1 Mix 1A). To build the calibration curve, solutions with concentrations ranging from 0.1 to 4.0 $\text{ng } \mu\text{L}^{-1}$ were used. The correlation coefficients were always above 0.99. Using the least square method, the calibration curves were derived, and the limits of detection and quantification were calculated; this information was obtained by dividing by three to ten times the signal to noise ratio by the linear coefficients of the calibration curves. The calculated quantification limit for each BTEX was 20 $\text{pg } \mu\text{L}^{-1}$, corresponding to a concentration of 1.0 $\mu\text{g m}^{-3}$ in the atmosphere.

The chemical analyses of gasoline–saturated vapor were performed using the same methodology described for the samples. One milliliter of five different commercial gasoline samples was left in equilibrium with their vapor for one week in five 10 mL sealed headspace vials. Afterwards, a 20 μL sample was collected using a headspace syringe, and it was injected into a gas chromatograph Varian model 450GC coupled to a mass selective detector model 220MS with a static headspace autosampler CombiPAL. Five replications of each sample were analyzed.

2.4. Plume dispersion modeling

A Gaussian plume model can be used to assess pollutant concentrations and deposition fluxes from a variety of sources associated with an industrial complex source.

The model used here (AERMOD) is designed to support the choices of regulatory models, as specified in the guidelines on air quality models. The model provides various possibilities and options for the simulations, such as:

- Dispersion of primary pollutants and continuous emissions of toxic and hazardous pollutants;
- Consideration of multiple sources, including the point, volume, area and open cavities sources. Line sources can also be modeled as current sources of volume or elongated areas;
- Consideration of the emission rates of sources, such as constant or inclusion changes per month, season and time periods, both for a single source or a group of sources;
- Consideration of the aerodynamic downwash effects due to the proximity of buildings near the source;
- Inclusion of algorithms for modeling the deposition and removal (through dry deposition) of particulate matter, as well as modeling the effects of removal by rainfall for gases or particulates;
- Location of receptors can be specified in both receptors on the grid and/or discretely, in a polar or Cartesian coordinate system;

- Incorporation of dispersion viewing models for receptors in complex terrain;
- Use of meteorological data in real time to consider the weather conditions that affect the distribution of air pollution impacts in the modeled area;
- Output results for concentration, total deposition and dry and wet deposition fluxes.

According to Negri (2002), the model allows for the associated climate scenarios to be close to physical reality, which is used by the academic community and by national and international environmental agencies. The calculation of pollutant concentration yields reliable results in spatial and temporal scales, which are subsequently compared to the standards prevailing in the country (CONAMA, 1990). The model accepts input from more than 500 simultaneous sources and areas that generate approximately more than 1 500 surface receptors. The receptors are distributed within a Cartesian grid, whose boxes accept variable areas. This model allows the incorporation of equivalent point sources and sources that are established areas for mobile sources (e.g., vehicular) and agriculture (e.g., cane burning).

The flat topography of the study region was taken into consideration to assess the impact of a nearby gas station. In addition, only modeling values near the building were taken into consideration.

A local meteorological station collected the meteorological data on an hourly average basis for the year 2009, which was in a pre–processed file to be used with the model.

3. Results and Discussion

The analysis results of the gasoline vapor in equilibrium with the liquid phase are presented in Table 2. The deviations among the five 20 μL injections of the vapor samples from five different types of C gasoline were less than 30%. Each sample from different companies was placed in a different vial to assess the reproducibility of the liquid–vapor equilibrium process inside the vial.

Table 2. BTEX concentrations in gasoline vapor from 5 samples from different companies (mg m^{-3})

BTEX	1	2	3	4	5	Average	SD %
B	186.7	126.8	184.5	166.7	208.8	174.7	17.6
T	1 845	2 606	1 823	2 619	1 447	2 068	25.2
E	517.1	968.2	593.5	888.0	778.7	749.1	25.5
m+p-X	5 637	5 211	4 558	5 622	4 794	5 165	9.38
o-X	720.6	1 422	800.3	1 201	1 128	1 054	27.6
						Total	9 211

B: benzene; T: toluene; E: ethyl benzene; m+p-X: m+p-xylenes; o-X: o-xylene.

This high value of standard deviation can be attributed to gasoline samples collected from different brands of the stations studied. All samples were of type C gasoline from different suppliers.

BTEX contents of the samples collected at ambient air of the gas stations are presented in Table 3. The values found were dependent on the amount of fuel pumps, the number of filling operations and with the air circulation of each day. It is possible to notice that when the concentrations are high or low for a particular day in the same gas station, all BTEX exhibit the same behavior as well as their ratio.

An interesting result can be observed at Figure 2 between the distribution of BTEX in the gasoline vapor in equilibrium with the liquid phase and the BTEX found in the atmosphere of the gas stations studied. At Figure 2 it is possible to observe the average values of BTEX concentrations for the gas stations studied (Table 3) and also the average values of the vapor concentration of the liquid gasoline (Table 2). The presence of lighter BTEX was more pronounced in the atmosphere of gas stations and the presence of xylenes is greater in the gasoline vapor; these differences were due to the differences in the vapor pressures of different species.

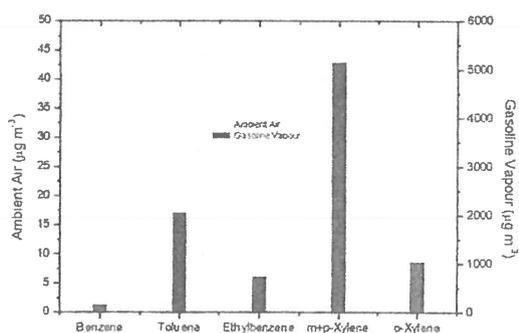


Figure 2. Comparison between BTEX in the gasoline vapor and in the ambient air of the gas stations.

The standard deviation for the gas stations atmosphere was very high, ranging from 43.4 to 66.3%. This can be attributed to the location of each gas station. Some of them are located in areas with low air circulation and others are located near highways with a good dispersion. However the sample variations of the same gas stations were lower than 10%.

The majority of benzene emissions can be attributed to the limits allowed by Brazilian legislation (1% v/v). The increase of benzene/toluene ratio in ambient air (0.60) compared to source (gasoline vapor) (0.085) can be attributed to other sources of benzene and the higher reactivity of toluene in the atmosphere. The reaction rate of toluene with OH radical is $5.96 \times 10^{-12} \text{ cm}^3 \text{ molecule}^{-1} \text{ s}^{-1}$ while benzene has a reaction rate of $1.23 \times 10^{-12} \text{ cm}^3 \text{ molecule}^{-1} \text{ s}^{-1}$ (Gelencser et al., 1997).

Among the gas stations studied, one was chosen to perform the simulation of the plume dispersion coming from the vapors released during the supplying process of the vehicles. This gas station location was chosen because it is near a hospital and a school, and a larger number of samples were collected at this location. The topography of the studied region is regularly at sea level, and several residential buildings are located in the vicinity. Each sample collected in this gas station was collected simultaneously at 250 m on the same street and sidewalk of a school. The results are presented in Table 4.

Comparing the values with the same samples collected at gas station C, on the same days and times, the samples collected 250 m away from the gas station showed values from 2.4 to 3.7 times lower than the ambient air collected near the fuel pump, which demonstrated that the atmosphere of the gas station is significantly influenced by the evaporative BTEX emissions.

An estimation of the BTEX emission from the gas station was done using the gasoline vapor concentration, the total gasoline sold and the gas station working hours. This calculation was done based on the assumption that when filling the tank with a given amount of fuel, an equal amount of saturated vapor is emitted

Table 3. Concentrations of BTEX for ambient air for the gas stations ($\mu\text{g m}^{-3}$)

Gas Station	Date	B	T	E	m+p-X	o-X
A1	07/20/2008	31.1	55.8	19	38.4	11.3
A2	07/20/2008	45.5	62.1	23.4	41.7	12.6
B1	07/28/2008	15.4	25.9	11.3	17.8	12.5
B2	07/28/2008	16.4	29.9	13.3	41.1	8.8
B3	07/28/2008	21.1	28.3	14.4	40.8	12.3
B4	07/28/2008	22.3	30.7	16.7	39	13.5
C1	08/15/2008	39.8	65.6	38.1	70.4	19.0
C2	08/15/2008	38.4	69.8	40.1	66.8	21.2
C3	08/15/2008	37.7	61.1	33.4	65.8	17.4
C4	10/25/2008	41.1	60.9	41.3	70.1	20.1
C5	10/25/2008	38.8	71.3	39.9	61.3	17.6
C6	08/25/2008	47.7	62.3	33.5	57.9	15.3
C7	04/17/2009	41.1	61.8	31.4	54.3	14.4
C8	04/17/2009	38.5	51.7	24.4	47.3	11.9
C9	04/17/2009	40.8	55.1	28.9	49.9	16.6
E1	06/16/2009	15.5	29.7	11.3	22.6	5.77
E2	06/16/2009	11.8	25.5	9.9	21.5	6.71
F1	08/16/2009	25.5	71.2	19.7	45.6	11.3
F2	08/16/2009	20.8	75.8	17.7	40.3	9.87
F3	08/16/2009	24.4	63.1	20.6	36.6	8.71
F4	08/19/2009	22.3	67.8	18.8	33.1	7.43
F5	08/19/2009	20.5	69.9	17.4	31.7	6.44
G1	09/18/2009	15.5	54.1	17.5	23.8	4.56
G2	09/18/2009	11.1	45.6	13.5	17.6	5.89
G3	09/28/2009	28.4	59.7	23.4	40.1	9.87
G4	09/28/2009	22.3	59.5	25.6	40.1	11.3
G5	09/28/2009	25.7	62.1	24.8	43.3	8.12
G6	09/28/2009	25.5	56.7	20.4	37.1	7.77
H1	10/04/2009	30.9	79.3	30.4	50.3	19.8
H2	10/04/2009	38.9	71.1	33.3	56.8	11.4
H3	10/05/2009	41.5	80.9	36.1	59.1	17.4
H4	10/05/2009	35.5	77.4	39.1	54.4	12.3
I1	10/22/2009	78.9	111.4	57.7	77.9	11.6
I2	10/22/2009	81.8	123.7	65.5	80.5	11.1
I3	11/07/2009	14.4	40.4	14.8	30.5	12.3
I4	11/07/2009	17.7	41.3	15.5	29.3	14.9
I5	11/07/2009	11.1	33.7	9.78	19.7	11.3
J1	11/21/2009	60.5	76.4	39.9	63.1	15.7
J2	11/21/2009	71.1	77.3	34.4	67.9	11.1
J3	11/21/2009	55.5	61.3	29.8	59.7	8.9
J4	11/28/2009	39.8	66.7	33.6	60.1	11.1
J5	11/28/2009	78.8	81.3	33.8	56.6	13.4
K1	09/12/2008	3.42	8.64	1.31	3.86	0.39
K2	10/03/2008	4.69	12.89	3.86	9.64	1.92
K3	10/13/2008	12.50	30.76	11.34	25.11	5.18
K4	10/24/2008	38.74	61.48	13.17	34.17	6.43
K5	02/05/2009	66.64	154.55	71.09	96.91	15.09
K6	02/16/2009	36.83	94.62	30.38	74.64	15.50
K8	11/03/2009	3.77	9.07	2.40	6.13	0.90
AVERAGE		29.7	47.7	23.3	46.9	14.3
SD		19.7	27.4	14.8	20.5	4.9

B: benzene; T: toluene; E: ethyl benzene; m+p-X: m+p-xylenes; o-X: o-xylene; the letters indicate the gas stations and the number the sample number.

from the tank to the atmosphere and the same value must be replenished by a tanker truck to fill the underground supply tanks, since no vapor recovery technology is used in Brazil. Multiplying the average BTEX concentration measured in the gasoline vapor (9.211 mg m^{-3} from Table 2) by the vapor volume displaced by the

liquid gasoline sold (8.2 m^3) it is possible to calculate the BTEX mass released to the atmosphere. Considering a constant emission during the gas station working period (16 h or 57 600 s) the emission value can be calculated by the equation:

$$\text{Emission} = \frac{9\,211 \text{ mg m}^{-3} \times 8.2 \text{ m}^3}{16 \text{ h} \times 3\,600 \text{ s h}^{-1}} = 1.311 \text{ mg s}^{-1} \quad (1)$$

Table 4. BTEX concentrations for samples collected 250 m away from the gas station ($\mu\text{g m}^{-3}$)

Gas Station	Date	B	T	E	m+p-X	o-X
C10	08/15/2008	17.2	24.7	14.4	20.9	8.78
C12	08/15/2008	15.1	29.0	13.3	18.2	5.34
C13	08/15/2008	19.8	20.5	10.9	17.7	4.45
C14	10/25/2008	14.7	19.6	12.8	16.1	6.68
C15	10/25/2008	15.5	23.3	16.3	14.7	5.12
C16	08/25/2008	22.4	28.3	9.25	13.0	4.96
C17	04/17/2009	18.6	20.8	8.71	14.0	3.45
C18	04/17/2009	16.1	20.0	6.09	16.6	3.03
C19	04/17/2009	12.7	18.8	7.12	15.9	4.07
AVERAGE		16.9	22.8	11.0	16.3	5.10
SD		2.96	3.81	3.46	2.39	1.75

B: benzene; T: toluene; E: ethyl benzene; m+p-X: m+p-xylenes; o-X: o-xylene.

The modeling of the plume was performed using 2009 annual meteorological data from the study area collected by a meteorological station located less than 1 km from the gas station studied. The modeled area around the gas station was $200 \times 200 \text{ m}$.

Scenarios of 1, 8, 12 and 24 hours of plume dispersion were considered, which were the worst periods of atmospheric dispersion for the year 2009. The terrain of the studied area was flat at sea level, and only the buildings around the gas station had their dimensions considered in modeling. The temperature of the BTEX release by the storage tanks and vehicles was 25°C at a height of 1 meter from the ground. The model used a discrete Cartesian grid with 441 points, each with a 10 meter distance.

The results of the plume dispersion are shown in Figure 3. The geographic coordinates of the gas station were not described to maintain discretion.

From the modeling results, the iso-concentration lines indicated that the values were comparable with those found in atmospheric samples from the gas station and its surroundings. The sampling location (SL) for ambient air is indicated in Figure 3, in the front area of one of the hospitals. This area presents values for total BTEX of $72.1 \mu\text{g m}^{-3}$ and the iso-concentration lines indicate that modeled values are between 50 to $100 \mu\text{g m}^{-3}$.

The values found for the atmosphere of the gas stations do not exceed the limits stipulated by law, except for benzene, according to the collective agreement for benzene in Brazil. However, comparing the benzene levels found in these gas stations or in the ambient air with the value stipulated by the Directive 2000/69 of the European Community (2000), which is $5 \mu\text{g m}^{-3}$, the conditions found in the study area are well above this value, for this pollutant that is considered Class 1 by the IARC (1987).

The U.S. EPA (2005), through cancer risk analysis, estimates that an individual exposed to benzene levels between 0.13 to $0.45 \mu\text{g m}^{-3}$ for 70 years has a cancer risk probability of $1/1\,000\,000$. Exposure levels between 1.3 to $4.5 \mu\text{g m}^{-3}$ raise the risk to $1/100\,000$, and between 13 to $45 \mu\text{g m}^{-3}$, the risk of getting

cancer, especially leukemia, rises to $1/1\,000$. These levels are comparable to the levels of almost all of the samples collected at the gas stations and surrounding areas.

During 2004 and 2005, 94 samples were collected at Presidente Vargas Avenue in the city centre of Rio de Janeiro (Correa and Arbillá, 2007). The average concentrations were 15, 23, 9.0, 7.0 and $19 \mu\text{g m}^{-3}$ for benzene, toluene, ethyl benzene, m+p-xylene and o-xylene, respectively. These values are roughly half of those obtained in the gas stations, clearly showing that emissions due to gasoline transfer processes are considerable. The concentrations of benzene and toluene obtained in this study were very similar to values found by Machado et al. (2007) inside Rebouças Tunnel, which connects the north and south areas of Rio de Janeiro (26 and $46 \mu\text{g m}^{-3}$, respectively), where light duty vehicles represent approximately 95% of vehicular traffic and benzene represents approximately 15% (by weight) of the total aromatics. The concentrations of ethyl benzene and xylenes are higher in the gas station atmospheres due to the contribution from gasoline evaporation. The average ratio of benzene/toluene at the gas stations is 0.6, comparable to that obtained at Presidente Vargas Avenue and Rebouças Tunnel. Values obtained in cities around the world range from 0.25 to 0.50 (Rodrigues et al., 2007). Figure 2 shows that the benzene/toluene ratio in gasoline vapor is 0.085, seven times smaller than the ratio measured in the atmosphere of the gas stations in this study.

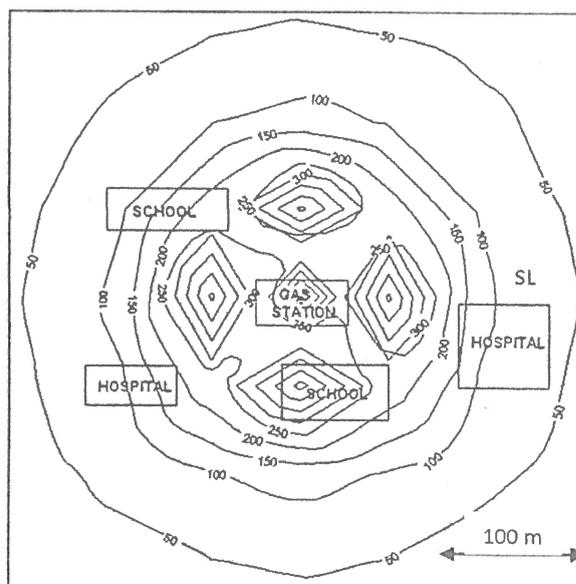


Figure 3. Plume dispersion results for the gas station 1h scenario, indicating the BTEX iso concentration lines ($\mu\text{g m}^{-3}$). SL indicates the location where ambient air samples were collected.

According to Enactment no. 309 of 12.27.2001, the National Petroleum, Natural Gas and Biofuels Agency (ANP, 2009) of Brazil, establishes the minimum and maximum limits of fuel characteristics to ensure the quality of petroleum derivatives. The Technical Regulation of ANP no. 05/2001 specifies that gasoline type C can contain $25 \pm 1\%$ (v/v) of anhydrous ethanol fuel and a maximum of 1.0 and 45% (v/v) of benzene and aromatics, respectively.

Silva et al. (2009) determined the aromatics content in commercial gasoline and in refineries in the Piauí state, finding a concentration of benzene between 0.28 to 0.48% v/v and 0.35 to 0.53% v/v, respectively.

Measurements performed in Mexico City with passive samples during a 6-hour period showed an average (geometric mean) benzene concentration of $170 \mu\text{g m}^{-3}$, with values between 130 and $770 \mu\text{g m}^{-3}$. The median of these values was $330 \mu\text{g m}^{-3}$, and measured in a street of that city gave a median value 5 times lower. At the time of experiment, the benzene content of gasoline in Mexico gasoline was 1.5–2% v/v.

Hartle (1993) reported values of 96 and $192 \mu\text{g m}^{-3}$ for gas stations in Cincinnati, Ohio, and Los Angeles, California, respectively. These values were similar to values found in the 70 decade (smaller than $300 \mu\text{g m}^{-3}$).

Studies on the evaporation of aromatic compounds in pure gasoline and gasoline/ethanol blends showed that the concentration of benzene in the vapor phase was 89.09% lower in gasoline/ethanol blends (5% and 10% ethanol) but that concentrations of xylenes and toluene increased dramatically by 252% and 239%, respectively (Cagliari et al., 2010). The concentrations of benzene determined in this work were considerably lower than those found in gas stations from other countries because Brazilian gasoline is mixed with 25% v/v of anhydrous ethanol.

4. Conclusions

The results reported in this study showed that aromatic concentrations in the ambient air of gas stations were appreciably higher than the average values in locations with high vehicular flux and similar to those obtained inside a tunnel, but ratios of benzene/toluene are slightly different.

The results presented here are intended to base the discussion on the location selection of gas stations in Brazilian and others cities. Currently, the legislation has a focus on possible accidents involving fires and leaks into the soil and groundwater, but attention should also be given to emissions into the atmosphere. Depending on the gas station's location and the vapor quantity released, its area of influence can reach hundreds of meters; however, in Brazilian cities, it is common to find buildings within this radius of coverage. A study conducted in Spain by Terres et al. (2010) indicated an influence radius of 250 m.

Another problem that needs to be addressed is the permanence of people in the gas station areas, such as the workers who perform the task of supplying the vehicles. It is necessary to reduce or eliminate the exposure of these workers to potentially dangerous atmospheric conditions, maybe by introducing the process of self-service or use vapor-recovery technology during the filling process. A study conducted in Greece by Karakitsios et al. (2007) indicated that people in the vicinity of gas stations have an increased risk of cancer from 3 to 21%.

Acknowledgments

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HEALTH

Is It Safe to Live Near a Gas Station?

The health concerns for you or your family with living by the pump

Dear EarthTalk: I am looking at possibly buying a house that is very close to a gasoline station. Is it safe to live so close to a gas station? What concerns should I have? I have toddler and infant babies.

-- Ranjeeta, Houston, TX

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EXHIBIT # SSS
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Despite all the modern health and safety guidelines they must follow

<https://www.scientificamerican.com/article/is-it-safe-to-live-near-gas-station/?redirect=1>

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Page 1 of 8

Despite all the modern health and safety guidelines they must follow, gas stations can still pose significant hazards to neighbors, especially children. Some of the perils include ground-level ozone caused in part by gasoline fumes, groundwater hazards from petroleum products leaking into the ground, and exposure hazards from other chemicals that might be used at the station if it's also a repair shop.

Ozone pollution is caused by a mixture of volatile organic compounds, some of which are found in gasoline vapors, and others, like carbon monoxide, that come from car exhaust. Most gas pumps today must have government-regulated vapor-recovery boots on their nozzles, which limit the release of gas vapors while you're refueling your car. A similar system is used by the station when a tanker arrives to refill the underground tanks. But if those boots aren't working properly, the nearly odorless hydrocarbon fumes, which contain harmful chemicals like benzene, can be released into the air.

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Higher ozone levels can lead to respiratory problems and asthma, while benzene is a known cancer-causing chemical, according to the

National Institutes of Health (NIH). The quest to reduce ozone levels has led the state of California to implement a more stringent vapor-recovery law, effective April 1, 2009, which requires that all gasoline pumps have a new, more effective vapor-recovery nozzle.

Underground gasoline storage tanks can also be a problem. The U.S. Environmental Protection Agency (EPA) estimates that there are some 660,000 of them from coast-to-coast. Many a lawsuit has been filed against oil firms in communities across the country by people whose soil and groundwater were fouled by a gas station's leaking underground storage tank. In the past, most tanks were made of uncoated steel, which will rust over time. Also, pipes leading to the tanks can be accidentally ruptured.

When thousands of gallons of gasoline enter the soil, chemicals travel to groundwater, which the EPA says is the source of drinking water for nearly half the U.S. If buying a home, consider its potential loss in value if a nearby underground storage tank were to leak. Gasoline additives such as methyl tertiary-butyl ether (MTBE), which has been outlawed in some states, make the water undrinkable—and that is only one of 150 chemicals in gasoline. Repeated high exposure to gasoline, whether in liquid or vapor form, can cause lung, brain and kidney damage, according to the NIH's National Library of Medicine.

Spilled or vaporized gasoline is not the only chemical hazard if the station is also a repair shop. Mechanics use solvents, antifreeze and

lead products, and may work on vehicles that have asbestos in brakes or clutches. Auto refinishers and paint shops use even more potentially harmful chemicals.

In today's car-centric world, we can't escape exposure completely, because these chemicals are in our air just about everywhere. But by choosing where we live, keeping an eye out for spills, and pressuring the oil companies to do the right thing for the communities they occupy, we can minimize our exposures.



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Plan to Move Gas Stations Closer to Residential Areas Sparks Health Concerns

Plan promoted by Planning Administration to increase competition and advance urban renewal projects.

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Rescue workers at the scene of the gas station explosion, Oct. 13, 2014. Credit: Olivier Fitoussi

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A plan to allow gas stations to be built closer to residential areas and public buildings has come under fire from the ministries of health and environmental protection.

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The ministries say that the plan, which is promoted by the Planning Administration and would involve changing the National Master Plan for small gas stations, would pose a risk to health and to the environment due to the emission of toxic gas fumes, among other reasons.

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The proposed change was approved last year by the National Building and Planning Council, which is part of the Planning Administration. Beginning yesterday, the Planning Administration has been brought under the aegis of the Finance Ministry.

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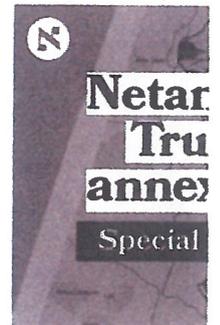
According to the change, the required distance between a smaller, two-pump gas station and the closest residential area would be reduced from 40 meters to 20 meters. The distance from public buildings would be reduced from 80 meters to 20 meters.

The purpose of the change is to implement a cabinet decision to increase the number of gas stations in Israel so as to foster competition. It is also intended to advance urban renewal plans, which are sometimes restricted because of the required distance between residences and gas stations, according to the current law.

An environmental impact study commissioned by the Planning Administration determined that as far as air pollution was concerned, gas stations could be built at a 20-meter distance from



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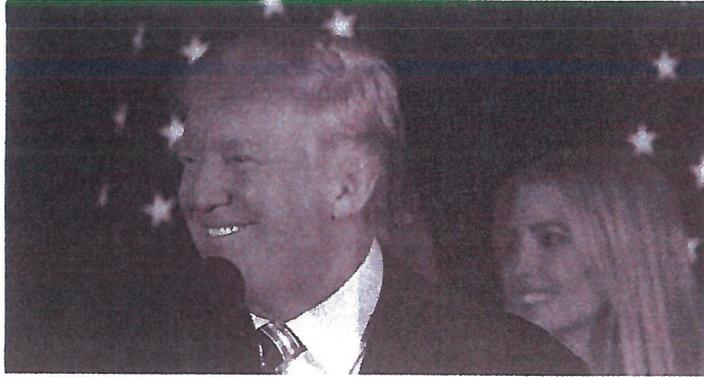


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residential and public buildings. However, the private firm that conducted the study, Agouti Environment, recommended that greater distances be maintained in Jerusalem due to concerns over pollution.

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Opposing the plan, the Environmental Protection Ministry said that gas stations are a source of toxic and carcinogenic materials. It noted that existing vapor recovery systems do not completely prevent pollution, citing a Tel Aviv test in which gas fumes were found at a distance of 80 meters from the station.

According to the Health Ministry, the environmental impact opinion related to only one pollutant and was based on a model that was statistically uncertain.

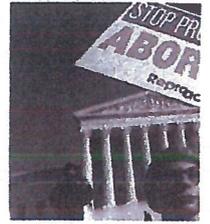
After the change was approved last year, the Planning and Building Council said another investigator should be appointed to look into objections filed by associations dealing with planning and the environment. Among the groups submitting objections is the planning association Bimkom, which said that the World Health Organization had determined that there was no safe threshold for a carcinogen like the benzene in gasoline.



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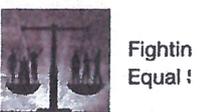
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Risks of Benzene Emissions from Gas Stations

📅 January 1, 2015 / Amanda Allshouse / ☰ SUN (<https://frontporchne.com/category/sun/>) /

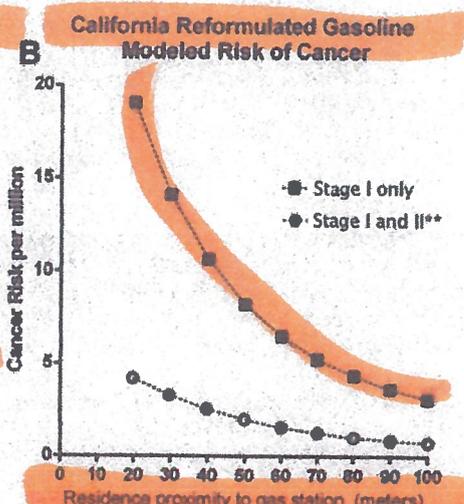
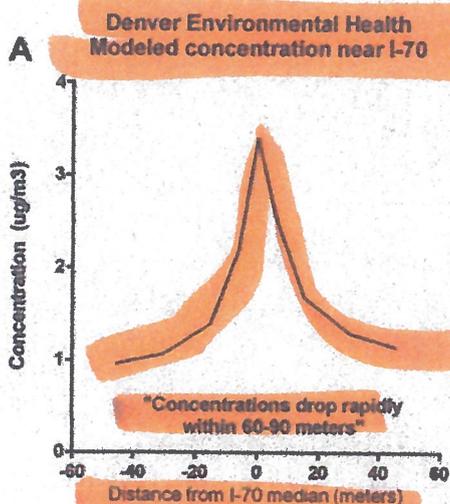
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Based on resident feedback and studies on the effects of benzene from gas stations near residences, SUN, as stated in the November SUN Spot, has taken an official position opposing the 14-pump gas station in Eastbridge.

The proposed gas station in Eastbridge would be 25 meters from income-qualified housing. The locations of three out of the four gas stations built as part of the Stapleton redevelopment are within 100 meters of housing*. Yet 89 percent of all respondents in a recent SUN survey said a gas station should be at least 300 feet (91.4 meters) away from any homes or daycares.

The proven causal relationship between benzene and cancer is well documented and accepted by the scientific community—and gas stations are classified by the Environmental Protection Agency as a point source for benzene. However, the distance from a gas station at which benzene levels become similar to urban background levels depends on several factors including vapor recovery methods used, the volume of gas pumped from a station, spills during fueling, and the meteorological conditions.

A link between childhood leukemia and residence within 100 meters of a gas station was shown in a 2004 study on a French cohort and published in the Occupational and Environmental Medicine journal; and researchers in Spain have measured refueling-related benzene 75 meters from a 6-pump gas station.

At the November 13th Denver Environmental Health (DEH) board meeting, Gregg Thomas, an environmental scientist at DEH, presented the data shown in Panel A (above). The DEH modeling indicated that within 60-90 meters of I-70 the concentration of benzene drops rapidly. He then stated that specific site plans for gas stations could reduce the off-site effects of any pollutants, and suggested that, where possible, the stations be located in a way that minimizes the potential for off-site effects. When this suggestion was presented, it was noted that the city has no authority over the site plan of a gas station in a "right by use" situation (privately owned land where zoning allows gas stations).

Thomas added that he does not believe the health risks from benzene emissions on nearby residents are sufficient to justify a citywide setback requirement.

At the same meeting, this author, on behalf of SUN, presented the data from Panel B (above right), which similarly shows a marked drop-off around 90-100 meters, with two caveats: 1) risks would be higher in Colorado because our gasoline is not reformulated (and therefore has more benzene), shifting both curves up, and 2) the risk would be between the two curves due to differences in vapor recovery methods between California and Colorado.

In addition, John L. Adgate, PhD, MSPH, Chair of the Department of Environmental and Occupational Health, Colorado School of Public Health, submitted a letter to the DEH board saying, in part, "While there is a limited scientific basis with which to determine an appropriate minimal setback, the potential for human exposure to hazardous air pollutants is real and I concur with the position that some sort of minimum setback is needed to address the health and safety concerns of Denver residents living near these facilities."

The DEH board's decision, as written in a November 21 letter to Councilman Chris Herndon, was "at this time, the Board of Environmental Health is not making any recommendations regarding setback requirements for gas stations." Although the DEH board is not making a recommendation at this time, SUN continues to advocate for protection by the city for the small minority of residents who would bear the additional health risk deemed insufficient to merit action by the city of Denver.

Two other recently-built neighborhoods in Denver (Lowry and Green Valley Ranch) have been built while avoiding having housing and gas stations at such close proximity.

Examples in other cities where zoning-mandated spacing exists to protect homeowners from the negative health effects of gas stations are Milford, CT where a gas station cannot be within 90 meters (300 ft) of housing; Raleigh, NC where city-level approval must be obtained if a gas station will be within 122 meters (400 ft) of

housing; and Chicago, IL where neighbors within 46 meters (150 ft) must give approval before a gas station can be built within that distance. Denver currently has nothing in its zoning code to require spacing between a gas station and housing. A text amendment to modify zoning code would need to be passed by City Council.

Amanda Allshouse is a Senior Research Instructor, Department of Biostatistics and Informatics, Colorado School of Public Health, University of Colorado Denver and on the Board of Directors of Stapleton United Neighbors.

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Amanda, thanks for your efforts to protect residents from the health risks posed by the King Soopers gas station. In light of the evidence, I can't understand Denver Environmental Health (DEH) opposition to any set-back or buffer requirement. Do you have any recommendations for concerned citizens that would like to express their views on this issue?

Here are a few things I've found...

The EPA publishes School Siting Guidelines that recommend careful evaluation for any potential school location within 1,000 feet of a large gas station. The closest Eastbridge residences will be less than 100 feet from the King Soopers gas station. Knowledge Beginnings, F-15 pool, the housing complex (especially the playground), and most of Bluff Lake are within 1,000 feet.

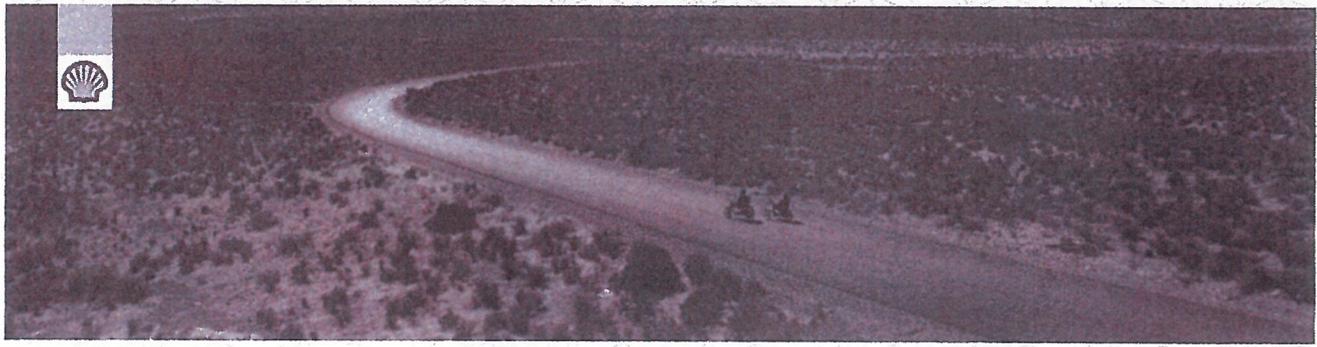
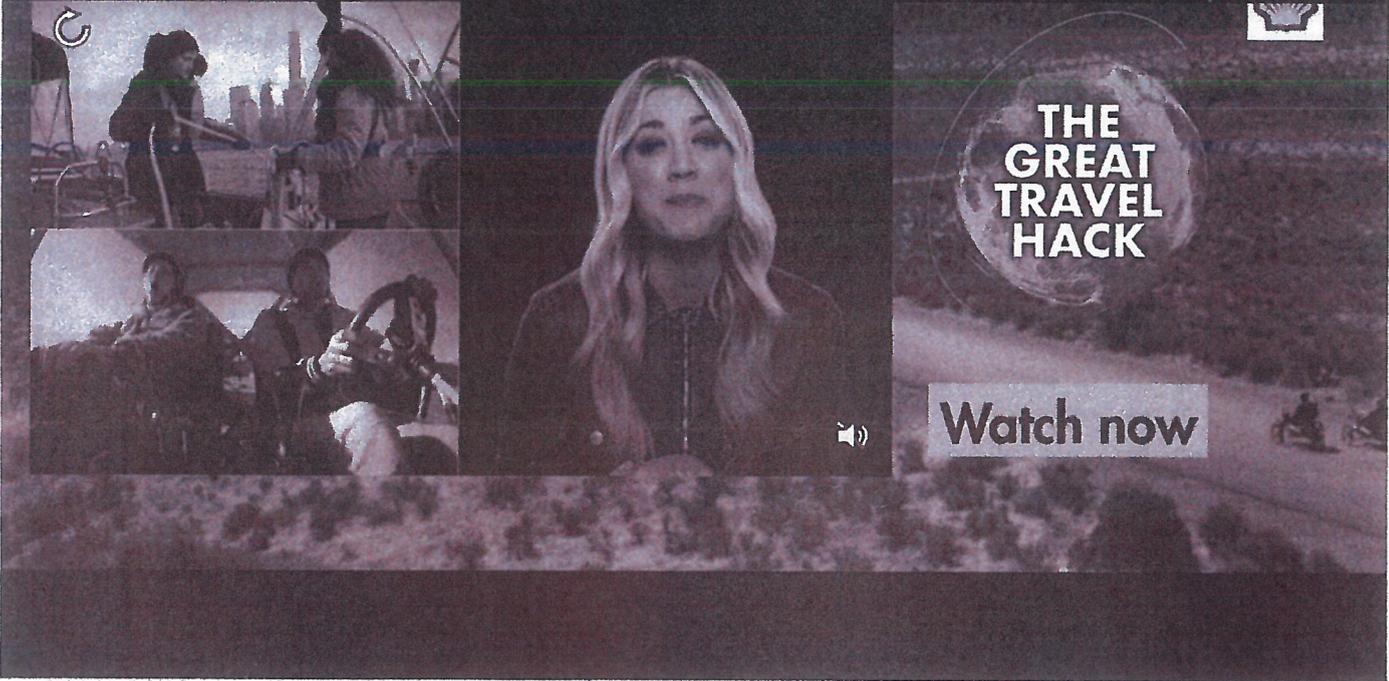
The following quote from a peer-reviewed article in the American Journal of Public Health is unequivocal on the health risks for children: "Increased risk of childhood leukemia was found with residential addresses near gas stations (44, 60, 63), repair garages and nuclear power plants."

Brender et al.
American Journal of Public Health
Supplement 1, 2011, Vol 101, No. S1
S40 | Environmental Justice | Peer Reviewed

Citations:

- 44. Harrison RM, Leung PL, Somerville L, Smith R, Gilman E. Analysis of incidence of childhood cancer in the West Midlands of the United Kingdom in relation to proximity to main roads and petrol stations. *Occup Environ Med.* 1999;56(11):774–780.
- 60. Steffen C, Auclerc MF, Auvrignon A, et al. Acute childhood leukaemia and environmental exposure to potential sources of benzene and other hydrocarbons: a case-control study. *Occup Environ Med.* 2004;61(9):773–778.
- 63. Weng HH, Tsai SS, Chiu HF, Wu TN, Yang CY. Childhood leukemia and traffic air pollution in Taiwan: petro station density as an indicator. *J Toxicology Environ Health A.* 2009;72(2):83–87.

It's worth noting the American Petroleum Institute has deliberately attempted to muddy the waters through questionable sponsored research. For more info see –

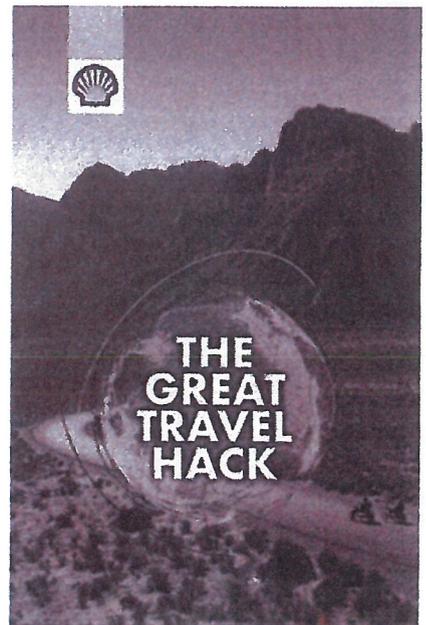


> SEEKER

Gas Stations are Toxic Neighbors

Living and working within 100 meters (328 feet) of a gas station increases exposure to toxic chemicals.

BY DNEWS - PUBLISHED ON 02/07/2011 - 8:30 AM EST

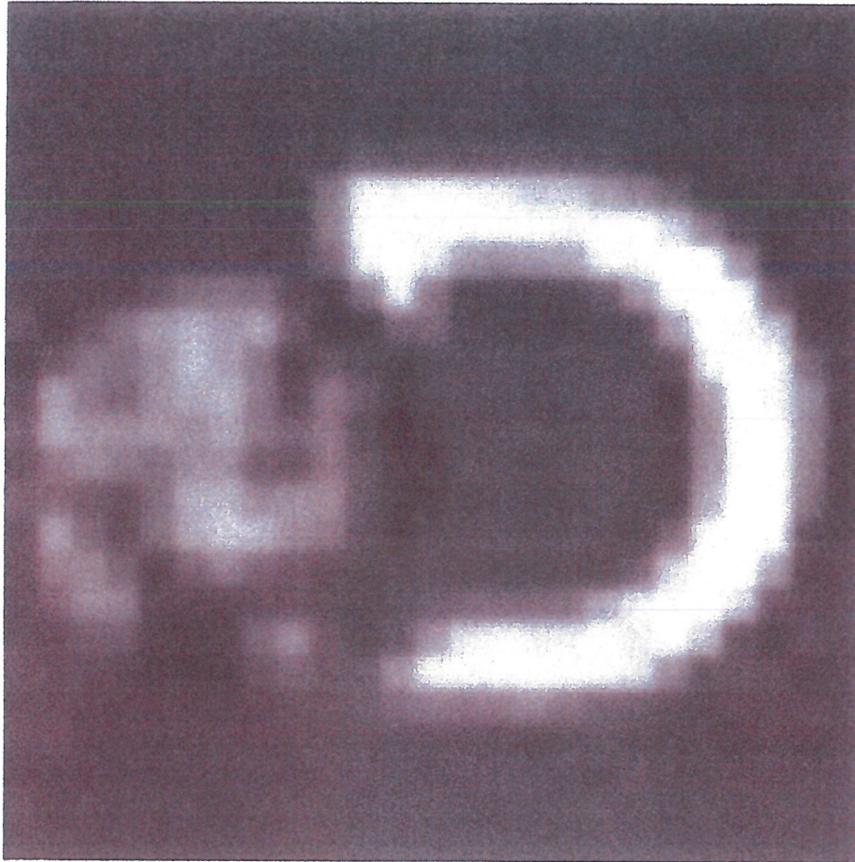


green



Anyone who has ever pumped their own gas downwind of the tank knows the tell-tale smell of fuel. But even from a distance those fumes linger. Researchers in Spain found that gas fumes contaminate the air up to 100 meters, or 328 feet, away with potential health hazards.

The airborne chemicals came mostly from unburned fuel evaporating during refilling of the stations' storage tanks, during automobile refueling, and from spillage. The researchers from the University of Murcia measured the levels of two common gasoline related pollutants, benzene and hexane, in the area around the stations. They then compared these levels to the contamination caused by normal automobile traffic, and found higher levels in areas around gas stations.

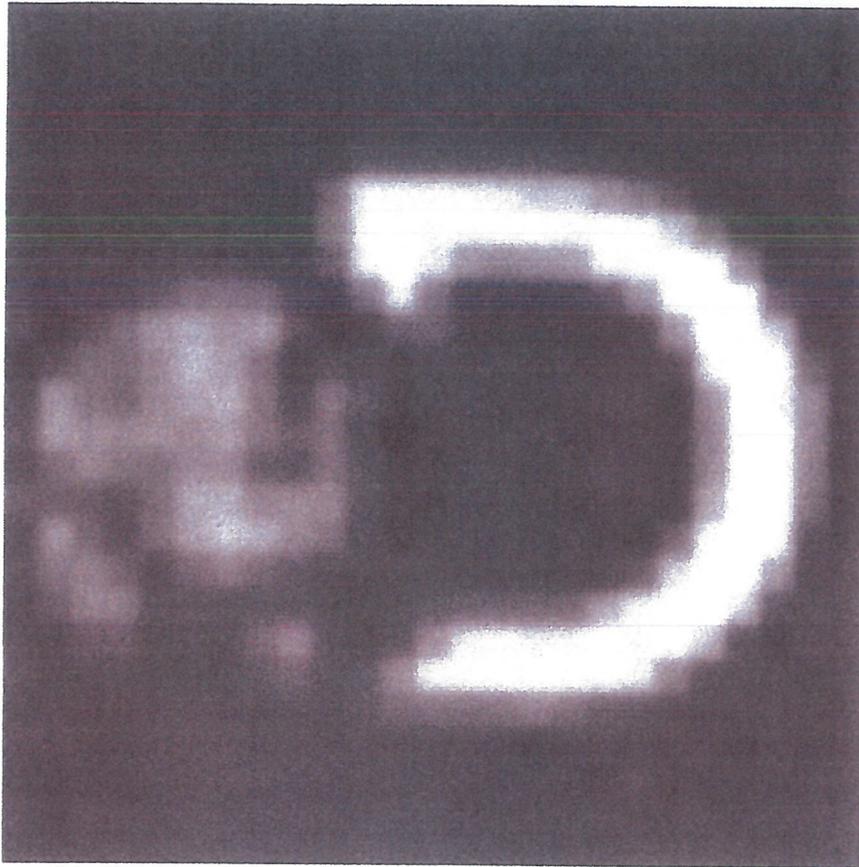


How Crude Oil Can Harm You

"Some airborne organic compounds - such as benzene, which increases the risk of cancer - have been recorded at petrol stations at levels above the average levels for urban areas where traffic is the primary source of emission," said Marta Doval of the University of Murcia, and co-author of the study, in a press release from the Spanish Foundation for Science and Technology Science Information and News Service.

The research was published in the December issue of the Journal of Environmental Management.

The amount of air pollution created depended on a number of factors, including weather, surrounding structures, amount of gasoline pumped, and traffic intensity.



Never Stop at a Gas Station Again

Traffic could actually serve to mask the effects of the gas stations. Heavy traffic overlapped and overpowered the gas stations as sources of air contamination.

But automobiles and gas stations aren't the only sources of benzene, hexane, and other air contaminants, warned one of the researchers.

"There is not much use in protecting people from petrol stations if the other sources of emission (above all traffic and industries near population hubs) are not controlled or reduced", said Enrique González, leader of the University of Murcia team in a press release.

Electric Cars

The research suggests housing should be placed a minimum of 50 meters (164 feet) from gas stations. Vulnerable places, like hospitals, retirement centers, and schools, should be kept 100 meters away.



Useful Community Development

Aspects Of
Community
Development:

Beautification

Code
Enforcement

Comm Dev
Overview

Community
Organizations

Crime
Prevention

Deed
Restrictions

Economic
Development

Housing

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Redevelopment

Sprawl

Sustainability

Zoning

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Gas Station Next to My House

by Yanci Arreola
(Safford AZ)

Visitor Says: Hi my name is Yanci Arreola. I've lived in Safford AZ for 3 years.

About 2 years ago we had a realtor come up to us trying to buy our property. My neighbors and I agreed to sell. They said it would take a couple of months. Well 2 years later they come up to us saying they are not buying us out but are requesting to rezone this area.

I've looked up some pros and cons about living next to a gas station and none of them look good at all especially if we're talking about health, safety, noise, light issues. I have two kids and that gets me even more worried.

We have a meeting with the planning and zoning commission tomorrow. I'm very nervous so my question is what should I do other than attending the meeting? Also is there someone I can contact to express my concerns? Will my opposition stop them from building or at least buying me out since I will be the most affected with this situation?

does not allow us to give you the direct link, but do go over to the side of the page, click on Zoning, and then click on Re-Zoning Opposition near the top of the photo links. That page, at www.useful-community-development.org/re-zoning-opposition.html, gives you a number of tips for your particular situation.

In sum, you really need to organize your neighbors to come with you to any future meetings that will be held.

Then you ask whether your opposition would mean that the rezoning will be denied. No, it doesn't. Opposition from neighbors is one factor, and sometimes a very important factor, but almost every city council will at some time or another make an unpopular decision.

It is very important that you express yourself in plain language. It isn't important to be a great speaker or extremely knowledgeable, but do be willing to learn.

If you do not know the city council members who will be making the decision, get to know them. In many places the city or county is divided up geographically, so you have one or maybe two particular people who represent your area. If so, those are the people you especially need to influence. In fact, invite them to come to your house or your yard to meet your neighbors and to visualize for themselves how harmful a gas station in that location might be.

Your city hall will give you the contact information for the city council persons who will be making the decision. Sometimes home addresses and phone numbers are given out, but more often now you have to leave a message at city hall. Usually they have e-mail addresses too, so be sure to use that avenue of communication.

A city council cannot force someone who wants a rezoning to

buy you out. They might make that suggestion to the property owner, but they have no power to make sure it happens.

Good luck to you and your neighbors.

Home > Community Development Questions > Zoning Questions > Gas Station Next to My House

Comments for Gas Station Next to My House

Average Rating ★★★★★

[Click here to add your own comments](#)

Rating

★★★★★

Re- Gas station

by: Jonah

Visitor New Question and Comment: > I'm planning to put up a tuition center at the commercial space of the gas station in town. I would like to ask for your help. The tutorial center will cater to preschool, grade school, junior and senior high. Some say that it is okay, and others say it might be hazardous. TIA!

Editors Reply: This is really a new question, but all right we'll give it a brief answer here.

A gas station certainly isn't the most obvious place for a tutoring center. Often today's gas stations are built with an extra space so that a convenience store or fast food restaurant can

be added.

The first question is ~~whether~~ whether this gas station is covered by a zoning ordinance. Ask the ~~town~~ or city, if this area is part of one, or ask the county if you are pretty sure that there is no ~~town~~ or city government. If there is a zoning ordinance in effect, you ~~will~~ need to abide by it.

If there is no zoning ordinance or if the zoning ~~allows~~ this use, the next question to ask yourself is ~~how~~ you and your prospective customers ~~will~~ feel about safety. There are several kinds of safety involved, but the ~~two~~ major ones might be a congested traffic area ~~where~~ where children might be going out to cars ~~without~~ without adult supervision, and also the health risks of regular and repeated exposure to fumes.

Pedestrian safety for kids and parents is critical, but some designs ~~where~~ where there is a clear separate entrance from the one most commonly used by gas customers might be all right, especially if there is likely to be parking right by that entrance almost all the time. The gas station ~~owner~~ owner might ~~allow~~ allow you to post some parking spaces for use of your customers solely.

So on pedestrian safety, you have to evaluate this yourself based on site conditions. Ask some parents too; after all, ~~what~~ what your future customers think might be equally as important as ~~what~~ what an objective observer might think.

Regarding fumes, there is a good reason for warnings about repeated exposure to fumes on your gas pump. Children are even more susceptible to gasoline fume health issues because they are shorter and therefore closer to where the gasoline fumes may be inhaled. They also have a larger ratio of lung surface area to weight than do adults.

So while we wouldn't want to be fear mongers about terrible things that could happen to children from breathing gasoline fumes almost every day as opposed to when mom or dad pumps gas, we would urge you and parents to be cautious.

If you can possibly find another location, we would urge you to do so.

[Click here to add your own comments](#)

Join in and write your own page! It's easy to do. How? Simply [click here to return to Ask a Zoning Question](#).

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ANN ARBOR

Neighbors concerned about 'highway-style gas station' proposed next door

Posted Mar 16, 2016

Comment



0 shares

By [Ryan Stanton | ryanstanton@mlive.com](#)

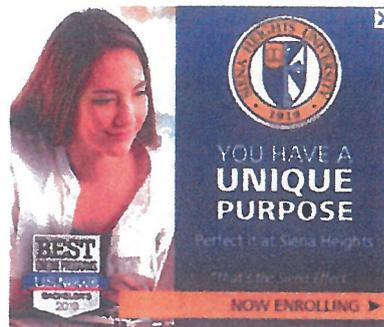
Circle_K_1_031516.jpg

A map of the Circle K site at 1420 E. Stadium Blvd. in Ann Arbor.

(City of Ann Arbor)

ANN ARBOR, MI -- Neighbors of the Circle K gas station at the southwest corner of Stadium and Packard came out in full force to voice their concerns about redeveloping the site and building a larger gas station closer to their homes.

The Ann Arbor Planning Commission ultimately postponed voting on the project after listening to concerns from several neighbors. The commission decided to go back to the drawing board and come up with a better plan.



"As a next door neighbor to the gas station for over 15 years, we've all seen the effects of the neglect on the current site, and the place is in a state of disrepair now," said Garrett Scott, who lives on Iroquois Place behind the gas station.

"But the best fix for peeling paint isn't to build a highway-style gas station adjacent to our single-family homes."

The owner of the Circle K is Richard Lawrence.

Todd Quatro of Quatro Construction LLC appeared before the commission as the development team's representative, seeking approval for a new highway-style gas station and convenience store to replace the existing 2,360-square-foot Circle K gas station and convenience store.

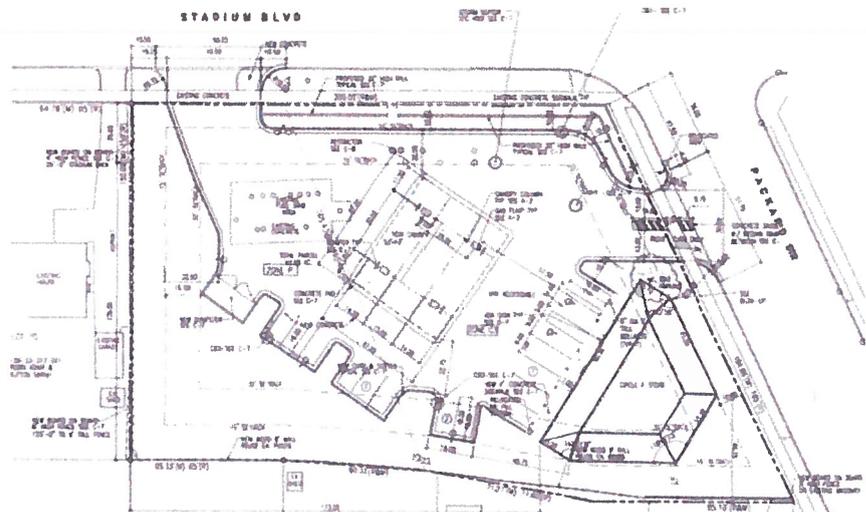
At the meeting presented Tuesday night, the project would require multiple variances, including a special exception to a 30-foot rear setback requirement for a gas station to be within 15 feet of neighboring residential properties.

The existing gas station was constructed in the mid-1950s, according to a staff report from City Planner Matt Kowalski.

Neighbors raised concerns about the potential for increased noise, air and light pollution, as well as the safety of motorists, cyclists and pedestrians. They believe the Packard Street driveway is too close to the intersection.



They complained about the building orientation and overall site layout, with one particular concern being a large canopy hanging over the intersection. "I would like to see the plan revised to move the Packard driveway farther away from the intersection, to keep the building farther away from the intersection, to respect the minimum 30-foot buffer between conflicting uses and eliminate the canopy to reduce the nuisance light and the eyesores on Iroquois Place next to the gas station.



A site plan for the Circle K redevelopment at 1420 E. Stadium Blvd. in Ann Arbor.

Planning commissioners shared concerns about the site layout, including the location of the driveway along Packard Street, saying it's at the intersection. Some suggested moving the driveway further south to improve safety, but that would require reconfiguring the site.

Quatro Construction has been working on the site design with the assistance of the city's planning department for the past two years and has been meeting with neighbors to discuss the many concerns.

Quatro said they're working under tough site constraints and trying their best to minimize the impact on neighbors.

He said they've gone through about 20 variations to get to the current design, which they see as the best compromise.

Kowalski conveyed the city staff's recommendation to approve the design as presented Tuesday night, calling it an acceptable compromise. Commissioner Sabra Briere said she interpreted Kowalski's remarks to mean that the current design was "the least offensive of options." "That's correct," Kowalski responded.

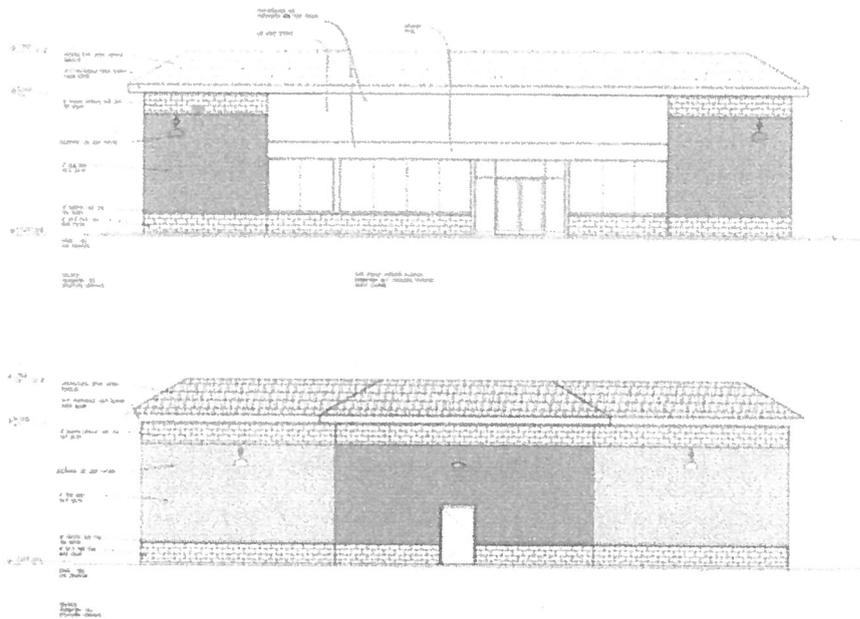
Kowalski noted the site has two zoning designations: P (parking) and C3 (fringe commercial). The western third of the site is zoned for P. Due to deed restrictions filed when the existing gas station was constructed in the 1950s, that western area can't contain a structure. As a result, the building and pump canopy must be constructed on the remaining eastern two thirds of the site that is zoned C3.

"Due to the unique constraints of the deed restriction for the western third of the site, vehicle circulation and the requirement for employee contact with the gas pumps, the petitioner feels the proposed location is the best to minimize impacts to the neighborhood and light pollution canopy," Kowalski wrote in a staff report.

Commissioner Ken Clein described the site as a complicated puzzle and said he can see why there's some difficulty making all the pieces fit.

Newman raised concerns about increased traffic and air pollution from a greater volume of trucks. The farther trucks can be kept away from the neighborhood, the better, he told commissioners.

"The new plan makes the situation worse, especially by asking for a variance to build into the buffer zone protecting the neighboring houses closer to the houses than it currently is," he said.



Elevation drawings for the Circle K redevelopment at 1420 E. Stadium Blvd. in Ann Arbor.

Newman said he's not opposed to Circle K being part of the neighborhood. He said he's a regular customer and he appreciates the convenience.

"I also understand the importance of having service stations within the city that are easily accessible to residents," he said. "However, it doesn't fit with the character and profile of the neighborhood. It essentially imports a freeway-style gas station design into a well-balanced residential commercial neighborhood, threatening to upset that balance."

One particular part of the site plan that neighbors feel is out of place is the large canopy over pump stations with 24-hour LED lighting.

Elizabeth Davis, who lives on Iroquois Place behind the gas station, urged the Planning Commission to request a revised plan that would eliminate the nuisance light and unseemly design."

Davis said it seems the lighted canopy "will glow in our backyard and shine into our kitchen and bedroom windows every night, all night long."

"If eliminating the canopy isn't feasible, then using the building to shield neighborhood residences from the light would at least help to reduce the impact," she said. "Other possibilities might include a slanted canopy or more evergreen trees, perhaps in our yards."

Davis said she also worries about safety due to the location of the Packard driveway, air and noise pollution due to the position of truck runoff and snow accumulation due to the increased footprint of the building and parking lot, and the proximity to her home of a larger building.

"The station looks like something we would see on the Ohio turnpike, not in the middle of a college town," she said.

At last count, Davis said, there are 45 children living on Iroquois Place or on the block of Stadium most affected. She said the location of the gas station makes an already dangerous intersection even more worrisome.

Lindsey McDivitt, who lives on Iroquois Place behind the gas station, also raised concerns about safety, saying the site design conflicts with city goals, which include having zero pedestrian fatalities in the city.

McDivitt said neighbors also have consistently expressed concerns about light and noise, yet the only concession she has seen are eight-foot setbacks.

Neighbors also are concerned that the potential for beer and wine sales is driving the design of the site.

"I don't object to beer and wine sales ... but I strongly object to this site plan requiring a variance -- one that does not fix the problem of light pollution by placing a lit canopy with nothing to shield homes," McDivitt said.

Quatro said the operator of the gas station is looking at selling beer and wine to stay competitive, but no liquor.

Scott said Tuesday night marked the fifth time in the last year he has appeared before the Planning Commission to voice concerns about the site.

He reiterated concerns about the lit canopy and allowing a variance to build well into the 30-foot residential setback.

He also expressed concerns that the front of the store would face Stadium across a broad stretch of parking lot, with a blank wall along the lot line.

Scott said he can only imagine it must be frustrating for members of the development team to present what they consider the best of ; compromises only to meet with continued pushback from neighbors.

"We've seen alternative designs and they could be building something worse," Scott acknowledged. "But it's our city and we're going to impact of the Circle K, and it's neighbors like us who are going to be living in the shadow and glare of this new development."

Quatro responded to questions of whether a canopy is needed over the gas pumps, saying it's essential to the operator of the gas station offer customers cover from rain and snow while filling up their gas tanks.

Quatro presented the commission with an alternate site plan showing one possible scenario with the gas pumps and canopy along the but obeying the 30-foot setback from neighboring residences, and with a 4,000-square-foot rectangular building along Stadium Boulevard.

He said it's not what Circle K wants to do, and neighbors probably wouldn't like it, but it could be done without requiring any variances. asking for variances for a design they consider a better compromise.

Commissioner Alex Milshteyn said chances are the requested variances would not get approved by the Zoning Board of Appeals, so he team to go back to the drawing board and revise the plans.

Commissioner Bonnie Bona also questioned the "right turn only" aspect of the Packard exit driveway, saying even if placing a concrete worked to keep people from turning left, the circuitous route that people would take after they're forced to turn right doesn't solve the

"So, I can't accept a site plan with a right turn only," she said before going on to raise concerns about the neighborliness of the building

"What you need to do is remember that this is a neighborhood of older homes," she said, stating a preference for a more traditional street sidewalk and has a storefront that speaks to the sidewalk.

Bona said it would be a missed opportunity if the site plan didn't include an outdoor seating element.

"You have an opportunity to take advantage of the pedestrian nature of this neighborhood," she told Quatro.

Ryan Stanton covers the city beat for The Ann Arbor News. Reach him at ryanstanton@mlive.com.

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Collected & Submitted By:

1147

MT Dimick

14

Petition to Deny Springbrook Corners Project File No. AC-19-028 for Tax Lot 371W20 AB-3500

Petition Summary To deny File No. AC-19-028 application to build a Circle K Convenience Store w/Gas Station & Car Wash

Action Petition for: We, the undersigned concerned residents of the proposed project, request the City of Medford Planning Commission members DENY this application due to it's detrimental impact on our neighborhood.

Print Name	Signature	Address	Comment	Date
VALERIE McCracken		408 W. BARNEBURG, MEDFORD	NO NEED !!!	5/9/19
SCOTT VAN WEY		3461 PLUTON VIEW WAY		5/9/19
Heather McBride		878 Sunrise Ave	NO WAY!	5/9/19
JONES, STACE		3514 MICHAEL PK	NO NEED	5/10/19
Robert Benton		1117 Tara Cr	NO NEED	5-11-19
Doug Sealey		1253 Valley View Dr Med	BAD location	5/11/19
Dwayne Hendrix		884 Sunrise Ave		5-11-19
David Northrop		2315 Derry Ct	Bad Location/Traffic	5-11-19
Kevin Bruce		2241 Gardendale Circle	Bad location	5-11-19
Shanna Kettner		3235 Century	Bad location	5-11-19
David Harkob		2489 Greenridge Dr	Bad location	5-11-19
Mike McFarland		878 sunrise AVE	no need/bad location	5-11-19
Justin Vukobratovic		1951 Camellia Ave	NO need for it	5.12.19
Andrew Harris		833 Carol Rac	NO need for it	5-12-19

TTT
AC-19-028
MT Dimmick Submitted

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Print Name	Signature	Address	Comment	Date
Shaina Blawely	[Signature]	711e Aspen St		5/9
Kasey Parsons	[Signature]	200 Roberts R.		5-9
Rory Helton	[Signature]	2001 Cranberry Lake Blvd.		5-9
Shayna Brownwell	[Signature]	2163 Corona Ave.	we have plenty of nearby that are not being utilized	05/09
Janet K. K. K.	[Signature]	201 Roberts Rd.		5/10
Erin B. Moore	[Signature]	408 BARDMAN ST. MEDFORD OR.		5/11
Harley	[Signature]	532 N. Sauge		5-
[Name]	[Signature]	2242 S. [Address]	stop building!	5-12
[Name]	[Signature]	2347 S. [Address]		5-12
[Name]	[Signature]	1517 Marrowd.	Too much Traffic	5/11
[Name]	[Signature]	457 [Address]		
[Name]	[Signature]	1200 Springbrook	PLEASE TO DENY	5-11
[Name]	[Signature]	2970 DELTA CIRCLE RD.	MARCOS@OSPASALANI.ORG	

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Petition to Deny Springbrook Corners Project File No. AC-19-028 for Tax Lot 371W20 AB-3500

5

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Print Name	Signature	Address	Comment	Date
Send, S. A.	[Signature]			
Marta Wittschel	[Signature]	2456 Alma Drive		5/9/19
Dominique Horv	[Signature]	1 Pell St		5/9/19
John Lindy	[Signature]	5000 S. ...		5/9/19
Paul Andis	[Signature]	2115 Roberts Rd.	oo ro ed	5/9/19
Debra Williams	[Signature]			5/9/19
Zithra Marshall	Zithra Marshall			
Jesse Whitmore	[Signature]	30 miracle Lane		5/10/19
Amanda Hurd	[Signature]	Spring St Medford	NO!!!	5/19
An	[Signature]	A ...		5/10/19
M. E. ...	[Signature]	2960 Shasta Dr 97504	No way	5/10/19
Jordyn Hedges	[Signature]	2115 Roberts Rd	Hill no!!!	5/10/19
[Signature]	[Signature]	... Lane	Loss Purity of Life	5/10/19
Bruce Harp	[Signature]	el ...		5/10/19
[Signature]	[Signature]	1 maple or	U	5/10/19

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Petition to Deny Springbrook Corners Project File No. AC-19-028 for Tax Lot 371W20 AB-3500

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Print Name	Signature	Address	Comment	Date
Eli Clark		2457 Pinebrook Cir 97504 FOR	Safety, Noise, No	5/9/19
Briana Soto		509 Cedar St 97504		1/1
Gerald Shean		2506 Cherry Ln Med		
Trounstein, Robert		None of your business		2019
Tony Willey		2180 meadow	Green	
Kim Sparacio		2145 Springbrook Rd	Not here	5/10/19
LAURENCE		56 E	FOR	5/11/19
Laurey		81 MCANE		5/16/19
Wife Mike		2530 Lone Pine rd.		5/11/19
Lizze Hutchinson		365 Kessie st		
Roy Bell		2010 Hibiscus		5/11/19
Stanley Reeves		1483 Poplar Dr.		5/11/19
Brent Steiner		775 Hibiscus		5/11/19
Anta Beck		430 E. Beach		11/19

Sign it now 5 of 13

Petition to Deny Springbrook Corners Project File No. AC-19-028 for Tax Lot 371W20 AB-3500

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Print Name	Signature	Address	Comment	Date
D. Petersen		1454 W. Thine Way Dr.	NO!	5/11/19
Matt Marple		1913 Poble Way	No, Dont Do it	5/11/19
WILL SCHMIDT		1856 BROOKHURST	WORK 7/11	5/11/19
Robert Peters		1870 Commercial Circle	NO	5-11-19
Don Smiley		2901 Fremington Ave	NO	5-11-19
Joe Dyer		2452 Crater Lake	NO	
B. Coppola		1903 Black Springbrook	NO!	5-12-19
Karen Daffert		2183 Sunburst Ct #1 Medford, OR 97504	NO!!	5/12/19
Tyler Resdler		2487 Crater Lake Ave #134	NO!!	5/12/19
THOMAS BARBER		2008 Crater Lake Ave #D		5/12/19
Joey Everett		1861 Concord way	Heck No Brook	5/12/19
Amanda Murray		58 N. 10th	Nope!!	5/12/19
Denise Scarborough		2795 Tahitian Ave	NO.	5/12/19
Carol Hasskamp Valdez		2515 Roberts Rd	No	5/13/19
Jessica Cempa		1718 Yukon Ave	NO	5/13/19

Petition to Deny Springbrook Corners Project File No. AC-19-028 for Tax Lot 371W20 AB-3500

(12)

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Print Name	Signature	Address	Comment	Date
Nicole Payton		554 De Barr Ave Medford OR 97501	residential area - ^{criminal traffic} no det't	5-10-19
Katie Lindsay		900 S Oakdale Ave ^{Medford} OR 97501	Criminal Element	5-10-19
Lori Allred		2801 Tahitian Ave ^{Medford} 97504	Criminal foot traffic in Park area	5-10-19
Samantha Hagler		2100 Springbrook Medford, OR	Residential area - no criminal ^{foot traffic}	5-10-19
Jarrett Baker		276 Peebler way ^{Medford} 97501	unneeded in area	5-10-19
Amie Springer		1443 Lawnridge St. Medford 97504	unneeded in res area	5-10-19
Daron Springe		1443 Lawnridge St. Medford 97504	Criminal element	5-10-19
Whitnee Martin		2356 Hamerlin Lane ^{Med} 97501	Disrupt residential neighborhood	5-10-19
Evan Schlot		1548 Cambridge Circle ^{MED} 97504	too close to schools & criminal activity	5-10-19
Stephanie Cook		1594 Saratoga Dr. ^{Medford} 97501	too close to school. why there?	5-11-19
Veronica Wescom		1038 W. Stewart Ave 97501	Meh	5/14/19
Alice White		529 BESSIE ST ^{Medford} 97504	RESIDENTIAL AREA - ^{criminal} will attract	5/14/19

706 13

Petition to Deny Springbrook Corners Project File No. AC-19-028 for Tax Lot 371W20 AB-3500

13

Petition Summary To deny File No. AC-19-028 application to build a Circle K Conveince Store w/Gas Station & Car Wash

Action Petition for: We, the undersigned concerned residents of the proposed project, request the City of Medford Planning Commission members DENY this application due to it's deterrental impact on our neighborhood.

Print Name	Signature	Address	Comment	Date
Cary Tegarden		1119 e 11th st	No circle K!	5/13/19
ALAN ENGSTRAN		1916 INVERNESS DR.	NO BUSINESS IN RESIDENTIAL! BUILD A PARK!	5/13/19
Wm J. Pattison		217 Pierce Road	Keep Res/Res	5/13/19
Chad Fite		2822 Oakville Rd	No-way	5/13/19
Ellen Raduski		571 Pierce rd	Too much Traffic	5/14/19
JERRY LUNDGREN		1103 GARDENDALE AVE., MEDFORD, OR	NOT NEEDED or WANTED	5-14-2019
Katherine Lundgren		1103 Gardendale Ave Medford	No - unnecessary in this place	5/20/19
TARA Shuei		1750 Excel DR STE 102 BOX 328 Medford OR 97504		5-14-19
Tracy Clark		1224 N Modoc # 8	not needed	
Autumn Burke		2418 Hillcrest Road OR 97504 Medford,	Not needed	5/14/19
Justin Wise		34 Jack Nicholas Rd Medford OR 97504	No Circle K -	5/15/19
LEON ECKHART		2443 Tonde Dr 97504	Protect Hawks	5/15/19
Reinaldo Apich		2900 Spring Hill 97504	no circle K	5/15/19



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Petition to Deny Springbrook Corners Project File No. AC-19-028 for Tax Lot 371W20 AB-3500

Petition Summary To deny File No. AC-19-028 application to build a Circle K Conveince Store w/Gas Station & Car Wash

Action Petition for: We, the undersigned concerned residents of the proposed project, request the City of Medford Planning Commission members DENY this application due to it's determental impact on our neighborhood.

Print Name	Signature	Address	Comment	Date
Dan Moore			TV	1/19
Randi Ponce				5/11
Matthew James				
Kera Bromagen				1/19
Mervyn Siga		1400 Avocado Lane	Stitch	5/13/19
Debra Jammell		1800 Serenity Drive	Wreckers	2/19
Alex Thompson			To busy	
J.W. Mavis		1143 Tabby Ln 97504	whatever...	11
JUSTIN JAMES				11
Dena Hurdish		NO ADDRESS	Threcker City	7
Ruth Roeste				
Matt Holiday			hell nah	14
Sam Galano			NO	
Leanna Becerra		5022 St Thomas way	Traffic NO	5-10
Kayla Crotea		x.42		

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Petition to Deny Springbrook Corners Project File No. AC-19-028 for Tax Lot 371W20 AB-3500

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Petition Summary To deny File No. AC-19-028 application to build a Circle K Conveince Store w/Gas Station & Car Wash

Action Petition for: We, the undersigned concerned residents of the proposed project, request the City of Medford Planning Commission members DENY this application due to it's detrimental impact on our neighborhood.

Print Name	Signature	Address	Comment	Date
Thomas Googe	<i>Thomas Googe</i>	2115 Roberts Rd. #1103		5/13/19
BRAD FAG	<i>Brad FAG</i>	1417 LARKSPUR AVE		5/13/19
Tammera Rezendes	<i>Tammera Rezendes</i>	1510 N Madoc 97504		5/13/19
CONCEPCION CALANCA	<i>Concepcion Calanca</i>	8253 Haleway		
Joany Peterson	<i>Joany Peterson</i>	2260 Sunburst CT		5-14-19
	<i>[Signature]</i>	NO Address		
Devin Weight	<i>Devin Weight</i>	3162		
Stephen Strong	<i>Stephen Strong</i>	2441 N. Keenan Dr Medford OR		5-15-19
MATT HENSON	<i>Matt Henson</i>	RIGHT AROUND HENWAY	FLYK DRIFT K!	5-15-19
David Stouder	<i>David Stouder</i>	8488 Hayden St. Chilton St W 97503	-David Stouder	5/16/19
Bammy Wood	<i>Bammy Wood</i>	2363 Roberts Rd		5-16-19
ROB HENTLIE	<i>Rob Hentlie</i>	11470 Incomplete address		
Anne Googe	<i>Anne Googe</i>	2115 Roberts Rd. Apt 1103		05-16-19
DUSTIN WALKER	<i>Dustin Walker</i>	1957 Camellia Ave	No Need	5/16/19
Joan Middendorf	<i>Joan Middendorf</i>	1252 Valley View Dr	not compatible	5-16-19



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Petition to Deny Springbrook Corners Project File No. AC-19-028 for Tax Lot 371W20 AB-3500



Petition Summary To deny File No. AC-19-028 application to build a Circle K Conveince Store w/Gas Station & Car Wash

Action Petition for: We, the undersigned concerned residents of the proposed project, request the City of Medford Planning Commission members DENY this application due to it's detrimental impact on our neighborhood.

Print Name	Signature	Address	Comment	Date
Carly Foulger	Carly Foulger	542 Whitman Pl Medford		5/13
Erica Milnes	Erica Milnes	408 Whitman Pl Medford		5/14
Dave Cartwright	Dave Cartwright	1435 Matthews Pl	No Traffic	5/14
THERESA SORG	Theresa Sorg	1435 Matthews Pl.	TRAFFIC, SAFETY	5/16
Robert Sutterfield	Robert Sutterfield	1439 Matthews Pl	traffig lights, noise	5/16
Laurei Sutterfield	Laurei Sutterfield	1439 Matthews Pl.	Wetlands crime traffic	5/16
Lang Naylor	Lang Naylor	1459 Matthews Pl	Too much traffic, too open	5/16
Bill Naylor	Bill Naylor	2551 Bethany Court	TRAFFIC (CONCERNS, SAFETY CRIME)	5/16
Deb Beckmiller	Deb Beckmiller	1456 Matthews Pl	TRAFFIC	5/16
DAVID BROCKHILLER	David Brockhiller	1451 Matthews Pl	Traffic / Gas station	5/16

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11/9/13

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Petition to Deny Springbrook Corners Project File No. AC-19-028 for Tax Lot 371W20 AB-3500

Petition Summary To deny File No. AC-19-028 application to build a Circle K Convenience Store w/Gas Station & Car Wash

Action Petition for: We, the undersigned concerned residents of the proposed project, request the City of Medford Planning Commission members DENY this application due to it's detrimental impact on our neighborhood.

Print Name	Signature	Address	Comment	Date
Laura Kinnear		2695 Montego Pl.	traffic, increase in crime	5/10
MARK Wicklund		3387 Henderson Way	TRANSIENTS	5/10/19
Nancy Williamson		3387 Henderson Way	Traffic, crime	5/10/19
John B. Dimick		12950 Agate Rd. E.P.	Traffic, noise, smell	5/12/19
Kristy Littlefield		8744 R.R. Hwy GP	traffic, odors, transients	5/16/2019
Robert Mortimer		408 Broadway RR	crime, traffic, noise	05/16/19

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✓

My name is Nicole Milan, I live at 2482 Pinebrook Cir, Medford OR 97504. I am opposed to having a gas station, Circle K, carwash in my neighborhood.

I would like to approach this matter from a standpoint of traffic. I would like the city council to consider the traffic congestion that will be caused by autos traveling in all directions (Springbrook Road North & South and McAndrews Road East & West). I personally went out and recorded traffic on Monday, May 13, 2019 starting at 7:26 a.m. till approximately 8:50 a.m. and again at 4:20 p.m. till around 6:00 p.m. I was asked to speak about my observations. Here are my findings:

- A. Peak traffic times were 7:33 a.m. to approximately 8:31 a.m. and 4:45 p.m. to 5:40 p.m.
1. The road width of McAndrews is extremely narrow (New Life Church of the Nazarene to Springbrook);
 2. Total number of buses 12 and 15 pedestrians;
 3. **Morning commute** North Springbrook (NMHS) to McAndrews was back up sometimes pass Pinebrook several instances. (11:55) East McAndrews (from Hillcrest) was backed up several times passed Paulita Drive thus blocking the entrance/exit of said property. (15:22) Neighbor walking dog approached me as he was not able to find any information about the hearing on the website and signs are too small. He informed me that on multiple occasions, traffic has been back up passed the hill, (N. Modoc Avenue).
 4. **Afternoon commute** BMW broke down three car lengths back from the light on N. Springbrook (this happened prior to the start of my recording), 15 minutes into my recording the firetruck, (which finished serving Bonaventure), was able to help the elderly man move his car into a neighboring drive way. It took a total 32 minutes for help to arrive.
 5. South Springbrook (Bonaventure side) traffic was backed up passed their entrance/exit (hard to make a right turn onto Springbrook.).
 6. The bottleneck of E. McAndrews from 2 lanes into 1 lane (just past the light). I witness several cars honking as people tried to push their way into position to get a head of another vehicle or fall behind a slower car, which created a safety issue as vehicles were forced into the oncoming traffic lane, or had to come to a complete stop. Also, keep in mind this is where the entrance/exit would be for said property.

There is no way, especially during peak traffic hours, anyone would be able to safely make a left-hand turn crossing traffic at either the Springbrook or McAndrews entrance/exit. If council members would view this area, they would certainly understand the dangers and negative impact on our neighborhood. It doesn't take an engineer to see that there is no way to fix the traffic pattern/problem this would cause. **This building location is not opposite other businesses and the streets are not hi traffic compatible.** I strongly urge that the City Council require an aggressive traffic study be performed.

Furthermore, I attend Bethel Church Vista Pointe and it has been brought to my attention during several conversations that the reason they built there was because the City has plans to build a Convenience Store, gas station and strip mall across from the church. My recommendation is to move this project there. We don't need two on the same street! Building there is a much healthier location as roads are already build to withstand excessive traffic and it would be opposite other businesses.

CITY OF MEDFORD
AC-19-028

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Exhibit WWW, submitted by
Judy Farnsworth at the May 17,
2019, SPAC public hearing.

CITY OF WASHINGTON
EXHIBIT # WWW
FILE # AC-19-028

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Exhibit WWW, submitted by
Judy Farnsworth at the May 17,
2019, SPAC public hearing.
AC-19-028

**POTENTIAL - ALTERNATIVE
COMMERCIAL PROPERTIES
TO CONSIDER**

**RECEIVED
MAY 17 2019
PLANNING DEPT.**

****All in high traffic areas with little or no competition for business**

- 1) Corner of Hillcrest Rd. & N. Phoenix Rd.
- 2) N. Phoenix Rd. 3.55 acres
- 3) Corner of N. Phoenix Rd. & Barnett
- 4) Corner of N. Phoenix Rd. (across from Rogue Federal Credit Union)
- 5) 1841 Barnet Rd. The old Sandpiper Restaurant property
- 6) Corner of Ellendale Dr. & Hospitality Way (by Hilton Inn & Larson Creek Retirement Center)
- 7) Corner of Barnett & Highland
- 8) Corner of Garfield St. & S. Pacific Hwy. (by Harry & David)
- 9) Corner of Garfield St. & Center Dr.
- 10) Center Dr. (near Cracker Barrel Restaurant)

Exhibit XXX, submitted by
Judy Farnsworth at the May 17,
2019, SPAC public hearing.

CITY OF MEDFORD
EXHIBIT # XXX
File # AC-19-028

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FOR SPAC PUBLIC HEARING 5/17/2019

MEDFORD MUNICIPAL CODE 10.200(E)(1)(a)

THE PROPOSED DEVELOPMENT IS COMPATIBLE WITH USES AND DEVELOPMENT ON ADJACENT LAND!

1. ALL THE LAND SURROUNDING THIS PROJECT IS RESIDENTIAL
2. THERE IS NO ADJACENT COMPATIBLE LAND
3. GAS STATIONS + CARWASH SHOULD NOT LIVE SIDE BY SIDE WITH HOMES

AS TO: MEDFORD MUNICIPAL CODE 10.200(F)(3)

LIMITING THE VISIBILITY OF MECHANICAL EQUIPMENT THROUGH SCREENING OR OTHER APPROPRIATE MEASURES

1. WHAT ABOUT THE HUNDRED OF SENIORS AT THE BONAVENTURE SENIOR LIVING CENTER
→ THEY HAVE A DIRECT NORTHERN VIEW OF WHAT IS TO BE GASOLINE PUMPS
2. EVEN THE TREES TO BE INITIALLY PLANTED WON'T OBSTRUCT THEIR VIEW OF THE GAS PUMPS FROM THEIR 2ND, 3RD + 4TH FLOOR PATIOS
3. AND WHAT HAPPENS FOR SIX MONTHS OF THE YEAR WHEN THERE ARE NO LEAVES ON THOSE TREES?

Jeff Feyerharm
2446 Pinebrook Circle
Medford, OR 97504

541-778-3953

CITY OF MEDFORD
EXHIBIT: YYY
FIG # AC-19-028

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From the Residents of the Bonaventure Senior Living Center

To: Matt Brinkley
Planning Director
City of Medford Planning Department
Lausmann Annex
200 South Ivy Street
Medford, OR 97501

Date: May 17, 2019 for entry into the SPAC Hearing

Several of us residents living at 2530 E. McAndrews Road, Medford, OR 97504 signed a petition (residents listed below) to deny approval of the Springbrook Corners project. We all reside well within the 200ft Public Notification area. Why haven't we, as-of-yet, received any notices about the proposed Springbrook Corners project to date?

We have the right, just as any residential owner within the 200ft notification area, to be notified with anything that has to do with the File No: AC-19-028 noticing and/or notices regarding the property at 1380 Springbrook Road.

Below is a list of 34 addresses, with only the yellow-highlighted names of residents, requiring to be notified of any future Public Notification regarding File No: AC-19-028 or notices regarding 1380 Springbrook Road: This letter/notice is Dated: 5-17-2019

1. Joseph & Louanne Weber 2530 E. McAndrews Rd #213, Medford, OR 97504
2. Beulah Farnsworth # 424
3. Marilyn Minchinton # 206
4. Susan Long # 236
5. James & Lois Richmond # 324
6. Elizabeth Lashar # 243
7. Donald & Kathryn Riegger #205

Exhibit ZZZ submitted by
Joseph Weber at the May 17,
2019, SPAC public hearing.

CITY OF MEDFORD
EXHIBIT # ZZZ
File # AC-19-028

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8. Loretta Lisowski # 135
9. E. Danielle & Harry LeVine # 207
10. Elaine Foster # 328
11. Mary Alice Collins # 312
12. George & Dawn Groom # 208
13. Earl & Florence McGinty # 426
14. Theresa Running # 401
15. Joyce Laskoff # 003
16. Rubymae Reed # 201
17. Dennis Wise # 209
18. Theresa Damgaard # 103
19. S. G. Pickell # 252
20. G. W. Hollingsworth # 105
21. Candice Longmire # 442
22. Leroy F. Moore # 102
23. John & Rose-Alice Bodenstab # 322
24. Jane Gossett # 326
25. Marti Johnson # 113
26. Claney Barlow # 237
27. Lara Dickinson # 101
28. Twilia Fogarty # 108
29. Marlene Spoons # 427
30. Ose Begley # 402
31. Eleanor Sebree # 327
32. Donald J. Vette # 439
33. Barbara Smith # 301
34. George Hutchinson # 110

I certify the above Names and Addresses are correct:

Joseph Weber Joseph B. Weber

Dated: 5-15-19

Gary Sumrak
2485 Pinebrook Circle
Medford, OR 97504

Date: May 17, 2019

Matt Brinkley and the Volunteer Members of SPAC,
Planning Director
City of Medford Planning Department
Lausmann Annex
200 South Ivy Street
Medford, OR 97501

Subject: SPAC Hearing for May 17, 2019 regarding File No. AC-19-028

Dear Matt Brinkley and the Volunteer Members of SPAC,

In my letter of April 12, 2019 to the Planning Department and in my testimony at the May 3, 2019 SPAC hearing, I pointed out that three property owners within the 200ft Public Notification area were not included in mailing of the November 19, 2015 Public Notice regarding zone change request ZC-15-126. Those three addresses were:

1. 2496 Pinebrook Circle --- Addressee Moved & Sold house as of 8/24/2015
2. 2445 E. McAndrews Road
3. 2530 E. McAndrews Road --- The owners of the Bonaventure Senior Living Center

Upon further and more recent research, I have come upon an additional five properties/parties that were not on the Public Notification mailing list submitted by the new property owners of 1380 Springbrook Road dated September 3, 2015. The additional five addresses not mailed the Public Notice of November 19, 2015 are:

1. 2494 E. McAndrews Road
2. 1390 Springbrook Road
3. 2532 Ashwood Court
4. 2552 E. McAndrews Road
5. 1400 Matthews Place

This makes up a total to 8 properties that were not notified or omitted, for whatever reason, on the submitted list by Thomas Fox Properties LLC (Bret Fox/John Batzer) and their Agent Ian Foster on September 23, 2015. John Batzer & Stuart Foster, on November 12, 2015 formed and registered with

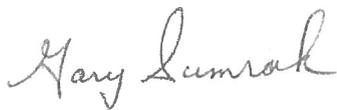
the State of Oregon what has now become Springbrook Corners LLC. This LLC was formed exactly one week prior to the zone change Public Notice mailing. Ultimately, only 18 of 26 or 69% of the properties were notified and 8 of 26 or 31% of the properties within 200ft were not notified. This, suddenly, has become a very significant number of non-notifiers.

I believe it is now time for the Planning Department, Planning Commission, Site Plan and Architectural Committee and the City of Medford's Attorneys to finally resolve this issue of non-compliance with the City's Public Notification procedures regarding the November 19, 2015 Public Notification. No more back peddling; the time has come to bring this issue to the forefront. It is very possible that every decision regarding File No. AC-19-028 made subsequent to the November 19, 2015 rezoning letter regarding ZC-15-126 could be null and void. And more importantly, this would include the Planning Commission's approval of the zone change from SFR-4 to Commercial Community on 12-10-2015.

As stated in my April 12, 2019 letter to the Planning Department and subsequent SPAC testimony, due to not fully complying with city code regarding the notification of parties within the defined notification area; the rezoning of said lot from SFR-4 to Community Commercial after the December 10, 2015 Public Hearing should be nullified and voided. The said lot shall be rezoned back to its original zoning of SFR-4.

This situation shall no longer be known as or referred to as an Improper Notice; instead, it shall be known as or referred to as "**What Notice?**"

Sincerely,



Gary Sumrak

① BAACK SHARA L/JEFFREY A
1401 MATTHEWS PL
MEDFORD, OR 97504

② NICHOLS RONALD D TRSTEE FBO
2547 ASHWOOD CT
MEDFORD, OR 97504

③ ISOM DAVID W/SUZANNE L
2557 ASHWOOD CT
MEDFORD, OR 97504

④ AUSTIN TROY D/JEANNIE L
2567 ASHWOOD CT
MEDFORD, OR 97504

⑤ BRECHTEL SCOTT L/SHELLEY D
2577 ASHWOOD CT
MEDFORD, OR 97504

⑥ DIXON KEVIN/KAREY
2572 ASHWOOD CT
MEDFORD, OR 97504

⑦ REYNOLDS PATRICK ET AL
2562 ASHWOOD CT
MEDFORD, OR 97504

⑧ BROOKS KATHLEEN M TRUSTEE ET AL
2552 ASHWOOD CT
MEDFORD, OR 97504

⑨ LEAVENS JAMES R
2542 ASHWOOD CT
MEDFORD, OR 97504

⑩ WESSLING JOAN E
2543 E MC ANDREWS RD
MEDFORD, OR 97504

⑪ COROSU WILLIAM J/LAURA
2575 E MC ANDREWS RD
MEDFORD, OR 97504

⑫ HORTON ROBERT/MARY
2559 E MC ANDREWS RD
MEDFORD, OR 97504

⑬ BELZBERG MICHAEL J ET AL
1527 VALLEY VIEW DR
MEDFORD, OR 97504

⑭ PARRIS RONALD A
1325 SPRINGBROOK RD
MEDFORD, OR 97504

⑮ CROCKER SAMUEL D
1317 SPRINGBROOK RD
MEDFORD, OR 97504

⑯ FARNSWORTH JAMES R/JUDY L
1309 SPRINGBROOK RD
MEDFORD, OR 97504

⑰ DEACOSTA SHERYLL L MATEO/RANDY MATEO
1301 SPRINGBROOK RD
MEDFORD, OR 97504

⑱ MILAM LOY C/NICOLE L
2482 PINEBROOK CIR
MEDFORD, OR 97504

⑲ STEIGLEDER PHILLIP R/STEIGLEDER
THREASA
2496 PINEBROOK CIR
MEDFORD, OR 97504

MOVED
AUGUST 2015

applicant:
Thomas Fox Properties LLC
Bret Fox/John BATZER
515 W Pickett Cir
SAIT LAKE CITY, UT 84115

agent:
Ian Foster
2435 Lyman Ave
Medford OR 97504

RECEIVED
SEP 03 2015
PLANNING DEPT.

CITY OF MEDFORD
EXHIBIT #
File # ZC-15-126

5/17/2019 → PAGE #3

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7/1

May 14, 2019

Members of City of Medford Site Plan & Architectural Commission
Matt Brinkley, Planning Director
Lausmann Annex
200 S. Ivy Street
Medford, Oregon

Re: Planning Department & SPAC Hearing for May 17, 2019 regarding file #AC-19-028

This letter is submitted by those property owners immediately adjacent to the development proposed for 1380 Springbrook Road. As adjacent property owners, we do not approve commercial development at this site that is incompatible with the residential properties located on all sides of the project.

We believe two things should happen before proceeding with this application:

1. The seasonal creek and pond on the property may constitute a wetland entitled to protection. Wetland waters are regulated whether they are correctly mapped or not. In 2002, according to the local wetland inventory, there were waters mapped at the site. We would recommend the developer obtain the services of a wetland consultant to verify if wetlands/waters are on site. If they are, then a wetland delineation report should be put together and sent into DSL to determine the wetland/water boundaries and to determine if the wetlands are jurisdictional and if a permit is required.
2. A current traffic study needs to be completed for the Springbrook/McAndrews intersection. During both morning and afternoon hours, traffic is congested on both streets well beyond the driveways proposed for this development. The addition of a gas station and car wash will encourage additional trips to the site making the current traffic situation worse than it is. A traffic study conducted in 2015 is not acceptable.

Once the wetlands and traffic issues are adequately resolved, we believe there are some forms of commercial development better suited for this site. Mini-markets and other types of stores/services such as bakery, café, salon, medical office, gym and or pharmacy would be acceptable to the neighborhood. We are, however, adamantly opposed to any gas station or car wash operating at this location. The odors, noise, lighting and congestion as well as the 24 hour operation are completely incompatible with our residential neighborhood. We have previously placed evidence in the file that shows gas stations pose a health risk to adjacent residences.

If the commission approves a gas station/car wash as is currently planned at this location, the following conditions should apply:

- All businesses located at 1380 Springbrook Road should have hours of operation within the boundaries of 6am-10pm. 24 hour operation is wholly inconsistent with the neighborhood. This condition is necessary in order to maintain the livability of the adjacent residences.

Exhibit BBBB, submitted by
Steve Reed at the May 17,
2019, SPAC public hearing.

1.

CITY OF MEDFORD
EXHIBIT # BBBB
File # AC-19-028

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- Lighting should be directed in such a matter as to eliminate excessive nighttime glare on adjacent properties.

In summary, we request that this development (as currently planned) not be approved. We do not want a gas station and car wash located in our front or back yards. Please do not cause our traffic issues to become more extreme. Please do not allow any 24 hour operation to be located on this site.

Thank you.

2.

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We, the undersigned, are property owners living directly adjacent to 1380 Springbrook Road.
We oppose the development proposed by Springbrook Corners LLC.

1. 2543 E McAndrews Road - Resident: Joan Wessling ~~BAU~~

Signature/Date 1: Joan Bau 5-14-2019

Signature/Date 2: _____

2. 2494 E McAndrews Road - Resident: Donald George Brilowski/Victoria Duff

Signature/Date 1: DR G BRILOWSKI 5/14/19

Signature/Date 2: Victoria Duff 5/14/19

3. 1301 Springbrook Road - Residents: ~~Randy~~ & Sheryll Mateo

Signature/Date 1: Sheryll Mateo 5/16/2019

Signature/Date 2: _____

4. 1309 Springbrook Road - Residents: James & Judy Farnsworth

Signature/Date 1: Judy Farnsworth 5/14/2019

Signature/Date 2: James R Farnsworth 5/14/2019

5. 1317 Springbrook Road - Residents: Sam Crocker & Jan Jackson

Signature/Date 1: Sam Crocker 5/15/19

Signature/Date 2: Jan Arlean Jackson 5/15/19

6. 1325 Springbrook Road - Resident: Ronald Parris

Signature/Date 1: Ronald A. Parris 5-16-2019

Signature/Date 2: _____

7. 1390 Springbrook Road - Resident: Cecilia Hurt and Michael Hurt

Signature/Date 1: Cecilia Hurt 5-14-19

Signature/Date 2: M/H 5/14/19

8. 2532 Ashwood Court - Residents: S & J Reed Properties LLC SEE PG 7 - SIGNED BY STEVE REED (OWNER)

Signature/Date 1: [Signature] 5-14-19

Signature/Date 2: Allison Thiede 5-14-19

9. 2542 Ashwood Court - Residents: James Leavens & Mary Theresa Dimick

Signature/Date 1: James Leavens 5/14/19

Signature/Date 2: Mary Theresa Dimick 5/14/19

10. 2552 Ashwood Court - Resident: Kathleen Brooks, Trustee

Signature/Date 1: KP Kathleen Brooks 5/14/19

11. 2562 Ashwood Court - Resident: Carrie Penner & Patrick Reynolds

Signature/Date 1: Carrie Penner

Signature/Date 2: Patrick Reynolds

~~2522 Ashwood Ct~~ 10/19

12. ~~2543 E McAndrews Road~~ Residents: Kevin & Karey Dixon

Signature/Date 1: Karey Dixon 5-15-19

Signature/Date 2: Kevin Dixon 5-15-19

13. 2598 E McAndrews Road - Residents: Jonathan & MaryAnn Segal

Signature/Date 1: [Signature]

Signature/Date 2: [Signature]

14. 2530 E McAndrews Road - Residents: Bonaventure Retirement Community

Signature/Date 1: Bill Hellingwater 5/14/19

Signature/Date 2: Louanne Flecken 5-15-19

Signature/Date 3: Joseph Beverly 5-15-19

Signature/Date 4: Laura D. Wilson 5-15-19

Signature/Date 5: Raymond Rhodes 5-15-19

Signature/Date 6: SUSAN LONG 5-15-19

Signature/Date 7: Joanne Stachel 5-15-19

Signature/Date 8: Jon Rign ~~5/15/19~~ 5/15/2019

Signature/Date 9: Kathryn Reggs 5.15.19

Signature/Date 10: Gloria Lashae 5-15-19

Latell Ricks " " "

Mart. Jean 5-15-19

George Rummy 5-15-19

Ruby Jones 5-15-19

Jinda Chandler 5-15-19

Marta Kambolan 5-15-19

Rose-alice Bodenstab 5-15-19

Norris N. Vire 5-15-19

Esther Conyn 5/15/19

Elaine Foster 5/15/19

John Bodenstab 5-15-19

Stacy Henney 5-15-19

Blair Claire Gram 5-15-19

Cheryl Latham 5/15/19

Teroy F. Moore 5/15/19

Barbara J. Smith 5/15/19

Eleanor Belue 5-15-19

Debra Farnsworth 5-15-19

Laverda Garvas 5/15/19

Wanda Pedersen 5/15/19

GERI HEIN & C. 5-15-19

Stephanie Lemperton 5/15/19
 Mary Alice Collins 5/15/19

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May 14, 2019

Members of City of Medford Site Plan & Architectural Commission
Matt Brinkley, Planning Director
Lausmann Annex
200 S. Ivy Street
Medford, Oregon

Re: Planning Department & SPAC Hearing for May 17, 2019 regarding file #AC-19-028

This letter is submitted by those property owners immediately adjacent to the development proposed for 1380 Springbrook Road. As adjacent property owners, we do not approve commercial development at this site that is not in harmony with the character of the neighborhood as required by MLDC10.200(A).

We believe two things should happen before proceeding with this application:

1. The seasonal creek and pond on the property may constitute a wetland entitled to protection. Wetland waters are regulated whether they are correctly mapped or not. In 2002, according to the local wetland inventory, there were waters mapped at the site. We would recommend the developer obtain the services of a wetland consultant to verify if wetlands/waters are on site. If they are, then a wetland delineation report should be put together and sent into DSL to determine the wetland/water boundaries and to determine if the wetlands are jurisdictional and if a permit is required.
2. A current traffic study needs to be completed for the Springbrook/McAndrews intersection. During both morning and afternoon hours, traffic is congested on both streets well beyond the driveways proposed for this development. The addition of a gas station and car wash will encourage additional trips to the site making the current traffic situation worse than it is. The traffic study conducted in 2015 did not anticipate the current traffic loads on Springbrook and McAndrews.

If the wetlands and traffic issues can be adequately resolved, we believe there are some forms of commercial development better suited for this site. Mini-markets and other types of stores/services such as bakery, café, salon, medical office, gym and or pharmacy would be acceptable to the neighborhood.

We are, however, adamantly opposed to any gas station or car wash operating at this location. The odors, noise, lighting and congestion as well as the 24 hour operation are completely incompatible with our residential neighborhood. Furthermore, the studies we have filed in the record show that gas stations pose a health risk to adjacent residences. We believe that a gas station at this location in a residential neighborhood cannot protect our health safety and general welfare as required by MLDC 10.200(F)

6.

106

If the commission disagrees and approves a gas station/car wash as is currently planned at this location, the following conditions must be applied to protect the health safety and general welfare of the surrounding areas as required by MLDC10.200(f):

- All businesses located at 1380 Springbrook Road should have limited hours of operation between 6am and 10pm. 24-hour operation is wholly inconsistent with a residential neighborhood. This condition is necessary in order to maintain the livability of the adjacent residences.
- Lighting should be restricted in such a matter as to eliminate excessive nighttime glare on adjacent properties.
- Traffic entering and leaving the property should be limited to right in and right out only ingress and egress. Left turns would not be safe under current traffic conditions.

In summary, we request that this development (as currently planned) not be approved. We do not want a gas station and car wash located in our front or back yards. Please do not cause our traffic issues to become more extreme. Please do not allow any 24 hour operation to be located on this site.

Thank you.

Steve Reed

7.

106

RECEIVED

MAY 17 2019

PLANNING DEPT.

1733 Garden Drive
Medford, OR 97504

May 17, 2019

City of Medford
Site Plan & Architectural Commission
Planning Meeting, 5-17-19
City Hall Council Chambers

Re: Request you deny approval of File No. AC-19-028

We respectfully request the Commission deny approval for Springbrook Corner, LLC, to build a Circle K convenience store with gas station and car wash on Tax Lot 371W20-3500.

As residents who live within a block of this site, we vehemently object to commercial traffic in an already busy intersection. North High School is a short distance from the site. Student and parent traffic will be drawn to that corner whether or not Springbrook was their main artery before. Commercial services are unwelcomed in residential neighborhoods. They bring not only traffic but resultant air and noise pollution. I can't speak for Bonaventure of Medford, the new senior residence across McAndrews from the site, but I believe the proposed commercial businesses would be an unsafe and dissonant intrusion to their idyllic location. The same can be said for the rest of us residents in the area.

We read in the Medford Mail Tribune that many people were not notified of the zoning change in 2015. We are among them, as far as we can recall. It is also highly disturbing that the natural wetlands on that site will be paved over. Adding a few extra bushes or trees will not offset such a loss.

Progress is one thing, but there should be logical planning for it. We hope you will plan for a site that is not intensely opposed by the community and leaves residents with housing values intact.

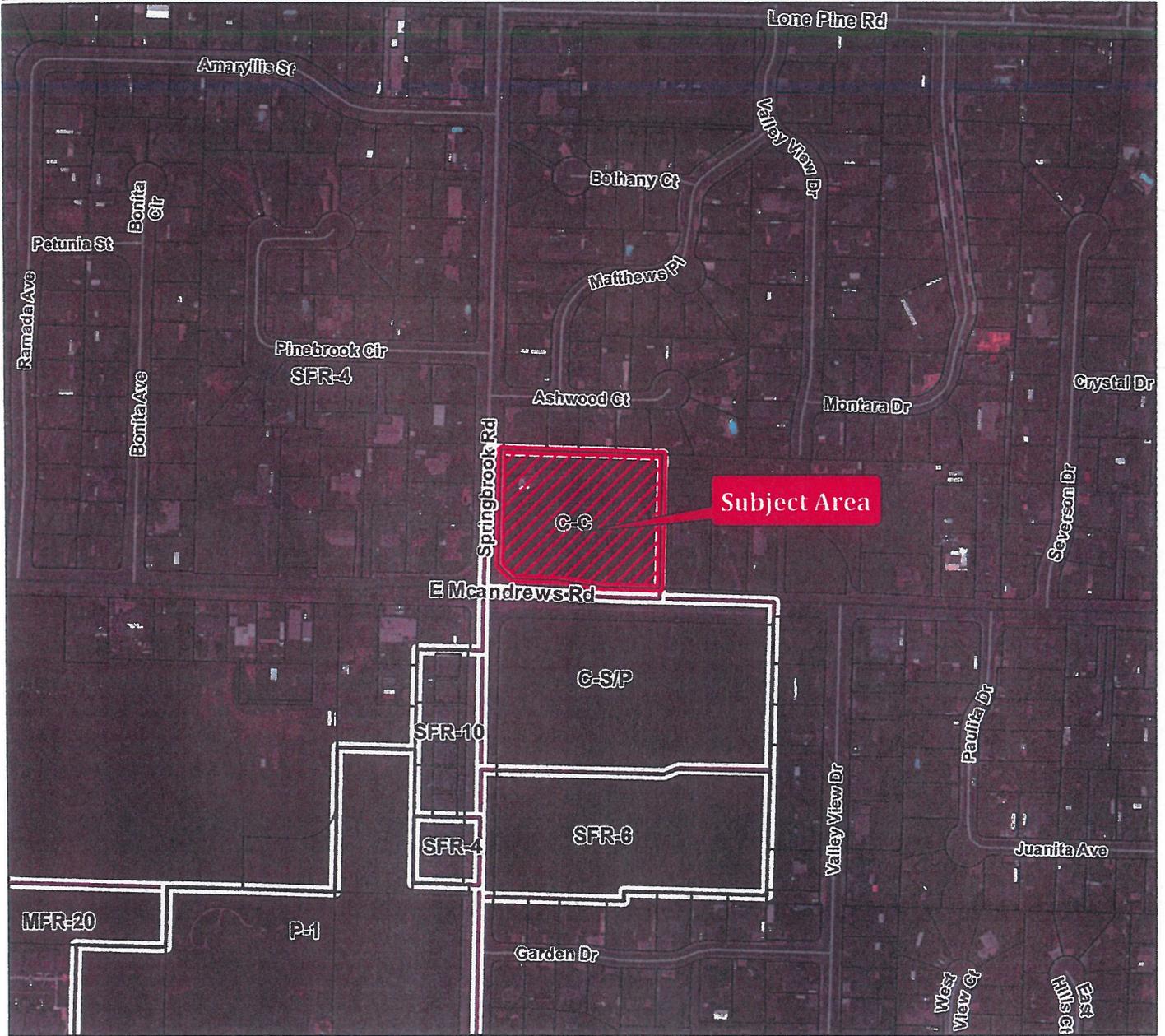
Sincerely,

Carol L. Sparks

Gerald L. Kirstein

OUR LOCATION IS 2 TAX LOTS AWAY
1733 GARDEN DR.
MEDFORD, OR 97504

CITY OF MEDFORD
EXHIBIT # _____
File # CCCC
AC-19-028

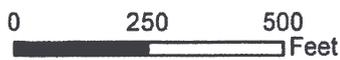


Project Name:

**Circle K Mini Store &
 Car Wash**

Map/Taxlot:

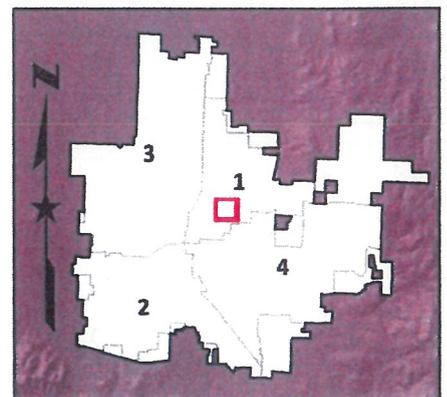
371W20AB TL 3500



Legend

-  Subject Area
-  Zoning Districts
-  Tax Lots

02/13/2019



Circle K Mini Store and Carwash
AC-19-028



May 3, 2019
Site Plan & Architectural Commission
Steffen Roennfeldt, Planner III

**SITE PLAN AND ARCHITECTURAL REVIEW
CRITERIA**
MLDC 10.200(E)(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) The proposed development is compatible with uses and development that exist on adjacent land, and
- (b) 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.

CITY OF MEDFORD
EXHIBIT # 3
File # AC-19-028
APPEAL

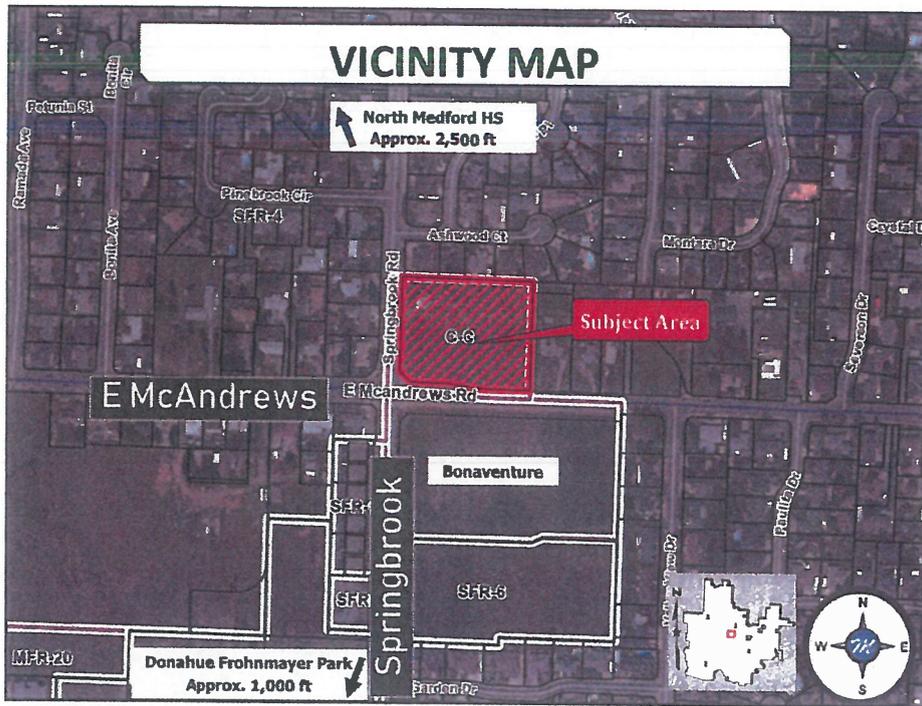
CONDITIONS OF APPROVAL CRITERIA MLDC 10.200(F)

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;

CONDITIONS OF APPROVAL CRITERIA MLDC 10.200(F)

- (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 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.



PRESENTATION OUTLINE

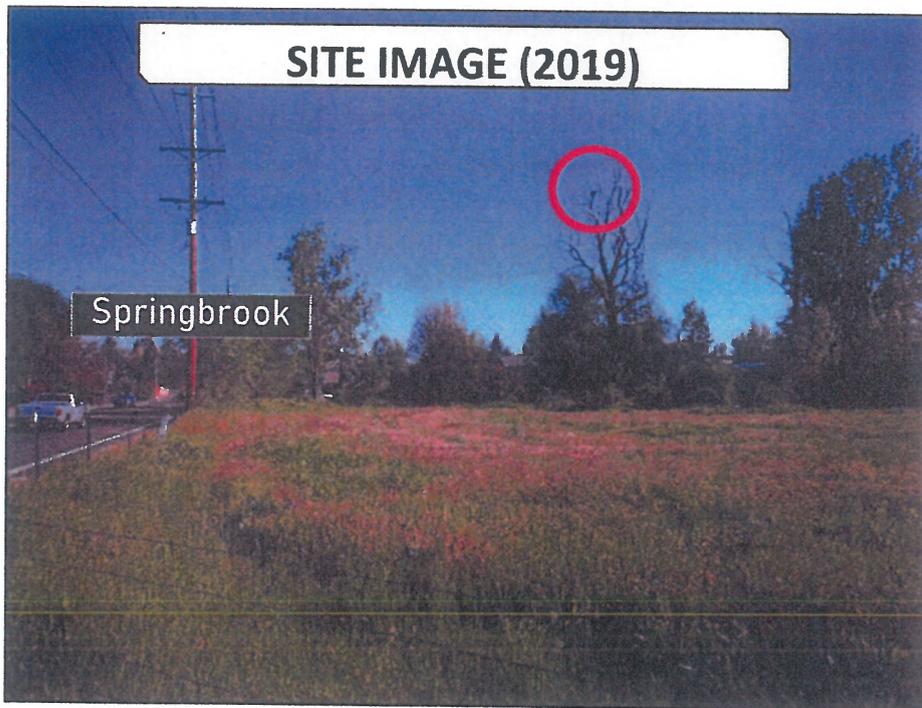
- **Scope of Project**
- **History & Background**
 - Existing Conditions
 - General Land Use Plan Map Amendment
 - Zone Change
- **Proposed Uses**
- **Site Plan**
- **Elevations**
- **Landscape Plan**
- **Mitigation**
- **Public Comments**
- **Findings of Fact & Conclusion**

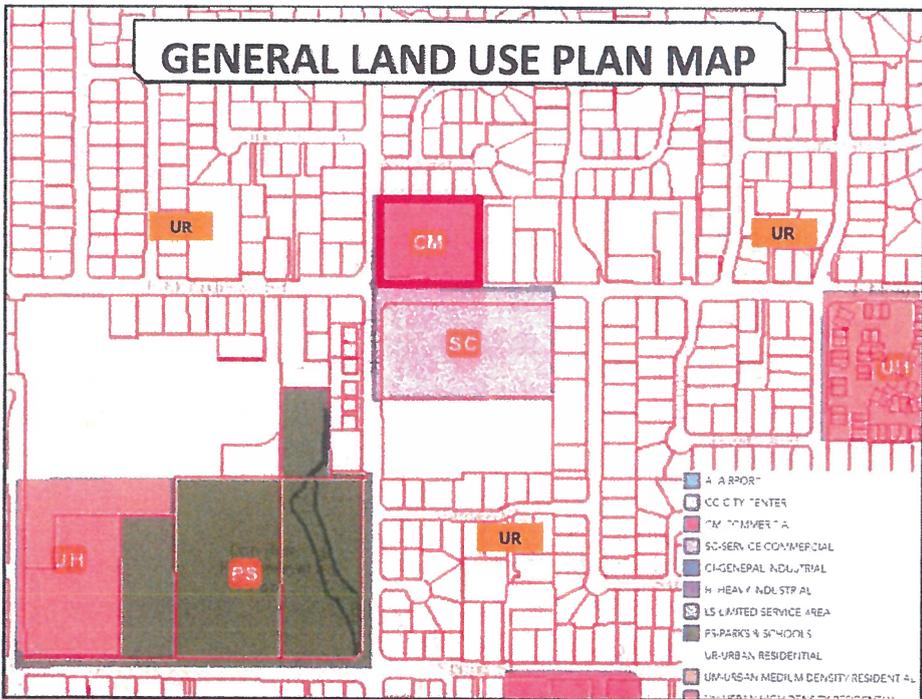
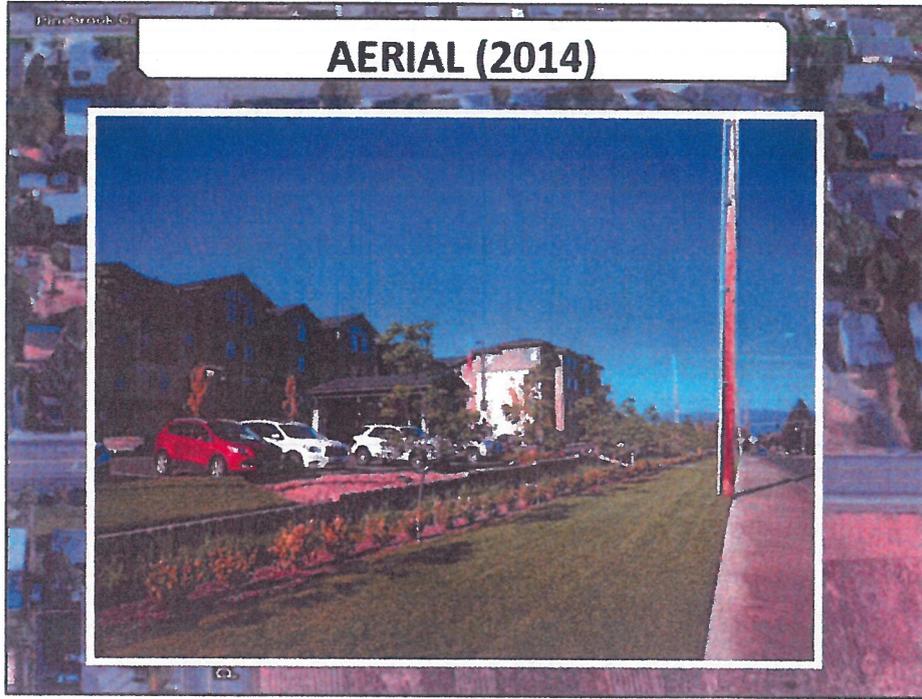
SCOPE OF PROJECT

- Construction of a +/- 3,300 square foot Convenience Store
 - With attached car wash (Approx. 1,300 square feet in size)
- Construction of Gas Pumps and Gas Pumps Canopy
- Construction of stand-alone drive-through Coffee Kiosk (+/- 370 square feet)
- Phase 2 – Structure for Retail Uses
(Not part of this application)

PRESENTATION OUTLINE

- Scope of Project
- **History & Background**
 - Existing Conditions
 - General Land Use Plan Map Amendment
 - Zone Change
- Proposed Uses
- Site Plan
- Elevations
- Landscape Plan
- Mitigation
- Public Comments
- Findings of Fact & Conclusion





Map 2 SAL-350-040 East Central

GLUP MAP AMENDMENT

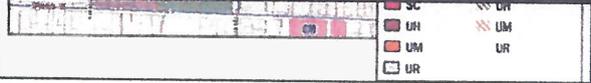


Part of UCP Amendment project

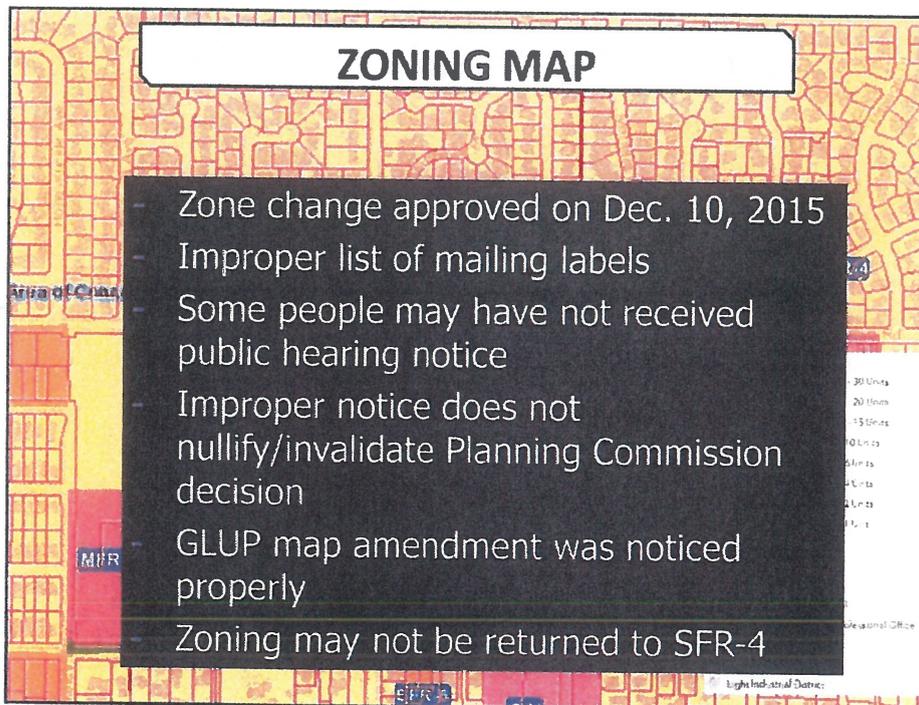
Much of the attraction of this area stems from the opportunity to introduce CM (Commercial) into an area that lacks commercial within anything but automobile distance (...)

acres

- Adopted Dec. 4, 2014



ZONING MAP



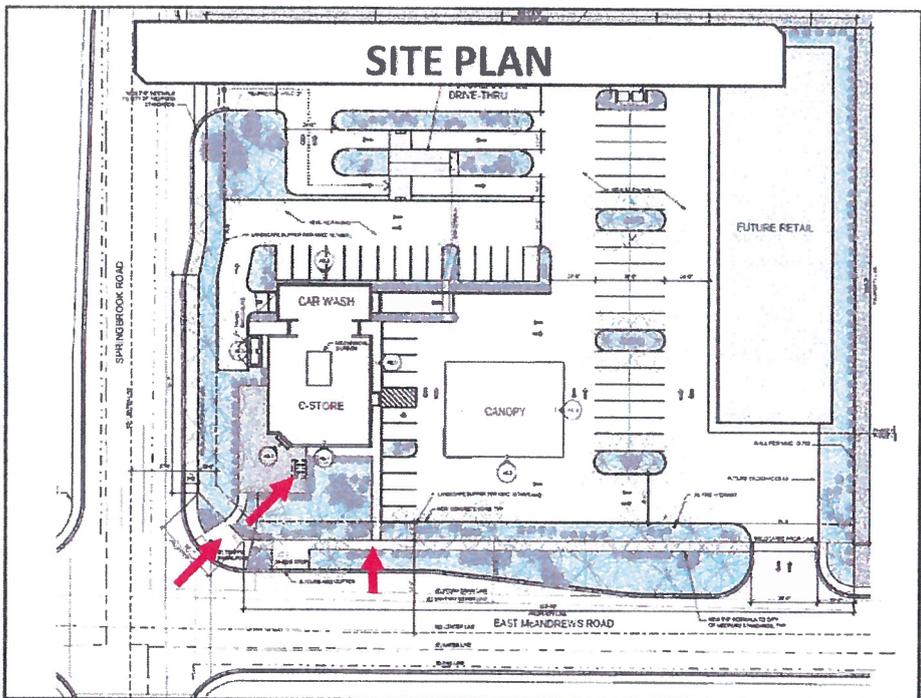
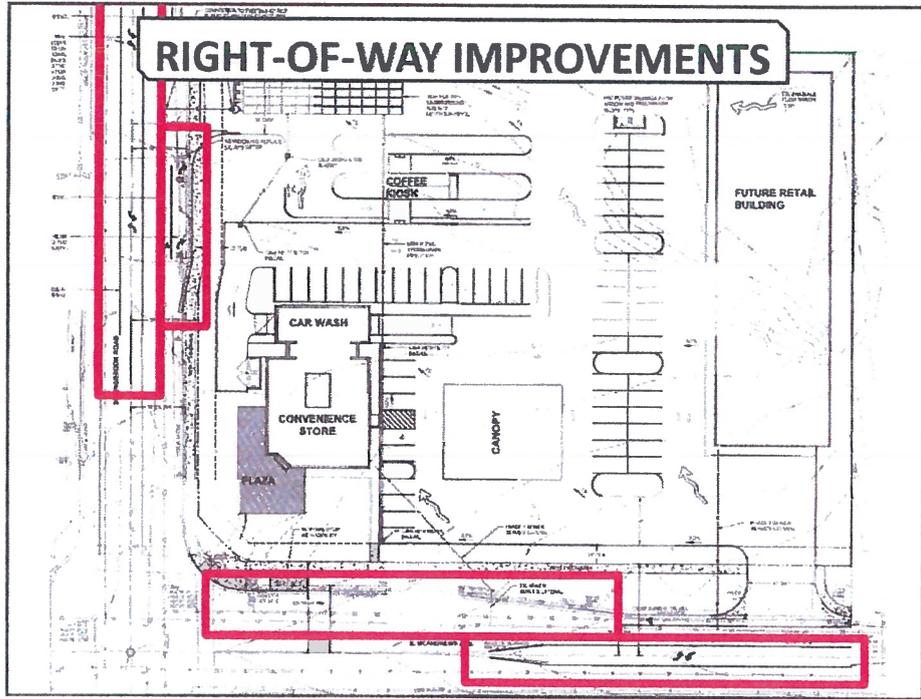
- Zone change approved on Dec. 10, 2015
- Improper list of mailing labels
- Some people may have not received public hearing notice
- Improper notice does not nullify/invalidate Planning Commission decision
- GLUP map amendment was noticed properly
- Zoning may not be returned to SFR-4

PRESENTATION OUTLINE

- Scope of Project
- History & Background
 - Existing Conditions
 - General Land Use Plan Map Amendment
 - Zone Change
- **Proposed Uses**
- Site Plan
- Elevations
- Landscape Plan
- Mitigation
- Findings of Fact & Conclusion

PROPOSED USES

Use	SIC Name	SIC Code	Size (Square Feet)	Status
Gas Station	Fueling Stations (including Gasoline Service Stations)	554	3,315	Permitted
Convenience Store	Grocery Store, less than or equal to 25,000 square feet	541	3,300	Permitted
Coffee Kiosk	Eating and Drinking Places without entertainment	5815	370	Permitted
Carwash	n/a	n/a	1,304	Permitted as Accessory Use to Gas Station



PRESENTATION OUTLINE

- Scope of Project
- History & Background
 - Existing Conditions
 - General Land Use Plan Map Amendment
 - Zone Change
- Proposed Uses
- Site Plan
- **Elevations**
- Landscape Plan
- Mitigation
- Public Comments
- Findings of Fact & Conclusion

ARCHITECTURAL ELEVATIONS

ARCHITECTURAL ELEVATIONS

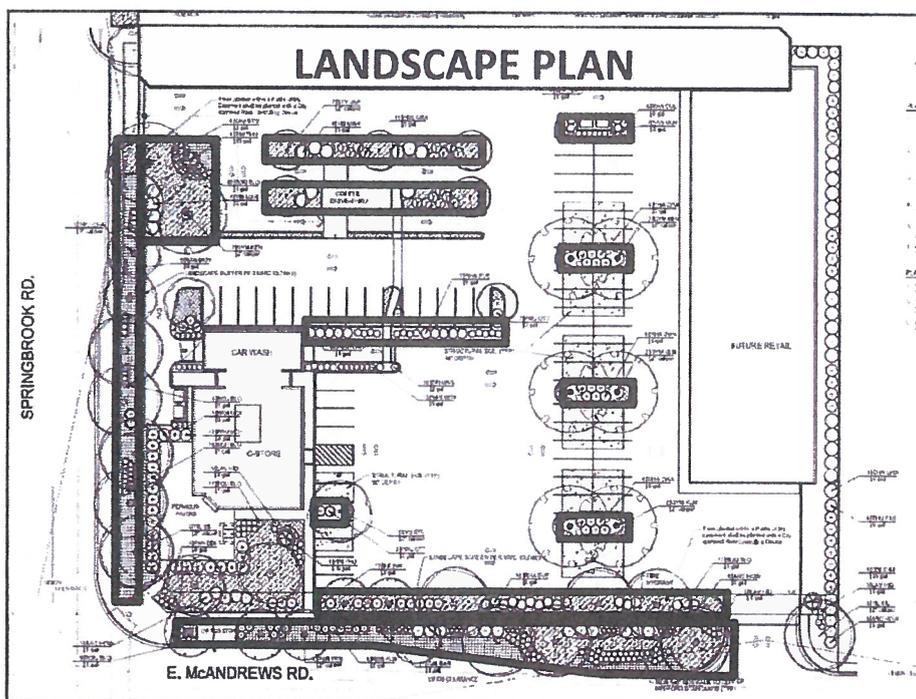
EXT ELEV - WEST
SCALE: 1/8" = 1'-0"
1

EXT ELEV - NORTH
SCALE: 1/8" = 1'-0"
2

CORNER ENTRANCE
3

PRESENTATION OUTLINE

- Scope of Project
- History & Background
 - Existing Conditions
 - General Land Use Plan Map Amendment
 - Zone Change
- Proposed Uses
- Site Plan
- Elevations
- **Landscape Plan**
- Mitigation
- Public Comments
- Findings of Fact & Conclusion



PRESENTATION OUTLINE

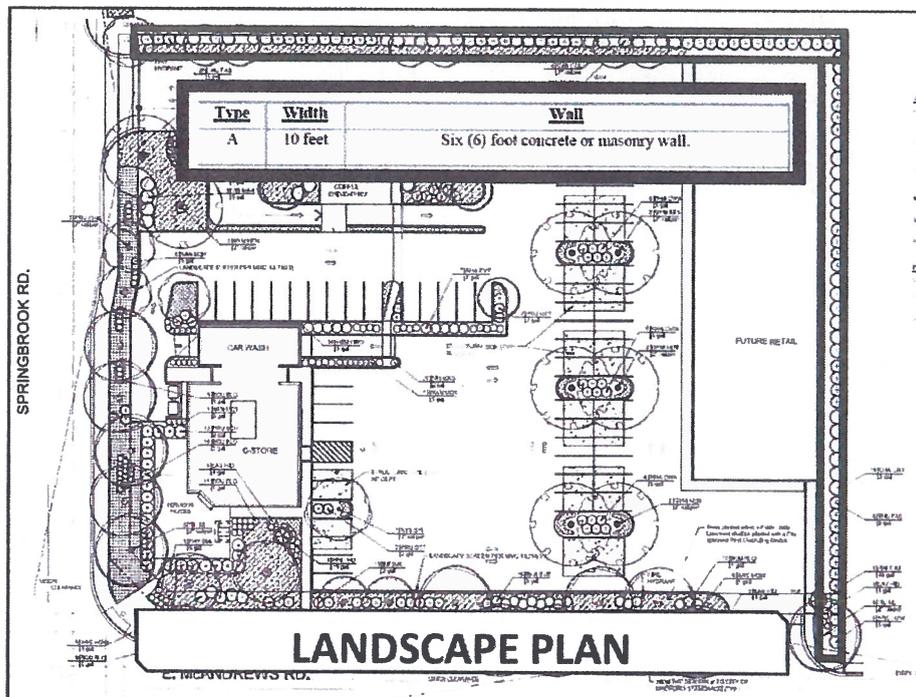
- Scope of Project
- History & Background
 - Existing Conditions
 - General Land Use Plan Map Amendment
 - Zone Change
- Proposed Uses
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- Elevations
- Landscape Plan
- **Mitigation**
- Public Comments
- Findings of Fact & Conclusion

MITIGATION

- The approval criterion in MLDC 10.200(E)(1) requires an analysis of compatibility between the proposed development and uses and development that exists on adjacent land.
- The Commission has authority to apply conditions of approval that are 'reasonable necessary to ensure compliance with the standards of the code and the criteria in subsection (E), and to otherwise protect the health, safety and general welfare of the surrounding area and the community as a whole.'

MITIGATION

- The following items can be considered mitigation measures:
 - Traffic Analysis (2015)
 - Right-of-way improvements required
 - Sanitary Sewer Systems (2015)
 - Sewer flows are within allowable limits
 - Bufferyard Landscaping



MITIGATION

- The following items can be considered mitigation measures:
 - Traffic Analysis (2015)
 - Right-of-way improvements required
 - Sanitary Sewer Systems (2015)
 - Sewer flows are within allowable limits
 - Bufferyard Landscaping
 - 10-foot buffer and 6-foot wall
 - Migratory Bird Treaty Act

MITIGATION

- Current Administration decided that 'incidental taking' of a bird while conducting activities that are otherwise legal, is no longer considered a violation of the act.
- Encourage developers to consider delaying vegetation clearing activities until the nesting season is over (normally end of July).
- Other options are available.

PRESENTATION OUTLINE

- Scope of Project
- History & Background
 - Existing Conditions
 - General Land Use Plan Map Amendment
 - Zone Change
- Proposed Uses
- Site Plan
- Elevations
- Landscape Plan
- Mitigation
- **Public Comments**
- Findings of Fact & Conclusion

PUBLIC COMMENTS

- Calls/Letters - many in opposition of project mainly because it will increase:
 - Traffic
 - Crime
 - Noise
 - Trash
 - Environmental Impacts
 - Decrease in Property Values
- Petitions
 - Paper (600+ signatures)
 - Online (357 signatures)

PRESENTATION OUTLINE

- Scope of Project
- History & Background
 - Existing Conditions
 - General Land Use Plan Map Amendment
 - Zone Change
- Proposed Uses
- Site Plan
- Elevations
- Landscape Plan
- Mitigation
- Public Comments
- **Findings of Fact & Conclusion**

SITE PLAN AND ARCHITECTURAL REVIEW CRITERIA

MLDC 10.200(E)(1)

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

The Commission can find that the applicant's narrative and supportive plans and exhibits document the proposed structures compatibility with adjacent uses and development.

Mitigation measures are proposed to address potential impacts associated with the development.

Subject to the addition and satisfaction of the conditions of approval provided in Exhibit A, the SPAC can find that this proposal meets Criterion A.

**SITE PLAN AND ARCHITECTURAL REVIEW
CRITERIA**

MLDC 10.200(E)(1)

(b) 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.

Exhibit A contains conditions of approval which the applicant is required to satisfy. No exceptions are required. Subject to the adoption and satisfaction of the conditions of approval provided in Exhibit A.

The SPAC can find that this proposal meets Criterion B.

RECOMMENDED ACTION

Adopt the findings as recommended by staff and direct staff to prepare the final order for approval of AC-19-028 per the staff report dated April 26, 2019, including all Exhibits.

**QUESTIONS
FOR STAFF?**

RECOMMENDED MOTION

MOVE TO ADOPT THE FINDINGS AS
RECOMMENDED BY STAFF AND DIRECT STAFF
TO PREPARE THE FINAL ORDER FOR APPROVAL
OF
AC-19-028
PER THE STAFF REPORT
DATED APRIL 26, 2019, INCLUDING
EXHIBITS A-CCC.

Circle K Mini Store and Carwash
AC-19-028



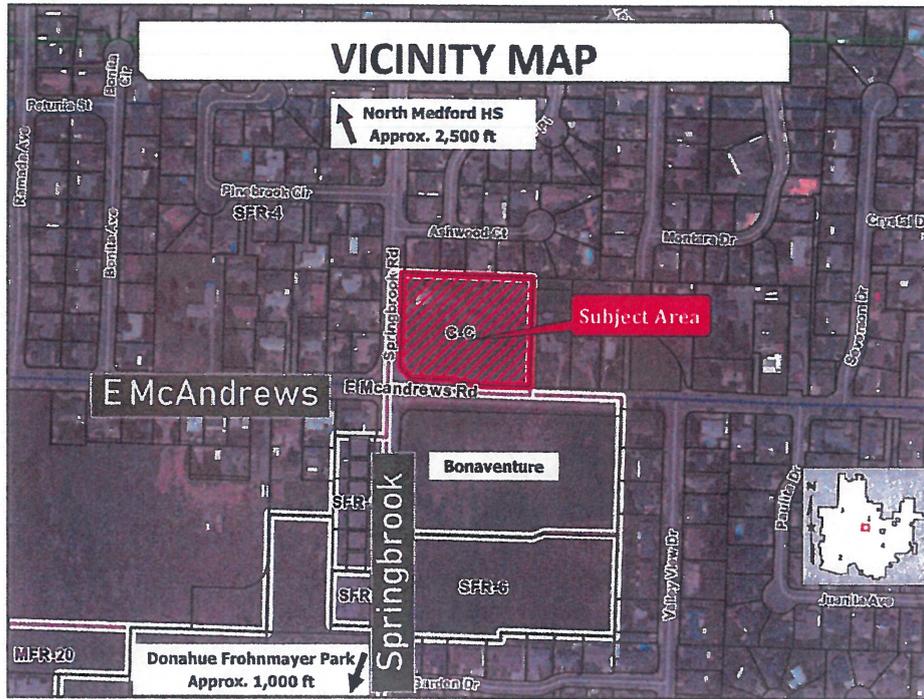
May 17, 2019
Site Plan & Architectural Commission
Kelly Evans, Assistant Planning Director

**SITE PLAN AND ARCHITECTURAL REVIEW
CRITERIA**
MLDC 10.200(E)(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) The proposed development is compatible with uses and development that exist on adjacent land, and
- (b) 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.

OFORD
EXHIBIT # 4
File # AC-19-028
APPEAL



PUBLIC COMMENTS

- Compatibility
- Traffic
- Site Design
- Property Values
- Crime
- Environmental Impacts
- Noise
- Lighting & Glare
- Trash
- Red-tailed Hawk
- Drainage/Wetlands/Creek
- Proximity to Similar Uses

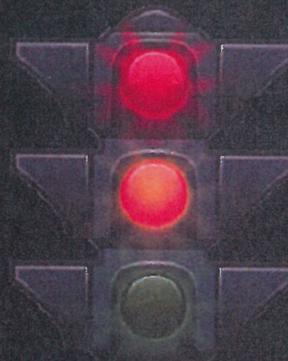
Issue: Compatibility

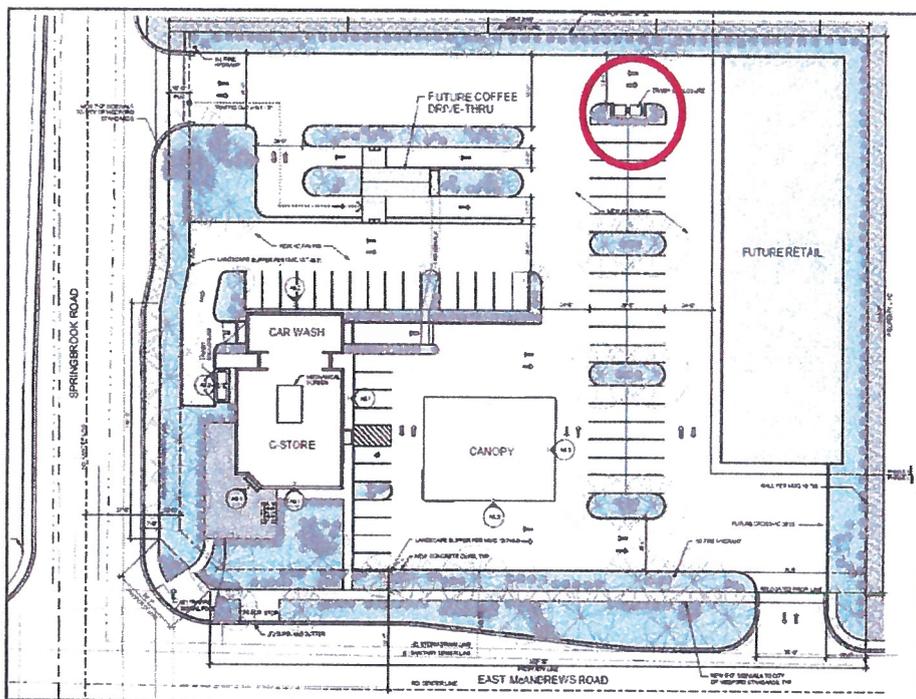
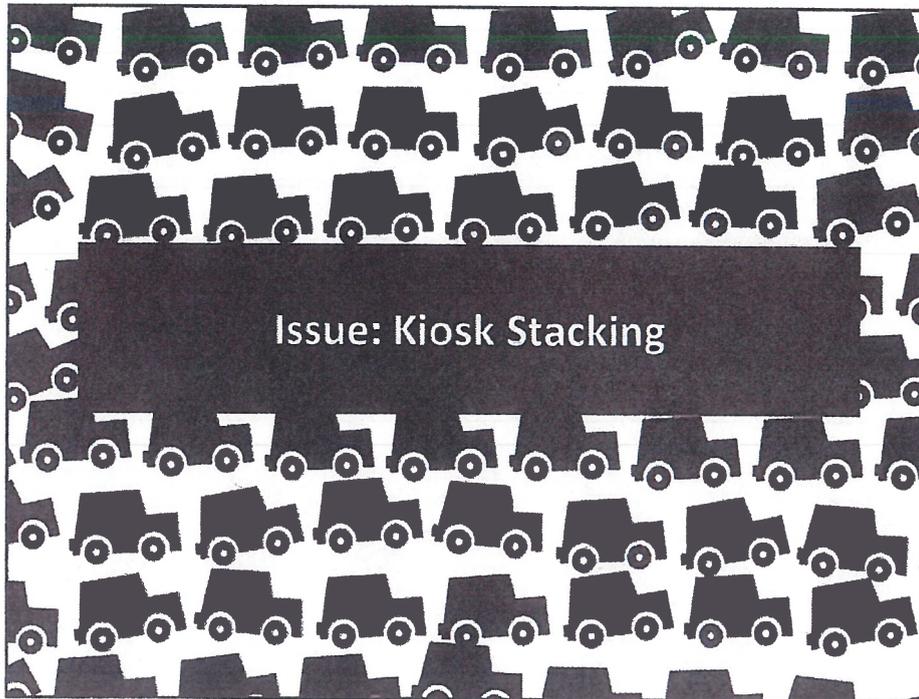
- City Council authority
- Planning Commission authority
- SPAC authority

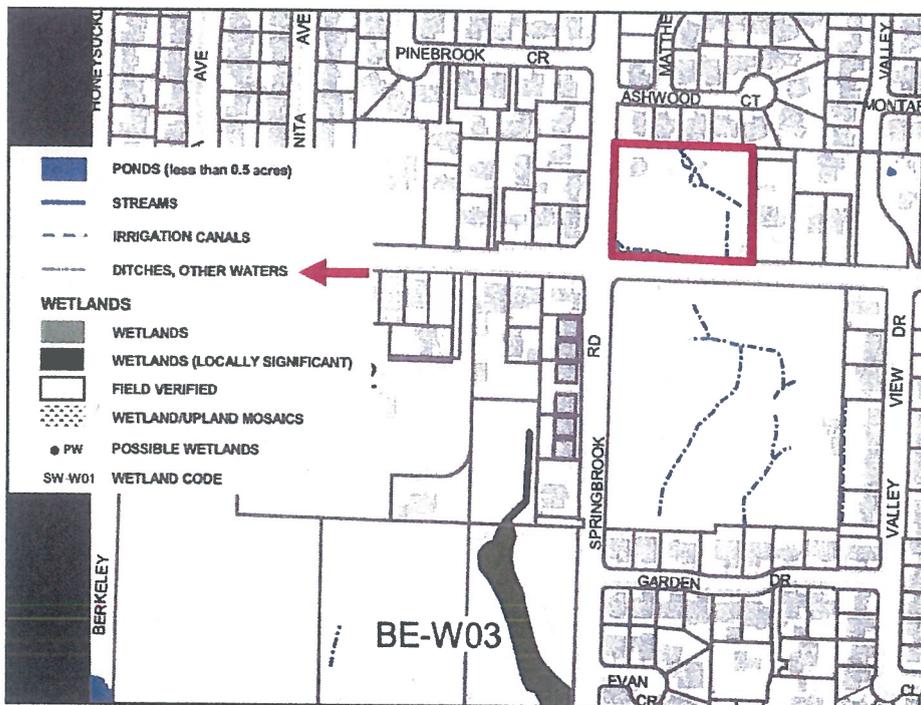
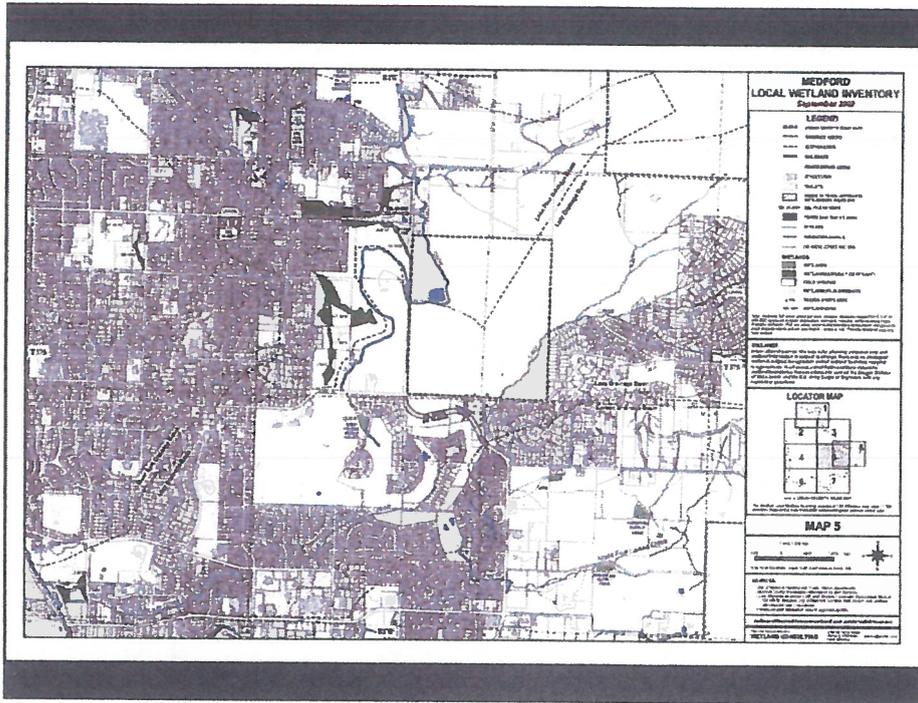


Issue: Traffic

- Traffic analysis
- SPAC authority









MITIGATION

- The approval criterion in MLDC 10.200(E)(1) requires an analysis of compatibility between the proposed development and uses and development that exists on adjacent land.
- The Commission has authority to apply conditions of approval that are 'reasonably necessary to ensure compliance with the standards of the code and the criteria in subsection (E), and to otherwise protect the health, safety and general welfare of the surrounding area and the community as a whole.'

SITE PLAN AND ARCHITECTURAL REVIEW CRITERIA

MLDC 10.200(E)(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:

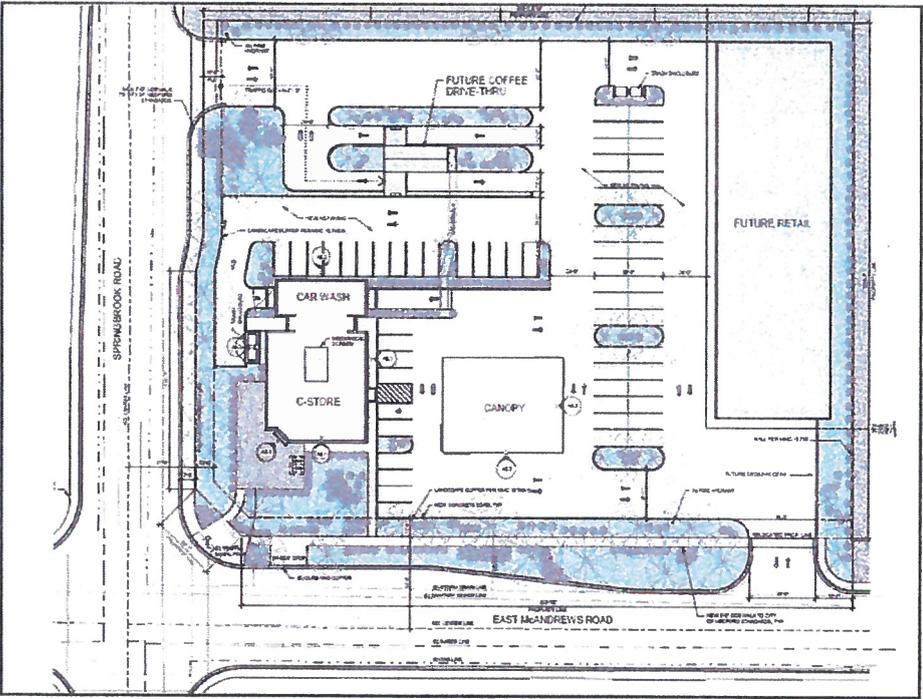
- (a) The proposed development is compatible with uses and development that exist on adjacent land, and
- (b) The proposed development complies with the applicable provisions of all city ordinances or the Site Plan and Architectural Commission has approved (an) exception(s) as provided in Section 10.186.

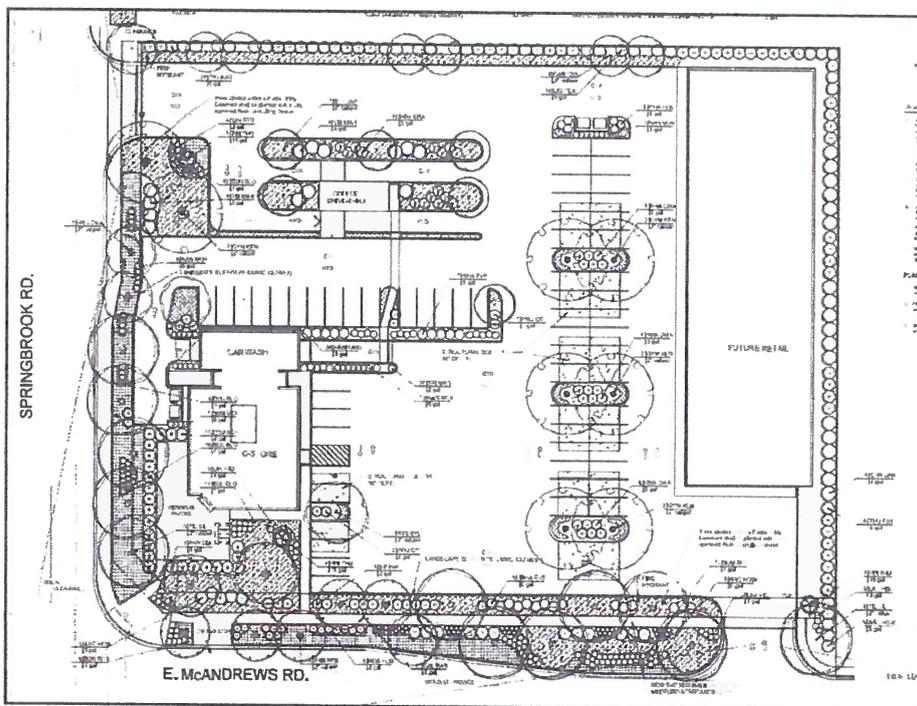
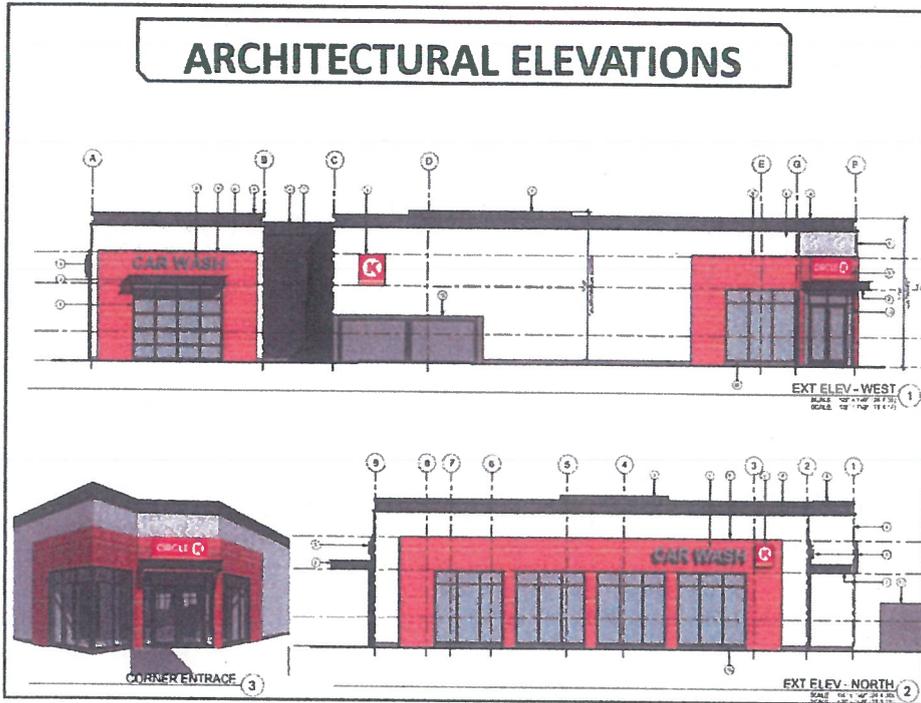
RECOMMENDED ACTION

Adopt the findings as recommended by staff and direct staff to prepare the final order for approval of AC-19-028 per the staff report dated May 10, 2019, including:

- Moving Condition 11 regarding photometric analysis from code required to discretionary;
- Amending Condition 3 to relocate the trash enclosure on the north side of the site further south;
- Exhibits A-1 through 000.

QUESTIONS FOR STAFF?





RECOMMENDED MOTION

I Move to adopt the findings as recommended by staff and direct staff to prepare the Final Order for approval of AC-19-028 per the Staff Report dated May 10, 2019, including:

- Moving Condition 11 regarding photometric analysis from code required to discretionary;
- Amending Condition 3 to relocate the trash enclosure on the north side of the site further south;
- Exhibits A-1 through BBBB.



Site Plan and Architectural Commission Minutes

From Public Hearing on May 3, 2019

The regular meeting of the Site Plan and Architectural Commission was called to order at noon in the Council Chambers on the above date with the following members and staff in attendance:

Commissioners Present

Jim Quinn, Chair
Bill Chmelir, Vice Chair
Jeff Bender
Jim Catt
Dave Culbertson
Milo Smith

Staff Present

Matt Brinkley, Planning Director
Kelly Evans, Assistant Planning Director
Katie Zerkel, Senior Assistant City Attorney
Steffen Roennfeldt, Planner III
Doug Burroughs, Public Works/Eng. Development Services Mgr.
Debbie Strigle, Recording Secretary

Commissioners Absent

Bob Neathamer, excused
Marcy Pierce, excused
Rick Whitlock, excused

10. Roll Call.

20. Consent Calendar/Written Communications.

20.1 **AC-19-024/E-19-025** Final Order for consideration of a proposal for the development of a four-story hotel composed of 92 rooms including an exception request to the maximum building height when within 150 feet of a residential zone on approximately 2.6 acres located east of Garfield Street, approximately 450 feet north of Center Drive within the Regional Commercial (C-R) zoning district (371W32B5000 & 371W32C2401); Applicant: Cascade Empire Lodging LLC; Agent: CSA Planning Ltd.; Planner: Steffen Roennfeldt.

20.3 **AC-19-027** Final Order for consideration of plans for Phase V of the Combined Transport complex, consisting of a 12,000 square foot metal structure on a 9.86 acre parcel located on the east side of Crater Lake Avenue, approximately 330 feet north of Justice Road, within the C-H (Heavy Commercial) zoning district and within the Cardmoore Business Park Planned Unit Development (361W32C TL 200). Agent, JB Steel Inc.; Planner Liz Conner.

Motion: Adopt the consent calendar.

Moved by: Commissioner Bender Seconded by: Commissioner Culbertson

Roll Call Vote: Motion passed, 6-0

30. Minutes.

30.1 There being no additions or corrections, the minutes for the April 19, 2019, meeting, were approved as submitted.

40. Oral and Written Requests and Communications. None.

CITY OF MEDFORD
EXHIBIT # 5
File # AC-19-028
APPEAL

50. Public Hearings.

Katie Zerkel, Senior Assistant City Attorney, read the rules governing the public hearings.

Old Business.

→ 50.1 **AC-19-028** Consideration of plans for the construction of a 370 square foot standalone coffee kiosk, a 3,300 square foot convenience store, and a 1,304 square foot car wash and gas pumps on approximately 2.5 acres located at 1380 Springbrook Road within the C-C (Community Commercial) zoning district (371W20AB3500). Applicant: Double R Products; Agent: KSW Architects; Planner: Steffen Roennfeldt.

Chair Quinn asked for any potential conflicts of interest, ex-parte communications, or site visits. Commissioner Chmelir disclosed he has driven past this site for years and is familiar with it. Chair Quinn and Commissioners Bender, Culbertson, and Smith stated they are also familiar with this site.

Steffen Roennfeldt, Planner III, gave a PowerPoint presentation of the April 26, 2019, Staff Report. Staff recommended approval.

The public hearing was opened and the following testimony was given:

a) Matt Small, Kistler Small & White Architects, agent for the applicant, 66 Water St. Suite 101, Ashland, began by introducing the team of people who are working on this project. He talked about the Comprehensive Plan and zone change, the design of the project, the thought and consideration that was put into making it compatible with the neighborhood, pedestrian access, low monument signage, and the access into the site. Mr. Small addressed some of the concerns of the neighbors:

- In regards to the hawk's nest, Mr. Small stated the owner has no intent of disturbing the nest until after nesting season. He said there had been some discussion with the owner perhaps offering up a nesting pole onsite and whether that would be successful or not.
- Mr. Small stated there are no wetlands on this site per the designated wetlands inventory map however there is an irrigation ditch. This would have to be mitigated with the Medford Irrigation District.
- A traffic analysis was conducted with the zone change application and approval. There will be an increase in traffic but the turn lanes will help mitigate that issue.
- Mr. Small spoke to having this project within close proximity to other convenience stores and gas stations. He said the developer and owners had done a considerable amount of research to determine if this would be a good site for this project. The conclusion had been that there was a real need for this particular project in this location.
- In regards to the crime concerns, Mr. Small commented he understood those concerns but this project was a different situation than a typical gas station. He stated the owner would take care of this place to make it a clean and well-maintained establishment. Given its location there would be a lot of eyes on this piece of property which would increase the safety factor.

Mr. Small pointed out they are proposing quite a bit more landscaping than what code requires. He finished by showing color renderings of what the project would look like when completed and stated they are trying to be respectful of the neighborhood.

Mr. Small indicated they have no problems with the conditions of approval and are not asking for any exceptions or variances. He believed they have met all the code requirements and this Commission would have no basis for denial.

Commissioner Chmelir asked Mr. Small if he had a rendering of the bufferyard. Mr. Small replied he did not but stated they are planning on a six foot concrete block wall. If this is not satisfactory to the neighbors they would be willing to look at different options.

Commissioner Catt commented it appeared that the concrete wall would stop a little short of the south end of the property. Mr. Small stated it was not intentional and would be extended to meet code requirements.

Commissioner Catt asked if the tree with the hawks nest would need to be removed. Mr. Small answered it would need to be removed since it is right in the middle of the project.

Commissioner Catt asked about the canopy lighting and if it could be kept down low so it doesn't bother the neighbors. Mr. Small deferred the question to one of his team members.

b) Brandon Price, Double R Products, said the typical lighting on a canopy is an LED downlight. This particular site is proposed as a Chevron station so there is blue LED downlighting around the canopy. All code requirements will be met including the throw of the lights themselves. He added there is a variety of products available that offer dimmer lighting which could be used.

Chair Quinn wanted to know what size the trees would be when planted. Mr. Small responded they are approximately an inch and a half in caliper which is standard and per code requirements. He noted that code requires 1200 square feet of landscaping and they are proposing 2200 square feet on this site.

Commissioner Culbertson asked if the Circle K would be open 24-hours a day. Mr. Small answered yes.

Commissioner Culbertson wanted to know if there were other illuminated areas in the parking lot that are being proposed. Mr. Small stated there would be sight lighting for the parking and would be governed by code. The lighting will be shielded and directed downward to minimize impact.

Commissioner Chmelir asked if additional street lighting would be required. Mr. Small replied no.

Commissioner Smith wanted to know if there was a lighting plan. Mr. Small replied they do not have a lighting plan and it is not a requirement at this point. It will be a requirement down the road and will be provided then.

Commissioner Catt asked for further information about lighting and signage and the Commissions' review of those. Kelly Evans, Assistant Planning Director, stated it's rare to bring signage before this Commission. The sign code is very prescriptive and lighting is something this Commission has control over and could possibly address as a condition of approval. There is a glare ordinance within the code and it is limiting. She added that code does not require a photometric analysis at the time of application.

Referring to the traffic analysis that had been done at the time of the zone change, Commissioner Smith wanted to know if there were any problems with having a left-hand turn. Mr. Small explained there are center lanes that came out as a result of that traffic analysis.

Mr. Smith reserved time for rebuttal.

c) Nicole Milam, 2482 Pinebrook Circle, spoke in opposition to this project. Her concerns were with the close proximity of similar businesses, traffic congestion, pedestrian friendliness, noise pollution, bright lights, decrease in property values, trash, and criminal activity.

d) Joan Baer, 2543 E. McAndrews Road, said she was opposed to this project and agreed with the previous testifier's comments. She had questions about the boundary wall that would be going by her property line and if her property line would have to be moved.

Ms. Zerkel made a statement that all public comment questions would be addressed at the end of the public comment testimony portion of the meeting.

- e) Marty Paola, 2751 Juanita Avenue, spoke in opposition citing concerns about the hard compacted soil, the noticing of the zone change, and potential crime and loitering.
- f) Erica Hammericksen, 1372 Ramada Avenue, spoke in opposition and cited concerns with crime. She indicated she was the initiator of the online petition and submitted that petition as well as crime reports for the Circle K in Phoenix and the 7-11 store on Crater Lake Avenue in Medford.
- g) Lindsey Geil, 1428 Matthews Place, spoke in opposition and cited the health concern of the relationship between gas emissions and acute childhood leukemia.
- h) Nick Geil, 1428 Matthews Place, spoke in opposition citing concerns with compatibility, decreased property values, traffic congestion, and noise and light pollution.
- i) MT Dimmick, 2542 Ashwood Court, spoke in opposition citing concerns already addressed by previous testifiers. She made reference to the Planning Commissioners as being "good ol' boys" when the zone change had been approved.
- j) Janis Arnsdorf, 1323 Severson Drive, spoke in opposition citing concerns already addressed by previous testifiers.
- k) Gary Sumrak, 2485 Pinebrook Circle, spoke in opposition citing property owner noticing and other concerns already expressed by previous testifiers.
- l) Jim Leavens, 2542 Ashwood Court, spoke in opposition citing concerns with the close proximity of the dumpster to his patio, the six foot bufferyard wall, drainage, and wetlands. He submitted photos of the pond and creek.
- m) Mark Burton, 2500 Bethany Court, spoke in opposition citing concerns addressed by previous testifiers.
- n) Jon Anderson, 2750 Terrmont Street, White City, spoke to types of uses under this zoning pointing out that the Circle K project is allowed at this location. He suggested that if there are issues with the zoning and with whether or not a gas station should be allowed in the C-C zone, it should be addressed by the Planning Commission or City Council.
- o) Christyna Thomas, 7655 Hale Way, White City, spoke in opposition of this project. She said her parents live near the project site and her grandmother lives at Bonaventure. Her concern was with emergency service vehicles getting access to Bonaventure due to increased traffic as well as concerns already expressed by previous testifiers.
- p) Janis Jackson, 1317 Springbrook Road, spoke in opposition and said she agreed with previous testifiers.
- q) Don Riegger, 2530 E. McAndrews Road, spoke in opposition citing concerns addressed by previous testifiers.
- r) Ronald Nichols, 2547 Ashwood Court, spoke in opposition of this project and agreed with previous testifiers.
- s) Shara Baack, 1401 Matthews Place, spoke in opposition agreeing with previous testifiers and said she felt there needed to be another traffic analysis done.
- t) Rocky Fender, 1645 Springbrook Road, spoke in opposition saying his main concern was with a coffee kiosk and the stacking of cars and traffic.

u) Judy Farnsworth, 1309 Springbrook Road, spoke in opposition, citing same concerns of other testifiers.

v) Dolly Behrens, 2547 Ashwood Court, spoke in opposition citing concerns with the red-tail hawks and their nest. She submitted photos of the hawks. She cited other concerns already addressed by previous testifiers.

w) Bob Horton, 2559 E. McAndrews Road, spoke in opposition citing same concerns as other testifiers.

x) Sam Crocker, 1317 Springbrook Road, spoke in opposition citing concerns addressed by previous testifiers.

There being no more testifiers coming forward, Chair Quinn asked staff to address some of the concerns expressed by the testifiers.

Ms. Evans spoke to the following concerns expressed by the public:

- ❖ Lighting – Ms. Evans recommended adding a condition of approval to the project that would require a photometric analysis prior to the issuance of a building permit.
- ❖ Bufferyard Wall Height – Ms. Evans explained that code does allow a way to measure height so the high property ends up with a six foot wall. It's measured from the highest elevation.
- ❖ Ms. Evans stated she took a bit of offense to the reference made by a testifier that the Planning Commissioners were "good ol' boys." Ms. Evans stated that all Commissioners are appointed by the City Council and all are volunteers. Neither Commissioners nor City Councilmembers are compensated for the work they do for the City. It is a very criteria and fact based legal process.

To the Commissioners, Ms. Evans pointed out Code Section 10.200(F) which speaks to conditions of approval. It talks about applying conditions to ensure compliance with the approval criteria that's been talked about so many times and also protect the health, safety, and general welfare of the surrounding area and community as a whole. This Commission does have authority and keep in mind this is not an exhaustive list.

Ms. Zerkel asked Ms. Evans to respond to Ms. Baer's question regarding her property line and if it would have to moved. Ms. Evans clarified that this proposal is not intended to encroach over property lines. Some people think that a fence line is a property line and sometimes it's surprising to know that your fence is not your property line. She said she's confident that if this project is approved the applicant will be forced to work with the adjoining property owners in constructing the required bufferyard walls.

Commissioner Catt asked about the property owner notice issues. Ms. Evans explained that the City is required to use the county assessor's data. It can take six months for the assessor to update their data. If there was a change in ownership during that time it would explain why someone might have been missed in the noticing process. When Mr. Sumrak brought the incomplete zone change noticing to staff's attention, staff then made the determination that this project's property owner noticing was also incomplete which is why this project's hearing was delayed. Staff then properly re-noticed for this proceeding.

In regards to the testifier's comment about Commissioners being "good ol' boys" Commissioner Catt made the statement that he has been on this Commission approximately five years and could tell the audience that there is no "good ol' boy" system. Staff has done a wonderful job time after time and works with the public and does the best they can possibly do within the law and codes.

Commissioner Culbertson asked if the bufferyard wall was brought all the way out would access for emergency vehicles be sufficient. Ms. Evans replied that there are limits as far as wall heights go within required yards. It has to do with being able to see (called a clear vision triangle) when accessing a roadway so within that required front yard the wall will not be able to exceed three feet in height. It should not affect emergency vehicle access.

Ms. Zerkel pointed out that the Medford Fire Department has an opportunity to comment on this application and they did so. Their report is listed as Exhibit O in the record. If they had conditions they felt had been important for emergency and fire apparatus access roads they communicated that in their report.

As the civil engineer on this Commission, Commissioner Chmelir commented that when a traffic study is performed they look into the future quite a ways.

Commissioner Chmelir was curious to know what the long range plan is for McAndrews Road going to the east. He said it does bottleneck down and even leading up to it the lane feels really tight on both sides.

Ms. Evans replied East McAndrews Road is a major arterial street and is in the City's Comprehensive Transportation System Plan designation.

Doug Burroughs, Public Works Department, said he did not know what the exact timing was for any additional improvements to McAndrews Road in that section. He would have to conduct some research to see what horizon it would be on. Mr. Burroughs indicated that when projects like this one come into the city, the City then acquires enough right-of-way so that when the City does go in to make street improvements they have as much property as is needed for that project.

Regarding the traffic issues brought up, Mr. Burroughs pointed out that the City looks at traffic at the time of a zone change. A traffic impact analysis was submitted by the applicant which was reviewed. The City agreed with the conclusions of the study which are now being implemented in this application. The implementation includes the right-turn lane into their project from Springbrook, the extension of the left-turn lane north of their property to allow additional stacking, and the re-striping of their left-turn lane into East McAndrews Road to clearly delineate and have more stacking for the eastbound left-turn lane into this project. Those measures were identified at the time of the zone change in the traffic impact analysis and that is what the City is enforcing now in this application. Mr. Burroughs added he appreciated all the comments made by the testifiers and felt they were of value.

Mr. Burroughs addressed the storm drainage and creek pond issue saying he had done some research on that and it does not appear there's any public drainage facilities draining into that area at this time. He thought Mr. Small may want to address how they might decide to approach dealing with that area and also address the wetland question.

In regards to the property to the east and the wall, Mr. Burroughs stated that this project is required to grant cross-access to that property if it's ever developed in the future. That driveway approach could be shared and thereby eliminate a dangerous access to East McAndrews Road. This is a requirement and their site design needs to accommodate that.

Ms. Zerkel addressed the status of the 2015 zone change saying the zone change had gone through the normal process to the Planning Commission. Most of the property owner notices were mailed properly but it had been recently discovered that some owners had not been notified. All other noticing had been done properly including the posting of signs as was done on this project. The publishing of the agenda in the newspaper and on the City's website had also been done properly. The improper noticing issue had not been brought up at the time. It is a procedural requirement and the method to address improper procedural processes is to appeal to City Council and then further if necessary. The zone change was never

appealed and it has now been over three years. The City considers the decision final and both Oregon statutes regarding land use planning and the case law regarding procedural notices do put an emphasis on the finality of land use decisions for the benefit of the property owners. Since this is privately-owned property they need to have some point in which land use decisions are final so they can make future actions based on those decisions.

Mr. Small started his rebuttal by saying they are fine with conducting a photometric analysis. He addressed the drainage and sub-grade soil saying they plan on having a geo-tech engineer conduct a soils report as they move forward with the project. At that time they will have a better idea of what drainage issues there might be and if there's any rock underground. He stated he hadn't seen a drainage issue yet that a good civil engineer couldn't handle but the rock would be a whole different matter. If the rock is severe it could hold up the project. They won't know all of that until a soils report has been completed.

Mr. Small said the neighbors had legitimate concerns but suggested to the Commission that these are concerns the Commission has heard before. The City's codes are created to address these concerns and most of the concerns from the neighbors was about compatibility, or the lack of. That whole compatibility discussion took place when the City made the change in the Comprehensive Plan. In that discussion they determined that it was compatible and there was a need for those types of uses there. It wasn't a decision that was made lightly by the City but with a lot of consideration. Mr. Small stressed the efforts that were made by the applicant and design team to create a project that would be compatible with the neighborhood.

As far as some of the other concerns made by testifiers Mr. Small stated he didn't think there was one there that couldn't be addressed. He felt the big issue was from the compatibility point of view.

Mr. Small said that he believes the Commission's job is to determine if the project meets the code requirements. He feels the Commission can find that this project does meet code requirements and therefore there would be no basis for denial.

Regarding the compatibility issue, Mr. Small reiterated that issue should have been addressed at the time of the Comprehensive Plan and zone changes.

Commissioner Culbertson wanted to know if there was already a known vendor for the drive-thru coffee kiosk. Mr. Small answered they do not have one at this point.

Commissioner Culbertson asked how many cars could be stacked up in the kiosk area before blocking the access. Mr. Small stated he didn't know the exact number but said the code is very strict about providing enough queue space and they've done that. He thought it might be three or four cars in one direction and the other direction could handle another four or five cars.

The public hearing was closed.

Chair Quinn called for a 15 minutes recess at approximately 2:13 p.m.

Someone from the audience called out he wanted to keep the public record open for seven days. Ms. Zerkel advised him that the Chair had called for a recess and that issue would be discussed after the meeting was reconvened.

Chair Quinn reconvened the meeting at approximately 2:34 p.m.

Chair Quinn asked Ms. Zerkel to address the issue of keeping the public record open for seven days requested by someone in the audience after the public hearing had been closed.

Ms. Zerkel stated that prior to the hearing she had read the rules governing this proceeding which is based on Oregon Statute 197.763. She explained that while the public hearing is open any person, applicant or

otherwise, may ask to keep the public record open for seven days or continue the public hearing. What occurred in this meeting was that the public hearing was closed and at no point during the public hearing was the record asked to be kept open or the hearing to be continued. Immediately upon the hearing being closed a member of the audience did ask that the record be kept open. According to state law on rules and procedures, the hearing was closed and therefore the request was made after the time for the hearing; the hearing was approximately two hours and at no point was that request made. Due to the time period in which the request was made, immediately after the hearing was closed, staff felt it was appropriate for the Commissioners to decide whether or not they'd like to re-open the public hearing. If the public hearing is re-opened, then anybody can ask to continue the hearing or keep the record open. If the Commission decides not to re-open the hearing the public hearing will remain closed and the Commission will continue to deliberate at that time.

Chair Quinn made a comment that the public hearing be re-opened. Ms. Zerkel asked that a formal vote be taken.

Motion: Re-open the public hearing.

Made by: Chair Quinn

Roll Call Vote: Passed, 5-1, with Commissioner Catt voting "no"

The public hearing was re-opened and the following additional testimony was given:

y) Gary Sumrak, 2485 Pinebrook Circle, asked that the record be kept open since he felt he had not had enough time to challenge this proposal. He formally stated they needed more time to prepare and submit more petitions, letters, and comments.

z) Robin Lee, 415 Sunrise, spoke in opposition, cited traffic concerns and suggested that the neighbors be compensated in some way.

aa) Laura Caruso, 2575 E. McAndrews Road, cited concerns already addressed by other testifiers.

bb) Gary Sumrak, 2485 Pinebrook Circle, requested that the applicant file a more current transportation study.

cc) Casey Hayes, employed by the applicant, clarified that the applicant is new to this project and was not involved with the zone change. He said they are working this project as they go.

dd) Previous testifier who did not identify herself this time, asked about the turn lanes and how that would be done.

Ms. Evans recommended that rather than keeping the record open that the hearing be continued to the May 17, 2019, meeting.

Motion: Continue this item to the May 17, 2019, meeting.

Moved by: Commissioner Bender

Seconded by: Commissioner Culbertson

Voice Vote: Motion passed, 5-1, with Commissioner Smith voting "no."

New Business.

50.2 **AC-19-032** Consideration of a proposal for the development of a four-story hotel composed of 92 rooms including an exception request to the maximum building height when within 150 feet of a residential zone on approximately 2.6 acres located east of Garfield Street, approximately 450 feet north of Center Drive within the Regional Commercial (C-R) zoning district (371W32B5000 & 371W32C2401); Applicant: Cascade Empire Lodging LLC; Agent: CSA Planning Ltd.; Planner: Steffen Roennfeldt.

The applicant requested that this item be continued to the May 17, 2019, meeting.

Chair Quinn stated that since nobody was present for this item the Commission would move on through the agenda.

60. Written Communications. None.

70. Unfinished Business. None.

80. New Business. None.

90. Report from the Planning Department.

90.1 Ms. Evans stated there is business scheduled for the May 17th, June 7th, and June 21st, meetings.

100. Messages and Papers from the Chair. None.

110. Propositions and Remarks from the Commission.

110.1 Commissioner Chmelir divulged that he would not be able to attend the May 17th meeting.

110.2 Commissioner Culbertson stated he would not be able to attend the May 17th meeting.

110.3 Commissioner Culbertson wanted to know what the rules and procedures were for somebody that constantly monopolizes coming up to the podium to speak. It is to be three minutes per person. This needs to stop.

Ms. Evans agreed that today was outside the norm. There is a timer that the Chair can see and it does go off when the time is up but it is hard to hear. She said she would not encourage that same behavior in any instance in the future.

120. Adjournment

120.1 The meeting was adjourned at approximately 2:50 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:



Debbie Strigle
Recording Secretary



Jim Quinn
Site Plan and Architectural Commission Chair

Approved: May 17, 2019



Site Plan and Architectural Commission Minutes

From Public Hearing on May 17, 2019

The regular meeting of the Site Plan and Architectural Commission was called to order at noon in the Council Chambers on the above date with the following members and staff in attendance:

Commissioners Present

Jim Quinn, Chair
Jeff Bender
Jim Catt
Bob Neathamer
Marcy Pierce
Milo Smith
Rick Whitlock

Staff Present

Kelly Evans, Assistant Planning Director
Katie Zerkel, Senior Assistant City Attorney
Dustin Severs, Planner III
Karl MacNair, Public Works Traffic Manager
Doug Burroughs, Public Works/Eng. Development Services Mgr.
Debbie Strigle, Recording Secretary

Commissioners Absent

Bill Chmelir, Vice Chair, excused
Dave Culbertson, excused

10. Roll Call.

20. Consent Calendar/Written Communications. None.

30. Minutes.

30.1 There being no additions or corrections, the minutes for the May 3, 2019, meeting, were approved as submitted.

40. Oral and Written Requests and Communications. None.

50. Public Hearings.

Katie Zerkel, Senior Assistant City Attorney, read the rules governing the public hearings.

Old Business.

50.1 **AC-19-032** Consideration of Orchard Glen – Phase 4, a proposed multi-family residential development consisting of the construction of a 15-unit, 3-story apartment building totaling 6,867 square feet on a single, vacant parcel totaling 0.75-acres located at 2636 West Main Street in the Heavy Commercial (C-H) zoning district (372W26B TL 1500); Applicant, Orchard Glen LLC; Agent, Scott Sinner Consulting, Inc.; Planner, Dustin Severs.

Chair Quinn asked for any potential conflicts of interest, ex-parte communications, or site visits.

Commissioner Smith declared that he is involved with this project and recused himself. He left his seat on the Commission.

Commissioner Neathamer disclosed that he has done projects in the past with the agent for this project and might do projects with the agent in the future but felt he could render a fair and unbiased decision on this application.

CITY OF MEDFORD
EXHIBIT # 6
File # AC-19-026
APPEAL

Dustin Severs, Planner III, gave a PowerPoint presentation of the May 10, 2019, Staff Report. Staff recommended approval.

Commissioner Whitlock wanted to know what the status was of the applicant working with Rogue Valley Transportation District (RVTD) and the City regarding a possible passenger shelter. Mr. Severs replied he didn't know the current status and deferred the question to the applicant's agent.

The public hearing was opened and the following testimony was given:

a) Scott Sinner, agent for the applicant, stated that the City Surveyor had approved the RVTD proposal and the applicant is providing space for a bus shelter. They are working very closely with RVTD.

In regards to page 7 of the staff report regarding the off-sets and projections varying by a minimum of two feet, Mr. Sinner said that they would make the elevation plans clear on the construction documents once they submit for permits.

Mr. Sinner requested the Commission's approval and time for rebuttal.

Motion: Adopt the findings as recommended by staff and direct staff to prepare a final order for approval of AC-19-032, per the staff report dated May 10, 2019, including exhibits A-1 through N.

Moved by: Commissioner Whitlock Seconded by: Commissioner Neathamer

Roll Call Vote: Motion passed, 6-0

Commissioner Smith returned to his seat on the Commission.

→ 50.2 AC-19-028 Consideration of plans for the construction of a 370 square foot standalone coffee kiosk, a 3,300 square foot convenience store, and a 1,304 square foot car wash and gas pumps on approximately 2.5 acres located at 1380 Springbrook Road within the C-C (Community Commercial) zoning district (371W20AB3500). Applicant: Double R Products; Agent: KSW Architects; Planner: Steffen Roennfeldt.

Chair Quinn asked for any potential conflicts of interest, ex-parte communications, or site visits.

Commissioner Whitlock divulged that he had been absent from the last meeting due to a prior meeting commitment and would be abstaining from this application hearing. He left his seat on the Commission.

Commissioner Neathamer declared he had also been absent from the last meeting due to the same commitment as Commissioner Whitlock. He also stated his company had provided professional services on this property in the past and although he is not associated with this applicant, he recused himself and left his seat on the Commission.

Commissioner Catt revealed that he lives approximately half a mile from this project but felt he could render a fair decision.

Commissioner Pierce declared that although she had not been at the previous hearing on May 3, 2019, she had reviewed all the material and had watched the video recording of that hearing. She felt she could participate in the decision making today.

Kelly Evans, Assistant Planning Director, gave a PowerPoint presentation of the May 10, 2019, Staff Report. Staff recommended approval.

Commissioner Catt wanted to know if the traffic study had been done before or after the zone change. Ms. Evans answered the traffic study had been done prior to the Planning Commission's approval.

Commissioner Pierce wanted to know if the developments up on Roxy Ann were factored into the traffic study that had been done in 2015. Ms. Evans deferred the question to Mr. MacNair from the Public Works Department.

Commissioner Bender asked Ms. Evans to re-state the MLDC 10.200(E)(1)(a) compatibility criterion she had made in her presentation. Ms. Evans reiterated what she had said during her presentation. She added that it is a super broad criterion and is not intended to disallow permitted uses. The idea of the compatibility criterion is to mitigate the impacts of the dissimilar uses. The Commission's job is to find mitigation and not whether the use itself is permissible or compatible.

Commissioner Smith asked what would happen if the Commission came across an issue they found could not be mitigated. Ms. Evans answered that the Commission's discretion is looking at things that have been talked about such as access, site design, and other site specific impacts.

Commissioner Smith wanted to know if the light study was discretionary and not by code requirement. Ms. Evans replied that the photometric analysis is not a requirement of the code. Code does require certain performance levels as far as managing glare but does not require the analysis.

Karl MacNair, Public Works Department, stated he had the 2015 traffic analysis with him. In a zone change traffic analysis they always require pipeline trips. Pipeline trips are from approved developments that have not yet been built and impact the same intersections as the development the study is being done for. You have to count those approved applications in the traffic studies.

In answer to Commissioner Pierce's question about if the 2015 traffic study factored in all the Roxy Ann developments, Mr. MacNair said he had looked through the pipeline figures that was included in the report and there was nothing from the housing development up on the hill. That would mean that there were no approved developments that showed at least 25 peak hour trips going to this same intersection.

The public hearing was opened and the following testimony was given:

a) Matt Small, Kistler Small & White Architects, 66 Water St Suite 101, Ashland, agent for the applicant, introduced the team members working on this project. He stated he did not have any new evidence for this meeting and felt they had done a good job presenting the project at the May 3rd meeting. He spoke again about the traffic impact analysis (TIA) and said it was important for the Commission to understand that McAndrews and Springbrook Roads are very busy streets. McAndrews is classified as a major arterial street and Springbrook is classified as a major collector street. Mr. Small noted that the TIA was done in 2015, which in the lifespan of a TIA was not that long ago and considered fairly recent. When that TIA was done it was a City requirement that they look at the worst case scenario and what will generate the most traffic. As a result of that TIA the turn lanes were recommended. Mr. Small felt it was likely that if they were do a TIA on this development they would find that the traffic impact would be less than what the study is telling us already. This development is not the worst case scenario and given that, they wouldn't be required to put in the turn lanes.

Mr. Small talked about the wetlands issue. Wetlands do not occur anywhere on an inventory map and they will be conducting a soils report before construction begins. That report will give them more information on the water that is onsite and help mitigate and deal with that water.

Mr. Small spoke on the compatibility issue. He suggested that the code offers two types of compatibility. The first one is compatibility of use and involved a discussion that took place during the Comprehensive Plan and also during the zone change. It was determined then during those discussions that this use is compatible and is a permitted and allowable use. The other type of compatibility is aesthetics and is now in this Commission's purview. Is this development aesthetically compatible with the surrounding area? The applicant looked at this site, went through the Medford Code, and found out the development he

wanted to put on this site is a permitted and allowable use. What happens when he comes before this Commission only to find out that it's not permitted and after spending quite a bit of money? Mr. Small said he does not feel that it would be the intent of the code.

Mr. Small stated they are not asking for any variances or exceptions and are agreeable to all the conditions of approval. He added that the car wash would not run 24 hours a day and they would be happy to do a photometric study of the site. Mr. Small pointed out that this project does have staff approval and given that this project meets all code requirements it would be very difficult for this Commission to deny this application.

Mr. Small reserved time for rebuttal.

Commissioner Catt asked if the 24 hour operation of this facility would be flexible to mitigate some of the neighbors' concerns. Mr. Small answered yes, there could be some flexibility there.

Commissioner Catt wanted to know what the hours of the car wash would be. Mr. Small replied there is room for flexibility there as well but would probably be something like 7 a.m. to 7 p.m. They would work with Planning to determine suitable hours of operation to help mitigate neighborhood concerns.

Commissioner Smith agreed that the 24 hour operation is a main concern with having cars and bright lights all night when people would be trying to sleep. He said he also realized that this issue is not in this Commission's purview. He said he would want to see the applicant be very sensitive about these types of issues. Mr. Small stated he felt there would be some flexibility with the applicant in regards to those issues.

b) Jim Leavens, 2542 Ashwood Court, spoke on the wetland issue saying he disagrees that there's no wetlands on the site and submitted a letter from Lauren Brown from the Oregon Department of State Lands. He said he found the Local Wetland Inventory from 2002 and it does indicate that other waters are mapped on the map. He suggested that a wetland consultant be contacted.

c) Janis Jackson, 1317 Springbrook Road, spoke in opposition and said she does not approve of commercial development at this site that is not compatible with the neighborhood. She also had concerns with the wetlands, traffic, car wash, gas station, 24-hour operation, lighting, and health concerns.

d) Ron Burgess, 1154 Valley View Drive, spoke in opposition and had concerns with lowered property values, crime, and vermin.

e) Lindsey Geil, 1428 Matthews Place, spoke in opposition and cited concerns with health issues related to gas stations and toxic fumes. She submitted four studies (Exhibit RRRR).

f) Virginia Baker, 1639 Valley View Drive, spoke in opposition and cited same concerns as previous testifiers.

g) Janis Arnsdorf, 1323 Severson Drive, spoke in opposition and cited same concerns as previous testifiers.

h) Joan Middendorff, 1252 Valley View Drive, spoke in opposition and agreed with previous testifiers.

i) MT Dimmick, 2542 Ashwood Drive, spoke in opposition and agreed with other testifiers. She submitted one study on gas stations and one petition.

j) Jeff Feyerharm, 2446 Pinebrook Circle, spoke in opposition citing compatibility and the screening of equipment.

- k) Nicole Milam, 2482 Pinebrook Circle, spoke in opposition citing traffic concerns and emergency vehicle access.
- l) Joan Baer, 2543 E McAndrews Road, spoke in opposition and cited concerns with wetlands on the site.
- m) Evan Lipson, 2792 E McAndrews Road, spoke in opposition citing concerns already expressed by other testifiers.
- n) Don Riegger, 2530 E McAndrews Road, spoke in opposition and cited concerns with the design of McAndrews Road.
- o) Joe Weber, 2530 E McAndrews #213, spoke in opposition. He lives at Bonaventure and none of the residents received a property owner notice. He also had concerns with compatibility and felt there was no need for this type of development at this site.
- p) Ron Nichols, 2547 Ashwood Court, spoke in opposition citing same concerns of other testifiers.
- q) Bob Horton, 2559 E McAndrews Road, spoke in opposition citing noticing issues from the zone change and other issues already expressed by other testifiers.
- r) Judy Farnsworth, 1309 Springbrook Road, spoke in opposition and agreed with other testifiers. She submitted photos and one document.
- s) Gary Sumrak, 2485 Pinebrook Circle, spoke in opposition. He had concerns regarding the 2015 incomplete noticing of the zone change.

Mr. Small rebutted by saying it was important for the Commission to keep in mind a bigger picture that is outside of this neighborhood and understand that when the City makes decisions like it did to convert this property to commercial zoning, it wasn't just this property and just this neighborhood they were thinking about but the whole city. They were thinking about urban growth boundaries moving out and during that process they deemed that this piece of property would really serve the city well if it were designated as commercial. In response to emergency access, Mr. Small stated that two fire hydrants were required and a third one when the future development phase is done. In regards to the wetlands, he reminded the Commission that there is an irrigation ditch that goes through this property and is in the Medford Irrigation District. The applicant has been asked to give up their rights to the Medford Irrigation District. The water that is on this property is more than likely related to the irrigation ditch.

Tim Jackle, attorney for the applicant, stated they wanted to incorporate all of Ms. Akins (now Evans) comments into their argument as if they had made them. Ms. Evans had done an excellent job. He talked about the TIA issue stating it is not before this Commission today. That was decided by the City of Medford eight or nine years ago. Mr. Jackle added that the wetland issue would be decided at the time of development and if there is water it would be dealt with.

Ms. Evans stated that the proper noticing of the zone change had been addressed in the staff report and she had also addressed it at the May 3rd hearing. As far as the residents of the Bonaventure not receiving notices, both statute and City code require noticing property owners and not residents so it was properly noticed.

Greg Kleinberg, Deputy Chief and Fire Marshall for Medford Fire Rescue, addressed the traffic concerns regarding emergency vehicles. He stated that traffic can impact emergency response. They rely on citizens to pull over and they also utilize using opposing lanes when there is traffic backup. The fire code does not deal with sporadic traffic issues and is out of the department's scope in this area but it does affect emergency response time.

Ms. Zerkel asked Mr. Kleinberg if the Fire Department had an opportunity to comment on this application when it was submitted. Mr. Kleinberg answered they had and stated it had met the fire code requirements.

Mr. MacNair clarified that the pipeline trips and approved developments he spoke of earlier were approved zone changes not just a development that's approved to be built. Any approved zone change that contributes 25 or more peak hour trips to an intersection is considered a pipeline trip and is included in other zone changes.

Mr. MacNair mentioned that the applicant's agent had said that a zone change looks at a worst case scenario when actually it's called a "reasonable worst case scenario" so not the absolute worst case. That said, the traffic study evaluated 375 p.m. peak hour trips which were generated from this site and the currently proposed uses would generate approximately 213 peak hour trips. This proposed use would be less than what was studied for the zone change. The uses that are proposed here have a very high percentage of what is called pass-by vehicle trips which means that they are trips that are already on McAndrews or Springbrook and would be pulling in here on their way to somewhere else. Based on national studies, a convenience store with a gas station is generally around a 65 percent pass-by and the coffee stand is almost 90 percent on average.

Mr. MacNair reiterated that the TIA was done as part of the zone change. That had been challenged on past cases and was held up in court that the TIA is done at the time of the zone change. The traffic issues that are under the purview of this Commission are generally driveway locations, driveway restrictions, and things that are specific to the site. In this case, the traffic study looked at the driveways at the time of the zone change which resulted in recommendations that turn lanes were to be installed once the site is developed. Those are conditions on this development. Mr. MacNair stated that staff had looked at the streets and there is room for those required turn lanes to accommodate the projected queues in the traffic analysis. The queues past the driveways were shown in the analysis as possibly occurring during peak times but the driveways are already as far as they can be away from the intersection.

In regards to the emergency vehicle access issue, Mr. MacNair said that on all their traffic signals they have emergency vehicle preemption installed so that it essentially gives the emergency vehicle a green light and helps to clear out some of the traffic in front of them.

The public hearing was closed.

Chair Quinn called for a ten minute recess at approximately 1:55 p.m.

Chair Quinn reconvened the meeting at approximately 2:05 p.m.

Motion: Adopt the findings as recommended by staff and direct staff to prepare a final order for approval of AC-19-032, per the staff report dated May 10, 2019, including exhibits A-1 through BBBB, and including the following:

- Move Condition of Approval #11 regarding photometric analysis from Code Required Conditions to Discretionary Conditions
- Amend Condition of Approval #3 to relocate the trash enclosure currently on the north side of the site farther south
- Hours of operation of the facility is to be limited from 6 a.m. to 12:00 a.m. on any given day
- Operation of the car wash is to cease at 8:00 p.m.

Moved by: Commissioner Bender

Seconded by: Commissioner Catt

Commissioner Catt commented he felt that the hours of operation until midnight would be unacceptable.

1st Friendly Amendment: Hours of operation are to be from 6:00 a.m. to 10:00 p.m.

Moved by: Commissioner Catt Seconded by: Commissioner Bender

Roll Call Vote: Motion passed, 6-0

Commissioner Smith expressed his concern that there would be a mechanical use in the car wash and gas station that would be unscreened to the west and south. He felt it might be appropriate to add a condition that would somehow screen the opening to the car wash from the houses across Springbrook to the west and the gas pumps to the south of Bonaventure. He said he did not see the mechanical use of a car wash as a use that's the same as residential. There's an eight foot wall but it's not addressing the problem in other directions. Commissioner Smith stated that the way he sees it is that this is an industrial use in a car wash that's facing a residential area. He said code addresses the problem by saying an eight foot wall can be built on certain sides but because there are streets on the other sides the houses would have a view of the car wash. He felt it was unusual because there are residences on all four sides of this project and normally that would not happen.

Commissioner Smith voiced his opinion that aesthetically a gas pump is not something that matches with residential housing across from the project. He wondered if it was appropriate to ask that a wall be built in front of the gas station in that part of the car wash. He commented that he felt a convenience store was a compatible use and could fit in the neighborhood aesthetically whereas the car wash does not. He proposed that some kind of landscaping or screening be added so the neighbors wouldn't be looking directly at the car wash.

2nd Friendly Amendment: Provide screening or barrier that is similar to the one that's proposed on the north and east sides in front of the gas station canopy and exit to the car wash so that the mechanical equipment is not seen from someone's front yard.

Moved by: Commissioner Smith Seconded by: Commissioner Catt

Roll Call Vote: Motion passed, 4-1, with Commissioner Bender voting "no."

Ms. Zerkel called for discussion on the original motion to approve made by Commissioner Bender. She asked that each Commissioner state how they were going to vote and the reasons why they were going to vote that way.

Commissioner Bender stated he would be voting no on his own motion to approve. He said he did not find that the intensity of the proposed commercial use was compatible with the surrounding area. He stated he understood that the City's current criteria allows for uses such as this project to be conducted on properties like this but he is in disagreement with that particular aspect of the application.

Commissioner Catt stated that within the scope of this Commission he would be voting yes on this application. He felt the applicant would make some minor changes and work with the Planning Department.

Commissioner Pierce stated it was a very difficult situation to deal with and hearing all the testimony and being a homeowner herself, in the end she echoes a lot of Commissioner Bender's views as far as compatibility; and that although she thinks the concept of bringing something in to add a different kind of vitality to the neighborhood is important, she didn't feel this was the right choice. She stated she would be voting no.

Commissioner Smith stated he would be voting no in the scope of this Commission. From an aesthetics point of view he included the light pollution and noise. He knows he suggested screening but didn't really

think that would block those things out, it would have just been a compromise. Aesthetically Commissioner Smith didn't think the project met the intent of the code.

Chair Quinn stated he would be voting no. He said in spite of all the rules of the City and all the things we try to do to make laws there are times when you just have to say "I don't think so." He added that today was one of those days.

Roll Call Vote: Motion passed, 4-1, with Commissioner Catt voting "yes."

2nd Motion: Direct staff to prepare a final order of denial for AC-19-028 and providing the findings by this Commission that the intensity of the proposed commercial use is incompatible with uses on surrounding property.

Moved by: Commissioner Bender Seconded by: Commissioner Pierce

Commissioner Smith thought it was important to add that the project is also aesthetically incompatible with the surrounding neighborhood and does not meet code.

Commissioner Bender reiterated that the reason for this motion as it stands and affirmation of the motion moving forward will be that despite the code in place he did not feel that the intensity of the proposed commercial use is compatible with uses on surrounding properties. He added he didn't feel that a commercial use of any sort is incompatible with the surrounding area but this one is.

Roll Call Vote: Motion passed, 5-0

Commissioners Neathamer and Whitlock resumed their seats on the Commission.

60. Written Communications. None.

70. Unfinished Business. None.

80. New Business. None.

90. Report from the Planning Department.

90.1 Ms. Evans stated there is business scheduled for the June 7th, and June 21st, meetings.

90.2 Ms. Evans reported that City Council had approved the ordinance adopting updated street cross sections from the Transportation System Plan into the Land Development Code and also some legacy street language.

90.3 Ms. Evans presented the question of "do you think the Planning Commission or City Council should reconsider having gas stations as being permitted outright or should they be conditional uses?"

Commissioner Bender thought that particular use would probably be best suited in getting approval through a conditional use permit process as opposed to an outright approval process. He felt there was something about that particular use of a convenience store and gas station that was probably an intensity beyond most other commercial uses.

Commissioner Smith said that it was more of an industrial kind of thing not a neighborhood thing.

Ms. Evans indicated that maybe it was more proximal to residential uses and perhaps staff could bring it up to the other bodies to consider.

Commissioner Bender stated that if a conditional use permit is needed for a school or church when they are adjacent to residential it should probably apply to cases such as the Circle K project.

Commissioner Whitlock said that it seemed to him the proximal relationship Ms. Evans suggested with respect to residential uses within some proximity would be an appropriate standard, maybe only for commercial rezoned properties. He agreed that a gas station and car wash is a very industrial-type of use and should probably be outright permitted.

There was some discussion and comments about this Commission's authority in cases like the Circle K where it might get appealed. Commissioner Smith commented that the criteria this Commission has to judge projects on is very limited.

Commissioner Catt said it was very hard for him to vote yes on the Circle K project but wanted to know if the Commission had acted within their scope. Commissioner Smith said the Commission had some scope regarding the aesthetics of the property and is a gas pump aesthetically reasonable in a neighborhood. He didn't think so.

Ms. Zerkel told the Commission she thought they had done a good job in making specific findings as to why they denied the Circle K application.

Commissioner Whitlock stated he thought it was inappropriate to be talking about the Circle K application at this time. It would be okay to talk about concepts but talking in hindsight about that application is not the time to be doing that. This would complicate the record should it go to City Council and ultimately to the Land Use Board of Appeals (LUBA).

100. Messages and Papers from the Chair.

100.1 Chair Quinn commented this was one of the tougher days he has ever had on this Commission.

110. Propositions and Remarks from the Commission.

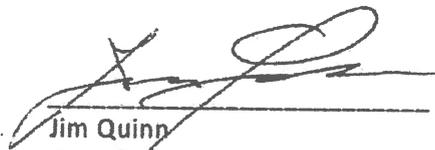
110.1 Commissioner Whitlock divulged that he would not be present for the June 21, 2019, meeting. He will be out of the country.

120. Adjournment

120.1 The meeting was adjourned at approximately 2:35 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:


Debbie Strigle
Recording Secretary


Jim Quinn
Site Plan and Architectural Commission Chair

Approved: June 7, 2019



Site Plan and Architectural Commission Minutes

From Public Hearing on June 7, 2019

The regular meeting of the Site Plan and Architectural Commission was called to order at noon in the Council Chambers on the above date with the following members and staff in attendance:

Commissioners Present

Jim Quinn, Chair
Jeff Bender
Bob Neathamer
Marcy Pierce
Rick Whitlock

Staff Present

Kelly Evans, Assistant Planning Director
Katie Zerkel, Senior Assistant City Attorney
Dustin Severs, Planner III
Liz Conner, Planner II
Doug Burroughs, Public Works/Eng. Development Services Mgr.
Debbie Strigle, Recording Secretary

Commissioners Absent

Jim Catt, excused
Bill Chmelir, unexcused
Dave Culbertson, excused
Milo Smith, excused

10. Roll Call.

20. Consent Calendar.

20.1 **AC-19-028** Final Order for consideration of plans for the construction of a 370 square foot coffee kiosk, a 3,300 square foot convenience store, and a 1,304 square foot car wash and gas pumps on approximately 2.5 acres located at 1380 Springbrook Road within the C-C (Community Commercial) zoning district (371W20AB3500).

20.2 **AC-19-032** Final Order for consideration of Orchard Glen – Phase 4, a proposed multi-family residential development consisting of the construction of a 15-unit, 3-story apartment building totaling 6,867 square feet on a single, vacant parcel totaling 0.75-acres located at 2636 West Main Street in the Heavy Commercial (C-H) zoning district (372W26B TL 1500).

Motion: Adopt the Consent Calendar.

Moved by: Commissioner Bender Seconded by: Commissioner Whitlock

Commissioner Whitlock pointed out that the phrase regarding conditions in the original final order for AC-19-028 had been removed and the revised/corrected final order was the one being signed today.

Amended Motion: Adopt the Consent Calendar including the revised final order for AC-19-028.

Made by: Commissioner Bender Seconded by: Commissioner Whitlock

Voice Vote: Motion passed, with Commissioner Neathamer abstaining from both items and Commissioner Whitlock abstaining from item AC-19-028 only.

CITY OF MEDFORD
EXHIBIT # 7
File # AC-19-028
APPEAL

Submitted by:



Debbie Strigle
Recording Secretary



Jim Quinn
Site Plan and Architectural Commission Chair

Approved: June 21, 2019



CITY OF MEDFORD
PLANNING DEPARTMENT

**ACTION LETTER
CERTIFICATE OF MAILING**

I hereby certify that at 3:30 p.m. on, June 11, 2019 I deposited in the United States Mail at the Medford City Hall post office, letters giving notice of "action taken" at the public meeting held by the Site Plan and Architectural Commission on June 7, 2019, at 12:00 p.m. in Council Chambers, third floor, City Hall. The attached letter was sent by first-class mail, postage prepaid and addressed as per the attached list.

Debbie Strigle
Administrative Support Technician

June 11, 2019
Date

FILE NO: AC-19-028

See attached
PW – Doug Burroughs
Fire – Greg
MWC – Rodney
Bldg – Chad
Avista – David McFadden, PO Box 1709, Medford OR 97501
Rogue Valley Internat'l-Medford Airport – Amber Judd, 1000 Terminal Loop Pkwy, Ste 201, Medford OR 97504
RVTD – Sean Eisman, 3200 Crater Lake Ave, Medford 97504
Medford Irrigation District – Jack Friend, PO Box 70, Jacksonville OR 97530
795 names from letters & petitions

CITY OF MEDFORD
EXHIBIT # 8
File # AC-19-028
APPEAL



City of Medford

Planning Department

Working with the community to shape a vibrant and exceptional city

Double R Products
901 NW E Street
Grants Pass OR 97526

Decision date: June 7, 2019
Mailing date: June 11, 2019
Final appeal date: June 25, 2019
File no.: AC-19-028

Notice of Site Plan and Architectural Commission Action

The Medford Site Plan and Architectural Commission adopted the final order containing findings of fact relating to the denial of the following request:

Consideration of plans for the construction of a 370 square foot coffee kiosk, a 3,300 square foot convenience store, and a 1,304 square foot car wash and gas pumps on approximately 2.5 acres located at 1380 Springbrook Road within the C-C (Community Commercial) zoning district (371W20AB3500).

The denial is based on the findings set forth in the Site Plan and Architectural Commission Report dated May 17, 2019.

The final date for filing an appeal is **14 days from the date the notice of decision is mailed**. The written appeal and filing fee must be received by the City Recorder no later than 5:00 p.m. on the Final Appeal Date stated above. Appeals must be filed in the form prescribed, and will be decided based upon Medford Land Development Code Section 10.140 (copies available).

Sincerely,

Matt Brinkley, AICP CFM
Planning Director

MHB/ds

Enclosure: Final Order/Commission Report

cc: Matt Small, Kistler Small White Architects, 66 Water Street, Suite 101, Ashland OR 97520
Tim Jackle, Foster Denman LLC, 3521 E Barnett Rd., Medford OR 97504
Interested Parties
Affected Agencies



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

AGENDA SECTION: Public Hearings
MEETING DATE: July 18, 2019

COUNCIL BILL 2019-66

An ordinance proclaiming annexation to the City of Medford, portions of the Lozier Lane right-of-way from Stewart Avenue to West Main Street, and withdrawal of said properties from Medford Rural Fire Protection District #2, effective pursuant to State law. A-19-002 (Land Use, Quasi-Judicial)

SUMMARY AND BACKGROUND

City Council is requested to consider a proposal for annexation to the City of Medford portions of the Lozier Lane right-of-way from Stewart Avenue to West Main Street. The subject rights-of-way will be removed from Medford Rural Fire Protection District #2. (A-19-002)

The City of Medford and Jackson County entered into an intergovernmental agreement for the improvement of Lozier Lane from Stewart Avenue to West Main Street in conformance with City of Medford standards, with the intent of transferring jurisdiction from County to City for those portions of Lozier Lane outside of the city limits of the City of Medford upon the completion of the road improvement project. The Lozier Lane road improvement project has been completed.

PREVIOUS COUNCIL ACTIONS

On June 20, 2019, Council approved Council Bill 2019-55 establishing a hearing date of July 18, 2019 for consideration of the matter.

ANALYSIS

The subject rights-of-way are located within the City's Urban Growth Boundary and are contiguous with city limits along all proposed annexation areas, meeting the applicable criteria for annexation, pursuant to MLDC 10.216(C).

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

Annexation of this portion of Lozier Lane has been anticipated since September 2012, when the City entered into an Intergovernmental Agreement (IGA) with Jackson County. As a result, Public Works has budgeted for the increased maintenance for this section of roadway.

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 annexation.



SUGGESTED MOTION

I move to adopt the ordinance authorizing the annexation of portions of the Lozier Lane right-of-way from Stewart Avenue to West Main Street.

EXHIBITS

Ordinance

City Council Report, including Exhibits A and B

Vicinity Map

ORDINANCE NO. 2019-66

AN ORDINANCE proclaiming annexation to the City of Medford, portions of the Lozier Lane right-of-way from Stewart Avenue to West Main Street, and withdrawal of said properties from Medford Rural Fire Protection District #2, effective pursuant to State law.

WHEREAS, the owners of the land in the territory to be annexed have consented in writing to the annexation, said consent having been heretofore filed with the City Recorder in the manner prescribed by law; and

WHEREAS, the City Council by Resolution No. 2019-55, adopted June 20, 2019, dispensed with submitting the question of the proposed annexation to the electors of the city and set 6:00 p.m. on the 18th day of July, 2019, in the Council Chambers of the City Hall in said city as the time and place of hearing thereon, at which time and place the registered voters of the city and other interested parties were given an opportunity to be heard on the question; and

WHEREAS, notices of said public hearing were published and posted in the manner and for the time prescribed by law and the public hearing was duly held by and before the City Council as provided by law and by the terms of said resolution and the published notice, and it appears to be in the best interest of the city and of the area involved that it be annexed to the City of Medford and the area be withdrawn from Medford Rural Fire Protection District #2.

WHEREAS, the City Council finds and determines that the facts and conclusions in the Staff Report dated July 11, 2019, on file in the Planning Department, are true and correct and are hereby adopted as the findings of the council; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. The area described in Exhibit A, attached hereto, shall be annexed to the City of Medford, Oregon.

Section 2. The above-described property annexed to the City of Medford is hereby withdrawn from Medford Rural Fire Protection District #2.

Section 3. The City Recorder shall submit to the Secretary of the State of Oregon a copy of this Ordinance. The City Recorder shall also, within ten days of the effective date of this annexation,

send copies of this Ordinance to the County Clerk, County Assessor of Jackson County, Oregon, and Medford Rural Fire Protection District #2.

PASSED by the council and signed by me in authentication of its passage this _____ day of July, 2019.

ATTEST: _____
City Recorder

Mayor

APPROVED: _____, 2019.

Mayor

EXHIBIT A
RW#7587

Tracts of land lying in the Southeast 1/4 of Section 26 and the Northeast 1/4 Section 35, Township 37 South, Range 2 West of the Willamette Meridian, Jackson County, Oregon, said tract being more particularly described as follows:

Tract 1

Commencing at Southeast corner of Donation Land Claim Number 77 in Township 37 South, Range 2 West of the Willamette Meridian, Jackson County Oregon; thence North 01°24'46" East a distance of 30.00 feet, more or less, to the Northerly line of Stewart Avenue; thence North 88°29'09" West a distance of 254.10 feet, more or less, to the Southeast corner of that area annexed into the City of Medford through Ordinance Number 2008-30; thence along the South line of said annexed area North 88°29'09" West a distance of 265.24 feet, more or less; thence North 64°59'51" East a distance of 55.60 feet, more or less; thence North 01°36'54" East a distance of 330.87 feet, more or less, to the **Point of Beginning** at the Northwest corner of that area annexed into the City of Medford through Ordinance Number 2008-30, also being the on the Westerly line of Lozier Lane prior to City of Medford road improvement project P-1806; thence along said West line and annexed area South 01°36'54" West, 198.82 feet, more or less, to the Northeast corner of Tract described in Document Number 2014-004189, Official Records of Jackson County, Oregon; thence leaving said West line along the Northerly line of that area annexed into the City of Medford through Ordinance Number 2006-261, North 88°21'45" West, 3.43 feet, more or less, to the West line of Document Number 2016-000166 of said Official Records; thence along the west line of Document Numbers 2016-000166, 2016-008558, 2016-006742, 2016-009713, 2016-000990, 2016-008557, 2016-008559, 2016-000628, 2016-001818, 2016-006744, 2016-000632, 2016-008561, 2016-000168, 2016-000989, 2016-000633, 2016-000170, 2016-008553, 2016-015789 and 2016-008552 of said Official Records the following 12 courses: thence North 02°56'29" East a distance of 147.00 feet, more or less; thence North 01°33'40" East a distance of 172.04 feet, more or less; thence North 01°33'40" East a distance of 50.00 feet, more or less; thence North 01°33'40" East a distance of 56.21 feet, more or less; thence along the arc of a 770.00 foot radius curve to the left (the chord to which bears North 00°11'37" West 47.15 feet) a distance of 47.16 feet, more or less; thence along the arc of a 830.00 foot radius curve to the right (the chord to which bears North 00°11'37" West 50.83 feet) a distance of 50.83 feet, more or less; thence North 01°33'40" East a distance of 727.96 feet, more or less; thence along the arc of a 830.00 foot radius curve to the right (the chord to which bears North 03°18'56" East 50.83 feet) a distance of 50.83 feet, more or less; thence along the arc of a 770.00 foot radius curve to the left (the chord to which bears North 03°18'56" East 47.15 feet) a distance of 47.16 feet, more or less; thence North 01°33'40" East a distance of 65.92 feet, more or less; thence North 01°36'38" East a distance of 77.97 feet, more or less; thence North 01°40'08" East a distance of 522.35 feet, more or less to a point on the South line of that area annexed into the City of Medford through Ordinance Number 2006-183; thence along said South line South 88°29'15" East a distance of 51.74 feet, more or less to the Southeast corner of said annexed area, also being on the East line of Lozier Lane prior to City of Medford road improvement project P-1806; thence along the East line of said annexed area and the east line of Lozier Lane North 01°36'54" East a distance of 81.01 feet, more or less to the Southwest corner of that area annexed into the City of Medford through Ordinance Number 2009-40 and now known as **Point "A"**; thence along the south line of that area annexed into the City of Medford through Ordinance Number 2009-40 South 88°22'40" East a distance of 23.81 feet, more or less to the East line of Document Number 2016-029101 of said Official Records; thence along the East line of Document Numbers 2016-029101, 2016-014102, 2016-001820, 2016-001823, 2016-001821, 2016-003172, 2016-006728, 2016-006727, 2016-006729, 2017-038995, 2016-011140, 2016-000629, 2016-033055, 2016-006739, 2016-000165, 2016-006738, 2016-006726, 2016-006725, 2016-000991, 2016-020959, and that area annexed into the City of Medford through Ordinance Number 2004-240 the following 9 courses: thence South 46°38'46" West a distance of 21.89 feet, more or less; thence South 01°40'08" West a distance of 623.68 feet, more or less; thence South 01°33'40" West a distance of 108.13 feet, more or less; thence along the arc of a 830.00 foot radius curve to the right (the chord to which bears South 03°18'56" West 50.83 feet) a distance of 50.83 feet, more or less; thence along the arc of a 770.00 foot radius curve to the left (the chord to which bears South 03°18'56" West 47.15 feet) a distance of 47.16 feet, more or less; thence South 01°33'40" West a distance of 727.96 feet, more or less; thence along the arc of a 770.00 foot radius curve to the left (the chord to which bears South 00°11'37" East 47.15 feet) a distance of 47.16 feet, more or less; thence along the arc of a 830.00 foot radius curve to the right (the chord to which bears South 00°11'37" East 50.83 feet) a

CITY OF MEDFORD

EXHIBIT # A

File # A-19-002

Page 1 of 8

distance of 50.83 feet, more or less; thence South $01^{\circ}33'40''$ West a distance of 225.71 feet, more or less to the North Line of that area annexed into the City of Medford through Ordinance Number 2008-30; thence along said North line North $89^{\circ}05'46''$ West a distance of 59.93 feet, more or less to the **Point of Beginning**.

Together with Tract 2:

Commencing at aforementioned **Point "A"**; thence along the West line of the area annexed into the City of Medford through Ordinance Number 2009-40, North $01^{\circ}36'54''$ East a distance of 60.00 feet, more or less to the Northeast corner of Lozier Lane and Prune Street prior to City of Medford road improvement project P-1806 and also the Southwest corner of Document Number 2017-013346 of said Official Records and the **Point of Beginning**; thence along the East line of old Lozier Lane and the East line of that area annexed into the City of Medford through Ordinance Number 2004-48, North $01^{\circ}36'54''$ East a distance of 105.23 feet, more or less to the Northwest corner of said Document Number 2017-013346 and also a point on the South line of that area annexed into the City of Medford through Ordinance Number 2001-223 and being the Northeast corner of that area annexed into the City of Medford through Ordinance Number 2004-48 and also now known as **Point "B"**; thence along the South line of said annexed area South $88^{\circ}19'52''$ East a distance of 8.50 feet, more or less to the East line of said Document Number 2017-013346; thence along said East line South $01^{\circ}40'08''$ West a distance of 89.73 feet, more or less; thence South $43^{\circ}20'58''$ East a distance of 21.91 feet, more or less to the North line of Prune Street and South line of said Document Number 2017-013346; thence along said South line North $88^{\circ}22'40''$ West a distance of 23.89 feet, more or less, to the **Point of Beginning**.

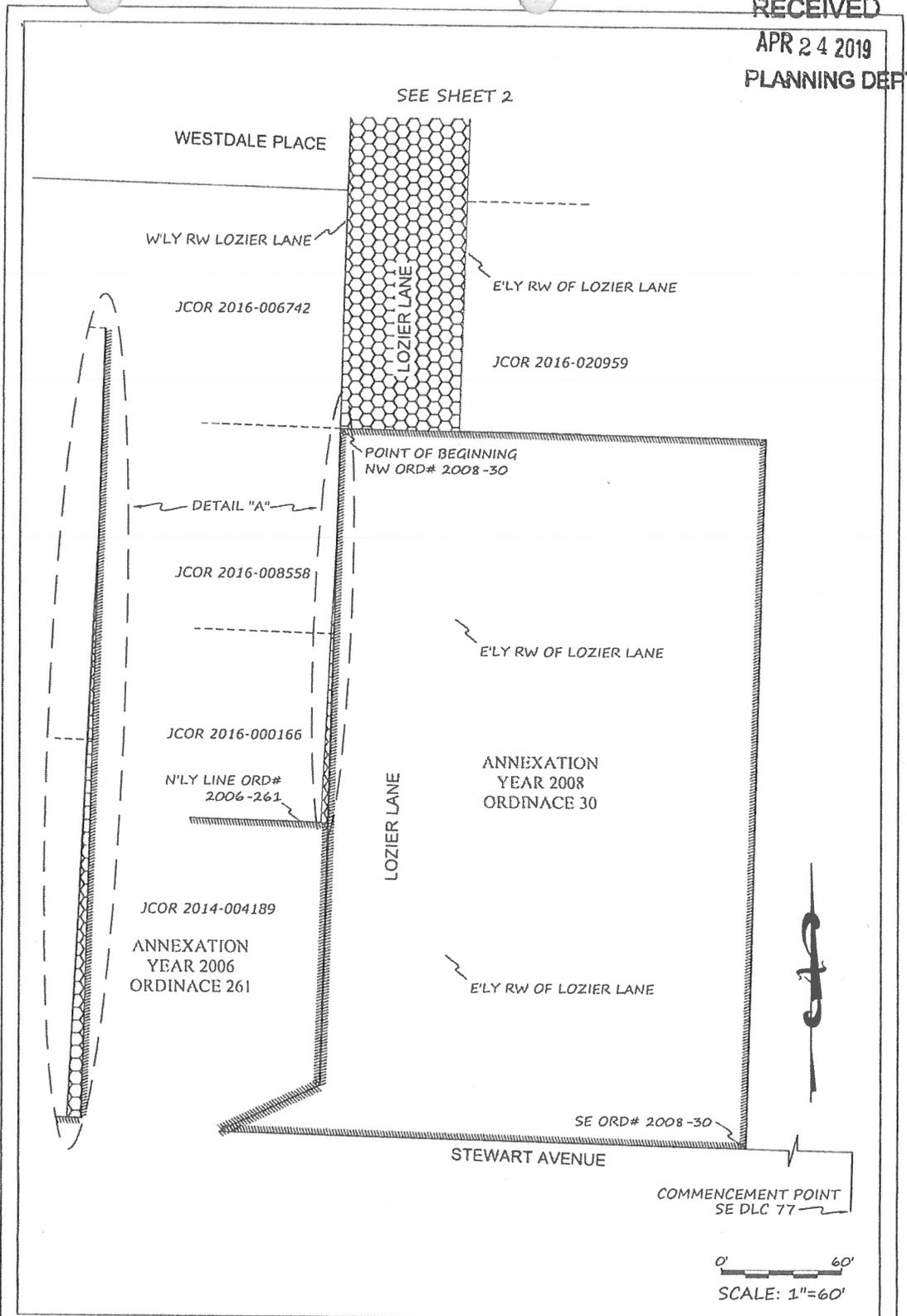
Together with Tract 3:

Commencing at aforementioned **Point "B"**, said point being on the Easterly line of Lozier Lane prior to City of Medford road improvement project P-1806; thence along the North line of that area annexed into the City of Medford through Ordinance Number 2004-48 North $88^{\circ}19'52''$ West a distance of 40.00 feet, more or less, to the Westerly line of Lozier Lane prior to City of Medford road improvement project P-1806 and the Southwest corner of that that area annexed into the City of Medford through Ordinance Number 2001-223 and the **Point of Beginning**; thence North $88^{\circ}19'52''$ West a distance of 18.50 feet, more or less to the West line of Document Number 2016-014101; thence along the West line of Document Numbers 2016-014101, 2016-006746, 2016-006737, 2016-000631, 2016-037653, 2016-037652, 2016-000627, 2016-020960 and 2016-036488 the following 9 courses: thence North $01^{\circ}40'08''$ East a distance of 261.26 feet, more or less; thence North $22^{\circ}49'42''$ East a distance of 19.39 feet, more or less; thence North $01^{\circ}40'08''$ East a distance of 106.41 feet, more or less; thence North $12^{\circ}45'08''$ West a distance of 10.04 feet, more or less; thence North $01^{\circ}40'08''$ East a distance of 40.14 feet, more or less; thence North $20^{\circ}46'45''$ East a distance of 7.64 feet, more or less; thence North $01^{\circ}40'08''$ East a distance of 162.80 feet, more or less; thence along the arc of a 770.00 foot radius curve to the left (the chord to which bears North $00^{\circ}48'46''$ West 66.68 feet) a distance of 66.70 feet, more or less; thence along the arc of a 830.00 foot radius curve to the right (the chord to which bears North $02^{\circ}46'20''$ West 15.14 feet) a distance of 15.14 feet, more or less, to the South line of that area annexed into the City of Medford through Ordinance Number 2005-144; thence along said South line, South $88^{\circ}21'43''$ East a distance of 15.75 feet, more or less to the West line of Lozier Lane prior to City of Medford road improvement project P-1806 and the West line of that area annexed into the City of Medford through Ordinance Number 2002-192; thence along the West line of Lozier Lane prior to City of Medford road improvement project P-1806 and the West line of that area annexed into the City of Medford through Ordinance Number 2002-192 and Ordinance Number 2001-223 South $01^{\circ}41'05''$ West a distance of 687.35 feet, more or less to the **Point of Beginning**.

These tracts of land to which this description applies contains 2.78 acres, more or less

Bearings based on Oregon State Plane System, South Zone, North American Datum (NAD) 83(2011) epoch 2010.

The graphic depiction of the above description is shown on Exhibit "B" attached hereto.



LEGEND

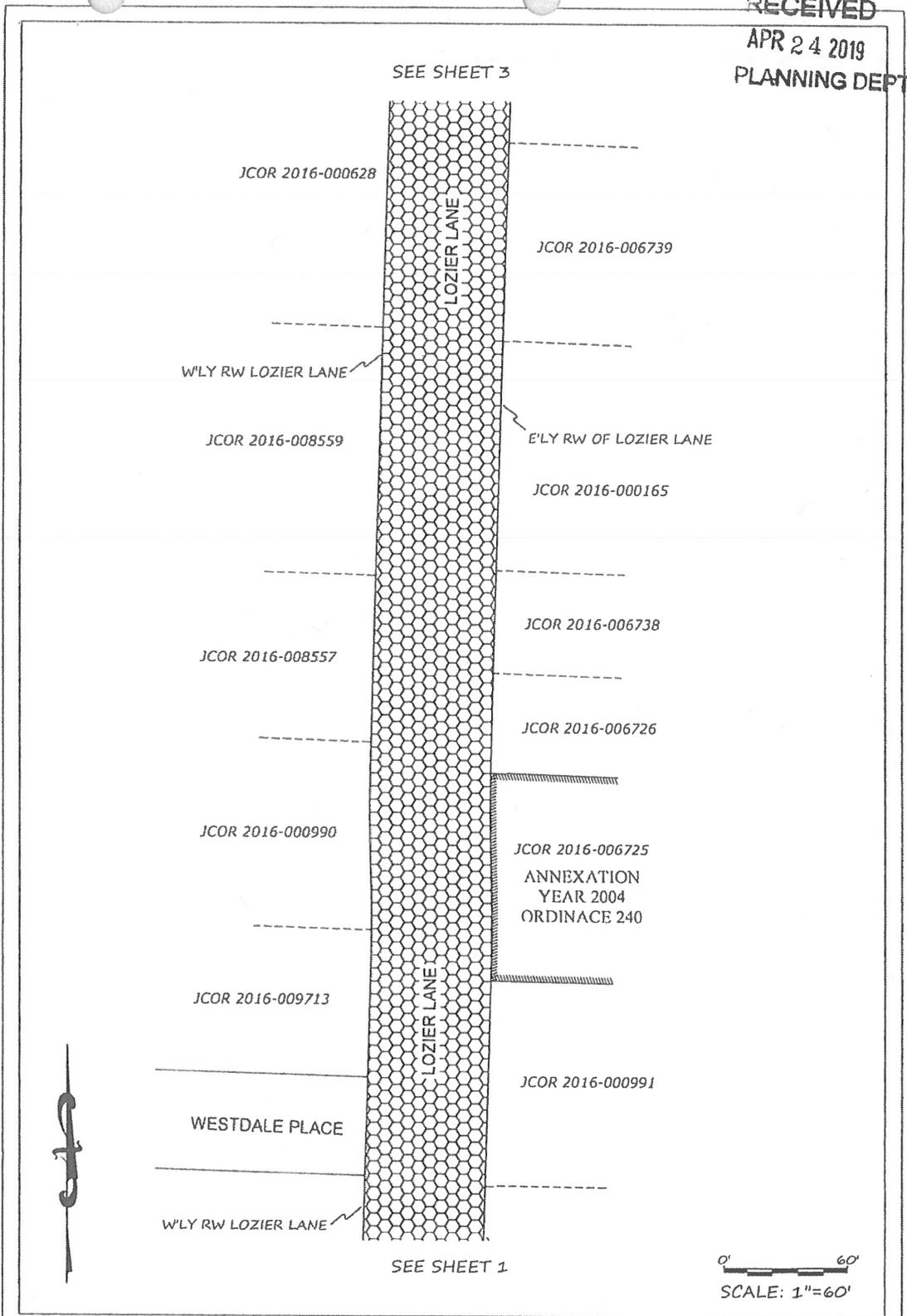
-  AREA TO BE ANNEXED
-  EXISTING ANNEXATION LINE

372W35A

CITY OF MEDFORD - SURVEYING DEPARTMENT		
EXHIBIT "B"		
ANNEXATION OF LOZIER LANE PER IMPROVEMENT PROJECT P-1806		
WRITTEN DESCRIPTION ATTACHED AS EXHIBIT "A"		
DESIGNED BY SPM	DATE 4-1-19	PROJECT NO. P-1806
CHECKED BY JMP	DATE 4-1-19	
NOTE	DATE	
CITY OF MEDFORD		SHEET NO.
EXHIBIT # A		1 OF 6

File # A-19-002

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 APR 24 2019
 PLANNING DEPT

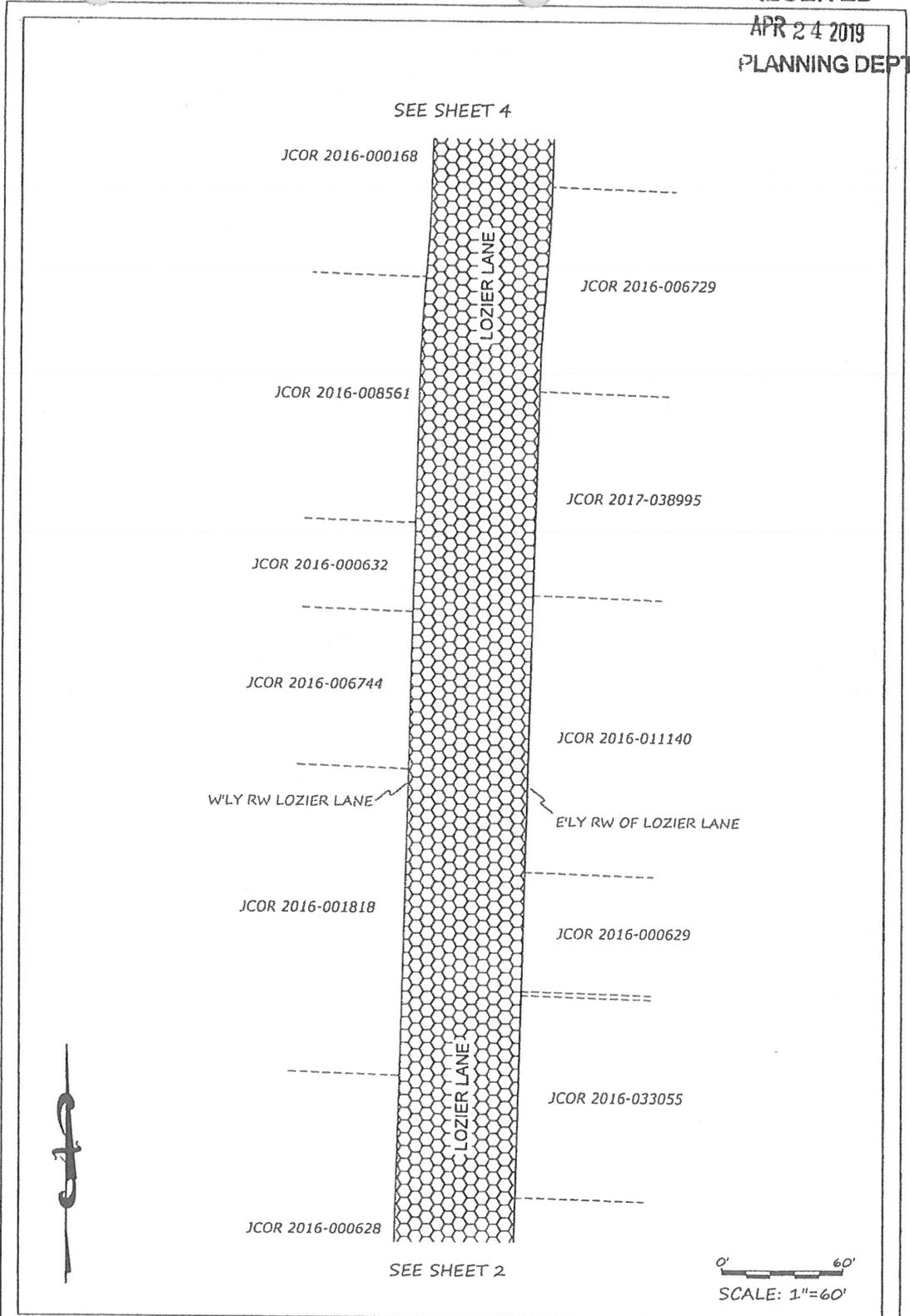


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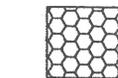
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-  EXISTING ANNEXATION LINE

372W35A

CITY OF MEDFORD - SURVEYING DEPARTMENT			
EXHIBIT "B"			
ANNEXATION OF LOZIER LANE PER IMPROVEMENT PROJECT P-1806			
WRITTEN DESCRIPTION ATTACHED AS EXHIBIT "A"			
PREPARED BY	SPM	DATE	4-1-19
CHECKED BY	JMP	DATE	4-1-19
NOTE		DATE	
CITY OF MEDFORD			PROJECT NO.
EXHIBIT # A			P-1806
DATE			SHEET NO.
FILE # A-19-002			2 OF 6



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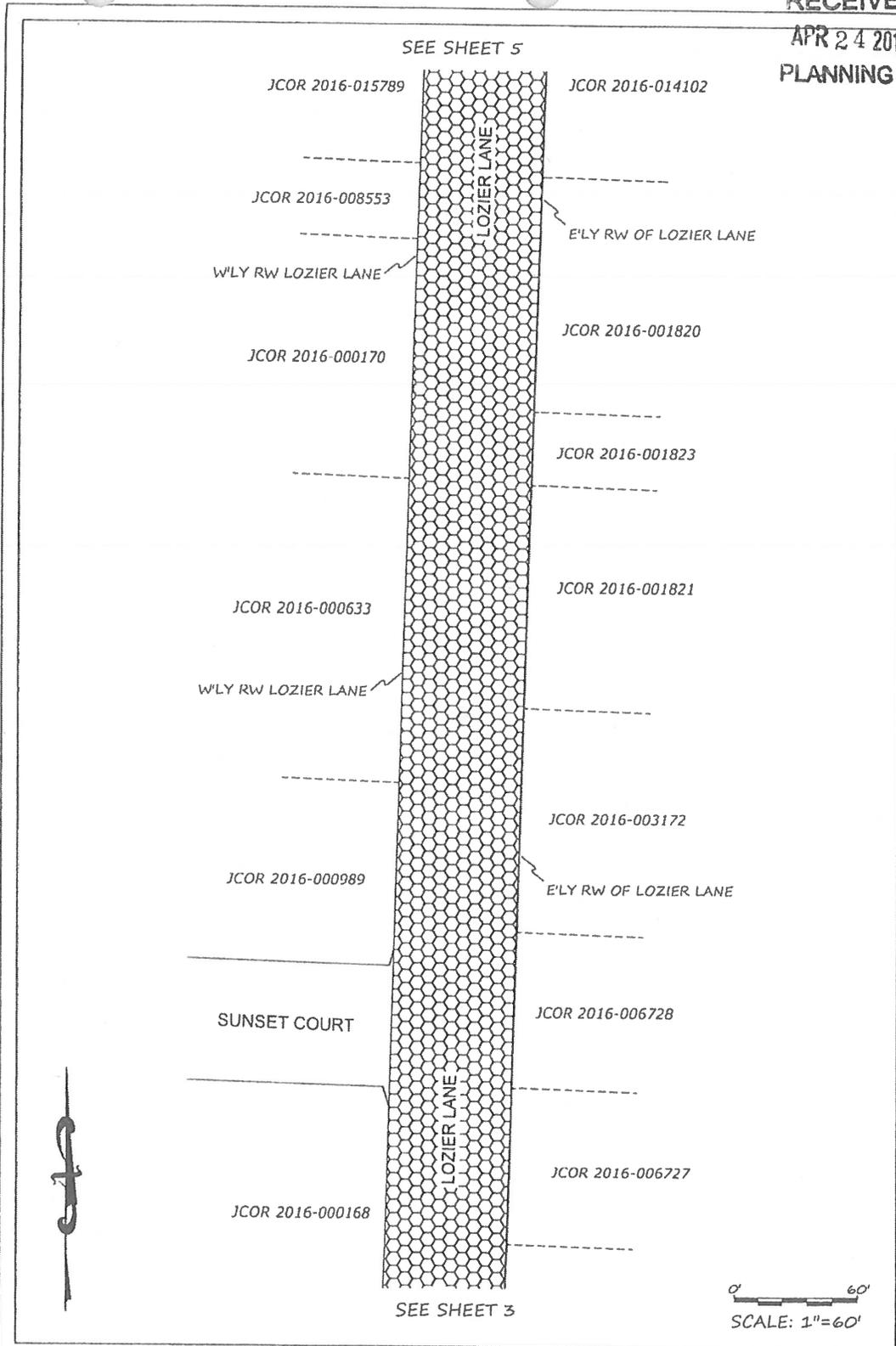
AREA TO BE ANNEXED



EXISTING ANNEXATION LINE

372W35A

CITY OF MEDFORD - SURVEYING DEPARTMENT		
EXHIBIT "B"		
ANNEXATION OF LOZIER LANE PER IMPROVEMENT PROJECT P-1806		
WRITTEN DESCRIPTION ATTACHED AS EXHIBIT "A"		
DRAWN BY SPM	DATE 4-1-19	PROJECT NO.
CHECKED BY JMP	DATE 4-1-19	P-1806
CITY OF MEDFORD		SHEET NO.
EXHIBIT # A		3 OF 6
FILE # A-19-008		



LEGEND

-  AREA TO BE ANNEXED
-  EXISTING ANNEXATION LINE

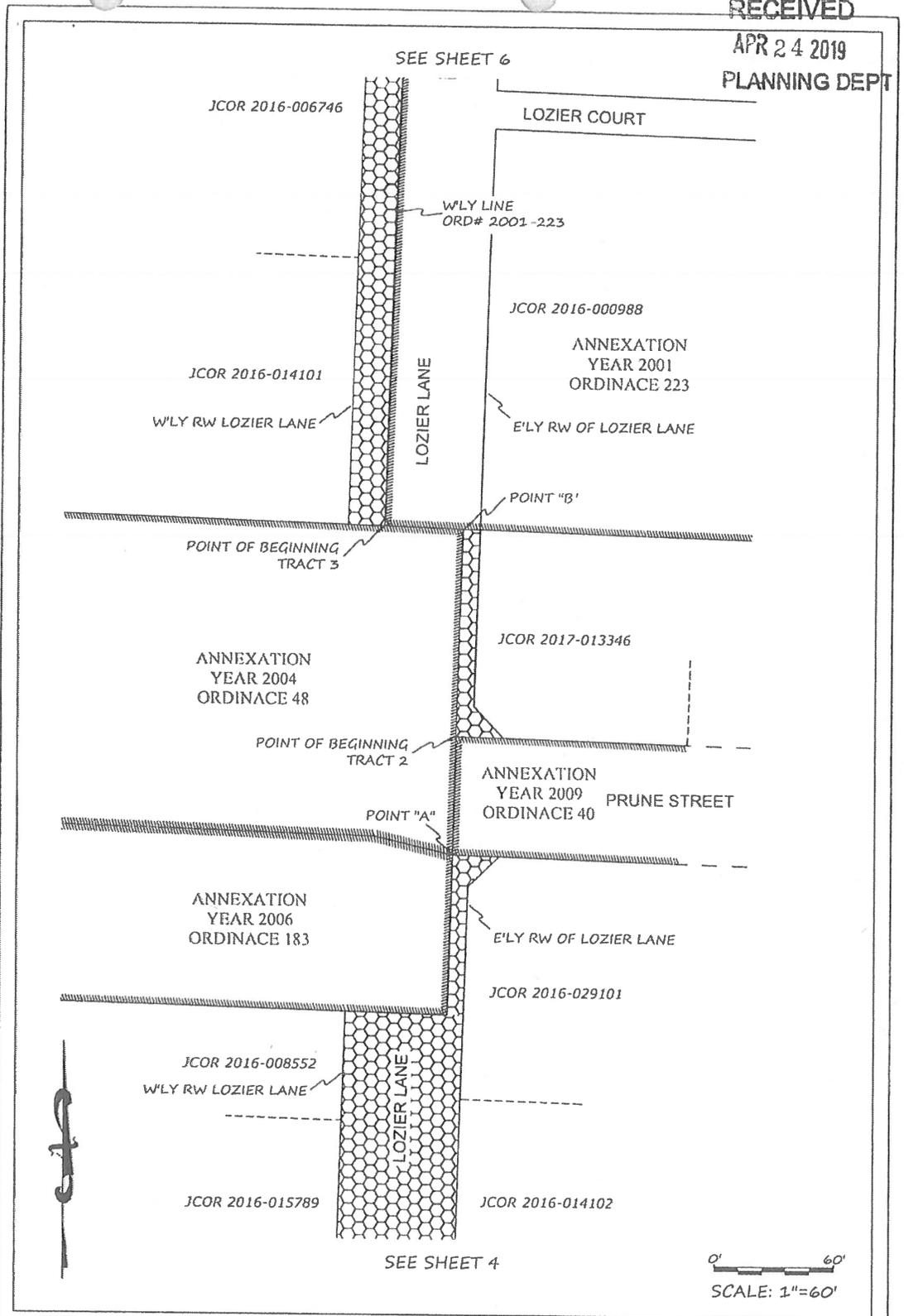
372W35A AND 372W26D

CITY OF MEDFORD - SURVEYING DEPARTMENT			
EXHIBIT "B"			
ANNEXATION OF LOZIER LANE PER IMPROVEMENT PROJECT P-1806			
WRITTEN DESCRIPTION ATTACHED AS EXHIBIT "A"			
DESIGNED BY	SPM	DATE	4-1-19
CHECKED BY	JMP	DATE	4-1-19
NOTE		DATE	
PROJECT NO.	P-1806		
SHEET NO.	4 OF 6		
EXHIBIT #	A		
FILE #	A-19-003		

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-  AREA TO BE ANNEXED
-  EXISTING ANNEXATION LINE

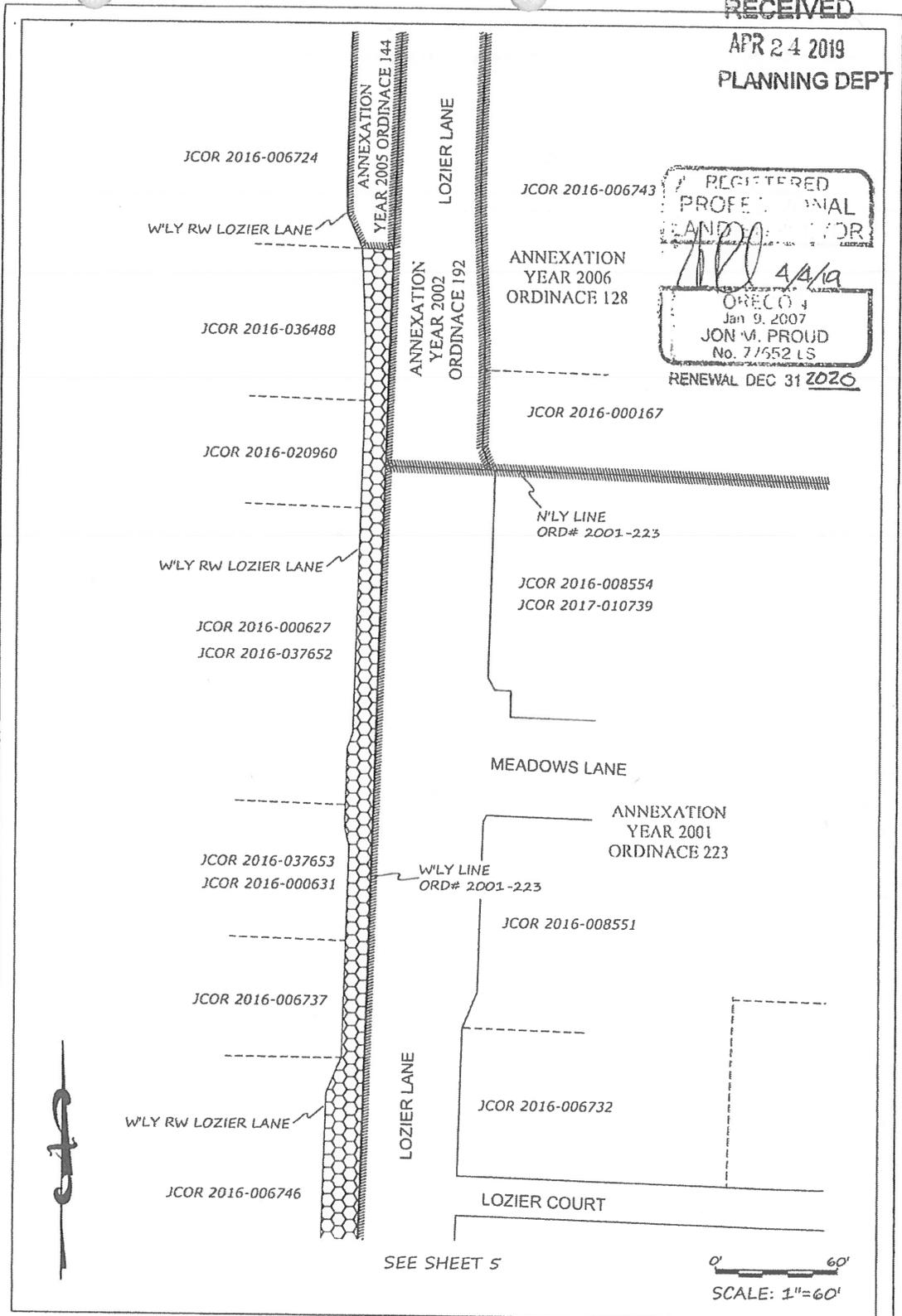
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CITY OF MEDFORD - SURVEYING DEPARTMENT			
EXHIBIT "B"			
ANNEXATION OF LOZIER LANE PER IMPROVEMENT PROJECT P-1806			
WRITTEN DESCRIPTION ATTACHED AS EXHIBIT "A"			
DRAWN BY	SPM	DATE	4-1-19
CHECKED BY	JMP	DATE	4-1-19
NOTE		DATE	
NOTE		DATE	
NOTE		DATE	
PROJECT NO.	P-1806		
SHEET NO.	5 OF 6		
EXHIBIT #	A		
FILE #	19-002		

RECEIVED

APR 24 2019

PLANNING DEPT



REGISTERED PROFESSIONAL LAND SURVEYOR

JMP 4/4/19

ORECO
Jan 9, 2007
JON M. PROUD
No. 71552 LS

RENEWAL DEC 31 2026

LEGEND

-  AREA TO BE ANNEXED
-  EXISTING ANNEXATION LINE

372W26D

CITY OF MEDFORD - SURVEYING DEPARTMENT

EXHIBIT "B"

ANNEXATION OF LOZIER LANE
PER IMPROVEMENT PROJECT P-1806

WRITTEN DESCRIPTION ATTACHED AS EXHIBIT "A"

DRAWN BY	SPM	DATE	4-1-19	PROJECT NO.	
CHECKED BY	JMP	DATE	4-1-19		P-1806
NOTE		DATE			
NOTE		DATE			
NOTE		DATE			
NOTE		DATE			

CITY OF MEDFORD

EXHIBIT A

FILE # *A 19-002*

SHEET NO. 6 OF 6

CITY COUNCIL STAFF REPORT

for a Type IV Legislative decision: Annexation

Project Lozier Lane - Annexation

File no. A-19-002

To Mayor and City Council

for July 18, 2019 hearing

From Dustin Severs, Planner III

Reviewer Kelly Evans, Assistant Planning Director

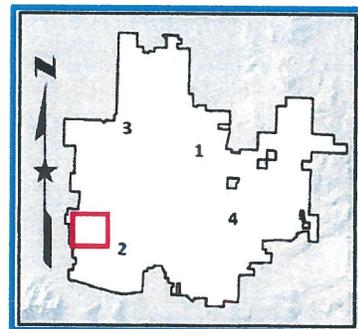
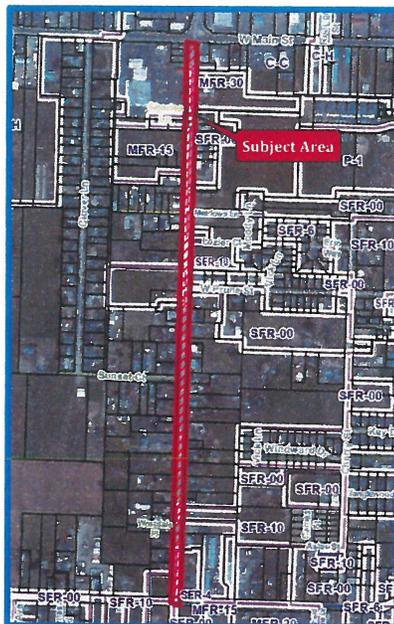
Date July 11, 2019

BACKGROUND

Proposal

Consideration of a request for annexation to the City of Medford portions of the Lozier Lane right-of-way from Stewart Avenue to West Main Street. The subject rights-of-way will be removed from Medford Rural Fire Protection District #2.

Vicinity Map



History

On June 20, 2019, Council approved Council Bill 2019-55 establishing a hearing date of July 18, 2019, for consideration of the matter.

Authority

This proposed plan authorization is a Type IV Legislative decision. The City Council is authorized to approve annexations under Medford Municipal Code 10.214.

FINDINGS AND CONCLUSIONS

Criteria

MLDC 10.216(C)

The City Council must find that the following State requirements are met in order to approve an annexation:

- 1. The land is within the City Urban Growth Boundary.*
- 2. The land is contiguous to the current city limits.*
- 3. Unless the land being considered for annexation is enclaved by the City or the City chooses to hold an election, a majority of the land owners and/or electors have consented in writing to the annexation per ORS 222.125 or ORS 222.170.*

Findings

- The land is located within the City's Urban Growth Boundary.
- The land is contiguous with the City limit.
- The applicant/owner has submitted the request for annexation and has consented in writing in accordance with the applicable state statutes.

Staff finds that all three of the above criteria are satisfied.

Conclusions

The property under consideration meets the applicable criteria for annexation.

RECOMMENDED ACTION

Adopt the findings as recommended by staff and approve the ordinance for the annexation per the staff report dated July 11, 2019, including Exhibits A and B.

EXHIBITS

- A Legal Descriptions and Exhibit Maps, April 24, 2019
- B Jackson County Roads memo, received June 3, 2019

CITY COUNCIL AGENDA:

JULY 18, 2019

EXHIBIT A
RW#7587

Tracts of land lying in the Southeast 1/4 of Section 26 and the Northeast 1/4 Section 35 , Township 37 South, Range 2 West of the Willamette Meridian, Jackson County, Oregon, said tract being more particularly described as follows:

Tract 1

Commencing at Southeast corner of Donation Land Claim Number 77 in Township 37 South, Range 2 West of the Willamette Meridian, Jackson County Oregon; thence North 01°24'46" East a distance of 30.00 feet, more or less, to the Northerly line of Stewart Avenue; thence North 88°29'09" West a distance of 254.10 feet, more or less, to the Southeast corner of that area annexed into the City of Medford through Ordinance Number 2008-30; thence along the South line of said annexed area North 88°29'09" West a distance of 265.24 feet, more or less; thence North 64°59'51" East a distance of 55.60 feet, more or less; thence North 01°36'54" East a distance of 330.87 feet, more or less, to the Point of Beginning at the Northwest corner of that area annexed into the City of Medford through Ordinance Number 2008-30, also being the on the Westerly line of Lozier Lane prior to City of Medford road improvement project P-1806; thence along said West line and annexed area South 01°36'54" West, 198.82 feet, more or less, to the Northeast corner of Tract described in Document Number 2014-004189, Official Records of Jackson County, Oregon; thence leaving said West line along the Northerly line of that area annexed into the City of Medford through Ordinance Number 2006-261, North 88°21'45" West, 3.43 feet, more or less, to the West line of Document Number 2016-000166 of said Official Records; thence along the west line of Document Numbers 2016-000166, 2016-008558, 2016-006742, 2016-009713, 2016-000990, 2016-008557, 2016-008559, 2016-000628, 2016-001818, 2016-006744, 2016-000632, 2016-008561, 2016-000168, 2016-000989, 2016-000633, 2016-000170, 2016-008553, 2016-015789 and 2016-008552 of said Official Records the following 12 courses: thence North 02°56'29" East a distance of 147.00 feet, more or less; thence North 01°33'40" East a distance of 172.04 feet, more or less; thence North 01°33'40" East a distance of 50.00 feet, more or less; thence North 01°33'40" East a distance of 56.21 feet, more or less; thence along the arc of a 770.00 foot radius curve to the left (the chord to which bears North 00°11'37" West 47.15 feet) a distance of 47.16 feet, more or less; thence along the arc of a 830.00 foot radius curve to the right (the chord to which bears North 00°11'37" West 50.83 feet) a distance of 50.83 feet, more or less; thence North 01°33'40" East a distance of 727.96 feet, more or less; thence along the arc of a 830.00 foot radius curve to the right (the chord to which bears North 03°18'56" East 50.83 feet) a distance of 50.83 feet, more or less; thence along the arc of a 770.00 foot radius curve to the left (the chord to which bears North 03°18'56" East 47.15 feet) a distance of 47.16 feet, more or less; thence North 01°33'40" East a distance of 65.92 feet, more or less; thence North 01°36'38" East a distance of 77.97 feet, more or less; thence North 01°40'08" East a distance of 522.35 feet, more or less to a point on the South line of that area annexed into the City of Medford through Ordinance Number 2006-183; thence along said South line South 88°29'15" East a distance of 51.74 feet, more or less to the Southeast corner of said annexed area, also being on the East line of Lozier Lane prior to City of Medford road improvement project P-1806; thence along the East line of said annexed area and the east line of Lozier Lane North 01°36'54" East a distance of 81.01 feet, more or less to the Southwest corner of that area annexed into the City of Medford through Ordinance Number 2009-40 and now known as Point "A"; thence along the south line of that area annexed into the City of Medford through Ordinance Number 2009-40 South 88°22'40" East a distance of 23.81 feet, more or less to the East line of Document Number 2016-029101 of said Official Records; thence along the East line of Document Numbers 2016-029101, 2016-014102, 2016-001820, 2016-001823, 2016-001821, 2016-003172, 2016-006728, 2016-006727, 2016-006729, 2017-038995, 2016-011140, 2016-000629, 2016-033055, 2016-006739, 2016-000165, 2016-006738, 2016-006726, 2016-006725, 2016-000991, 2016-020959, and that area annexed into the City of Medford through Ordinance Number 2004-240 the following 9 courses: thence South 46°38'46" West a distance of 21.89 feet, more or less; thence South 01°40'08" West a distance of 623.68 feet, more or less; thence South 01°33'40" West a distance of 108.13 feet, more or less; thence along the arc of a 830.00 foot radius curve to the right (the chord to which bears South 03°18'56" West 50.83 feet) a distance of 50.83 feet, more or less; thence along the arc of a 770.00 foot radius curve to the left (the chord to which bears South 03°18'56" West 47.15 feet) a distance of 47.16 feet, more or less; thence South 01°33'40" West a distance of 727.96 feet, more or less; thence along the arc of a 770.00 foot radius curve to the left (the chord to which bears South 00°11'37" East 47.15 feet) a distance of 47.16 feet, more or less; thence along the arc of a 830.00 foot radius curve to the right (the chord to which bears South 00°11'37" East 50.83 feet) a

CITY OF MEDFORD

EXHIBIT # A

File # A-19-002

Page 1 of 8

distance of 50.83 feet, more or less; thence South 01°33'40" West a distance of 225.71 feet, more or less to the North Line of that area annexed into the City of Medford through Ordinance Number 2008-30; thence along said North line North 89°05'46" West a distance of 59.93 feet, more or less to the **Point of Beginning**.

Together with Tract 2:

Commencing at aforementioned **Point "A"**; thence along the West line of the area annexed into the City of Medford through Ordinance Number 2009-40, North 01°36'54" East a distance of 60.00 feet, more or less to the Northeast corner of Lozier Lane and Prune Street prior to City of Medford road improvement project P-1806 and also the Southwest corner of Document Number 2017-013346 of said Official Records and the **Point of Beginning**; thence along the East line of old Lozier Lane and the East line of that area annexed into the City of Medford through Ordinance Number 2004-48, North 01°36'54" East a distance of 105.23 feet, more or less to the Northwest corner of said Document Number 2017-013346 and also a point on the South line of that area annexed into the City of Medford through Ordinance Number 2001-223 and being the Northeast corner of that area annexed into the City of Medford through Ordinance Number 2004-48 and also now known as **Point "B"**; thence along the South line of said annexed area South 88°19'52" East a distance of 8.50 feet, more or less to the East line of said Document Number 2017-013346; thence along said East line South 01°40'08" West a distance of 89.73 feet, more or less; thence South 43°20'58" East a distance of 21.91 feet, more or less to the North line of Prune Street and South line of said Document Number 2017-013346; thence along said South line North 88°22'40" West a distance of 23.89 feet, more or less, to the **Point of Beginning**.

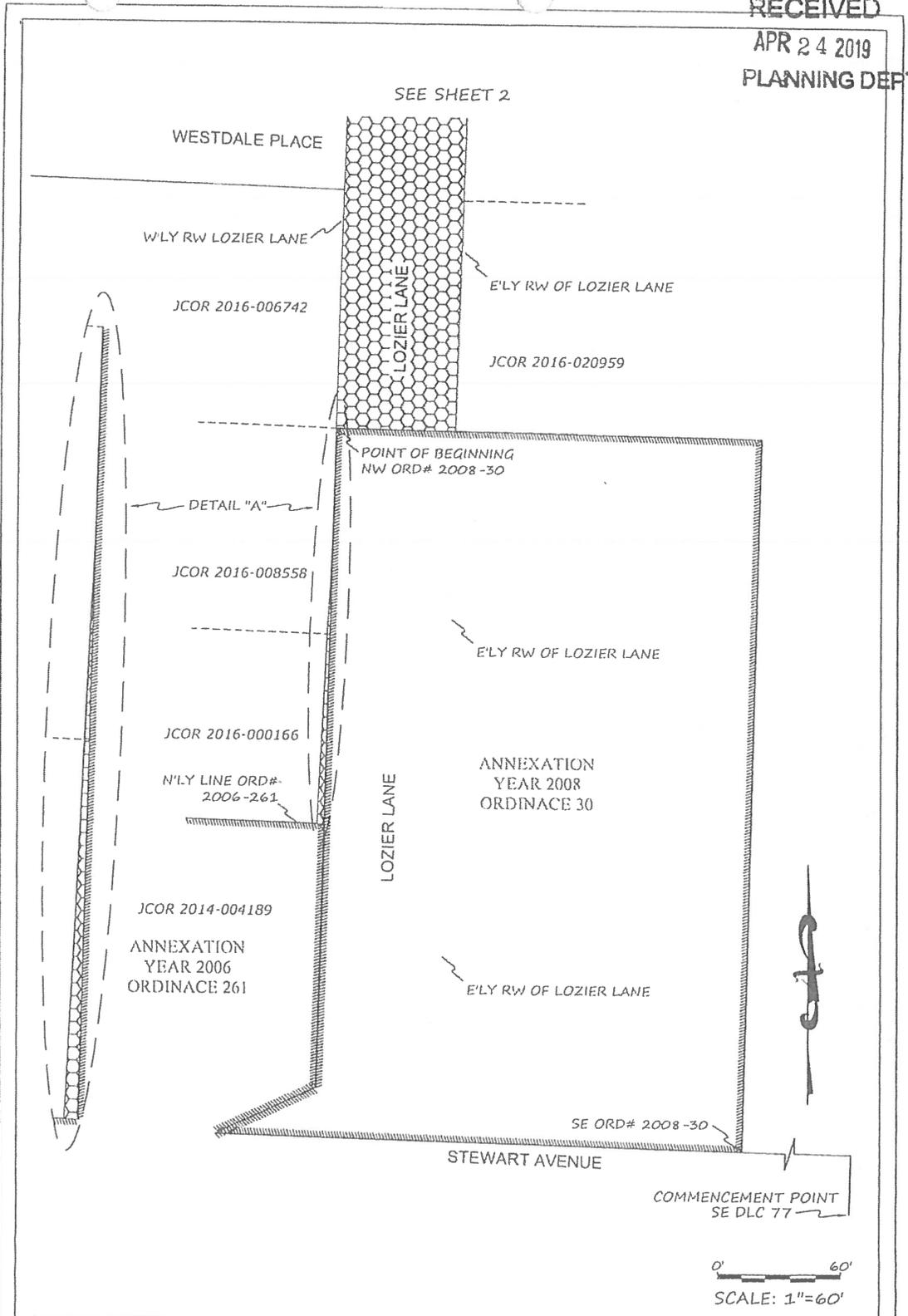
Together with Tract 3:

Commencing at aforementioned **Point "B"**, said point being on the Easterly line of Lozier Lane prior to City of Medford road improvement project P-1806; thence along the North line of that area annexed into the City of Medford through Ordinance Number 2004-48 North 88°19'52" West a distance of 40.00 feet, more or less, to the Westerly line of Lozier Lane prior to City of Medford road improvement project P-1806 and the Southwest corner of that area annexed into the City of Medford through Ordinance Number 2001-223 and the **Point of Beginning**; thence North 88°19'52" West a distance of 18.50 feet, more or less to the West line of Document Number 2016-014101; thence along the West line of Document Numbers 2016-014101, 2016-006746, 2016-006737, 2016-000631, 2016-037653, 2016-037652, 2016-000627, 2016-020960 and 2016-036488 the following 9 courses: thence North 01°40'08" East a distance of 261.26 feet, more or less; thence North 22°49'42" East a distance of 19.39 feet, more or less; thence North 01°40'08" East a distance of 106.41 feet, more or less; thence North 12°45'08" West a distance of 10.04 feet, more or less; thence North 01°40'08" East a distance of 40.14 feet, more or less; thence North 20°46'45" East a distance of 7.64 feet, more or less; thence North 01°40'08" East a distance of 162.80 feet, more or less; thence along the arc of a 770.00 foot radius curve to the left (the chord to which bears North 00°48'46" West 66.68 feet) a distance of 66.70 feet, more or less; thence along the arc of a 830.00 foot radius curve to the right (the chord to which bears North 02°46'20" West 15.14 feet) a distance of 15.14 feet, more or less, to the South line of that area annexed into the City of Medford through Ordinance Number 2005-144; thence along said South line, South 88°21'43" East a distance of 15.75 feet, more or less to the West line of Lozier Lane prior to City of Medford road improvement project P-1806 and the West line of that area annexed into the City of Medford through Ordinance Number 2002-192; thence along the West line of Lozier Lane prior to City of Medford road improvement project P-1806 and the West line of that area annexed into the City of Medford through Ordinance Number 2002-192 and Ordinance Number 2001-223 South 01°41'05" West a distance of 687.35 feet, more or less to the **Point of Beginning**.

These tracts of land to which this description applies contains 2.78 acres, more or less

Bearings based on Oregon State Plane System, South Zone, North American Datum (NAD) 83(2011) epoch 2010.

The graphic depiction of the above description is shown on Exhibit "B" attached hereto.



LEGEND



AREA TO BE ANNEXED

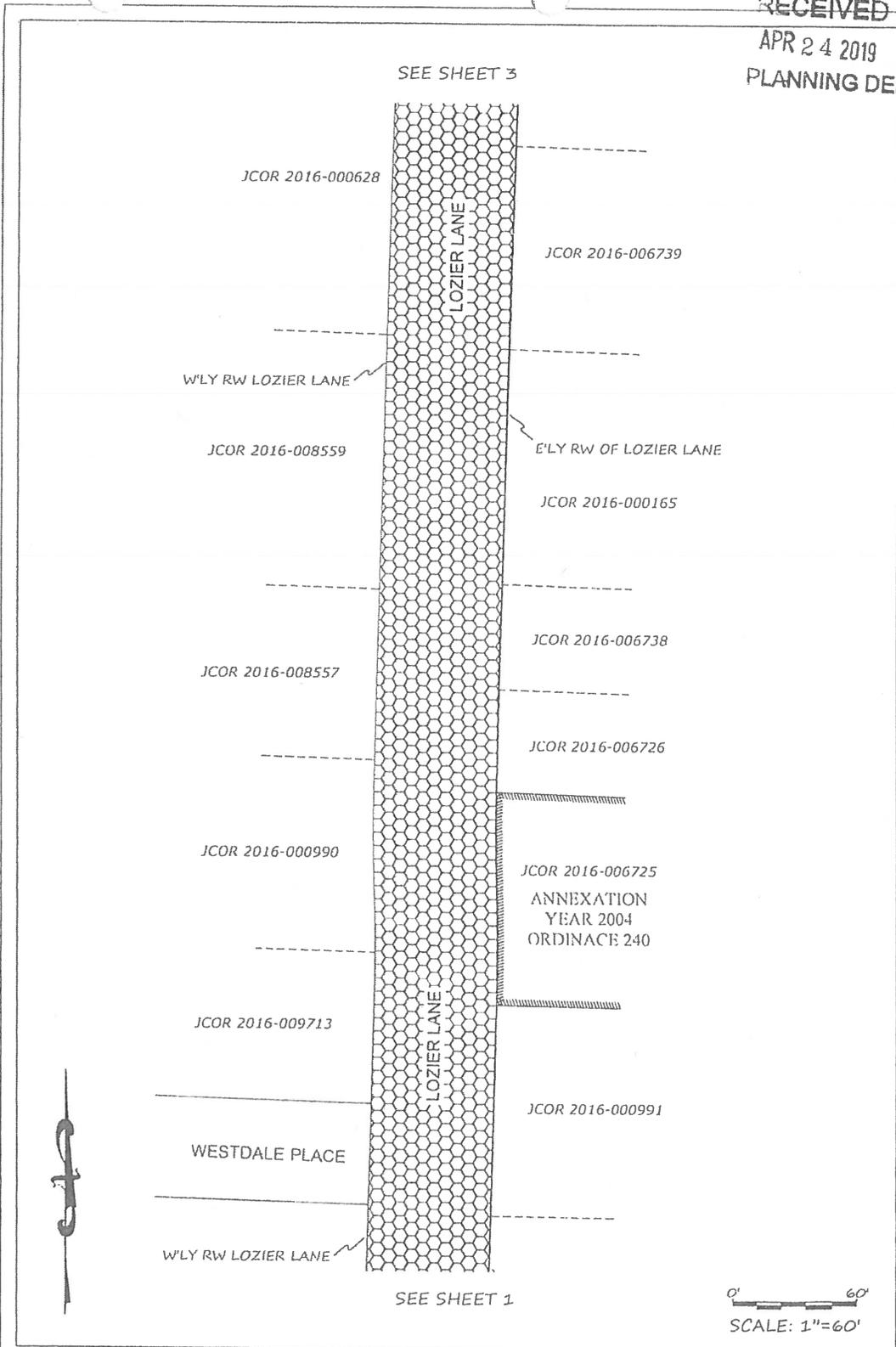


EXISTING ANNEXATION LINE

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CITY OF MEDFORD - SURVEYING DEPARTMENT			
EXHIBIT "B"			
ANNEXATION OF LOZIER LANE PER IMPROVEMENT PROJECT P-1806			
WRITTEN DESCRIPTION ATTACHED AS EXHIBIT "A"			
PREPARED BY	SPM	DATE	4-1-19
CHECKED BY	JMP	DATE	4-1-19
NOTE		DATE	
CITY OF MEDFORD			SHEET NO
EXHIBIT # A			1 OF 6
File # A-19-002			

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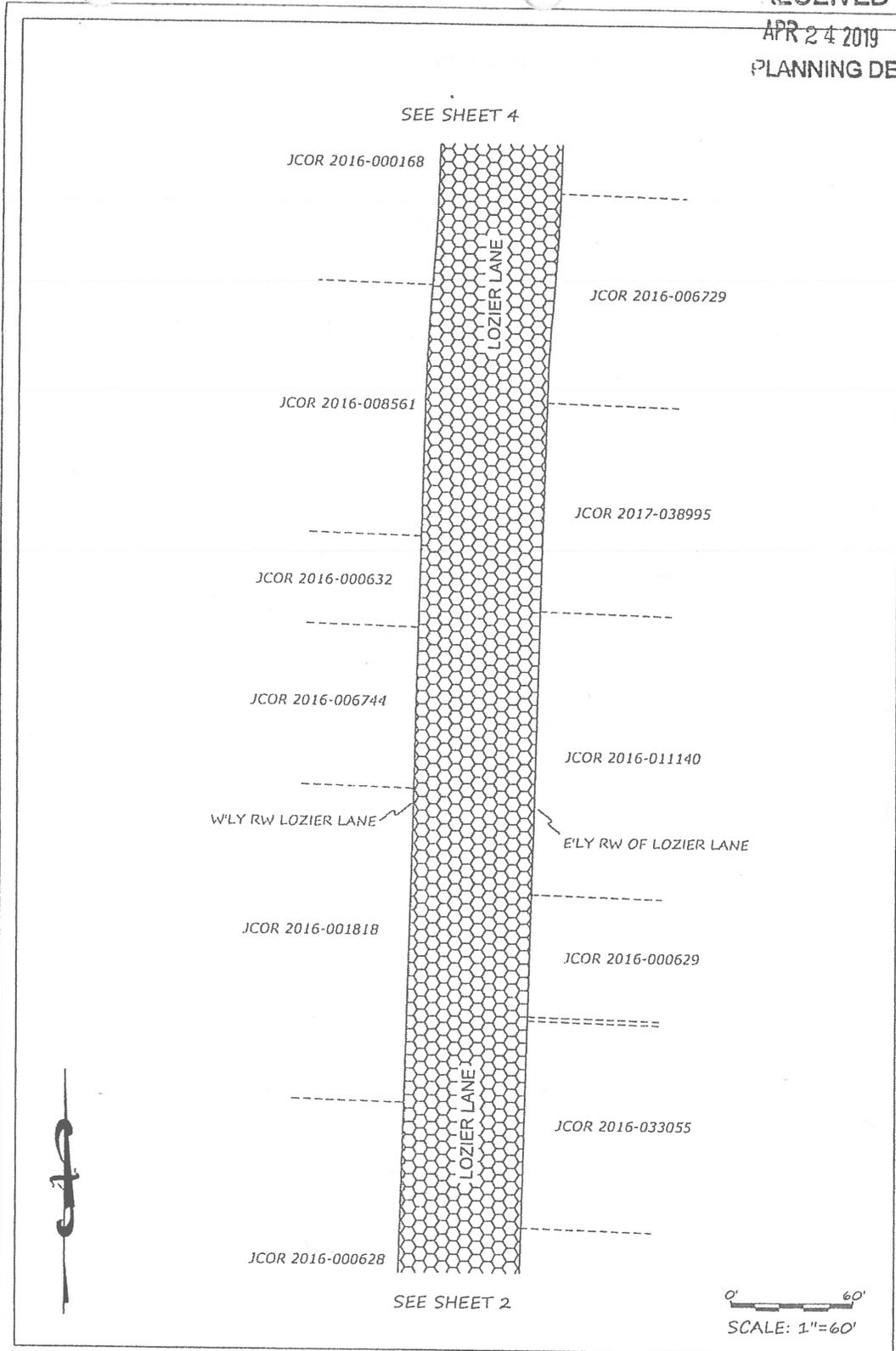
0' 60'
 SCALE: 1"=60'

LEGEND

-  AREA TO BE ANNEXED
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372W35A

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EXHIBIT "B"			
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WRITTEN DESCRIPTION ATTACHED AS EXHIBIT "A"			
PREPARED BY	SPM	DATE	4-1-19
CHECKED BY	JMP	DATE	4-1-19
NOTE		DATE	
CITY OF MEDFORD			SHEET NO.
EXHIBIT # A			2 OF 6
File # A-19-002			

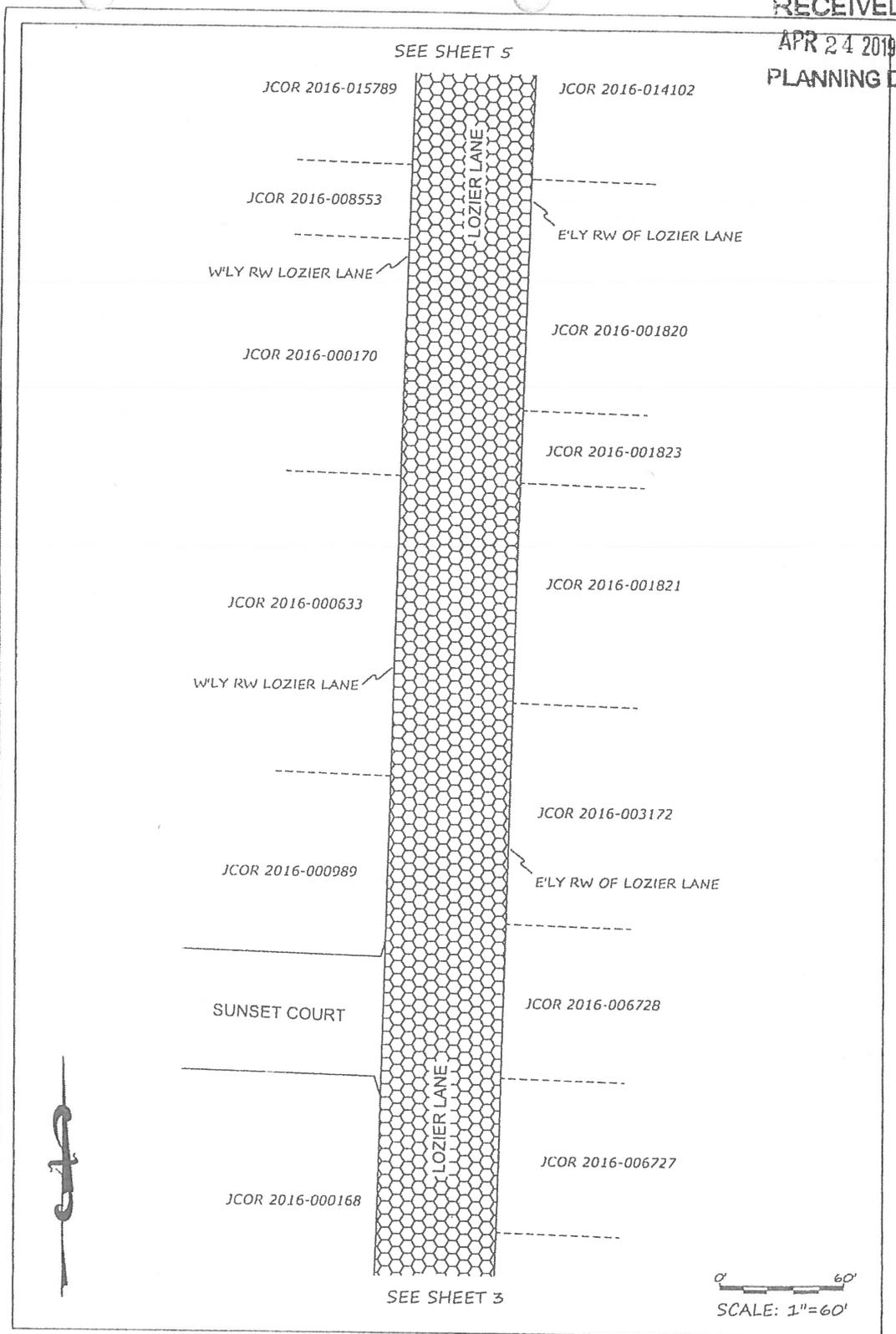


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-  AREA TO BE ANNEXED
-  EXISTING ANNEXATION LINE

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CHECKED BY JMP	DATE 4-1-19	
NOTE	DATE	
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EXHIBIT A		
File # A-9-008		

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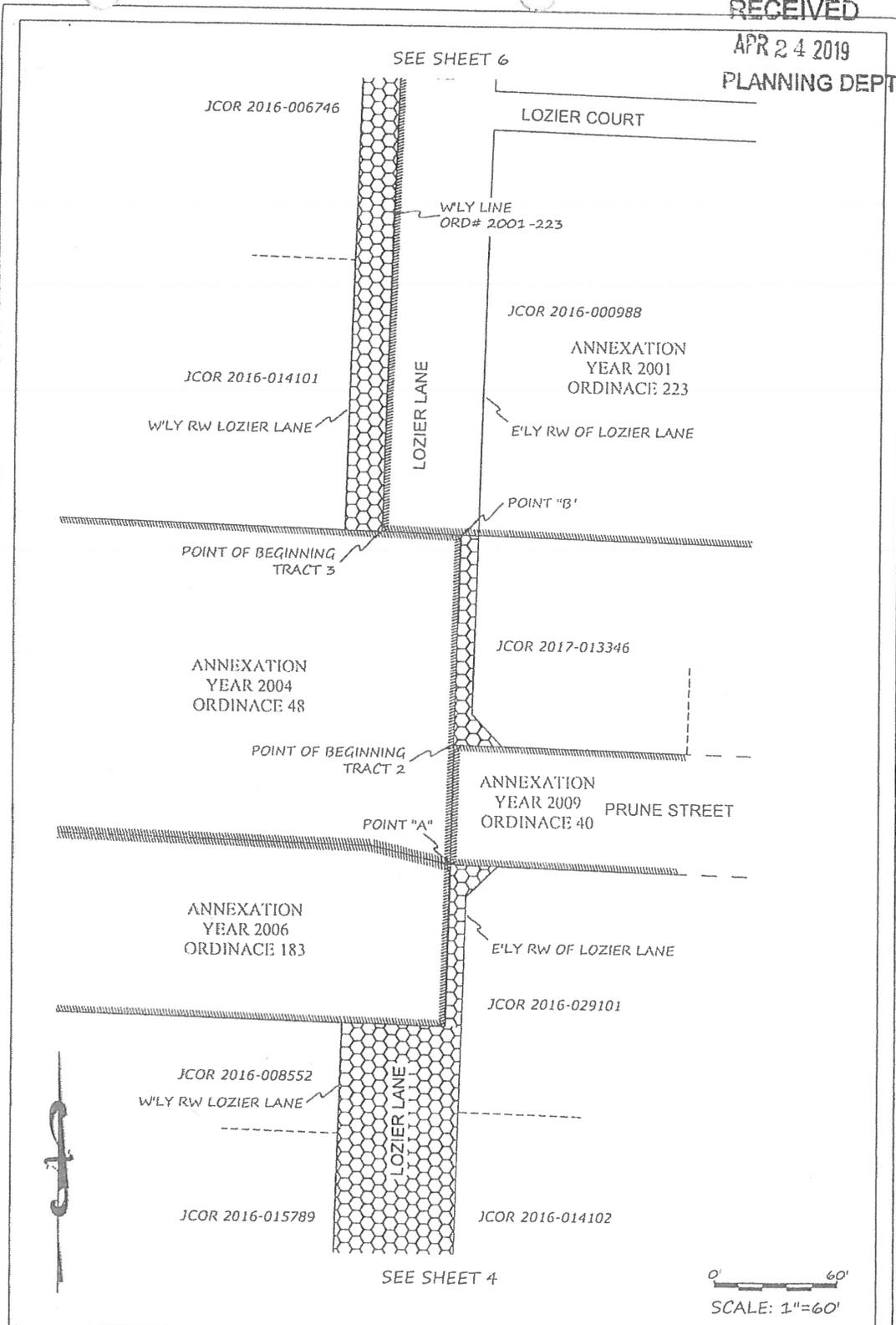


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372W35A AND 372W26D

CITY OF MEDFORD - SURVEYING DEPARTMENT			
EXHIBIT "B"			
ANNEXATION OF LOZIER LANE PER IMPROVEMENT PROJECT P-1806			
WRITTEN DESCRIPTION ATTACHED AS EXHIBIT "A"			
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CHECKED BY	JMP	DATE	4-1-19
NOTE		DATE	
CITY OF MEDFORD			PROJECT NO
EXHIBIT # A			P-1806
File # A-19-002			SHEET NO.
			4 OF 6



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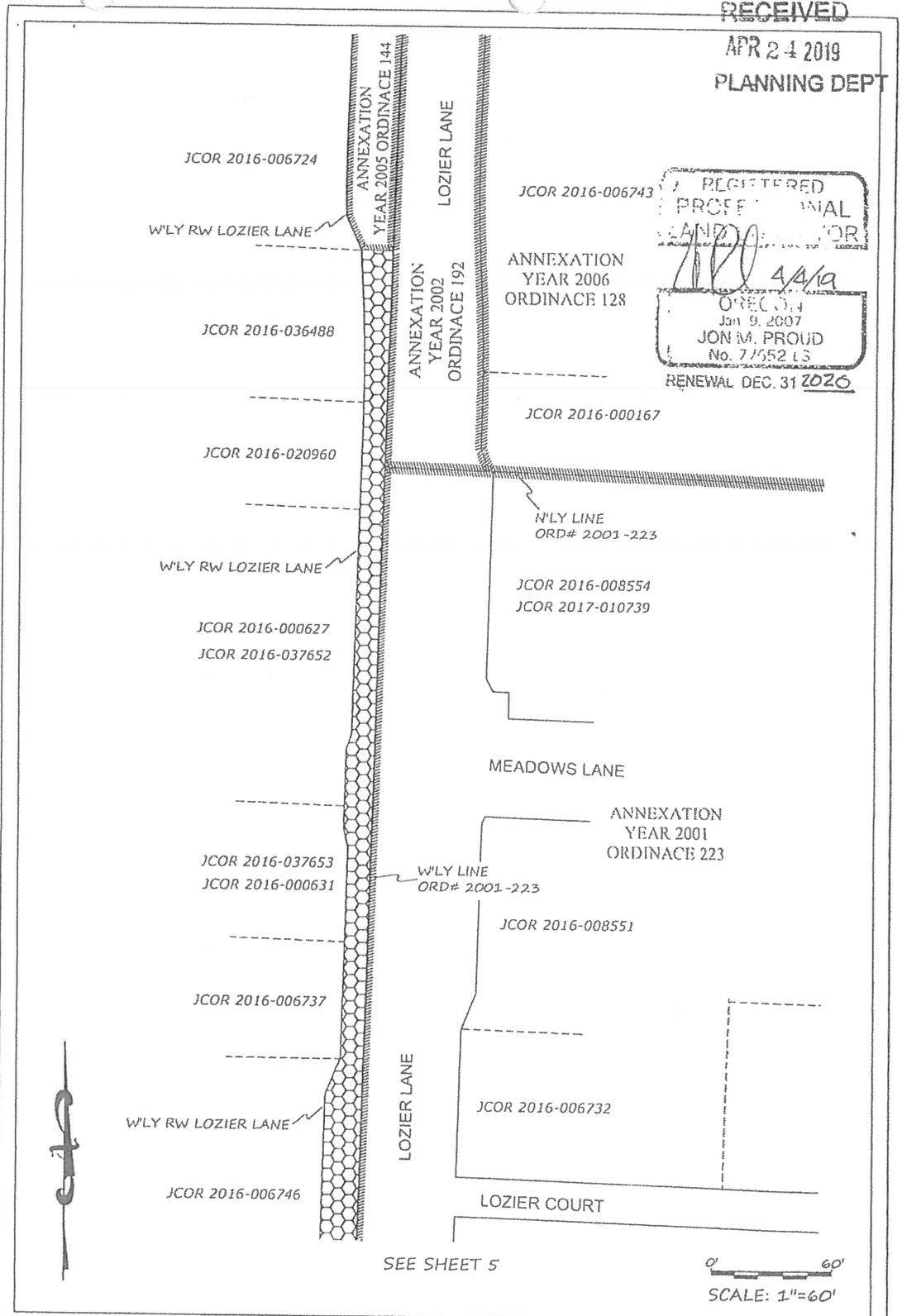
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EXHIBIT "B"		
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WRITTEN DESCRIPTION ATTACHED AS EXHIBIT "A"		
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SPM	4-1-19	P-1806
CHECKED BY	DATE	
JMP	4-1-19	
NOTE	DATE	

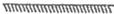
CITY OF MEDFORD SURVEYING DEPARTMENT
 EXHIBIT # A
 5 OF 6
 FILE # 19-002

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REGISTERED
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 44/19
 OREGON
 Jan 9, 2007
 JON M. PROUD
 No. 77552 LS
 RENEWAL DEC. 31 2020

LEGEND

-  AREA TO BE ANNEXED
-  EXISTING ANNEXATION LINE

372W26D

CITY OF MEDFORD - SURVEYING DEPARTMENT

EXHIBIT "B"

ANNEXATION OF LOZIER LANE
 PER IMPROVEMENT PROJECT P-1806

WRITTEN DESCRIPTION ATTACHED AS EXHIBIT "A"

DRAWN BY SPM	DATE 4-1-19	PROJECT NO. P-1806
CHECKED BY JMP	DATE 4-1-19	
NOTE	DATE	SHEET NO 6 OF 6
NOTE	DATE	
NOTE	DATE	

FILE # 19-002



JACKSON COUNTY

Roads

Roads
Engineering

Chuck DeJanvier
Construction Engineer

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

www.jacksoncounty.org

June 3, 2019

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

RE: Annexation of portions of the
Lozier Lane rights-of-way - a County maintained road at these locations
Planning File: A-19-002

Dear Dustin:

Thank you for the opportunity to comment on consideration of a request for annexation to the City of Medford portions of the Lozier Lane rights-of-way from Stewart Avenue to West Main Street. The current County zoning designation of Rural Residential 2.5 will be changed to the City Single Family Residential, one dwelling unit per gross acre (SFR-00) zoning district. The property will be removed from the Medford Rural Fire Protection District 2. Jackson County Roads has the following comments:

1. As provided in the Lozier Lane Intergovernmental Agreement (IGA) between the City and the County, following annexation, City is required to request jurisdiction of these portions of Lozier Lane.
2. Jackson County Roads supports this annexation to the City of Medford

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

Sincerely,

Chuck DeJanvier, PE
Construction Engineer



AGENDA ITEM COMMENTARY

DEPARTMENT: Fire
PHONE: (541) 774-2301
STAFF CONTACT: Brian Fish, Fire Chief

AGENDA SECTION: Consent Calendar
MEETING DATE: July 18, 2019

COUNCIL BILL 2019-67

An ordinance authorizing execution of a contract in an amount of \$697,196.99 with Emergency Communications of Southern Oregon to provide fire dispatch services for fiscal year 2019-20.

SUMMARY AND BACKGROUND

Council is requested to consider an Ordinance approving the renewal of the telecommunications Intergovernmental Agreement (IGA) for dispatch services with Emergency Communications of Southern Oregon (ECSO) in the amount of \$697,196.99. This agreement was initiated in 2012.

PREVIOUS COUNCIL ACTIONS

On June 16, 2016 – Council Bill 2016-80 was approved authorizing execution of the Emergency Communications of Southern Oregon, Intergovernmental Agreement to provide police and fire dispatch services in the amount of \$1,952,378.37 for FY 2016-17.

On June 15, 2017 – Council Bill 2017-61 was approved authorizing the execution of the Emergency Communication of Southern Oregon Intergovernmental Agreement for Fire Department dispatch services in the amount of \$661,413.21 for FY 2017-18.

On June 15, 2017 – Council Bill 2017-57 approved the adoption of the City of Medford budget for the biennium commencing July 1, 2017, and making appropriations thereunder.

On July 5, 2018 – Council Bill 2018-81 was approved authorizing the execution of the Emergency Communication of Southern Oregon Intergovernmental Agreement for Fire Department dispatch services in the amount of \$681,255.61.

On June 6, 2019, Council Bill 2019-45 was approved adopting the City of Medford budget for biennium 2019-21 and commencing July 1, 2019.

ANALYSIS

This contract outlines the fees and services provided by ECSO for the first year in the biennium (FY 2020). The department relies on ECSO to receive 911 calls for service and forward the information on to personnel so they are able to respond to the needs of the caller. Their gathering of information and reporting in a timely and concise manner helps to ensure the caller is able to receive the appropriate resource for each response. The Fire User Group has reviewed the policies, procedures, and protocols adopted by ECSO for compatibility with their own prior to presenting the contract for approval. The contractual amount is based on population, assessed value and calls for service.



FINANCIAL AND/OR RESOURCE CONSIDERATIONS

\$1,415,311 is budgeted for the two-year period in the Fire Department, Operations, detailed on page 36 of the 2019-2021 Budget. The annual user rate published by ECSO for FY 2021 is estimated at \$718,113.

TIMING ISSUES

Approving and signing the contract will allow the City of Medford to continue to contract for dispatching services with ECSO.

COUNCIL OPTIONS

- Approve the ordinance as presented.
- Modify the ordinance as presented.
- Deny the ordinance and provide direction to staff.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to approve the ordinance authorizing the contract with Emergency Communications of Southern Oregon for Fire dispatch services.

EXHIBITS

- Ordinance
- FY 2019-2020 User Rate Document
- IGA on file in City Records Office

ORDINANCE NO. 2019-67

AN ORDINANCE authorizing execution of a contract in an amount of \$697,196.99 with Emergency Communications of Southern Oregon to provide fire dispatch services for fiscal year 2019-20.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That execution of a contract in an amount of \$697,196.99 with Emergency Communications of Southern Oregon to provide fire dispatch services for fiscal year 2019-20, which is on file in the City Recorder's office, is hereby authorized.

PASSED by the Council and signed by me in authentication of its passage this ___ day of July, 2019.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2019

Mayor

Exhibit C

FY 2019-2020 User Rates

Agency	Rates
BLM	\$ 6,909.71
Butte Falls Fire	\$ 3,445.80
Butte Falls Police	\$ 6,909.71
Crater Lake National Park	\$ 14,335.17
Greensprings Fire	\$ 6,909.71
Jackson County Airport	\$ 14,335.17
Jackson County Roads	\$ 6,909.71
Jackson County Services	\$ 6,909.71
Lake Creek Rural Fire	\$ 6,909.71
ODF	\$ 6,909.71
OLCC	\$ 6,909.71
Prospect Fire	\$ 6,909.71
SOU	\$ 14,335.17
US Forest Service	\$ 6,909.71
<hr/>	
Ashland Fire	\$ 205,229.82
Ashland Police	\$ 463,519.89
Central Point Police	\$ 286,959.93
Eagle Point Police	\$ 148,966.24
Evans Valley Fire #6	\$ 23,806.03
Jackson County Sheriff	\$ 1,360,294.87
Jacksonville Fire	\$ 28,838.17
Jacksonville Police	\$ 67,654.57
JCFD #1	\$ 68,431.69
JCFD #3	\$ 421,825.99
JCFD #4	\$ 47,555.95
JCFD #5	\$ 160,182.20
JCFD #9	\$ 47,639.37
Medford Fire	\$ 697,196.99
Medford Police	\$ 1,441,482.79
Phoenix Police	\$ 73,628.36
Rogue River Police	\$ 37,172.84
Talent Police	\$ 90,104.27



AGENDA ITEM COMMENTARY

DEPARTMENT: Police
PHONE: (541) 774-2200
STAFF CONTACT: Randy Sparacino, Police Chief

AGENDA SECTION: Consent Calendar
MEETING DATE: July 18, 2019

COUNCIL BILL 2019-68

An ordinance authorizing execution of a contract in an amount of \$1,441,482.79 with Emergency Communications of Southern Oregon to provide police dispatch services for fiscal year 2019-20.

SUMMARY AND BACKGROUND

Council is requested to consider an Ordinance approving the renewal of the telecommunications Intergovernmental Agreement (IGA) for dispatch services with Emergency Communications of Southern Oregon (ECSO) in the amount of \$1,441,482.79. This agreement was initiated in 2012.

PREVIOUS COUNCIL ACTIONS

On June 16, 2016 – Council Bill 2016-80 was approved authorizing execution of the Emergency Communications of Southern Oregon, Intergovernmental Agreement to provide police and fire dispatch services in the amount of \$1,952,378.37 for FY 2016-17.

On June 15, 2017 – Council Bill 2017-62 was approved authorizing the execution of the Emergency Communication of Southern Oregon Intergovernmental Agreement for Police Department dispatch services for Fiscal Year 2017-18 in the amount of \$1,367,498.39 for FY 2017-18.

On July 5, 2018 – Council Bill 2018-80 was approved authorizing the execution of the Emergency Communication of Southern Oregon Intergovernmental Agreement for Police Department dispatch services in the amount of \$1,408,523.34.

On June 6, 2019, Council Bill 2019-45 was approved adopting the City of Medford budget for biennium 2019-21 and commencing July 1, 2019.

ANALYSIS

This contract outlines the fees and services provided by ECSO for the first year in the biennium (FY 2020). The police department relies on ECSO to receive 911 calls for service and forward the information on to personnel so they are able to respond to the needs of the caller. Their gathering of information and reporting in a timely and concise manner helps to ensure the caller is able to receive the appropriate resource for each response. The Police User Group has reviewed the policies, procedures, and protocols adopted by ECSO for compatibility with their own prior to presenting the contract for approval. The contractual amount is based on population, assessed value and calls for service.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

\$2,925,100 is budgeted for the two-year period in the Police Department, Administrative Support division, detailed on page 31 of the 2019-2021 Budget. The annual user rate estimated by ECSO for FY 2021 is \$1,484,200.



TIMING ISSUES

Approving and signing the contract will allow the City of Medford to continue to contract for dispatching services with ECSO.

COUNCIL OPTIONS

- Approve the ordinance as presented.
- Modify the ordinance as presented.
- Deny the ordinance and provide direction to staff.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to approve the ordinance authorizing the contract with Emergency Communications of Southern Oregon for Police dispatch services.

EXHIBITS

- Ordinance
- FY 2019-2020 User Rate Document
- IGA on file in City Records Office

ORDINANCE NO. 2019-68

AN ORDINANCE authorizing execution of a contract in an amount of \$1,441,482.79 with Emergency Communications of Southern Oregon to provide police dispatch services for fiscal year 2019-20.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That execution of a contract in an amount of \$1,441,482.79 with Emergency Communications of Southern Oregon to provide police dispatch services for fiscal year 2019-20, which is on file in the City Recorder's office, is hereby authorized.

PASSED by the Council and signed by me in authentication of its passage this ____ day of July, 2019.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2019

Mayor

Exhibit C

FY 2019-2020 User Rates

Agency	Rates
BLM	\$ 6,909.71
Butte Falls Fire	\$ 3,445.80
Butte Falls Police	\$ 6,909.71
Crater Lake National Park	\$ 14,335.17
Greensprings Fire	\$ 6,909.71
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ODF	\$ 6,909.71
OLCC	\$ 6,909.71
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Ashland Fire	\$ 205,229.82
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Eagle Point Police	\$ 148,966.24
Evans Valley Fire #6	\$ 23,806.03
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JCFD #1	\$ 68,431.69
JCFD #3	\$ 421,825.99
JCFD #4	\$ 47,555.95
JCFD #5	\$ 160,182.20
JCFD #9	\$ 47,639.37
Medford Fire	\$ 697,196.99
Medford Police	\$ 1,441,482.79
Phoenix Police	\$ 73,628.36
Rogue River Police	\$ 37,172.84
Talent Police	\$ 90,104.27



AGENDA ITEM COMMENTARY

DEPARTMENT: Police
PHONE: (541) 774-2234
STAFF CONTACT: Justin Ivens, Lieutenant

AGENDA SECTION: Consent Calendar
MEETING DATE: July 18, 2019

COUNCIL BILL 2019-69

An ordinance awarding a two-year contract in an amount not to exceed \$350,000 to Butler Automotive Group to provide police fleet maintenance services.

SUMMARY AND BACKGROUND

Council is requesting to consider an ordinance to award Butler Automotive Group the Medford Police Department fleet services contract for two years. An RFP was initiated on June 17, 2019. Two qualified automotive repair contractors submitted proposals to the City's Purchasing Agent by the deadline. A committee was formed consisting of one Police Department Administrator, one Police Department Supervisor, and a City of Medford Support Services Manager from Public Works. After reviewing the submitted proposals and using the pre-determined scoring criteria, Butler Automotive Group was selected.

PREVIOUS COUNCIL ACTIONS

On July 7, 2011 Council approved Council Bill 2011-112 awarding a contract in the amount of \$64,000 to Butler Automotive Group to provide fleet preventative maintenance services for the Police Department.

On July 18, 2013 Council approved Council Bill 2013-110 awarding a two-year renewal of a contract in an amount not to exceed \$250,000 with Butler Automotive Group to provide fleet preventative maintenance services for the Police Department.

On June 18, 2015 Council approved Council Bill 2015-65 awarding a two year contract in an amount not to exceed \$250,000 to Butler Automotive Group to provide police fleet maintenance services with a two-year renewal option, which was granted.

On June 6, 2019 Council approved Council Bill 2019-45 adopting the budget for the City of Medford for the biennium commencing July 1, 2019 and appropriating approved funds.

ANALYSIS

In support of the public safety vision of Medford, this helps to ensure the police department adheres to statewide professional standards of accountability, management, and operations through above standard fleet maintenance.

Two vendors, Butler Automotive Group and Lithia Nissan, submitted bids for this contract. Butler Automotive proposed an hourly shop rate of \$54.00 AMT/HR, compared to Lithia Nissan at \$75.98 AMT/HR. Butler Automotive Group proposed a service rate of \$32.75 AMT/HR for preventative vehicle maintenance, compared to Lithia Nissan \$38.00 AMT/HR. Along with the financial savings, Butler



AGENDA ITEM COMMENTARY

Automotive Group has been providing quality fleet service to the Medford Police Department since 2011.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

In the 2019-2021 biennium budget, \$385,000 was appropriated for police vehicle maintenance (page 3-28.) The financial consideration for the Fleet Maintenance Services contract is not to exceed \$350,000 for the two-year contract, \$175,000 for each year, from the vehicle maintenance account 1002111-6302510.

TIMING ISSUES

This contract will need to be in place for the new fiscal year maintenance needs.

COUNCIL OPTIONS

- Approve the ordinance as presented.
- Modify the ordinance as presented.
- Deny the ordinance and provide direction to staff.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to approve the ordinance awarding Butler Automotive Group the Fleet Maintenance Services contract for two years.

EXHIBITS

- Ordinance
- Contract on file in the City Recorder's Office.

ORDINANCE NO. 2019-69

AN ORDINANCE awarding a two-year contract in an amount not to exceed \$350,000 to Butler Automotive Group to provide police fleet maintenance services.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That a contract in an amount not to exceed \$350,000 to provide police fleet maintenance services, which is on file in the City Recorder's office, is hereby awarded to Butler Automotive Group.

PASSED by the Council and signed by me in authentication of its passage this ____ day of July, 2019.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2019

Mayor



AGENDA ITEM COMMENTARY

DEPARTMENT: Public Works

AGENDA SECTION: Consent Calendar

PHONE: (541) 774-2100

MEETING DATE: July 18, 2019

STAFF CONTACT: Cory Crebbin, P.E., Public Works Director

COUNCIL BILL 2019-70

An ordinance authorizing execution of an Addendum to the Solid Waste Collection Franchise Agreement with Rogue Disposal and Recycling, Inc., to continue leaf pickup services from November 1, 2019 to January 20, 2023.

SUMMARY AND BACKGROUND

Council is requested to consider an addendum to the Solid Waste Collection Franchise Agreement with Rogue Disposal and Recycling, Inc., to continue Leaf Pickup services for an additional four years.

PREVIOUS COUNCIL ACTIONS

On September 3, 2015, Council Bill 2015-87 was approved and an addendum was authorized to the Solid Waste Collection Franchise Agreement with Rogue Disposal and Recycling, Inc., to continue leaf pickup services until January 20, 2019.

On September 1, 2016, Council Bill 2016-113 was approved extending the term of the Solid Waste Franchise Agreement with Rogue Disposal and Recycling Inc., until December 31, 2027.

On June 6, 2019, Council approved Council Bill 2019-45 adopting the City of Medford Biennial Budget 2019-2021 which includes funds to pay for this service.

ANALYSIS

The franchisee has provided this service in an acceptable manner for the past 18 years. Outsourcing this activity to a firm with the equipment and expertise to efficiently pick up waste in the City of Medford allows the Public Works Department to focus on storm drain maintenance and customer service activities which cannot be efficiently outsourced.

The franchisee performs this service on a time and materials basis with an annual not-to-exceed price of \$126,000. The total not-to-exceed amount has never been billed over the life of this program.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

The not-to-exceed amount of the proposed addendum is \$502,000. The Storm Drain Utility Fund has sufficient resources for the first two years of this agreement in the current biennial budget. Budgeted funds are shown on page 9-22 of the Preliminary Biennial Budget 2019-2021 in the Storm Drain Utility Fund-Materials & Services. Continuation of this service in the final two years is contingent on approval of funds in the next budget.

TIMING ISSUES

Leaf pickup activities start in November, but the service provider needs lead time in order to have resources available to implement this program.



COUNCIL OPTIONS

Approve the addendum.

Modify the addendum and consider approval at a future Council meeting.

Deny the addendum and provide direction to staff regarding the Leaf Pickup Program.

STAFF RECOMMENDATION

Staff recommends approval of the addendum.

SUGGESTED MOTION

I move to approve the addendum to the Solid Waste Franchise Agreement to include the Leaf Pickup Program.

EXHIBITS

Ordinance

Solid Waste Franchise Agreement addendum of file in the City Recorder's Office.

ORDINANCE NO. 2019-70

AN ORDINANCE authorizing execution of an Addendum to the Solid Waste Collection Franchise Agreement with Rogue Disposal and Recycling, Inc., to continue leaf pickup services from November 1, 2019 to January 20, 2023.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That execution of an Addendum to the Solid Waste Collection Franchise Agreement with Rogue Disposal and Recycling, Inc., to continue leaf pickup services from November 1, 2019 to January 20, 2023, which is on file in the City Recorder's office, is hereby authorized.

PASSED by the Council and signed by me in authentication of its passage this ____ day of July, 2019.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2019.

Mayor



AGENDA ITEM COMMENTARY

DEPARTMENT: Public Works

AGENDA SECTION: Consent Calendar

PHONE: (541) 774-2100

MEETING DATE: July 18, 2019

STAFF CONTACT: Cory Crebbin, P.E., Public Works Director

COUNCIL BILL 2019-71

An ordinance awarding a contract in an amount of \$503,502.50 to JRT Construction, LLC, for the Crater Lake Avenue and Owen Drive Intersection Improvements Project.

SUMMARY AND BACKGROUND

Council is requested to consider an ordinance authorizing award of a construction contract to JRT Construction, LLC, to construct intersection improvements at Crater Lake Avenue and Owen Drive. The project will signalize the intersection and construct a right turn lane onto southbound Crater Lake Avenue.

Public Works received bids for the project on June 20, 2019. JRT Construction, LLC, submitted the lowest responsible bid of \$503,502.50. Four (4) bids were received and are shown on the attached Bid Summary.

The 2017-2019 Biennial budgeted appropriated \$1,560,000 for this project to account for construction of the most expensive alternative, a roundabout, if the alternatives analysis concluded it was needed. The City's consultant, Kittelson and Associates, completed the alternatives analysis in August 2018 and concluded a signal was the preferred intersection treatment. Signalizing the intersection costs much less than a roundabout, hence the difference between the June 20, 2019, low bid and the 2017-2019 budget.

PREVIOUS COUNCIL ACTIONS

On June 15, 2017, Council Bill 2017-57 was approved adopting the City of Medford Budget for the biennium commencing July 1, 2017, appropriating funds for this project.

On March 1, 2018, Council Bill 2018-23 was approved and a contract was awarded to Kittelson and Associates, Inc. for alternatives analysis and design of intersection improvements at the Crater Lake Avenue and Owen Drive Intersection.

On October 11, 2018, Council held a study session that concurred with a signal and right turn lane be installed at the intersection.

On December 6, 2018, Council Bill 2018-126 was approved adopting the City of Medford Transportation System Plan (TSP) that identified the Crater Lake Avenue and Owen Drive intersection as a Tier 1 Intersection Project (Project # I-12, Page 84).

ANALYSIS

A 2016 analysis of the intersection of Crater Lake Avenue and Owen Drive concluded that the intersection does not meet the City's Level-of-Service (LOS) standard. The City completed a traffic



signal warrant analysis in 2016 that showed the crash experience exceeded five or more correctable accidents in a 12-month period.

This project improves the Level-of-Service (LOS), safety, and capacity of the Crater Lake Avenue and Owen Drive intersection by installing a traffic signal and adding a right turn lane for eastbound traffic.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

\$503,502.50 budgeted in Gas Tax Fund 530.

Delta Water Properties, LLC, paid \$393,300.00 that was deposited into Fund 530 for offsite traffic mitigation in conjunction with Delta Estates New Home Community.

TIMING ISSUES

If Council approves a construction contract with JRT Construction, LLC, the project will commence shortly thereafter with all work scheduled to be complete October 18, 2019.

COUNCIL OPTIONS

Approve the ordinance as presented.

Modify the ordinance as presented.

Deny the ordinance and provide direction to staff regarding improvements to this intersection.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance for a contract with JRT Construction, LLC.

SUGGESTED MOTION

I move to approve the ordinance for a contract in the amount of \$503,502.50 to JRT Construction, LLC, for the Crater Lake Avenue and Owen Drive Intersection Improvements Project.

EXHIBITS

Ordinance

Bid Summary

Site Map

Contract documents are on file in the City Recorder's office

ORDINANCE NO. 2019-71

AN ORDINANCE awarding a contract in an amount of \$503,502.50 to JRT Construction, LLC, for the Crater Lake Avenue and Owen Drive Intersection Improvements Project.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That a contract in the amount of \$503,502.50 for construction for intersection improvements, is hereby awarded to JRT Construction, LLC.

PASSED by the Council and signed by me in authentication of its passage this ____ day of July, 2019.

ATTEST: _____
City Recorder

Mayor

APPROVED _____ 2019.

Mayor

Project: Crater Lake Ave. & Owen Dr. Intersection Improvements

Location: Crater Lake Ave. & Owen Dr.

Project No: T291

Date of Bid Opening: June 20, 2019

Proj Mgr: D. Hart / K. Parducci

CITY OF MEDFORD

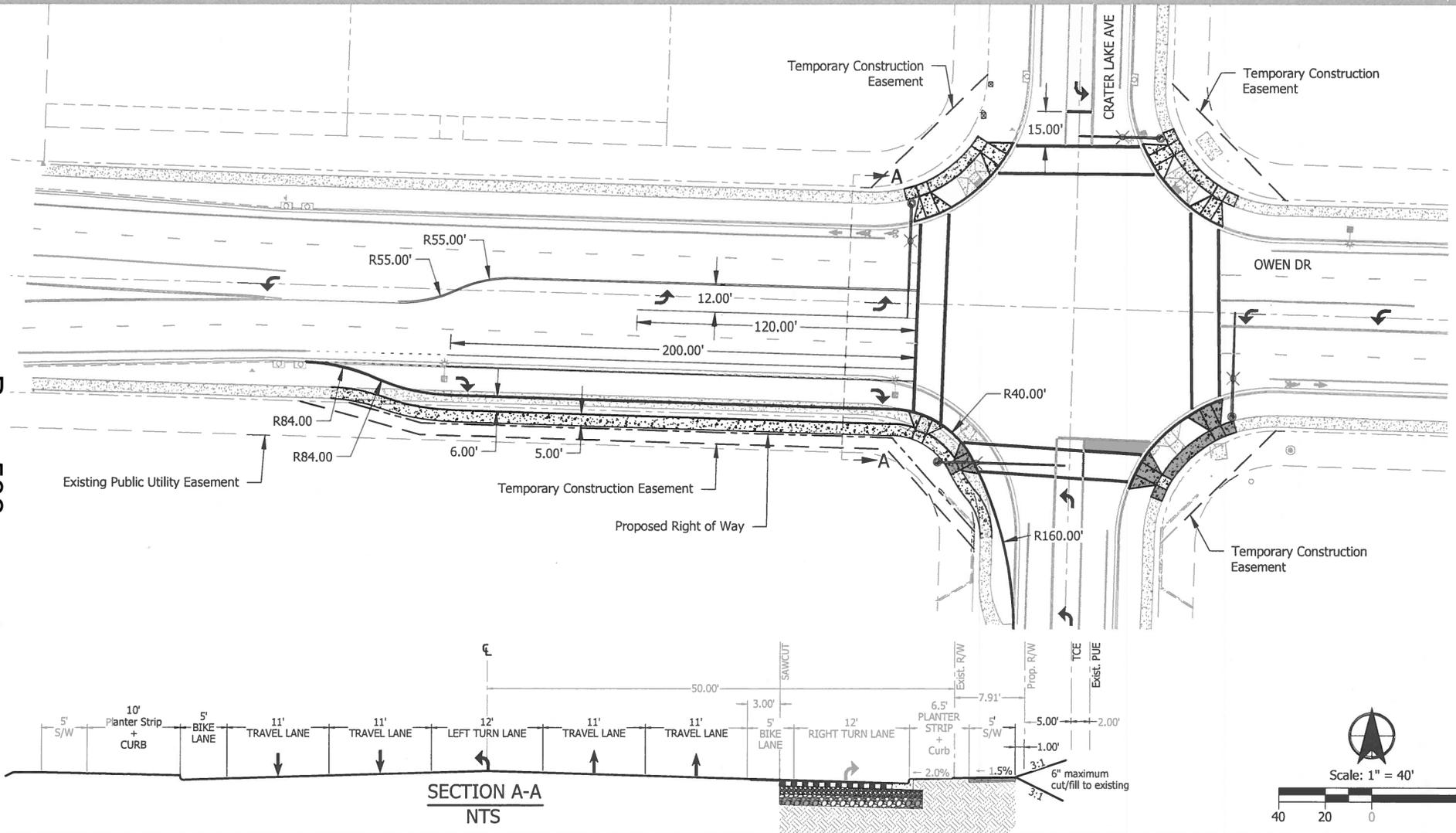


JRT Construction	\$503,502.50
LTM Inc. dba Knife River Materials	\$550,505.55
Central Pipeline, Inc.	\$574,050.50
HGC, Inc.	\$576,230.50

Proposed Improvements

Preliminary Design Subject to Change
Date: January 30, 2019

Page 532





AGENDA ITEM COMMENTARY

Approve the ordinance as presented.

Modify the ordinance as presented.

Deny the ordinance as presented and provide direction to staff regarding pavement maintenance.

STAFF RECOMMENDATION

Approve the ordinance awarding Knife River Materials a contract to supply asphalt.

SUGGESTED MOTION

I move to approve the ordinance for award of the two-year asphalt supply contract to Knife River materials.

EXHIBITS

Ordinance

Bid Tabulation

Contract on file in the City Recorder's office

ORDINANCE NO. 2019-72

AN ORDINANCE awarding a contract in an amount of \$1,280,000 to Knife River Materials for the purchase of bulk asphalt concrete supply through June 30, 2021.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That a contract in an amount of \$1,280,000, for the purchase of bulk asphalt concrete supply through June 30, 2021, which is on file in the City Recorder's office, is hereby awarded to Knife River Materials.

PASSED by the Council and signed by me in authentication of its passage this ____ day of July, 2019.

ATTEST: _____
City Recorder

Mayor

APPROVED _____ 2019.

Mayor

ITB 19-001 PW

Asphalt Supply

Bid Tabs

BI No	Supplier	Low Bidder	Apprx Qty	Johnny Cat Inc.	Knife River Materials
	Material				
1A	Hot Mix Asphalt, "C" Mix, Commercial	KR	20,000 ton	\$61.00	\$54.00
1B	Warm Mix Asphalt, "C" Mix, Commercial	KR	20,000 ton	-	\$54.00
2	Forti-Fi, Fiber for HMA or WMA	KR	20,000 lbs	-	\$10.00
3	Cold Mix Asphalt	-	200 ton	-	-



AGENDA ITEM COMMENTARY

DEPARTMENT: Public Works

PHONE: (541) 774-2100

STAFF CONTACT: Cory Crebbin, P.E., Public Works Director

AGENDA SECTION: Consent Calendar

MEETING DATE: July 18, 2019

COUNCIL BILL 2019-73

An ordinance authorizing payment in the amount of \$550,888.00 to Rocky Knoll, LLC for acquisition of real property between Hillcrest Road and McAndrews Road for street improvements.

SUMMARY AND BACKGROUND

Council is requested to consider an ordinance authorizing payment to Rocky Knoll, LLC for real property to be used to construct street improvements on Foothill Road between Hillcrest Road and McAndrews Road, as part of the Foothill Road Improvements Project.

The cost for the acquisition is \$550,888.00 and includes 75,908 sq. ft. of real property, 46,370 sq. ft. of permanent slope easement, and 34,375 sq. ft. of temporary construction easement. The acquisition also includes compensation for existing gravel surfacing and 10 conifer trees that are located within the construction limits.

PREVIOUS COUNCIL ACTIONS

On May 21, 2015 Council Bill 2015-49 was approved authorizing execution of a \$10 million Loan Agreement from the Oregon Transportation Infrastructure Bank (OTIB) for improvements to Foothill Road between Hillcrest Road and McAndrews Road, as part of the Foothill Road Improvements Project.

On September 17, 2015 Council Bill 2015-95 was approved authorizing execution of Intergovernmental Agreement No. 30421 with the Oregon Department of Transportation (ODOT) pertaining to street improvements on Foothill Road between Hillcrest Road and McAndrews Road, as part of the Foothill Road Improvements Project.

On May 5, 2016 Council Bill 2016-55 was approved authorizing execution of Intergovernmental Agreement No. 31209 with the Oregon Department of Transportation (ODOT) to define right of way acquisition roles and responsibilities for street improvements on Foothill Road between Hillcrest Road and McAndrews Road, as part of the Foothill Road Improvements Project.

On August 17, 2017 Council Bill 2017-68 was approved authorizing the construction of street improvements on Foothill Road between Hillcrest Road and McAndrews Road, as part of the Foothill Road Improvements Project.

On June 6, 2019 Council Bill 2019-45 was approved adopting the budget for the City of Medford for the biennium commencing July 1, 2019. The project is included in the budget on Page 9-46.



ANALYSIS

The real property was appraised by an ODOT Certified and State Licensed Appraiser and through negotiations with Rocky Knoll, LLC, and in accordance with State Acquisition Guidelines, an amicable agreement was reached.

The real property is needed for utility relocations and the future construction of Foothill Road per the design approved by Council on August 17, 2017.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

\$550,888.00 budgeted in Gas Tax Fund 530.

The project is included in the current City of Medford 2019-2021 Biennial Budget on Page 9-46.

TIMING ISSUES

If Council approves the acquisition of real property with Rocky Knoll, LLC the project utility relocations will commence shortly thereafter and will allow for future construction of Foothill Road.

COUNCIL OPTIONS

Approve the ordinance as presented.

Modify the ordinance as presented.

Deny the ordinance and provide direction to staff regarding acquisition of real property from Rocky Knoll, LLC.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance for acquisition of real property with Rocky Knoll, LLC.

SUGGESTED MOTION

I move to approve the ordinance for the acquisition of real property in the amount of \$550,888.00 with Rocky Knoll, LLC for the street improvements on Foothill Road between Hillcrest Road and McAndrews Road, as part of the Foothill Road Improvements Project.

EXHIBITS

Ordinance

Foothill Road Right of Way Map

Contract documents (Purchase & Sale Agreement) are on file in the City Recorder's office

ORDINANCE NO. 2019-73

AN ORDINANCE authorizing payment in the amount of \$550,888 to Rocky Knoll, LLC for acquisition of real property between Hillcrest Road and McAndrews Road for street improvements.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That a payment in the amount of \$550,888 to Rocky Knoll, LLC for acquisition of real property between Hillcrest Road and McAndrews Road is approved.

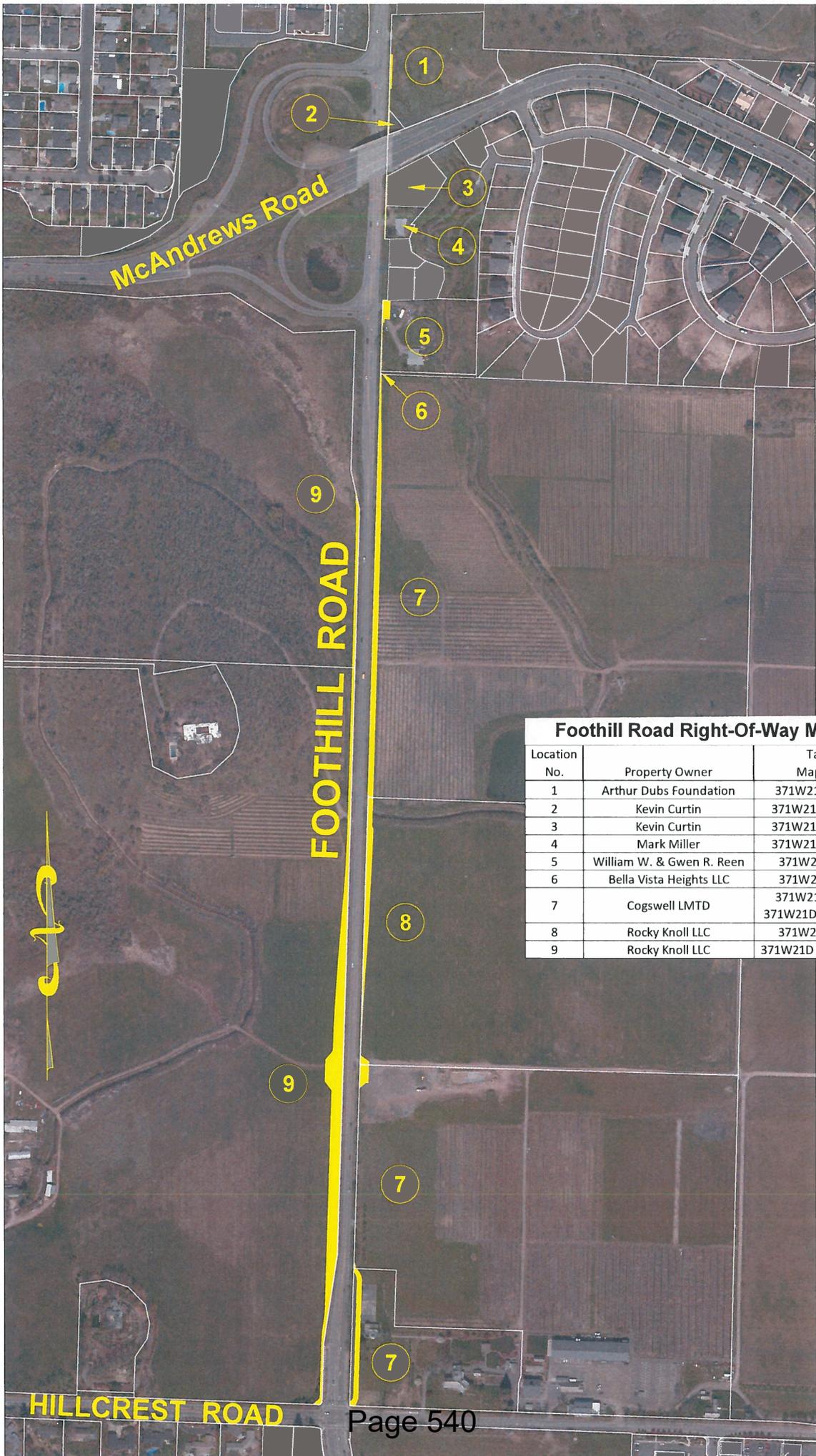
PASSED by the Council and signed by me in authentication of its passage this ____ day of July, 2019.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2019

Mayor



McAndrews Road

FOOTHILL ROAD

HILLCREST ROAD

Foothill Road Right-Of-Way Map

Location No.	Property Owner	Tax Maplot
1	Arthur Dubs Foundation	371W21AB 900
2	Kevin Curtin	371W21AB 1000
3	Kevin Curtin	371W21AB 1200
4	Mark Miller	371W21AB 1500
5	William W. & Gwen R. Reen	371W21A 400
6	Bella Vista Heights LLC	371W21A 300
7	Cogswell LMTD	371W21A 1400 371W21D 300&301
8	Rocky Knoll LLC	371W21D 101
9	Rocky Knoll LLC	371W21D 102&1500



AGENDA ITEM COMMENTARY

DEPARTMENT: Public Works

AGENDA SECTION: Consent Calendar

PHONE: (541) 774-2100

MEETING DATE: July 18, 2019

STAFF CONTACT: Cory Crebbin, P.E., Public Works Director

COUNCIL BILL 2019-74

An ordinance authorizing payment in the amount of \$173,600 to Cogswell Limited Partnership for acquisition of real property on Foothill Road between Hillcrest Road and McAndrews Road for street improvements.

SUMMARY AND BACKGROUND

Council is requested to consider an ordinance authorizing payment to Cogswell Limited Partnership for real property to be used to construct street improvements on Foothill Road between Hillcrest Road and McAndrews Road, as part of the Foothill Road Improvements Project.

The cost for the acquisition is \$173,600.00 and includes 25,278 sq. ft. of real property, 42,070 sq. ft. of permanent slope easement, and 18,712 sq. ft. of temporary construction easement. The acquisition also includes compensation for existing gravel surfacing, display signs, landscaping and irrigation, and 32 deciduous trees that are located within the construction limits.

PREVIOUS COUNCIL ACTIONS

On May 21, 2015 Council Bill 2015-49 was approved authorizing execution of a \$10 million Loan Agreement from the Oregon Transportation Infrastructure Bank (OTIB) for improvements to Foothill Road between Hillcrest Road and McAndrews Road, as part of the Foothill Road Improvements Project.

On September 17, 2015 Council Bill 2015-95 was approved authorizing execution of Intergovernmental Agreement No. 30421 with the Oregon Department of Transportation (ODOT) pertaining to street improvements on Foothill Road between Hillcrest Road and McAndrews Road, as part of the Foothill Road Improvements Project.

On May 5, 2016 Council Bill 2016-55 was approved authorizing execution of Intergovernmental Agreement No. 31209 with the Oregon Department of Transportation (ODOT) to define right of way acquisition roles and responsibilities for street improvements on Foothill Road between Hillcrest Road and McAndrews Road, as part of the Foothill Road Improvements Project.

On August 17, 2017 Council Bill 2017-68 was approved authorizing the construction of street improvements on Foothill Road between Hillcrest Road and McAndrews Road, as part of the Foothill Road Improvements Project.

On June 6, 2019 Council Bill 2019-45 was approved adopting the budget for the City of Medford for the biennium commencing July 1, 2019. The project is included in the budget on Page 9-46.



ANALYSIS

The real property was appraised by an ODOT Certified and State Licensed Appraiser and through negotiations with Cogswell Limited Partnership, and in accordance with State Acquisition Guidelines, an amicable agreement was reached.

The real property is needed for utility relocations and the future construction of Foothill Road per the design approved by Council on August 17, 2017.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

\$173,600.00 budgeted in Gas Tax Fund 530.

The project is included in the current City of Medford 2019-2021 Biennial Budget on Page 9-46.

TIMING ISSUES

If Council approves the acquisition of real property with Cogswell Limited Partnership the project utility relocations will commence shortly thereafter and will allow for future construction of Foothill Road.

COUNCIL OPTIONS

Approve the ordinance as presented.

Modify the ordinance as presented.

Deny the ordinance and provide direction to staff regarding acquisition of real property from Cogswell Limited Partnership.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance for acquisition of real property with Cogswell Limited Partnership.

SUGGESTED MOTION

I move to approve the ordinance for the acquisition of real property in the amount of \$173,600.00 with Cogswell Limited Partnership for the street improvements on Foothill Road between Hillcrest Road and McAndrews Road, as part of the Foothill Road Improvements Project.

EXHIBITS

Ordinance

Acquisition Summary Statement

Foothill Road Right of Way Map

Purchase & Sale Agreement on file in the City Recorder's Office.

ORDINANCE NO. 2019-74

AN ORDINANCE authorizing payment in the amount of \$173,600 to Cogswell Limited Partnership for acquisition of real property on Foothill Road between Hillcrest Road and McAndrews Road for street improvements.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That a payment in the amount of \$173,600 to Cogswell Limited Partnership for acquisition of real property on Foothill Road between Hillcrest Road and McAndrews Road for street improvements, is approved.

PASSED by the Council and signed by me in authentication of its passage this ____ day of July, 2019.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2019

Mayor



ACQUISITION SUMMARY STATEMENT

April 23, 2018

Name: Cogswell Limited Partnership **File No: 9299-010**
 3285 Hillcrest Rd.
 Medford, OR. 97504

Situs: N. Foothill Rd. (371W21D TL300/301 & 371W21A TL400)
 Medford, Oregon, 97504

Project: P1825 – Foothill Road (McAndrews to Hillcrest) Project

Land and Improvements	<u>\$89,326.00</u>
Damages	<u>\$0.00</u>
Other (negotiated settlement)	<u>\$84,268.00</u>
Total Just Compensation:	<u>\$173,600.00 (rounded)</u>

Land Acquired:

1.	Fee Taking	(see attached appraisal)	= \$18,768.00
2.	Permanent Slope Easement	(see attached appraisal)	= \$9,604.00
3.	Permanent Multi-Use Path Easement	(see attached appraisal)	= \$31,036.00
4.	Temporary Construction Easement	(see attached appraisal)	= \$9,799.00
	Value of Land Acquisition		= \$69,207.00

Improvements in Acquisition Area:

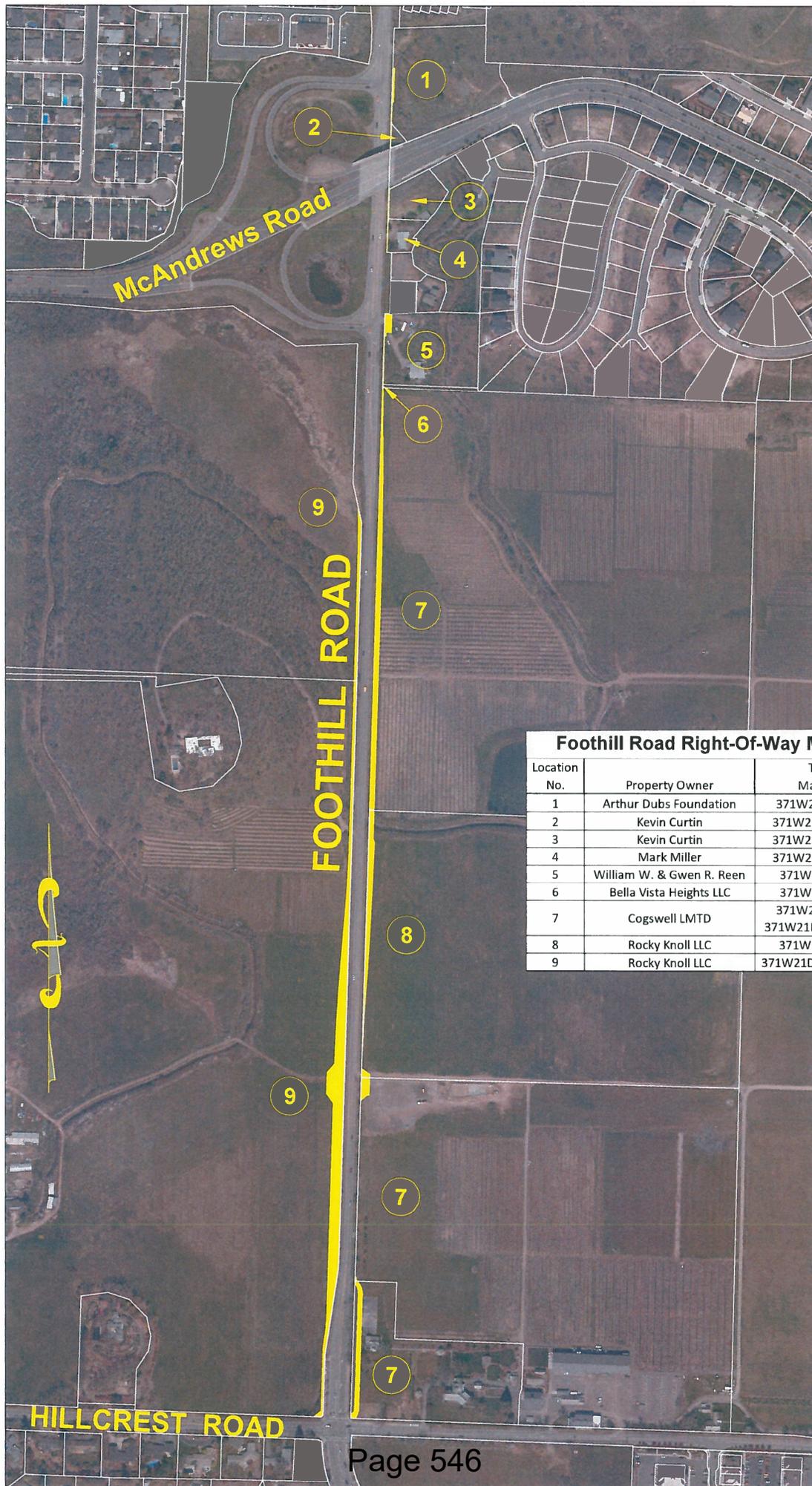
North Display Sign		
South Display Sign		
Gravel Surface		
Sprinkler System		
Grass Landscaping		
Small Deciduous Trees		
Large Deciduous Trees		
Value of Improvements within Acquisition Area		= \$20,119.00

Negotiated Settlement:

Lanscaping Allowance	=	\$46,768.00
Fencing Allowance	=	\$37,500.00
Total	=	\$84,268.00

Note:

Lanscaping allowance negotiated per submitted bid from Natural Systems Landscape.
Fencing allowance negotiated at \$75/lf for approximately 500 lineal feet.
Temporary Construction Easement for a term of 2 years from start of construction or project completion, whichever is sooner.



Foothill Road Right-Of-Way Map

Location No.	Property Owner	Tax Maplot
1	Arthur Dubs Foundation	371W21AB 900
2	Kevin Curtin	371W21AB 1000
3	Kevin Curtin	371W21AB 1200
4	Mark Miller	371W21AB 1500
5	William W. & Gwen R. Reen	371W21A 400
6	Bella Vista Heights LLC	371W21A 300
7	Cogswell LMTD	371W21A 1400 371W21D 300&301
8	Rocky Knoll LLC	371W21D 101
9	Rocky Knoll LLC	371W21D 102&1500



DEPARTMENT: Public Works

AGENDA SECTION: Ordinances and Resolutions

PHONE: (541) 774-2100

MEETING DATE: July 18, 2019

STAFF CONTACT: Cory Crebbin, P.E., Public Works Director

COUNCIL BILL 2019-62

SECOND READING. An ordinance authorizing the establishment of a 20 mph designated speed for Valley View Drive, between Hillcrest Road and Capital Avenue.

SUMMARY AND BACKGROUND

Council is requested to consider a second reading of an ordinance for a 20 mile-per-hour (MPH) designated speed on Valley View Drive, between Hillcrest Road and Capital Avenue. This action is recommended by the Transportation Commission (TC) and Traffic Coordinating Committee (TCC).

PREVIOUS COUNCIL ACTIONS

On June 20, 2019, Council approved Council Bill 2019-62 with 4 Council members voting "yes", 2 Council members voting "no", and 2 Council members being absent. Council Bill 2019-62 is an ordinance authorizing the establishment of a 20 mph designated speed for Valley View Drive, between Hillcrest Road and Capital Avenue. A second reading is required.

ANALYSIS

Oregon Revised Statute (ORS) 810.180 requires that a 20 MPH designated speed be established by ordinance. If the City Council approves this ordinance, the Public Works Department will post Yield Roadway signage and SPEED LIMIT 20 signs.

A citizen traffic request was received proposing that Valley View Drive, between Hillcrest Road and Capital Avenue, be changed from a two-way street to a one-way street with bike lanes. Concerns stated in the letter included vehicular, bicycle, and pedestrian safety and preservation of the Heritage American Elm trees on this section of the street.

On May 24, 2018, the TCC heard the concerns of the citizens and recommended that Public Works research the request and report back. An additional concern raised at the May 24th meeting was the speed of traffic.

Public Works performed an analysis of peak volumes under the base traffic volumes and with re-routed traffic and found no significant changes to the delay at the intersections. However, the requested change would add approximately 630 vehicles per day (VPD) to Capital Avenue between Sunrise Avenue and Valley View Drive, which currently carries about 350 VPD. This equates to a 280% increase with approximately 80 new trips in the peak hour.

Public Works sent a letter to 270 residents along Valley View Drive, Capital Avenue, and in the immediate proximity of those streets, requesting feedback on the proposed changes. Out of 51 responses received, 23 were in favor of the one-way and 28 were in favor of the existing conditions.



Public Works recommended that the TCC consider a Yield Roadway treatment for this section of Valley View found in the Federal Highway Administration (FHWA) Small Town and Rural Multimodal Networks publication. The Yield Roadway is intended for streets that are 12-20 feet wide with very low traffic volumes operating at low speeds. Design recommendations for Valley View to achieve a Yield Roadway are to leave the centerline unmarked and to install pedestrian warning signs and two-way traffic warning signs. The TCC also recommended that the speed limit be reduced to 20 MPH. Recent changes to ORS 810.180 authorize the City Council to adopt an ordinance designating a 20MPH speed limit on low volume, low speed, residential streets that have signage indicating the presence of pedestrians or bicyclists.

On April 24, 2019, the TC concurred with the TCC recommendations.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

The signs are anticipated to cost about \$1,200 which is budgeted in the Street Maintenance Fund.

TIMING ISSUES

None.

COUNCIL OPTIONS

- Approve the ordinance as presented.
- Modify and approve the ordinance.
- Deny the ordinance and provide direction to staff.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to approve the ordinance authorizing the establishment of a 20 mph designated speed for Valley View Drive, between Hillcrest Road and Capital Avenue.

EXHIBITS

- Ordinance
- Request Letter
- Yield Roadway Document

ORDINANCE NO. 2019-62

AN ORDINANCE authorizing the establishment of a 20 mph designated speed for Valley View Drive, between Hillcrest Road and Capital Avenue.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That establishment of a 20 mph designated speed for Valley View Drive, between Hillcrest Road and Capital Avenue, is hereby authorized.

PASSED by the Council and signed by me in authentication of its passage this ____ day of July, 2019.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2019.

Mayor

Valley View Drive bears unique historical significance. In the early 1900s, the street was designed and engineered to be a driveway for homes along the street and once housed the tracks for the electric streetcar of the Southern Oregon Traction Co. so integral to Medford's development as a thriving city. The portion between Hillcrest and Capital has been lined on both sides by American Elm trees for over a century. American Elm trees grew famous as part of the American Revolution and are honored at Liberty Tree Park in Boston and at Central Park in New York City.

There has been active neighborhood involvement with the City's arborists over the decades to ensure that both the neighbors and the City maintain the canopy to preserve the historical look of the area and Medford's unique history. The canopy-lined portion of the street is also the narrowest portion of the street. At the present time, traffic can travel both directions on Valley View Drive.

Our Concerns:

The residents of Valley View Drive and the surrounding area are concerned about vehicular, bicycle, and pedestrian safety given the street design and our shared desire to preserve and protect the endangered and recently named Heritage American Elm Trees on this section of Valley View Drive.

Neighborhood Goals:

- To preserve the canopy-lined portion of the street maintaining its current country lane look.
- Increase human safety by reducing travel in one direction only that is fitting for the width of the street.
- To preserve and protect the endangered heritage American Elm trees and new rooting canopy trees
- To reduce motor vehicle crashes and increase safety for both humans and vehicles
- To comply with the city's designation/codes
- To create new, safer pathways for non-motor commuters

Our Request of the Traffic Coordinating Committee:

- 1) Make Valley View Drive one-way (traffic moving south to north) between Hillcrest and Capital. This would be more in alignment with the width of the surrounding streets and alleyways.
- 2) Paint the street to create a pedestrian/bike path between Hillcrest and Capital.

More about the American Elm canopy:

The American Elm trees that line both sides of Valley View Drive between Hillcrest and Capital are approximately 110 years old. Many cities across the US have suffered catastrophic declines of American Elm trees due to Dutch Elm's disease. These trees can live up to 200-300 years if they are properly cared for. The City of Medford arborist recently tested the Valley View elms for DED (Dutch Elm Disease) and found them to be free of disease and healthy. The City of Medford has awarded the American Elm trees on Valley View Drive the Heritage Tree designation. The award will be announced at the annual Arbor Day celebration on May 12th. Heritage trees are chosen to bring awareness to the social, cultural, historical and ecological value of trees. Candidate heritage trees are also assessed for form, shape, beauty, age, color, rarity, genetic constitution, their prominence as community landmarks and their cultural and historical significance.

The City of Medford arborist recommended to preserve the American Elms on Valley View by limiting traffic/weight on Valley View Drive which would alleviate stress on the trees and their roots and limbs. When cars pull over to allow for passing traffic, there is potential damage to the elm roots and over hanging limbs. By making Valley View Drive a one-way street, we could reduce the traffic/weight on the street and damage that occurs when vehicles pull over onto the roots. We would also reduce the risk of accidents that could damage the trees.

More about Traffic and Safety Concern:

There have been 17 motor vehicle crashes at the Valley View Drive and Hillcrest intersection over the last five years and many more near misses. It is extremely dangerous. Turning right onto Valley View Drive from Hillcrest requires moving into oncoming traffic on Valley View due to the sharp and narrow curve. The streets are narrow and the view is obstructed. If Valley View Drive were one-way (traffic moving south to north), the intersection between Hillcrest and Valley View Drive would become safer. This would also maintain access for emergency vehicles and utility/trash disposal vehicles.

More about Current Designation of this street:

According to the City of Medford, Valley View Drive is designated as a minor residential street. A minor residential street is defined as being 28 feet wide paved for bi-directional traffic and parking on both sides of the street. Valley View Drive between Hillcrest and Capital is 16 feet and 8 inches wide. It is not safe for two cars to drive by in opposite directions. Currently cars moving in one direction will pullover on the side of the road and stop and let the traffic moving in the other direction go by. By making Valley View Drive one-way between Hillcrest and Capital, you would decrease the risk of crashes and potential injuries. It would also be safer for the residents on the street to access their mail boxes and trash bins without concern for their safety.

More about City of Medford Neighborhood Goals:

The City of Medford has a goal to make Medford more bicycle and pedestrian friendly. With the proposal of making Valley View one-way, it dramatically improves the safety for bicycle and pedestrian traffic on Valley View Drive. It would create a new pathway for bike and pedestrian commuters alleviating traffic in other parts of the city. It is also in alignment with other city planning efforts to promote walkways such as the newly placed park bench on Hillcrest near the intersection of Valley View and Hillcrest. Our goal would be to have bicycle and pedestrian lanes painted on the paved road to clearly delineate the motor vehicle and bicycle/pedestrian-only lanes.

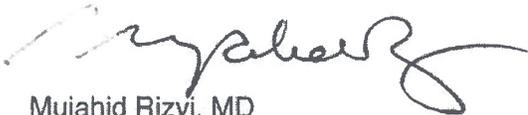
Please refer to the following exhibits:

- A. Mail Tribune January 14, 2007 Article about the history of Valley View Drive
- B. Pictorial Vision Valley View-Hillcrest intersection
- C. Pictorial Vision on Valley View Drive approaching Capital going one-way
- D. Pictorial Vision Valley View Drive-Capital intersection

We are also submitting this proposal to the Medford Bicycle and Pedestrian Advisory Committee and the City of Medford Tree Committee/Parks and Recreation Committee for their endorsements.

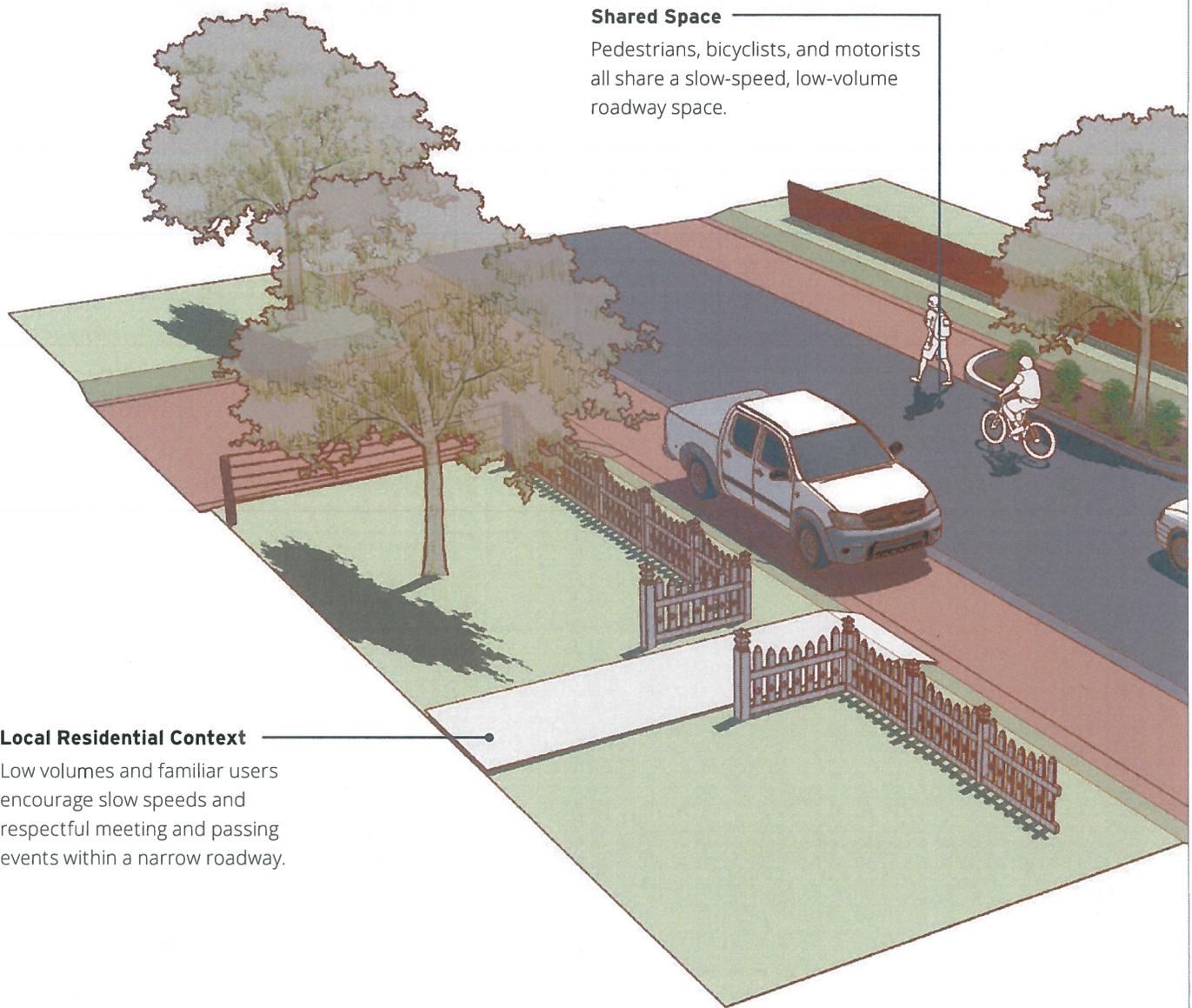
If you have any questions, please feel free to email or call me.

Sincerely,



Mujahid Rizvi, MD
226 Valley View Drive
Medford, OR 97504
541-779-1827
ebrender@gmail.com

cc: Kim Wallen, Councilmember Ward 4
Michael Zarosinski, Councilmember Ward 4



Shared Space

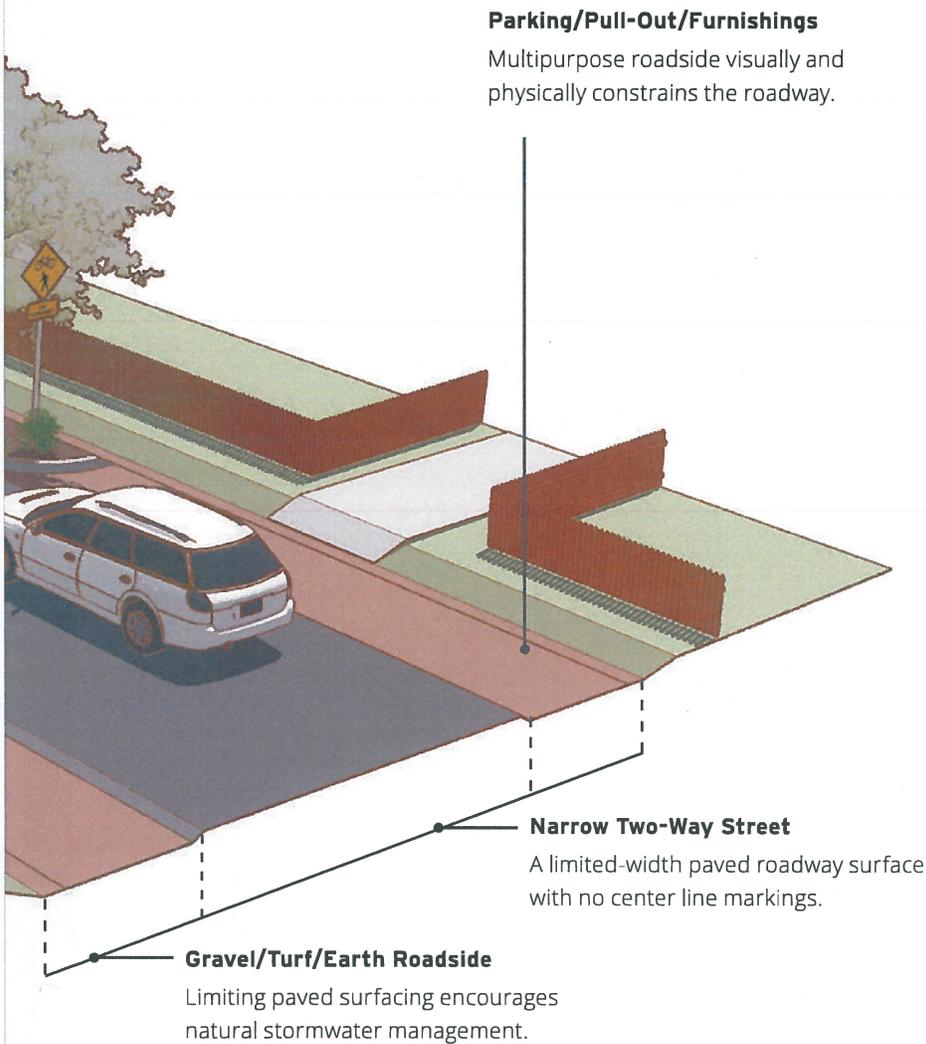
Pedestrians, bicyclists, and motorists all share a slow-speed, low-volume roadway space.

Local Residential Context

Low volumes and familiar users encourage slow speeds and respectful meeting and passing events within a narrow roadway.

Yield Roadway

A yield roadway is designed to serve pedestrians, bicyclists, and motor vehicle traffic in the same slow-speed travel area. Yield roadways serve bidirectional motor vehicle traffic without lane markings in the roadway travel area.

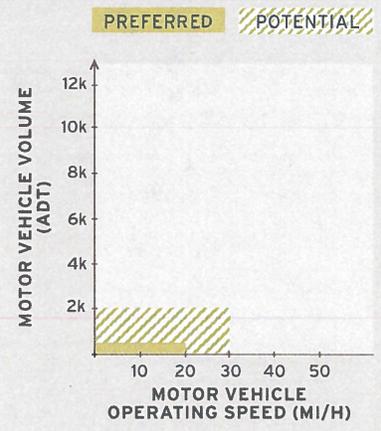


BENEFITS

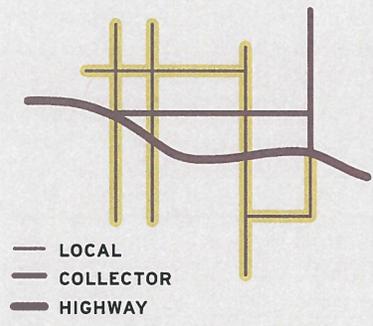
- Less costly to build and/or maintain than fully paved cross sections.
- Connects local residential areas to destinations on the network.
- Limits impermeable surface area and minimizes stormwater runoff.
- Maintains aesthetic of narrow roads and uncurbed road edges.
- Encourages slow travel speed when narrower than 20 ft (6.0 m).
- Can support a larger tree canopy when located within wide unpaved roadside areas.
- Supports on-street or shoulder parking for property access.
- Low maintenance needs over time.

APPLICATION

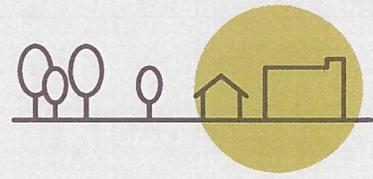
Speed and Volume
Appropriate on roads with very low volumes⁽¹⁾ and low speed.



Network
Local residential roadways. Not for through motor vehicle travel.



Land Use
Within built-up areas, particularly near residential land uses where most traffic is familiar with prevailing road conditions.





Yield Roadway

Yield roadways can effectively serve local travel needs, maintain aesthetic preferences, and is a common form for low-volume local rural roads. When operating at very-low volumes and at low speeds, pedestrians and bicyclists are comfortable walking within the travel area of the roadway.^(v) Yield roadways are designed with narrow roadway dimensions to prioritize local access and community livability.

For more information on related roadway types, refer to sections on **Slow Streets and Shared Streets** in *FHWA Achieving Multimodal Networks 2016*.

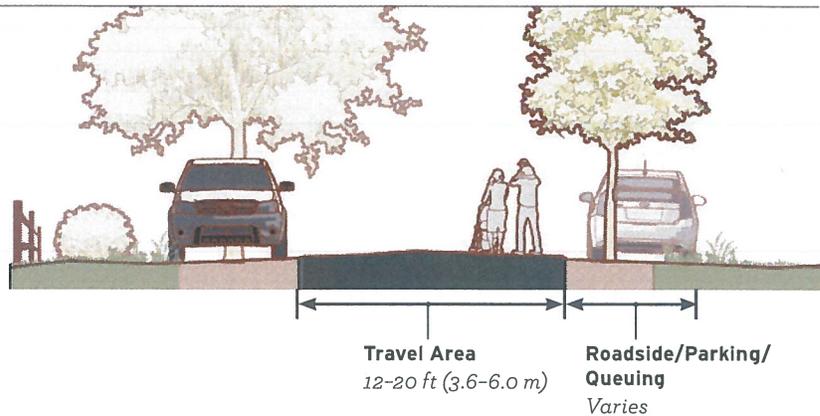


Figure 2-1. When vehicles travelling in opposite directions meet, the two vehicles may not have enough room to pass within the travel area. One vehicle may need to pull into a parking lane, pull-out, or driveway area to let the other pass.

GEOMETRIC DESIGN

TWO-WAY TRAVEL LANE

The paved two-way travel lane should be narrow to encourage slow travel speeds and require courtesy yielding when vehicles traveling in opposite directions meet.

- Total traveled way width may vary from 12 ft (3.6 m)–20 ft (6.0 m).^(vi)
- Traveled way width below 15 ft (4.5 m) or below function as a two-way single-lane roadway and should follow the guidance of the *AASHTO Low Volume Roads 2001*.

- A** When width is 15 ft (4.5 m) or narrower, provide pull-out areas every 200–300 ft to allow for infrequent meeting and passing events between motor vehicles. Pull-out areas may be established in the parking lane or roadside area.^(vi)
- Access for emergency vehicles should be provided.^(vi) There is no single fire code standard for local roads; however, a range of clear widths for parking and deploying fire department apparatus is between

16–20 ft (5.0–6.0 m). Designers should provide an opening of this width every 200–300 ft (600–91 m).^v

ROADSIDE

If desired, parking may be located on the paved roadway surface or on gravel or soil shoulders outside of the paved roadway. The parking lane may also serve as a pull-out area while yielding.

- When possible, the parking lane should be constructed with a contrasting material to differentiate the lane from the travel area. Bituminous, crushed stone, gravel, and turf shoulders can be used as contrasting materials to the travel area (*AASHTO Green Book 2011*, p. 4-13).
- Trees may be planted within the roadside area at regular intervals to visually and physically narrow the corridor, add to the aesthetic environment, and encourage slow speeds.

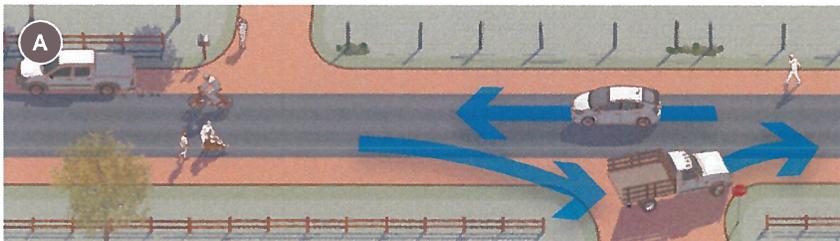


Figure 2-2. A travel area width of 16–18 ft (4.8–5.5 m) is appropriate for low volumes of two-way traffic and may require slowing when vehicles traveling in opposite directions meet. A travel area of 12–15 ft (3.6–4.5 m) is too narrow for two motor vehicles to pass, and one vehicle may need to pull into a parking lane, pull-out, or driveway area to let the other proceed.



Yield Roadway

MARKINGS

No markings are necessary to implement a yield roadway.

- Do not mark a center line within the travel area. The single two-way lane introduces helpful traffic friction and ambiguity, contributing to a slow-speed operating environment.^(vi)

SIGNS

Use signs to warn road users of the special characteristics of the street. Potential signs include:

- A PEDESTRIAN (W11-2) warning sign with ON ROADWAY legend plaque. See Figure 2-3.^(vii)
- Use a Two-Way Traffic warning sign (W6-3) to clarify two-way operation of the road if any confusion exists.



Figure 2-3. Pair a W11-1, W1-2, or W11-15 warning sign with a custom legend plaque to inform road users that shared use by pedestrians and/or bicyclists might occur.

INTERSECTIONS

At uncontrolled crossings of local streets, no special treatment is necessary. The additional space within the intersection area offers queuing opportunities when vehicles traveling in opposite directions meet.

- Consider parking prohibitions of 20–50 ft (6.0–15.0 m) in advance of intersections. This is particularly helpful to accommodate large vehicle turning movements.
- Provide adequate stopping sight distance around curves and at uncontrolled intersections. Values of stopping sight distance for two-way single-lane roads should be twice the stopping sight distance for a comparable two-lane road.

Sisters, OR—Population 2,170



IMPLEMENTATION

In rural communities with a disconnected street network, local streets are the only viable connection to a scene of an emergency. Implementing agencies should work closely with emergency response stakeholders.

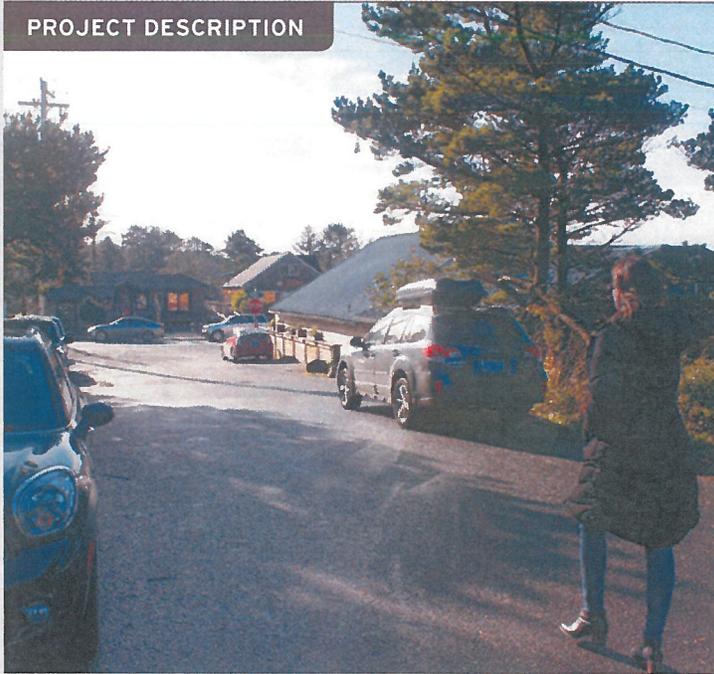
ACCESSIBILITY

Yield roadways allow motor vehicles, bicyclists, and pedestrians to share the same space. On very low-volume and low-speed streets, pedestrians and bicyclists may be comfortable using the roadway with the occasional vehicle. If this facility is intended for use by pedestrians, it must meet accessibility guidelines for walkways.



CASE STUDY | YIELD ROADWAY

Manzanita, Oregon

PROJECT DESCRIPTION

The residents of Manzanita cherish their small town and have outlined ways to maintain this character. One of the goals identified in the town's Comprehensive Plan is "to maintain and create residential living areas which are safe and convenient, which make a positive contribution to the quality of life, and which are harmonious with the coastal environment." Toward this end they have a network of local streets that create peaceful conditions for people walking, bicycling, and driving.

In addition, there is a recognition that even on collector streets bicycle and pedestrian travel should be safe. The plan states that "Sufficient pavement width should be included on all major streets or roads to accommodate bicycle traffic."

Where a visually or physically separated facility is not provided, speeds will be slowed to create bicycle-friendly conditions. The plan states, "Efforts to reduce speeding on Laneda Avenue should be carried out by the city. This should take the form of maintaining a low speed (20 Mi/h), requesting that the City police and Tillamook County Sheriff's Department maintain a high level of enforcement and installing appropriate warning signs." Efforts such as these enable Manzanita's local streets to be shared roadways where people driving, walking, and biking can all safely share the street.

DETAILS**COMMUNITY CONTEXT**

Manzanita is a quiet, peaceful village surrounded by the natural beauty of the Pacific Ocean, Neah-Kah-Nie Mountain, and State and private forests. The Manzanita area is home to 725 full time residents. In the summer the population swells to 2,500 to 3,000.

KEY DESIGN ELEMENTS

The standard City residential street is 20 ft wide paved with asphalt and with a concrete gutter along one side.

ROLE IN THE NETWORK

Manzanita's local streets connect residences with the ocean, parks, and downtown. The ability to use these shared local streets allow people walking or on bikes to access all parts of the community.

FUNDING

The key aspect of this treatment is that it requires funding beyond what is currently used to maintain the local streets. The City maintains the streets that have been brought up to city standards. Graveled streets that have not been brought up to City standards are maintained by the adjacent property owners. There are some roads within the City that are County roads maintained by Tillamook County.

For more information refer to the City of Manzanita website:
<http://ci.manzanita.or.us/>



Yield Roadway

Ennis, MT—Population 850



FOOTNOTES

- i Very low-volume local roads are typically used by people who are familiar with the roads. These roads are used by such low volumes of traffic that crashes are rare, as vehicles hardly encounter other vehicles. AASHTO defines a very low-volume street as one that is functionally classified as a local road and has 400 cars per day or less (AASHTO Green Book 2011, p. 5-34).
On local streets with less than 400 vehicles per day, no separated pedestrian infrastructure may be necessary (AASHTO Pedestrian Guide 2004).
- ii The AASHTO Green Book notes that, on narrow, unlaned roads, “random intermittent parking on both sides of the street usually results in areas where two-way movement can be accommodated” (2011, p. 4-74). Additionally, “The level of user inconvenience occasioned by the lack of two moving lanes is remarkably low in areas where single-family units prevail” (2011, p. 5-13).
- iii When two vehicles do encounter one another on a narrow, unlaned street, “opposing conflicting traffic will yield and pause on the parking lane area until there is sufficient width to pass” (AASHTO Green Book 2011, p. 5-13).
- iv On the subject of emergency response, the AASHTO Green Book states that a “curb face-to-curb face width of 8 m [26 ft] provides a 3.6-m [12-ft] center travel lane that provides for the passage of fire trucks and two 2.2-m [7-ft] parking lanes” (2011, p.5-13).
- v The Oregon DOT Neighborhood Street Design Guidelines support local street configurations with a clear travel area of 14 ft (2000, p.20). Dan Burden’s *Emergency Response Handbook* calls for an “operations area for emergency responders every 200–300 ft” (Burden 2000, p.32).
- vi The FHWA MUTCD does not recommend center line markings on paved two-way streets that are narrower than 16 ft wide, or operating below 3,000 ADT (2009, p.349).

- vi The FHWA MUTCD permits local highway agencies to “develop special word message signs in situations where roadway conditions make it necessary to provide road users with additional regulatory, warning, or guidance information...” These “new word message signs may be used without the need for experimentation.” (2009, p.28).

WORKS CITED

- American Association of State Highway and Transportation Officials. *Guide for the Planning, Design, and Operation of Pedestrian Facilities*. 2004.
- American Association of State Highway and Transportation Officials. *A Policy on Geometric Design of Highways and Streets*. 2011.
- American Association of State Highway and Transportation Officials. *Guidelines for Geometric Design of Very Low-Volume Local Roads*. 2001.
- Burden, Dan, and Zykofsky, Paul. *Emergency Response: Traffic Calming and Traditional Neighborhood Streets*. 2000.
- Federal Highway Administration. *Achieving Multimodal Networks*. 2016.
- Federal Highway Administration. *Manual on Uniform Traffic Control Devices*. 2009.
- Oregon Department of Transportation (ODOT). *Neighborhood Street Design Guidelines: An Oregon Guide for Reducing Street Widths*. 2000.

PHOTO CREDIT

- Page 2-1. Western Transportation Institute
- Page 2-6. Western Transportation Institute
- Page 2-7. Alta Planning + Design
- Page 2-8. Western Transportation Institute



AGENDA ITEM COMMENTARY

DEPARTMENT: MURA/Finance

PHONE: (541) 774-2701

STAFF CONTACT: Harry M. Weiss, MURA Director; Ryan Martin, CFO

AGENDA SECTION: Ordinances and Resolutions

MEETING DATE: July 18, 2019

COUNCIL BILL 2019-75

An ordinance ratifying a Purchase and Sale Agreement in the amount of \$360,000 between Mark Wimmer and the City of Medford, to acquire the 1.44 acre parcel located at 703 Central Avenue.

SUMMARY AND BACKGROUND

Council is requested to consider the ratification of a Purchase and Sale Agreement between Mark Wimmer, Grantor, and the City of Medford, Grantee, to acquire the 1.44 acre parcel located at 703 Central Avenue (Tax Lot 372W24DD4401) for the purchase price of \$360,000.

PREVIOUS COUNCIL ACTIONS

Council direction was given to pursue the purchase of the property for future redevelopment in conjunction with MURA urban renewal activities in the Liberty Park neighborhood.

ANALYSIS

703 Central Avenue has been identified by MURA as part of a strategic infill development opportunity in the Liberty Park that advances commercial redevelopment along the OR 99 corridor and accommodates new housing at scale. MURA has yet to formalize its urban renewal project selection by amendment of the Center City Revitalization Plan, and because effectuating site control is time sensitive, the City has contracted for the purchase of the property in anticipation of transferring it to MURA. Transfer will occur either through assignment of the Purchase Agreement prior to closing or sale of the property to MURA post-closing. The purchase price and associated expenses of acquisition will be incurred or reimbursed by MURA.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

The contract purchase price is \$360,000, including a \$25,000 Earnest Money Deposit (EMD) that is refundable in full in the event the contract is terminated during the 45-day due diligence period. Funds required for the EMD and closing (in the event the contract is not sooner assigned to MURA) will be drawn from the Mayor and Council discretionary fund and reimbursed in full from MURA's resources.

TIMING ISSUES

Ratification by Council of the Purchase and Sale Agreement is required to effectuate the agreement and establishes the timeframes for due diligence and closing. Reimbursement of City expenditures for acquisition by MURA will occur upon the amendment of the City Center Revitalization Plan.

COUNCIL OPTIONS

- Approve the ordinance.
- Modify the ordinance.
- Deny the ordinance and give direction to staff.



AGENDA ITEM COMMENTARY

STAFF RECOMMENDATION

Staff recommends approval of the ordinance ratifying the Purchase and Sale Agreement as presented with authorization of required funds

SUGGESTED MOTION

I move to approve the ordinance ratifying the Purchase and Sale Agreement in the amount of \$360,000 between Mark Wimmer and the City of Medford, to acquire the 1.44 acre parcel located at 703 Central Avenue.

EXHIBITS

Ordinance

Purchase and Sale Agreement on file in the City Recorder's Office.

ORDINANCE NO. 2019-75

AN ORDINANCE ratifying a Purchase and Sale Agreement in the amount of \$360,000 between Mark Wimmer and the City of Medford, to acquire the 1.44 acre parcel located at 703 Central Avenue.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

The Medford Urban Renewal Agency (MURA) has identified 703 Central Avenue as part of a strategic infill development opportunity. That ratification of a Purchase and Sale Agreement in the amount of \$360,000 between Mark Wimmer and the City of Medford, to acquire the 1.44 acre parcel located at 703 Central Avenue, is hereby authorized.

PASSED by the Council and signed by me in authentication of its passage this ____ day of July, 2019.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2019

Mayor