



# CITY OF MEDFORD

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## PLANNING DEPARTMENT

Date of Notice: March 24, 2011

File No.: PUD-04-179/ LDS-10-095

Contact: Sandra Johnson

### NOTICE OF PUBLIC HEARING - PLANNING COMMISSION

Hearing Date: Thursday - April 14, 2011  
Hearing Time: 5:30 pm  
Hearing Location: Medford City Council Chambers  
City Hall, 411 W. 8<sup>th</sup> Street

This notice is to inform you of an upcoming opportunity to participate in a public hearing before the Medford Planning Commission.

**What is being considered?** A request for revisions to Phases 5-11 of the Preliminary Plan for Charles Point Planned Unit Development, a mixed-use development on approximately 29.21 acres, located on the north side of Lowry Lane, approximately 400 feet east of South Highway 99. (PUD-04-179); and a request for tentative plat approval of Phases 5 through 11 of Charles Point Planned Unit Development, a 16.75 acre subdivision within a 29.21 acre mixed-use development, located on the north side of Lowry Lane, approximately 400 feet east of South Highway 99. The subject site is within a CH/PD (Heavy Commercial/Planned Unit Development) zoning district. (LDS-10-095) Please see the attached map.

**How do I obtain additional information?** You may visit the Planning Department on the second floor of the Lausmann Annex, 200 S. Ivy Street between the hours of 8 a.m. and 5 p.m. to review the application, all documents and evidence submitted, and the criteria relating to this proposal. The agenda and the staff report for this project will be available seven (7) days prior to the public hearing, and can also be viewed on the City web site ([www.ci.medford.or.us](http://www.ci.medford.or.us)). Copies may be obtained at the Planning Department at minimal cost.

**Who do I contact?** Questions can be directed to the planner listed above at 541-774-2380, or by visiting the Planning Department in person.

**What happens at a Public Hearing?** At the public hearing, the Chair will open the hearing and invite all interested parties to direct their testimony and evidence toward the regulations found in the *Medford Land Development Code*, specifically the criteria that apply to this project. The applicable criteria are included with this notice. You are invited to speak at the hearing stating why you favor or oppose this proposal. You may also write a letter to the Commission prior to the hearing that can be submitted as a part of the public record. You must testify in either manner to have standing; standing gives you the legal ability to appeal a decision that is made by the Commission on this project. Oregon Revised Statutes state that failure to raise an issue in a hearing, either in person or by letter, or failure to provide statements or evidence sufficient to afford the Commission an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

Please be aware that communications made through Email and Messaging systems shall in no way be deemed to constitute legal notice to the City of Medford or any of its agencies, officers, employees, agents, or representatives, with respect to any existing or potential claim or cause of action against the City or any of its agencies, officers, employees, agents, or representatives, where notice to the City is required by any federal, state or local laws, rules, or regulations.

  
James E. Huber, AICP  
Planning Director  
kg/Attachments (map and criteria)

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Lausmann Annex 200 South Ivy Street Medford OR 97501  
Phone (541)774-2380 fax (541)618-1708  
[www.ci.medford.or.us](http://www.ci.medford.or.us)

**LAND DIVISION APPROVAL CRITERIA  
FROM SECTION 10.270 OF THE *MEDFORD LAND DEVELOPMENT CODE***

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

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

[Amd. Sec. 4, Ord. No. 2004-259, Dec. 16, 2004.]

**PRELIMINARY PUD PLAN APPROVAL CRITERIA  
FROM SECTION 10.235(C) OF THE *MEDFORD LAND DEVELOPMENT CODE***

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

1. The proposed PUD:
  - a. preserves an important natural feature of the land, or
  - b. includes a mixture of residential and commercial land uses, or
  - c. includes a mixture of housing types in residential areas, or
  - d. includes open space, common areas, or other elements intended for common use or ownership, or
  - e. is otherwise required by the *Medford Land Development Code*.
  
2. The proposed PUD complies with the applicable requirements of this Code, or
  - a. the proposed modified applications of the Code are necessary for the project to be consistent with the criteria in Section 10.235(C)(1)(a-e), and
  - b. the proposed modifications enhance the development as a whole resulting in a more creative and desirable project, and
  - c. the proposed modifications to the limitations, restrictions, and design standards of this Code will not materially impair the function, safety, or efficiency of the circulation system or the development as a whole.
  
3. The property is not subject to any of the following measures or if subject thereto the PUD can be approved under the standards and criteria thereunder:
  - a. Moratorium on Construction or Land Development pursuant to ORS 197.505 through 197.540, as amended.
  - b. Public Facilities Strategy pursuant to ORS 197.768 as amended.
  - c. Limited Service Area adopted as part of the *Medford Comprehensive Plan*.
  
4. The location, size, shape and character of all common elements in the PUD are appropriate for their intended use and function.
  
5. If the Preliminary PUD Plan includes uses not allowed in the underlying zone pursuant to Subsection 10.230(D) (8)(c), the applicant shall alternatively demonstrate that either:
  - 1) demands for the Category "A" public facilities listed below are equivalent to or less than for one or more permitted uses listed for the underlying zone, or
  - 2) the property can be supplied by the time of development with the following Category "A" public facilities which can be supplied in sufficient condition and capacity to support development of the proposed use:
    - a. Public sanitary sewerage collection and treatment facilities.
    - b. Public domestic water distribution and treatment facilities.
    - c. Storm drainage facilities.
    - d. Public streets.

### **Preliminary PUD Plan Approval Criteria**

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

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

[Amd. Sec. 5, Ord. No. 8393, June 19, 1997; Amd. Sec. 2, Ord. No. 2005-97, June 2, 2005; Amd. Sec. 13, Ord. No. 2007-100, May 17, 2007.]



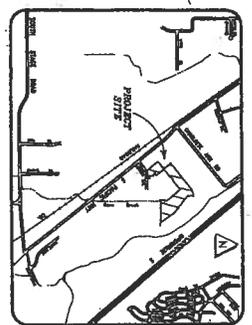


**CHARLES POINT, PHASES 5-11**  
(A Planned Community)

**TENTATIVE PLAT**

Located in:  
the S.W. 1/4 of Section 32 (32C)  
Tax Lots 4900, 4903 & 5800  
the S.E. 1/4 of Section 32 (32D)  
Tax Lot 1101  
in Township 37S, Range 11W, W.M.,  
City of Medford,  
Jackson County, Oregon

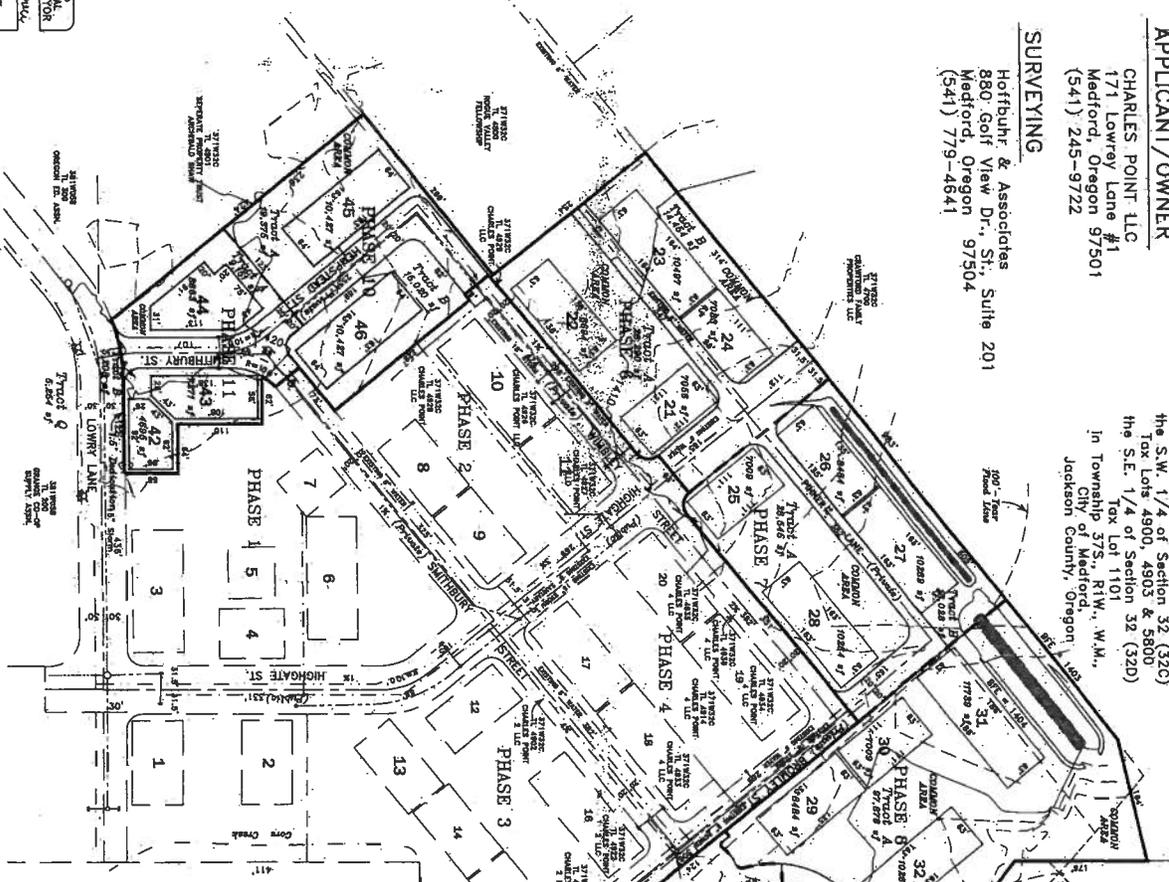
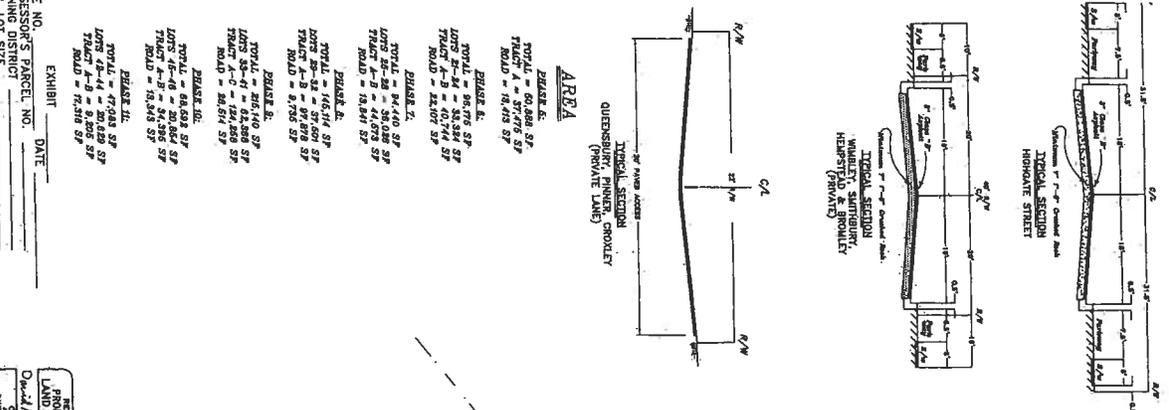
**VICINITY MAP**



**APPLICANT/OWNER**  
CHARLES POINT LLC  
171 Lowry Lane #1  
Medford, Oregon 97501  
(541) 245-9722

**SURVEYING**  
Hoffbahr & Associates  
880 Golf View Dr., St., Suite 201  
Medford, Oregon 97504  
(541) 779-4841

**RECEIVED**  
FEB 24 2011  
PLANNING DEPT.



**EXHIBIT #** \_\_\_\_\_ **DATE** \_\_\_\_\_

**SECTION'S PARCEL NO.** \_\_\_\_\_

**LOT SIZE** \_\_\_\_\_

**PLAN DESIGNATION** \_\_\_\_\_

**DATE** \_\_\_\_\_

**RECORDED** \_\_\_\_\_

**FILED** \_\_\_\_\_

**REGISTERED** \_\_\_\_\_

**APPROVED** \_\_\_\_\_

**DATE** \_\_\_\_\_

**FILE #** PUD-04-179  
**EXHIBIT #** D  
**IDS-10-095**

**CITY OF MEDFORD**

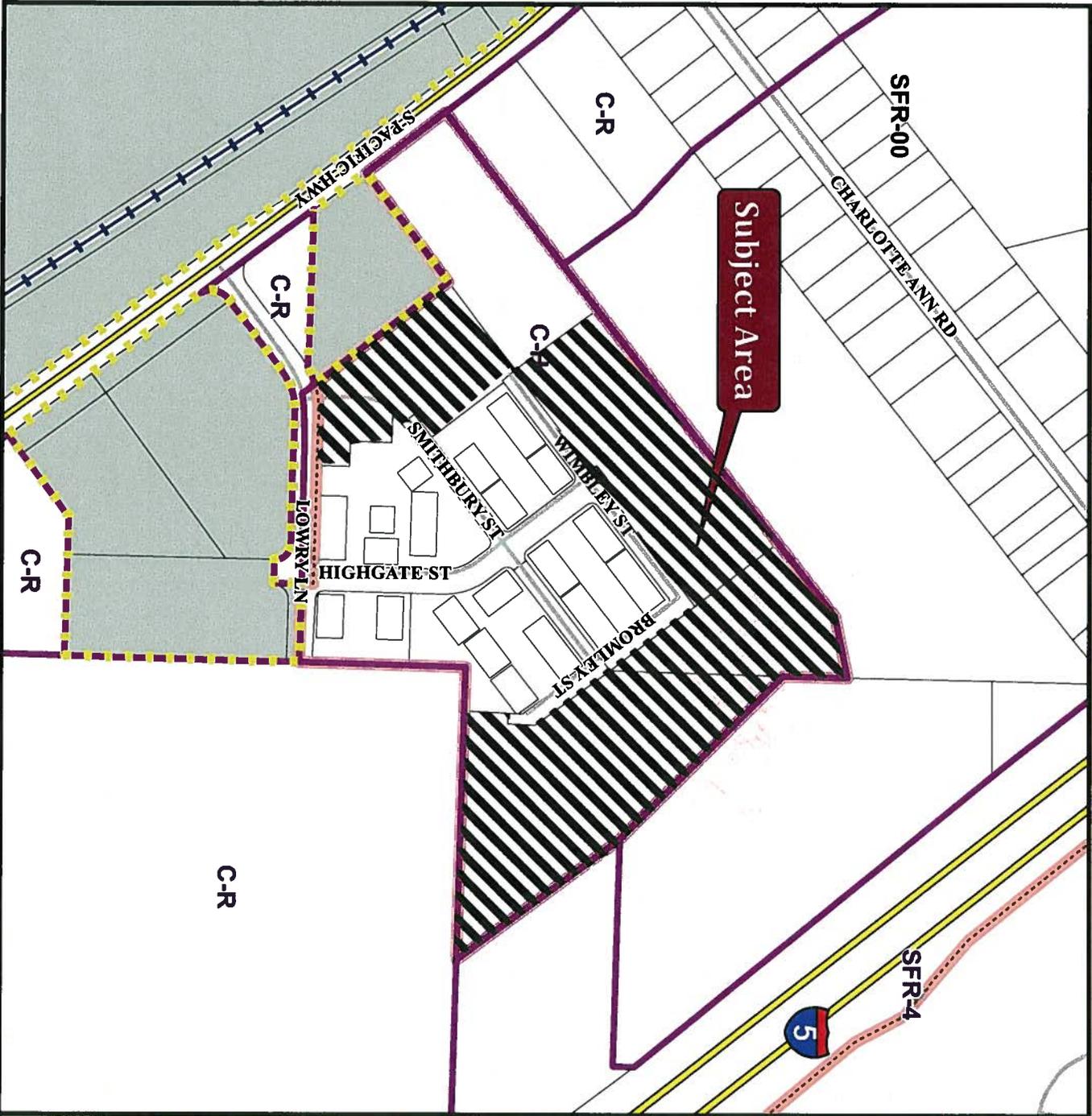
**PLANNING DEPT.**

**RECEIVED**  
FEB 24 2011

**BR. RANDY HARRIS**  
PLANNING DEPT. MANAGER  
JANUARY 3, 2011

**BO FEVER**  
PLANNING DEPT. MANAGER  
JANUARY 25, 2010

**13 3426**



Application Name/Description:  
**Charles Point PUD**

Proposal:  
**Tentative Plat Ph. 5-11**

File no.  
**LDS-10-095**

Applicant:  
**Charles Point, LLC**

Map/Taxlot nos.:  
**372W32C TL's 4900,  
4903, 5800  
372W32D TL 1101**

-  **Subject Area**
-  **Medford Zoning**
-  **UGB**
-  **Tax Lots**
-  **City Limits**
-  **PUD**

**Area of Map**

