

Conditional Use Permit
Determination

BEFORE THE PLANNING COMMISSION
CITY OF MEDFORD, OREGON

NOW COMES BEFORE THE PLANNING)
COMMISSION A REQUEST BY THE CITY)
OF MEDFORD PARKS AND RECREATION)
DEPARTMENT FOR THE DEVELOPMENT)
OF A CITY OF MEDFORD A CITY PARK)
LOCATED WITH-IN THE CITY OF)
MEDFORD. CITY OF MEDFORD PARKS)
AND RECREATION DEPARTEMNT)
APPLICANT. PETE YOUNG AGENT.)

FINDING OF FACT

RECITALS

Park Facility: Liberty Park

Owner: CAR LIT OR SALE L.L.C.

Applicant: City of Medford
Parks & Recreation Department
711 N. Columbus Ave.
Medford, Oregon 97501

Agent: Pete Young
City of Medford Parks & Recreation Department
711 N. Columbus Ave.
Medford, Oregon 97501

Zoning: Single Family Residential (SFR10)

Comp. Plan: CM (Commercial)

Authority: Section 10.314.6.d, Land Development Code

Location: 625 N. Bartlett Street, Medford

Legal description: 37 2W 24DD Tax Lot 15100
37 2W 24DD Tax Lot 15200

Proposal:

The two tax lots totaling 0.24 acres are presently owned by CAR LIT OR SALE L.L.C., a Delaware limited liability company (Landlord) and are leased jointly and severally to DiMar N, L.L.C and DiMar B, L.L.C., each an Oregon limited liability company (Tenant).

Tenant and Landlord have entered into an Eighth Amendment to the Master Lease by which Landlord will consent to a sublease of the Tax Lots to the City in order to permit construction of Liberty Park on the condition the City purchase the Tax Lots on the earlier of May 13, 2016 or within sixty (60) days after the Landlord delivers written irrevocable notice to the City, as the assignee of the Tenant, that the Tax Lots must be purchased. The purchase price for the Tax Lots is Thirty-five Thousand Dollars (\$35,000). Lithia agrees to fund the closing costs at the closing of such purchase, not to exceed \$10,000.

The Agent, Pete Young, an employee of the City of Medford Parks and Recreation Department, is representing the City of Medford in the matter of this Conditional Use Permit application.

The City will construct a park substantially similar to the draft preliminary plan in Exhibit '2', subject to the City's Conditional Use Permit and other applicable City Code approvals. The City intends to commence construction as soon as practicable.

The purpose of this Conditional Use Permit request is to authorize the use of this 0.24 acre site as a City park. The proposal is for the development of a small park that includes one unisex restroom with a small attached storage room, a two-table picnic shelter, three playground elements, internal paths, perimeter fence, irrigated central lawn area and perimeter shrub beds. The attached Exhibit '1' is a plan that demonstrates the location of the proposed elements.

The subject site is a relatively level barren vacant lot, having formally been a residence but now cleared of all improvements. It is within a residential community bounded by residences to the north, south and west, and the Cornerstone Christian Church to the east.

Prior to this application, the City of Medford Parks and Recreation staff conducted public meetings for the purpose of receiving input from the community on what amenities they would like to have in the park. The specific elements of those meetings are contained within this application and have resulted in the final Master Plan for the proposed park.

Project Background

The Liberty Park neighborhood is an area that has been said to function as an "island" for potential park patrons with small children that may want to walk to a local park, bounded by four high traffic volume streets that in many ways isolate this community: E McAndrews Road to the north, E Jackson Street to the south, N Central Ave to the west and N Riverside Ave to the east. On numerous occasions, this community, the Parks and Recreation Commission, Medford Urban Renewal Agency and the City Council have expressed a need for a public park within a safe walking distance for the residents in this neighborhood. The Medford Urban Renewal Agency and City of Medford have been engaged in a search for park land within this neighborhood dating back into the 1980's.

The Parks and Recreation Department is guided in the acquisition and development of park land by the Parks, Recreation and Leisure Services Plan, adopted into the Public Facilities Element of the City of Medford Comprehensive Plan on November 4, 2010. Specific direction for the development of the subject

property is outlined in the following portions of Chapters 5.2 Goals, Policies, and Implementation Strategies:

“5.2 GOALS, POLICIES, IMPLEMENTATION STRATEGIES

Goal 1: To provide for a full range of recreational activities and opportunities to meet the needs of all residents of Medford.

Policy 1-A: *The City of Medford shall use the Parks, Recreation, and Leisure Services Plan as a factual basis in the land use decision-making process.*

Policy 1-D: *The City of Medford shall provide park land and facilities conveniently located and economically accessible to all members of the community.*

Implementation 1-D (1): *Locate parks and facilities in underserved areas.*

Goal 4: To coordinate park and recreation planning, acquisition, maintenance, and development in the City of Medford to serve a broad spectrum of citizen and institutional interests.

Policy 4-A: *The City of Medford shall design and maintain parks and recreation facilities in a safe, attractive manner, to serve as positive amenities for the community and the neighborhoods in which they are located.*

Implementation 4-A (1): *Adopt and utilize the Guidelines for Site Selection and Development in the acquisition and/or development of parks within each park classification.”*

The City has attempted to acquire a larger parcel within this neighborhood on numerous occasions. However, the neighborhood, located within one of the older sections of the City has little to no available parcels of vacant land required for a full sized neighborhood park. Selection of the subject property meets the criteria for a neighborhood park in cases where larger parcels are not available. The guidelines set forth in the City’s Parks, Recreation and Leisure Services Plan outlines as follows:

Parks, Recreation and Leisure Services Plan, Chapter 5, 5.3 GUIDELINES FOR SITE SELECTION AND DEVELOPMENT

The following design guidelines apply to the acquisition and/or development of parks within each park classification. Each park classification includes a description of the park type, site selection and development guidelines, features to consider, and features to avoid.

Mini Parks

Description:

Mini parks may be considered when they are privately developed and maintained, or in neighborhoods where there are no other viable options.

The typical mini park user:

- *Comes from within a quarter mile or half mile of the park.*
- *Arrives on foot or by bicycle.*
- *Visits the park on a short time basis.*

Site Selection and Development Guidelines:

- *Typical size is less than 1 acre.*

Access to the site should be provided via a local street with sidewalks. Mini parks which front arterial streets should be discouraged.

The site should ideally have a minimum of 100-150 feet of street frontage.

Parking Requirements: On-street parking should be provided as street frontage allows.

Features and Amenities to Consider:

- *General landscape improvements (including tree planting)*
- *Children's playground or tot-lot*
- *Pathway connecting park elements*
- *Picnic tables and/or small picnic shelter*
- *Interpretive signage*

Features to Avoid:

- *Indoor recreation facilities*
- *Active sports facilities*

Liberty Park History:

Efforts on the part of the Medford Urban Renewal Agency and City of Medford to develop a City park within the Liberty Park neighborhood include:

- **October 20, 1988:** City Council adopted a City Center Revitalization Plan and reported listing the acquisition and development of a park in the Beatty-Manzanita neighborhood as a Medford Urban Renewal Project. (#17);
- **April 30, 2002:** Consultant Eric Hovee presented a report on Neighborhood Opportunities and Action Plan;
- **Summer 2002:** Surveyed 300 households in neighborhood regarding needs. The park was listed as the top priority for neighborhood residents;

- **October 10, 2002:** Salvation Army Advisory Board adopts program and goals prioritizing the need for a child care facility and youth center;
- **February 22, 2003:** Liberty Park Neighborhood Residents Approve Neighborhood Plan, including prioritization of park project;
- **May 14, 2003:** Parks Commission approves Liberty Park inclusion on the Parks Master Plan;
- **August 21, 2003:** City Council passes resolution endorsing the land swap concept between the Salvation Army and City for Liberty Park and Community Center development;
- **September 9, 2003:** Presents land swap proposal to MURA Board;
- **October 1, 2003:** MURA has budgeted funds for land appraisal; meeting with Salvation Army Attorney, City Attorney, MURA staff, City staff and Salvation Army staff. Salvation Army tells City and MURA to hold off on appraisal process until the Salvation Army consultant completes funding feasibility study;
- **January 20, 2004:** Feasibility study presented to Salvation Army Advisory Board; presentation by City staff of land swap proposal;
- **April 8, 2004:** Joint study Session with City Council, MURA, and Salvation Army. Presented petition from neighborhood requesting a park. Two hundred and eighty residents signed the petition asking for the creation of a “complete park that will be a safe place for our children to play and that can be enjoyed by all members of the family.” The majority of the residents said their number one priority was for a neighborhood park where their children could play;
- **May, June and July 2004:** Three Liberty Park Solutions Team meetings held which included representatives of the Salvation Army, City Council, MURA Board and Liberty Park Neighborhood Council. These meetings resulted in the selection of a preferred site adjacent to existing bowling facility;
- **Fall 2004:** City worked with Cascade Christian to develop a proposal for a land swap for Table Rock Property. This did not proceed due to the discrepancy in size and value of the parcels to be swapped;
- **February 2010:** City of Medford entered an Amended and Restated Agreement for Disposition and Development of Property. It included an timeline and description of funding for the Liberty Park development, vacant land at the corner of Maple and Bartlett Streets;

- **June 2011:** Parks and Recreation Commission study session was held on June 7th to begin the process of gathering information from the neighborhood for possible park improvements. This staff led on-site design charette yielded the following results:

Thirteen community members were present for the meeting in addition to six members of the Parks & Recreation Commission along with two staff members. The meeting was spirited at times and resulted in much community input. The attendees broke into three work groups with each group designating one spokesperson to represent the group conversation to the whole group. As the spokesperson presented the group ideas, these thoughts were recorded on large sheets of paper and then voted on by all thirteen community members (excluding staff and Commissioners). The voting results were recorded and are attached as Exhibit 5.A.5

- **August 2011:** A second Parks and Recreation Commission study session was held on August 2 at the proposed park site. Parks & Recreation staff led the second design charette meeting following the same process as the previous meeting. The voting results for this meeting were recorded and attached as Exhibit 5.B.5
- **August 2011:** The Parks and Recreation Commission recommended approval of the proposed master plan at their August 16 meeting. However, there were members of the Liberty Park neighborhood that requested that the Commission and staff investigate the possibility of obtaining a larger parcel that would be more centrally located within the neighborhood for the park.
- **October 2011:** On October 18, Parks and Recreation staff presented findings that the alternative site would not be feasible as presented by the neighborhood group. The Commission voted to re-affirm the site selection and master plan and requested that staff move forward with the project.
- **December 2012:** Staff was directed by the MURA Board to update the proposed park master plan and review the possibility of removing the water feature element in order to bring the project within the financial resources available. The Parks and Recreation Commission approved the updated master plan, with the water feature removed, at their December 18 meeting.
- **February 7, 2013:** City Revised terms pertaining to the development of Liberty Park. Parties include the Medford Urban Renewal Agency, Lithia Real Estate, Inc. and the City of Medford;

- **March, 2013:** The adopted master plan concept was further refined to adjust for site conditions and to be more specific in the specific plant material to be used in the landscaping. The concept brought forth in this Conditional Use Permit application remains functionally the same, with minor adjustments to the location of the specific park amenities. This document is attached as Exhibit '1'.

Criteria

Conditional use permits are governed by the Medford Land Development Code (MLDC). The relevant criteria for conditional use of this site as a Public Community Center is found in Section 10.248(MLDC). The criteria are:

10.248 Conditional use Permit Criteria.

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

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

This report addresses the second of the two criteria above.

Findings

In the matter of Parks & Recreation Department development of the Liberty Park facility, it is found to be a public facility. The Medford Comprehensive Plan classifies a neighborhood park as a class "B" public facility.

PUBLIC FACILITIES ELEMENT

I. INTRODUCTION

The fundamental purpose of the Public Facilities Element is to establish and maintain a general but timely view of where, when, and how public facilities and services will be provided to support planned urban growth within Medford's Urban Growth

Boundary. Each year, decisions are made to commit considerable funds for acquisition, construction, expansion, and repair of public facility systems. One important role of this Comprehensive Plan element is to describe the principles and criteria underlying these decisions and to integrate them with the overall land use planning process.

Public facilities elements are required by state law (ORS 1197.175 and OAR 660-011) for all cities with a population greater than 2,500. The Public Facilities Element implements Statewide Planning Goal 11, which is intended to assure that cities plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development. This element was written in accordance with Oregon Administrative Rules (OAR) 660-011 (Public Facilities Planning).

Public Facilities Categories

Public facilities and services are divided into two categories.

Category "A" includes:

- *Water Service*
- *Sanitary Sewer and Treatment*
- *Storm Drainage*
- *Transportation Facilities*

Category "B" include:

- *Fire Protection*
- *Law Enforcement*
- ***Parks and Recreation***
- *Solid Waste Management*
- *Schools*
- *Health Services*

The City Council and Medford Urban Renewal Board and its duly appointed representatives have determined that the facility is in the public interest through the following planning actions and by establishing the following park funding mechanisms:

- October 20, 1988: Ordinance No 6213 for the City Center Revitalization Plan
- September 19, 2006: Agreement for Disposition and Development of Property
- December 6, 2007: Amendment One to the above DDA
- February 18, 2012: Amended and Restated Agreement for Disposition and Development of Property
- February 7, 2013: Funds for the purchase of the Liberty Park land acquisition were approved in the Acknowledgement and Agreement Plan for Liberty Park.

The need for the development of a Park in this underserved part of our community is supported in the City of Medford Strategic Plan:

- GOAL 8: Provide recreational activities and opportunities to improve the lives of Medford residents
 - Objective 8.1: Ensure that long-term plans are adopted that identify where land is needed for parks and pedestrian/bicycle trail systems throughout the City.
 - Action 8.1c: Locate parks and facilities in underserved areas.

The need for a park at the proposed site is supported by the City of Medford's Parks, Recreation, and Leisure Service's Public Facilities Element, a component of the City of Medford Comprehensive Plan.

Conclusion

The Planning Commission finds this Parks & Recreation Department facility is found to be in the public interest. Therefore, for the purpose of applying criteria to the subject application, it is found that Section 10.248(2), MLDC applies. The Planning Commission finds that impacts may occur; however, by applying conditions, when deemed appropriate, to reduce or mitigate any identified adverse impacts, the public interest will be served.

MLDC Section 10.249, Mitigation of Impacts, requires the following:

- (1) *Preserve unique assets of interest to the community.*
- (2) *Provide a public facility or public non-profit service to the immediate area or community.*
- (3) *Otherwise provide for a development that is consistent with the overall needs of the community in a location that is reasonably suitable for the purpose.*

Finding

In the matter of adverse impacts caused by the Parks & Recreation Department from the new uses of the site, the discussion follows:

1. C.U.P. TRAFFIC ANALYSIS AND SITE ACCESS

Access into the park will be off of existing sidewalks along N Bartlett Street and Maple Street. The park will have no vehicular or pedestrian access off of the alley running north/south along the westerly property line.

N Bartlett Street- Minor Residential Street and Maple Street- Standard Residential Street in the Medford Transportation System Plan. Both have

sidewalks along the length of the street frontages. An existing driveway apron on N Bartlett Street will be used for maintenance vehicle access into the park through a gated perimeter fence.

Two key factors play into this topic with respect to adverse impacts from traffic generated by customer use of the facility. First, given the close proximity to customers, the greatest number of users is expected to walk to the site. This is especially true through the warmer summer season when higher park use is expected. Secondly, activities will be dispersed throughout the day rather than peaking at particular hours, thus further minimizing impacts from traffic to surrounding uses.

Kimberly Parducci, PE PTOE, Southern Oregon Transportation Engineering, LLC, a traffic engineering consultant for this project, has documented the adequacy of the traffic capacity on streets adjacent to this site in the following statement:

“A City Park in the ITE generates 1.59 average daily trips per acre or 5.87 daily trips per picnic site. Either way, the subject property is shown to generate fewer trips as a park than its existing single family residential zoning (SFR-10). The proposed conditional use to build a City Park on the subject property results in no substantial impact based on a decrease in trips to the transportation system.”

2. ENVIRONMENTAL EFFECTS

The activities of a park do not typically generate environmental effects such as vibration, air pollution, glare and odor.

The Liberty Park playground has the potential of generating noises during its daytime use typical of children playing in a park. The playground will be in relatively close proximity to one residence to the south. The occupant and owner of this residence are enthusiastically supportive of the park in its proposed location and have provided a memo confirming their support, which has been attached as Exhibit ‘5.E’.

Parks are often located in residential zones, with most parks containing elements similar to the elements seen in this park; specifically playgrounds, restrooms, picnic shelters, open space and landscaping. A mini-park is by definition, the smallest form of a neighborhood park, with amenities necessarily located in close proximity to adjacent properties. The following measures have been taken that will help to mitigate sounds, to the extent possible on this site:

The property has an existing (6) six-foot tall wooden fence that will be preserved along the westerly two-thirds of the southerly property line. An existing (3) three-foot tall picket fence exists along the easterly third of the southerly property line. An approximately (10) ten-foot wide shrub bed will be installed in front of these fences to add a vegetative screen.

This playground will be designed particularly for small children ages up to ten-years old. Supervision by adult caregivers is typical of children this age playing in a park. Playground elements such as the climbing structure with slide and truck climbing structure are based on non-competitive play that inspires the child's imagination and do not lend themselves to frequent high levels of noise. The merry-go-round may occasionally inspire squeals of delight, but it is also non-competitive cooperative play experience that does not generate frequent loud noises.

The remaining park amenities such as the picnic shelter and lawn areas are typically leisure activities that generate little noise. Parents will gather on benches or at the picnic shelter or on the lawn areas to watch their children play. Patrons may toss a Frisbee, be laying down on the lawn sunbathing, relaxation or reading. These activities are not known for generating significant noise.

The use of this playground by young children is typically morning through late afternoon hours, and perhaps into early evenings during the warm summer season. Park uses rules will be posted and do not allow night time use of the park and will state that the park is closed between 10:30 PM to 6:00 AM. Violators of the park use hours and prohibited activities can and historically have been prosecuted, including being trespassed from the park site.

Based on these findings of fact and conclusions of law, the Commission concludes that while this and any public park will sometimes produce noise, much of this park generally accommodates passive recreation opportunities which are not typically or frequently noisy for the surrounding neighborhood and the impacts will not be significant. The Commission also concludes that while the playground will sometimes produce noise, the amenity is designed for very young children of an age that is typically under the supervision of an adult care giver, the facilities will only be used during portions of daylight hours and mostly during favorable weather conditions, and noises are not expected to be frequently loud or offensive.

3. LANDSCAPE, OPEN SPACE, VEGITATIVE SCREENING, AND PRESERVATION OF EXITSING RESOURCES

The subject property is now vacant and striped of most of its prior improvements. A residential building and its landscaping have been removed, with the exception of five trees adjacent to the existing fence in the middle of the south property line. One tree was recently cut down. Another tree is in poor health and will be removed. Two plum trees will be preserved, as will a lilac shrub. A tree protection plan will be implemented to preserve the trees that are to remain. No water resources, wildlife habitat, or other significant natural resources exist on this site.

The site will preserve open space with generous allocation to gathering areas and landscape buffers of over 75% of the site. A landscape concept is provided with this application as Exhibit '1'.

An existing six-foot wood fence runs along the majority of the south property line. A three-foot wood picket fence has been installed between the park property and the front yard of the residence to the south. The remaining park property will be fenced by a four-foot chain-link fence with three openings onto the Maple and Bartlett Streets sidewalks.

Landscaped beds will be developed along all sides of the perimeter of the site. On the south and west boundary, landscaping will serve as a screen. The fence and landscaping on the south property line will create a partial visual barrier that park patrons will be able to see through, ensuring no one can hide in the shrubs.

The landscaping along the street frontages (the north and east boundaries) will also be designed as to not restrict visibility into the park from the street; again, to increase safety for the park patrons.

4. BUILDING HEIGHT, SIZE, AND LOT COVERAGE

The proposed restroom and picnic shelter are both single story buildings, similar to or lower in height than the residential buildings adjacent to this property. The residences to the north, south and west are two-story single family residences. The building to the east is a large church building with high roof lines.

The proposed lot coverage is under 10% of the total lot developed by the concrete slabs, shelter and restroom; leaving 90% for walks, plaza and landscaped areas. Residential lots in the current SFR-10 zoning for this site would allow for a maximum of 40% lot coverage, substantially higher than is proposed in this application.

5. COMPATABILITY

A majority of City of Medford park land is on property with residential zoning, often with surrounding properties and zoning similar to this project site.

- a) The restroom building for this project, shown in Exhibit '6.B.1-3' will be a 12' x 15' precast concrete structure with an exterior façade that mimics a residential building with walls simulating wood painted tan; and a simulated "ribbed metal" roof, "evergreen" in color. The picnic shelter will match, also with an evergreen metal ribbed roof.
- b) The general appearance of the project will be similar to a residence with one story buildings, landscaped perimeter and foundation plantings, a lawn area, trees, sidewalks, and moderate interior lighting.
- c) Use of the property as a park will increase the livability of the neighborhood and is seen by the community as a use that fills a need that has been anticipated for many years. Park patrons that have had little or no yard space at their homes or apartments will now have park space on which to gather, relax and play.

6. SIGNAGE

There will be one park sign identifying the facility which will not be illuminated. It will be less than 3' x 8' in size, with a maximum height of 10'. A photo of the standard Parks and Recreation sign has been attached as Exhibit '6.C'

7. STREET DEDICATION , ROADWAY WIDTHS RIGHT-OF-WAY IMPROVEMENTS, AND SIDEWALKS

Maple Street will require a dedication of one and one-half feet and Bartlett Street will require a two and one half foot wide street right-of-way dedication to meet the City standard street right-of-way width.

Improvements within the street right-of-way on the adjoining street frontages include adequate sidewalks, and contain provisions for all the necessary infrastructures such as storm drainage, water, and sewer.

Sidewalks exist along Maple Street and Bartlett Street, accommodating foot traffic to and past the site.

8. PARKING

There will be no on-site parking for this park. On-street parking is available on both adjacent streets. Given the park's extremely small footprint and the impact a parking lot would have on a facility of this size, the Parks, Recreation and Leisure Service's design standards anticipate a parking lot would not be developed in a mini-park such as the Liberty Park.

The Parks and Recreation Department anticipates the vast majority of the park patrons live in close proximity and will walk to the park. To quantify traffic the park might be expected to generate, the *Trip Generation, Institute of Transportation Engineers (ITE) 7th Edition*, also referred to as the *Trip Generation Manual* lists "City Park" –ITE Category 411. *Trip Generation Manual* cautions, "The city parks vary widely as to location, type and number of facilities, including boating or swimming facilities, ball fields, campsites and picnic facilities." Nevertheless, *Trip Generation Manual* reports that city parks produce an average 1.59 vehicle trips per acre per average weekday. With approximately 0.24 acres, approximately 0.19 vehicle trips per day can be anticipated.

Based upon these trip generation calculations and the requirement for 2.4 parking stalls per acre of active parkland, the proposed 0.24 acres park can be expected to need 0.29 parking stalls. These parking needs can be met with on-street parking. Therefore, the Commission finds that this subject park property does not require off-street parking.

Four bicycle parking spaces will be provided for this project.

9. LIGHTING

There are three existing street lights illuminating three of the four park corners: NW corner on Maple St., the NE corner on Maple St and Bartlett St., and the SE corner on Bartlett St. A light will be installed on the ceiling of the picnic shelter and at the entry to the restroom. These lights will meet requirements described in Medford Municipal Code 10.764, for "Glare".

Vegetation between the structures and the adjacent residence to the south will partially screen the structure lights.

10. FENCING

A perimeter fence has been proposed for all sides of this project site. Exits out of the fenced area have a contorted exit path that will slow the exit

process. The community requested the site be fenced in this manner to ensure small children playing in the park would not easily be able to run out onto the street from the park.

Conclusion

10.248 Conditional use Permit Criteria.

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

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

10. 249, Mitigation of Impacts, requires the following:

- (1) Preserve unique assets of interest to the community.*
- (2) Provide a public facility or public non-profit service to the immediate area or community.*
- (3) Otherwise provide for a development that is consistent with the overall needs of the community in a location that is reasonably suitable for the purpose.*

For the purpose of applying approval criteria to the subject application, it is found that Section 10.248(2), MLDC applies. The Planning Commission finds that impacts may occur, however, by applying conditions, when deemed appropriate, to reduce or mitigation any identified adverse impacts, the public interest will be served.

10.249(1). There are no unique assets of interest to the community on the existing vacant lot, although two existing trees and one shrub will be preserved.

10.249(2). The development of a neighborhood park in the Liberty Park area will provide a long anticipated asset of the community. Parks represent a significant investment by the public for leisure services and open space. Parks, and in particular this park is a highly valued and long awaited community asset.

The Parks & Recreation Department facilities are public facilities as identified above by applying criterion 2 of section 10.248 above. The provision of public facilities is a priority in the consideration of conditional use permits. Adverse impacts can occur when public facilities are provided per MLDC Section 10.248(2).

10.249(3). The development proposed by this particular conditional use permit is consistent with the overall community needs. The Parks & Recreation Department has determined that a public need exists to provide the facilities requested by this permit. That particular permit serves the overall community need to enhance the entire Parks & Recreation Department system. The officials elected by voters in the City of Medford, by a review process within the Parks & Recreation Department Commission and the City Council, approved the construction of Liberty Park.

The need for the development of a Park in this underserved part of our community is supported in the City of Medford Strategic Plan:

- GOAL 8: Provide recreational activities and opportunities to improve the lives of Medford residents
 - Objective 8.1: Ensure that long-term plans are adopted that identify where land is needed for parks and pedestrian/bicycle trail systems throughout the City.
 - Action 8.1c: Locate parks and facilities in underserved areas.

The public need was affirmed through both Medford Urban Renewal and City Council action as outlined in the Liberty Park History section of this application. .

Additionally, the park plan for the subject property was created by way of a series of three publicly advertised community meetings on June 7th, August 2nd, and August 16th, 2011. Staff led two on-site design charettes, explaining design standards found in the Parks, Recreation and Leisure Services Plan; noting challenges and opportunities found on the subject property; and providing a list of typical amenities that might be found in a Mini Park. The community responded with a discussion about their needs for the park, and how they would like to see the subject property used. The community voted on a list of ideas they had developed. These votes were tallied and blended into three different proposals, presented as talking points for the Parks and Recreation Commissioner's discussion. A final plan was then adopted as the final Liberty Park Master Plan Concept October 18, 2011, attached to this document as Exhibit '2'

Conclusion

10.248 Conditional use Permit Criteria.

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

- (1) The development proposal will cause no significant adverse impact on livability, value or appropriate development of abutting property, or the surrounding area, when compared to the impacts of permitted development that is not classified as conditional.*
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Based on the above finding, the Planning Commission has determined that the requested conditional use permit meets the requirements of Section 10.249, MLDC. Based on the application of Section 10.248(2) as appropriate criterion, the application of Section 10.249 appears redundant.

SUMMARY

Approval and implementation of this application will generate no negative impacts to the surrounding neighborhood with respect to traffic, parking, environmental effects, open space, building height, lot coverage, compatibility, signage, landscaping, fencing, and preservation of existing resources. Numerous positive impacts will occur, with the addition of this public asset by providing a

park that is consistent with the overall needs of the community in a location that is reasonably suitable for the purpose.

Impact Mitigation Summary:

- a) Dedicate (1 ½) one and one-half feet of land for public right-of-way along the Maple Street property frontage;
- b) Dedicate (2 ½) two and one-half feet of land for public right-of-way along the Bartlett Street property frontage
- c) Provide a tree protection plan to protect the (2) two existing trees and (1) shrub which are to remain; and
- d) Stipulate to providing no access into the park off of the alley west of the park property and to install a fence along the property line adjacent to the alley.

There are no additional impacts found in this Conditional Use Application requiring mitigation.

Ultimate Conclusion

Based on the above, the Planning Commission, City of Medford Oregon finds that the application for a conditional use permit complies with criterion in Section 10.248 Conditional use permit Criteria (2) related to the public interest. The application is for a needed public facility and is permitted by Section 10.248(2) to have some adverse impacts in the immediate area. The Planning Commission further finds that where necessary, appropriate conditions have been applied to the application to assist in mitigating impacts per 10.249(1), (2), & (3).

Respectfully submitted,
Pete Young, City of Medford Park Planner
Agent