

PLANNING COMMISSION AGENDA JANUARY 9, 2020



MEDFORD
OREGON

Commission Members

David Culbertson

Joe Foley

David Jordan

Bill Mansfield

David McFadden

Mark McKechnie

E. J. McManus

Jared Pulver

Jeff Thomas

Regular Planning Commission
meetings are held on the second and
fourth Thursdays of every month

Meetings begin at 5:30 PM

City of Medford

City Council Chambers

411 W. Eighth Street, Third Floor

Medford, OR 97501

541-774-2380

PLANNING COMMISSION AGENDA



MEDFORD
OREGON

January 9, 2020

5:30 P.M.

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

10. **Roll Call**

20. **Consent Calendar / Written Communications (voice vote).**

30. **Approval or Correction of the Minutes from December 12, 2019 hearing**

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

COMMENTS WILL BE LIMITED TO 3 MINUTES PER INDIVIDUAL OR 5 MINUTES IF REPRESENTING A GROUP OR ORGANIZATION. **PLEASE SIGN IN.**

50. **Public Hearings**

COMMENTS ARE LIMITED TO A TOTAL OF 10 MINUTES FOR APPLICANTS AND/OR THEIR REPRESENTATIVES. YOU MAY REQUEST A 5-MINUTE REBUTTAL TIME. ALL OTHERS WILL BE LIMITED TO 3 MINUTES PER INDIVIDUAL OR 5 MINUTES IF REPRESENTING A GROUP OR ORGANIZATION. **PLEASE SIGN IN.**

Continuance Request

50.1 LDS-19-076 Consideration of tentative plat approval for the Medford Center, a proposed commercial pad-lot subdivision in order to separate 11 buildings on their own legal tracts of land. The property is located on a single 24.42-acre parcel located east of Biddle Road between Stevens and E Jackson Street in the C-R (Regional Commercial) zoning district (371W19CD 1000); Applicant, LBG Medford, LLC; Agent, Neathamer Surveying, Inc.; Planner, Steffen Roennfeldt. **The applicant requests this item be continued to the February 13, 2020 Planning Commission meeting.**

New Business

50.2 SV-19-047 Consideration of a request for the vacation of a portion of Austin Street public right-of-way running roughly east to west from Pine Street to North Riverside Avenue within the C-C (Community Commercial) zoning district; Applicant, Kids Unlimited; Agent, Scott Sinner Consulting Inc.; Planner, Steffen Roennfeldt.

50.3 SV-19-048 Consideration of a request for the vacation of a 15-foot wide Public Utility Easement (PUE) on a single 0.76-acre parcel located at the corner of Garfield Street and Center Drive in the Regional Commercial (C-R) zoning district (371W32B3605). Applicant, Lariot Corporation; Agent, Berghausen Consulting Firm Engineers, Inc.; Planner, Dustin Severs.

50.4 ZC-08-144 Consideration of a request to amend a condition of approval requiring a right turn pocket on N Ross Lane for the proposed Pioneer Marketplace development. The 7.34 acre site is located on the southeasterly corner of N Ross Lane and W McAndrews Road within the C-C

(Community Commercial) zone district. (372W26AD2400 and 2600) Applicant: CDT-BAR, LLC; Agent, CSA Planning, Ltd.; Planner, Kelly Evans.

50.5 LDS-19-079 Consideration of tentative plat approval for Falco Fields, a proposed 7-lot residential subdivision on a single 0.93-acre parcel located at 2737 Howard Avenue in the SFR-6 (Single-Family Residential, six dwelling units per gross acre) zoning district (372W13BB 6900); Applicant, Michael Falco; Agent, Scott Sinner Consulting, Inc.; Planner, Dustin Severs.

50.6 DCA-19-002 An amendment to portions of Chapter 10, the Medford Land Development Code (MLDC), creating a Type II administrative review land use process for certain multi-family residential developments; Applicant, City of Medford; Planner, Kyle Kearns.

60. Reports

- 60.1 Site Plan and Architectural Commission
- 60.2 Transportation Commission
- 60.3 Planning Department

70. Messages and Papers from the Chair

80. City Attorney Remarks

90. Propositions and Remarks from the Commission

100. Adjournment

PLANNING COMMISSION MINUTES



MEDFORD
OREGON

December 12, 2019

5:30 P.M.

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

The regular meeting of the Planning Commission was called to order at 5:30 PM in the Medford City Hall, Council Chambers, 411 West 8th Street, Medford, Oregon on the above date with the following members and staff in attendance:

Commissioners Present

Mark McKechnie, Chair
Joe Foley, Vice Chair
David Culbertson
Bill Mansfield
David McFadden
E.J. McManus
Jeff Thomas

Staff Present

Kelly Evans, Assistant Planning Director
Carla Paladino, Principal Planner
Madison Simmons, Senior Assistant City Attorney
Alex Georgevitch, City Engineer
Terri Richards, Recording Secretary
Dustin Severs, Planner III
Sarah Sousa, Planner IV

Commissioner Absent

Jared Pulver, Excused Absence

10. Roll Call

20. Consent Calendar / Written Communications (voice vote).

20.1 PUD-19-002 Final Order of a request for a revision to 'the Village' area of Cedar Landing Planned Unit Development (PUD). The PUD revision contains amendments to the site design including an increase in multi-family units from 100 to 110, a mixed-use structure, and increase the paved width of the private street. Cedar Landing PUD is located on approximately 116 acres on the north and south side of Cedar Links Drive, west of Foothill Road within an SFR-4/PD (Single-Family Residential – 2.5 to 4 dwelling units per gross acre / Planned Development) zoning district. Applicant & Agent, Koble Creative Architecture; Planner, Steffen Roennfeldt.

20.2 ZC-19-017 Final Order of requests for zone changes of two contiguous parcels located at 611 Meadows Lane: TL 12400 (0.79 acres) is requesting a zone change from SFR-00 (Single-Family Residential, one dwelling unit per lot) to MFR-20 (Multiple Family Residential, twenty dwelling units per gross acre), and TL 12300 (0.18 acres) is requesting a zone change from SFR-00 to SFR-10 ((Single-Family Residential, ten dwelling units per gross acre) (372W25CB TL 12300 & 12400); Applicant, Johnnie & Sharon Barger; Planner, Dustin Severs.

Motion: The Planning Commission adopted the consent calendar as submitted.

Moved by: Vice Chair Foley

Seconded by: Commissioner McFadden

Voice Vote: Motion passed, 7-0-0.

30. Approval or Correction of the Minutes from November 14, 2019 hearing

30.1 The minutes for November 14, 2019, were approved as submitted.

40. Oral Requests and Communications from the Public.

40.1 Barbara Laskin, 583 Windsong Way, Medford, Oregon 97504. Ms. Laskin requested that the Planning Commission consider requiring land development contractors to provide solar panels wherever covered garage parking is not available. This would apply to both commercial and residential development. Commissioner Mansfield informed Ms. Laskin that the Planning Commission does not make those rules. Those rules are made by the City Council. It would be appropriate for Ms. Laskin to make her presentation to the City Manager. Ms. Laskin responded that Brian Sjothun hears from her all the time. However, recommendation from the Planning Commission would go a long way.

50. Public Hearings

Madison Simmons, Senior Assistant City Attorney read the Quasi-Judicial statement.

Continuance Request

50.1 LDS-19-076 Consideration of tentative plat approval for the Medford Center, a proposed commercial pad-lot subdivision in order to separate 11 buildings on their own legal tracts of land. The property is located on a single 24.42-acre parcel located east of Biddle Road between Stevens and E Jackson Street in the C-R (Regional Commercial) zoning district (371W19CD 1000); Applicant, LBG Medford, LLC; Agent, Neathamer Surveying, Inc.; Planner, Steffen Roennfeldt. **The applicant requests this item be continued to the January 9, 2020 Planning Commission meeting.**

Chair McKechnie stated that if there are members in the audience that have come to testify on this agenda item and cannot attend the January 9th hearing, please come forward and the Planning Commission will hear your testimony at this time. Please keep in mind that it is possible that your questions may be answered when staff presents their staff report on January 9th. There will be no decisions made this evening on this agenda item.

Motion: The Planning Commission continued LDS-19-076, per the applicant's request, to the Thursday, January 9, 2019 Planning Commission meeting.

Moved by: Vice Chair Foley

Seconded by: Commissioner McFadden

Voice Vote: Motion passed, 7-0-0.

New Business

50.2 ZC-19-019 Consideration of a request for a change of zone of a single 0.96-acre parcel located at 3558 Table Rock Road from SFR-00 (Single Family Residential, one dwelling unit per existing lot) to I-L (Light Industrial) (372W12A TL 800). Applicant, Alvarez Real Estate LLC; Agent, CSA Planning; Planner, Dustin Severs.

Chair McKechnie inquired whether any Commissioners have a conflict of interest or ex-parte communication they would like to disclose. Chair McKechnie disclosed that Alvarez Real Estate in their construction form has been a client of his but he has no knowledge or interest in this application.

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

Dustin Severs reported that the Zone Change approval criteria can be found in the Medford Land Development Code Section 10.204. The applicable criteria were addressed in the staff report, included with the property owner notices and hard copies are available at the entrance of Council Chambers for those in attendance. Mr. Severs gave a staff report.

Chair McKechnie asked, would the care taker's house be grandfathered with the zone change and the house if fully occupied? Mr. Severs responded that is a grey area.

The public hearing was opened.

a. Mike Savage, 4497 Brownridge Terrace, Suite 101, Medford, Oregon, 97504. Mr. Savage reported that he had nothing to add to the staff report.

Mr. Savage reserved 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-19-019 per the staff report dated December 5, 2019, including Exhibits A through H.

Moved by: Vice Chair Foley

Seconded by: Commissioner McFadden

Roll Call Vote: Motion passed, 7-0-0.

50.3 ZC-19-018 / GLUP-19-005 The proposal includes a General Land Use Plan (GLUP) Map Amendment and Major Zone Change to convert 11 existing park properties to the Parks and Schools (PS) designation and the Parks (P-1) zone. Applicant, City of Medford; Planner, Sarah Sousa.

Chair McKechnie inquired whether any Commissioners have a conflict of interest or ex-parte communication they would like to disclose. None were disclosed.

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

Sarah Sousa, Planner IV reported the General Land Use Plan approval criteria can be found in the Medford Land Development Code Section 10.218. The Zone Change approval criteria can be found in the Medford Land Development Code Section 10.204. The applicable criteria were addressed in the staff report, included with the property owner notices, and hard copies are available at the entrance of Council Chambers for those in attendance. Ms. Sousa gave a staff report. Ms. Sousa reported that staff received two revised Public Works Department Staff Reports. There were 11 park properties to be converted but now it is 10 removing the West Howard Memorial Sport Park off the list. It is not eligible for the Public Park Zone yet because it is not owned by the City. The two revised staff reports will be entered into the record as Exhibit A-1 and Exhibit B-1.

The public hearing was opened and there being no testimony the public hearing was closed

Motion: The Planning Commission, based on the findings and conclusions that all of the applicable criteria are satisfied or not applicable, forwards a favorable recommendation for approval of GLUP-19-005 and ZC-19-018 to the City Council per the staff report dated December 5, 2019, including Exhibits A through G and replacing Exhibit A with Exhibit A-1 and Exhibit B with Exhibit B-1.

Moved by: Vice Chair Foley

Seconded by: Commissioner McFadden

Roll Call Vote: Motion passed, 7-0-0.

50.4 CP-19-004 A legislative amendment to incorporate the Liberty Park Neighborhood Plan into the Neighborhood Element and Goals and Policies section of the Comprehensive Plan. Applicant, City of Medford; Planner, Carla Paladino.

Chair McKechnie inquired whether any Commissioners have a conflict of interest or ex-parte communication they would like to disclose. Vice Chair Foley disclosed that he was on the Liberty Park Neighborhood Advisory Committee but it would not affect his decision.

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

Carla Paladino, Principal Planner reported the Type IV Major Comprehensive Plan Amendment can be found in the Medford Land Development Code Sections 10.214 and 10.220. The applicable criteria were addressed in the staff report, included with the property owner notices, and hard copies are available at the entrance of Council Chambers for those in attendance. Ms. Paladino gave a staff report.

The public hearing was opened.

a. Lucas M. Hanson, 523 N. Riverside Avenue, Medford, Oregon, 97501. Mr. Hanson commented that he received a letter stating that in order to have an opinion in the future on any further proceedings he needed to attend this meeting in favor or opposed to the proposal. He is not sure if he is in favor or opposed to the proposal.

b. Mike Miles, 1203 Riverside Avenue, Medford, Oregon, 97501. Mr. Miles would like to see things get started. There have been four or five meetings. In the last five years Liberty Park has gone downhill. Sidewalks are needed right now to get the energy going. Put a sidewalk on Niantic and Manzanita would connect downtown to that area between Central and Riverside.

The public hearing was closed.

Main Motion: The Planning Commission, based on the findings and conclusions that all of the applicable criteria are satisfied or not applicable, forwards a favorable recommendation for approval of CP-19-004 to the City Council per the staff report dated December 5, 2019, including Exhibits A through L.

Moved by: Vice Chair Foley

Seconded by: Commissioner McFadden

Amended motion: Add Mr. Miles recommendation that the City Council direct the Engineering Department and Public Works Department to move forward as quickly as possible for public improvements within the area mentioned by Mr. Miles.

Moved by: Commissioner McFadden

Seconded by:

Motion failed due to no second,

Roll Call Vote on Main Motion: Motion passed, 7-0-0.

60. Reports

60.1 Site Plan and Architectural Commission

Commissioner Culbertson reported that the Site Plan and Architectural Commission met on Friday, December 6, 2019. Commissioner Culbertson deferred the report to Kelly Evans, Assistant Planning Director.

Ms. Evans reported that the Site Plan and Architectural Commission discussed and approved the construction of a four-story hotel (My Place Hotel) at the southwest corner of Airport Road and Biddle Road.

60.2 Transportation Commission. None.

60.3 Planning Department

Ms. Evans reported that Commissioner Culbertson and Commissioner Thomas were reappointed at the last City Council meeting. Also, City Council appointed David Jordan who will be joining the Commissioners on January 9, 2020. He will fill the rest of Patrick Miranda's term.

There is no business scheduled for the Planning Commission study session on Monday, December 23, 2019.

Last week City Council initiated the Street Vacation for Public Utility Easement for the new KFC at Center Drive and Garfield.

Next week the City Council will hear a Street Vacation at Austin, Riverside and Pine.

The year-end statistics are the Planning Commission heard three Conditional Use Permits, five Exceptions, 6 GLUP Map amendments, sixteen Land Divisions that total 425 new residential lots, two PUD revisions totaling 133 new units, six street vacations, fifteen zone changes, eleven text amendments and eleven study sessions.

70. Messages and Papers from the Chair.

70.1 Chair McKechnie wished the Commissioner's and staff a happy holiday.

80. City Attorney Remarks. None.

90. Propositions and Remarks from the Commission.

100. Adjournment

101. The meeting was adjourned at approximately 6:19 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:

Terri L. Richards
Recording Secretary

Mark McKechnie
Planning Commission Chair

Approved: January 9, 2019



STAFF REPORT – CONTINUANCE REQUEST

for a Type III quasi-judicial decision: **Commercial Pad-lot Subdivision**

Project Medford Center
Applicant: LBG Medford LLC; Agent: Neathammer Surveying Inc.

File no. LDS-19-076

To Planning Commission *for 1/9/2020 hearing*

From Steffen Roennfeldt, Planner III

Reviewer Kelly Evans, Assistant Planning Director 

Date January 2, 2020

BACKGROUND

Proposal

Consideration of tentative plat approval for the Medford Center, a proposed commercial pad-lot subdivision in order to separate 11 existing structures on their own legal tracts of land. The property is located on a single 24.42-acre parcel located east of Biddle Road between Stevens and E Jackson Street in the C-R (Regional Commercial) zoning district (371W19CD 1000);

Request

The applicant has requested that the item be continued to February 13, 2020, in order to test existing utilities, prepare reports, update findings and coordinate with the City of Medford Public Works Department.

EXHIBITS

- A Continuanance request received December 31, 2019
Vicinity map

PLANNING COMMISSION COMMISSION AGENDA:

NOVEMBER 14, 2019
DECEMBER 12, 2019
JANUARY 9, 2020

Steffen K. Roennfeldt

From: Bob Neathamer <bob@neathamer.com>
Sent: Tuesday, December 31, 2019 8:28 AM
To: Steffen K. Roennfeldt
Cc: Kelly Evans
Subject: FW: LDS-19-076

<EXTERNAL EMAIL **Be cautious with links and attachments**>

Hello Steffen,

Based on a telephone conversation yesterday with the applicant, LBG Medford, LLC, I am hereby requesting the Public Hearing scheduled for the subject application at the January 9, 2020 City of Medford Planning Commission meeting be rescheduled to the February 13, 2020 meeting. The request provides the applicant an opportunity to perform testing of existing utilities, prepare reports, update findings and coordinate with the City of Medford Public Works Department on shared improvements at the intersection of Jackson Street and Hawthorne Street. Additionally, an opportunity to review and address the city departments, agencies and interested parties reports and comments submitted at the Land Development Committee meeting on October 10, 2019. Also, an opportunity to address issues discussed at subsequent meetings with city departments. Please confirm this request, thank you.

Robert V. Neathamer / President / Neathamer Surveying, Inc.

Professional Land Surveyor – Water Right Examiner – NSPS Oregon Director

☎ (541) 732-2869 | 📠 (541) 732-1382 | ✉ bob@neathamer.com
3126 State St., Suite 203 | Medford, OR 97504 | www.neathamer.com

From: Steffen K. Roennfeldt <Steffen.Roennfeldt@cityofmedford.org>
Sent: Tuesday, December 3, 2019 3:49 PM
To: Bob Neathamer <bob@neathamer.com>
Cc: Kelly Evans <Kelly.Evans@cityofmedford.org>
Subject: RE: LDS-19-076

Confirmed. Thank you!

From: Bob Neathamer [<mailto:bob@neathamer.com>]
Sent: Tuesday, December 3, 2019 2:51 PM
To: Steffen K. Roennfeldt <Steffen.Roennfeldt@cityofmedford.org>
Cc: Kelly Evans <Kelly.Evans@cityofmedford.org>
Subject: FW: LDS-19-076

<EXTERNAL EMAIL **Be cautious with links and attachments**>

Hello Steffen,

Based on my telephone conversation this afternoon with the applicant, LBG Medford, LLC, I am hereby requesting the Public Hearing scheduled for the subject application for December 5, 2019, City of Medford Planning Commission meeting, be rescheduled to the January 9, 2020 meeting. The request provides the applicant an opportunity to review and address the city departments, agencies and interested parties reports and comments submitted at the Land Development Committee meeting on October 10, 2019, and subsequent meetings with city departments. Please confirm this request, thank you.

From: Steffen K. Roennfeldt <Steffen.Roennfeldt@cityofmedford.org>
Sent: Tuesday, December 3, 2019 2:04 PM
To: Bob Neathamer <bob@neathamer.com>
Subject: RE: LDS-19-076

Sounds good, thank you.

1st meeting in 2020 will be on January 9th, 2nd meeting will be on the 23rd.
Steffen

From: Bob Neathamer [<mailto:bob@neathamer.com>]
Sent: Tuesday, December 3, 2019 1:32 PM
To: Steffen K. Roennfeldt <Steffen.Roennfeldt@cityofmedford.org>
Subject: RE: LDS-19-076

<EXTERNAL EMAIL **Be cautious with links and attachments**>

Hello Steffen,

I have a telephone call scheduled with the applicant this afternoon. Based on my conversation with the applicant, I will let you know if we want to continue. It is my understanding the next scheduled Planning Commission will be January 12, 2020.

Robert V. Neathamer / President / Neathamer Surveying, Inc.

Professional Land Surveyor – Water Right Examiner – NSPS Oregon Director

☎ (541) 732-2869 | 📠 (541) 732-1382 | ✉ bob@neathamer.com
3126 State St., Suite 203 | Medford, OR 97504 | www.neathamer.com

From: Steffen K. Roennfeldt <Steffen.Roennfeldt@cityofmedford.org>
Sent: Tuesday, December 3, 2019 1:18 PM
To: Bob Neathamer <bob@neathamer.com>
Subject: LDS-19-076

Hi Bob,

How are we doing on the Medford Center subdivision?

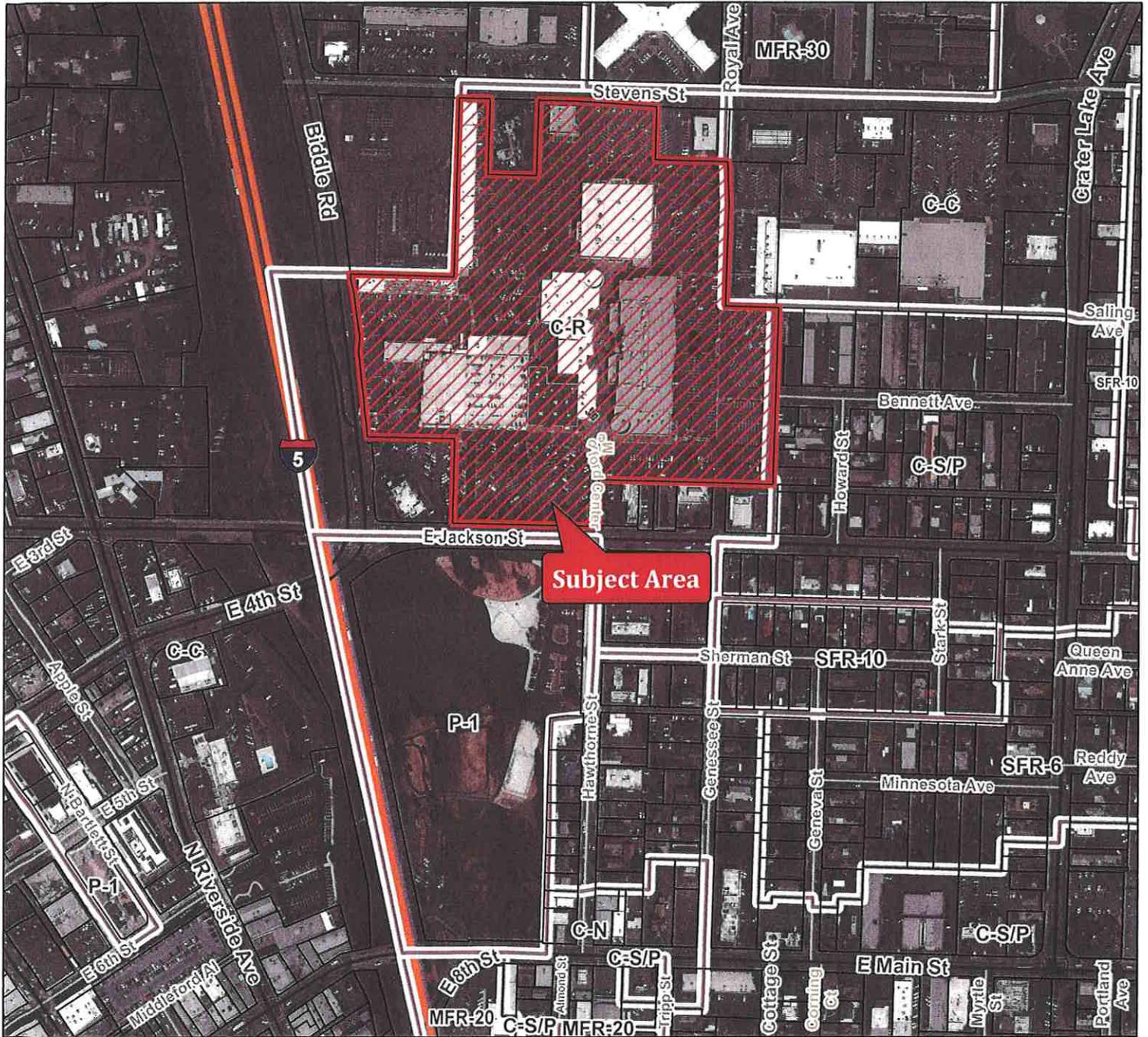
My deadline for the December 12 meeting is coming up this Thursday...

Let me know if we should move ahead or continue it to the next meeting.

Thank you!

Steffen

Steffen Roennfeldt | *Planner III*
City of Medford, Oregon
200 S. Ivy Street, Medford, OR 97501
Ph: 541-774-2380
[Website](#) | [Facebook](#) | [Twitter](#)



Project Name:

Village Center

Map/Taxlot:

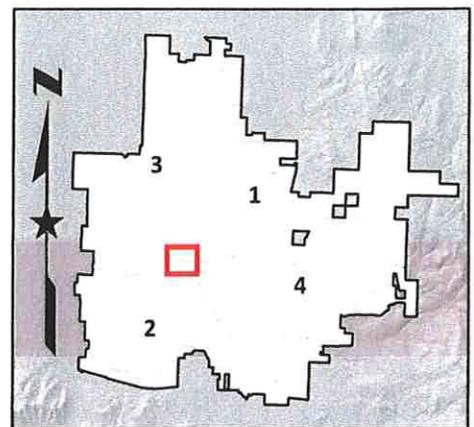
371W19CD TL 1000



Legend

-  Subject Area
-  Tax Lots
-  Zoning Districts

09/24/2019





STAFF REPORT

for a Type-IV legislative decision: **Vacation**

Project Kids Unlimited Street Vacation
Applicant: Kids Unlimited; Agent: Scott Sinner

File no. SV-19-047

To Planning Commission *for January 9, 2020 hearing*

From Steffen Roennfeldt Planner III

Reviewer Kelly Evans, Assistant Planning Director

Date January 2, 2020

BACKGROUND

Proposal

Consideration of a request for the vacation of a portion of Austin Street public right-of-way running roughly east to west from Pine Street to North Riverside Avenue within the C-C (Community Commercial) zoning district.

Vicinity Map



Subject Site Characteristics

GLUP	CM	Commercial
Zoning	SFR-10	Single Family Residential – 6-10 dwelling units per gross acre
	C-C	Community Commercial
Use	Public Right-of-Way	

Surrounding Site Characteristics

<i>North</i>	Zone:	C-C
	Use:	Kids Unlimited
<i>South</i>	Zone:	C-C
	Use:	Kids Unlimited
<i>East</i>	Zone:	C-C
	Use:	Various Commercial Uses
<i>West</i>	Zone:	SFR-10
	Use:	Residential

Related Projects

CUP-16-022 Kids Unlimited Academy Conditional Use Permit

Applicable Criteria

Medford Municipal Code §10.228(D) – Vacation of Public Right-of-Way Approval Criteria

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

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

(2) If initiated by petition under ORS 271,080, the findings required by ORS 271.120.

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

Authority

This proposal is a Type IV application for vacation of public right-of-way. The Planning Commission is authorized to act as the advisory agency to the City Council for vacations, providing a recommendation to the City Council, and with the City Council serving as the approving authority.

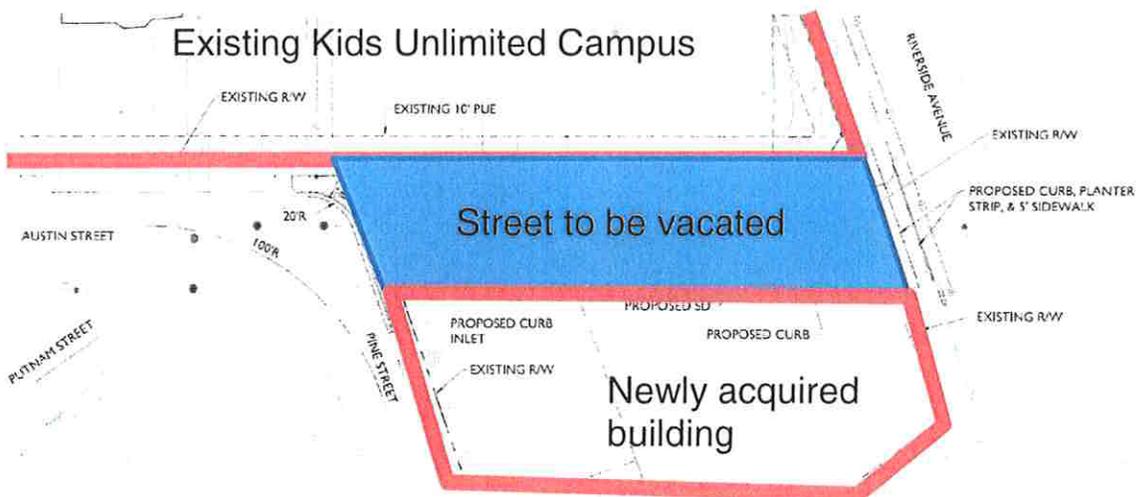
Corporate Names

The application lists Kids Unlimited of Oregon as the owner of the subject property. As per the State of Oregon Business Registry, Pat Huycke is listed as the registered agent, Chuck Martinez is listed as President, and Jamie Brindle is listed as Secretary.

ISSUES AND ANALYSIS

Background

The area to be vacated is located on Austin Street between Pine Street and North Riverside Avenue. Kids Unlimited, who is also the applicant, recently acquired land that lies to the south of the project area. Since Kids Unlimited now owns land on either side of the project area, the proposal is to fully integrate the southernmost building of the campus by vacating the public right-of-way that separates the newly acquired building from the rest of the campus.



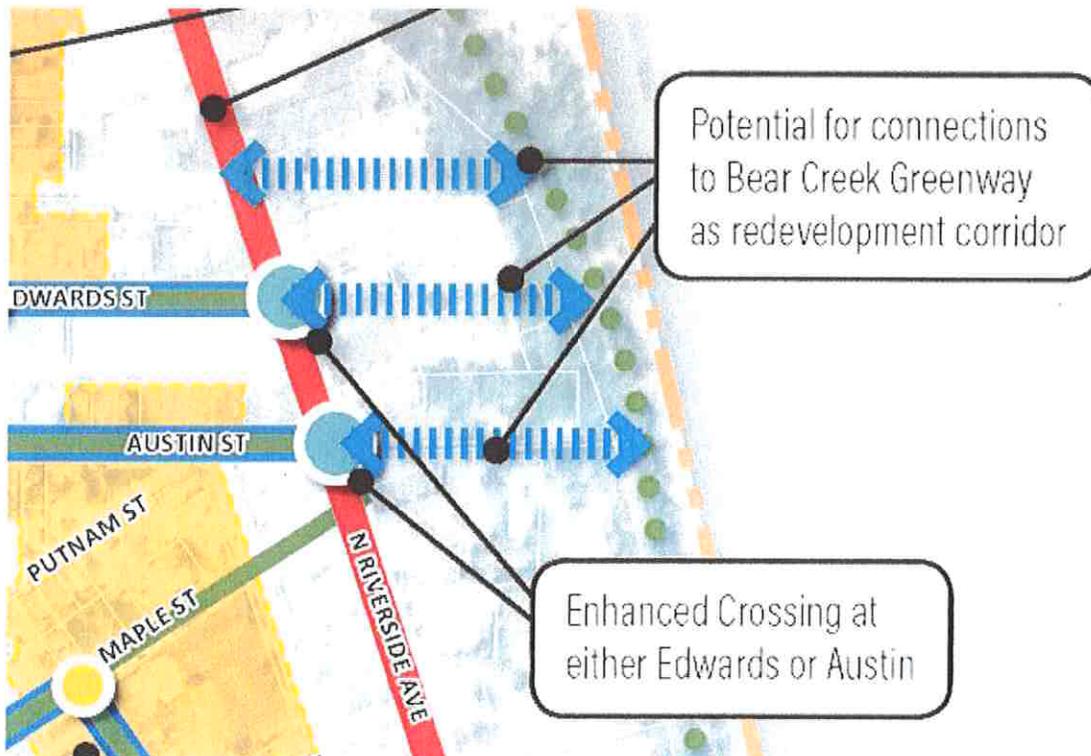
Project Summary

Upon the approval of the vacation, the applicant will install a sidewalk and planter strip along North Riverside Avenue to prevent any thru-traffic from North Riverside Avenue to Pine Street. The west end of the area to be vacated will be retained to provide for access to the existing parking lot.

Per the applicant, the primary objective of this street vacation is to link the two buildings and improve the safety of the children.

Liberty Park Neighborhood Plan

The Liberty Park Neighborhood Plan draft document from November 2019 shows two projects that may potentially be affected by this application: Project C2 shows an enhanced crossing at Austin Street and Riverside Avenue in conjunction with a potential crossing to the Bear Creek Greenway; Project BS-1 would relocate a bus stop to the intersection at Austin Street and Riverside Avenue.



Agency Comments

Per the agency comments submitted to staff (Exhibits I to L), it can be found that public facilities will not be impacted by the proposed vacation.

Committee Comments

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

No other issues were identified by staff.

FINDINGS AND CONCLUSIONS

Staff has reviewed the applicant's findings and conclusions (Exhibit G) and recommends the Commission adopt the findings as presented.

RECOMMENDED ACTION

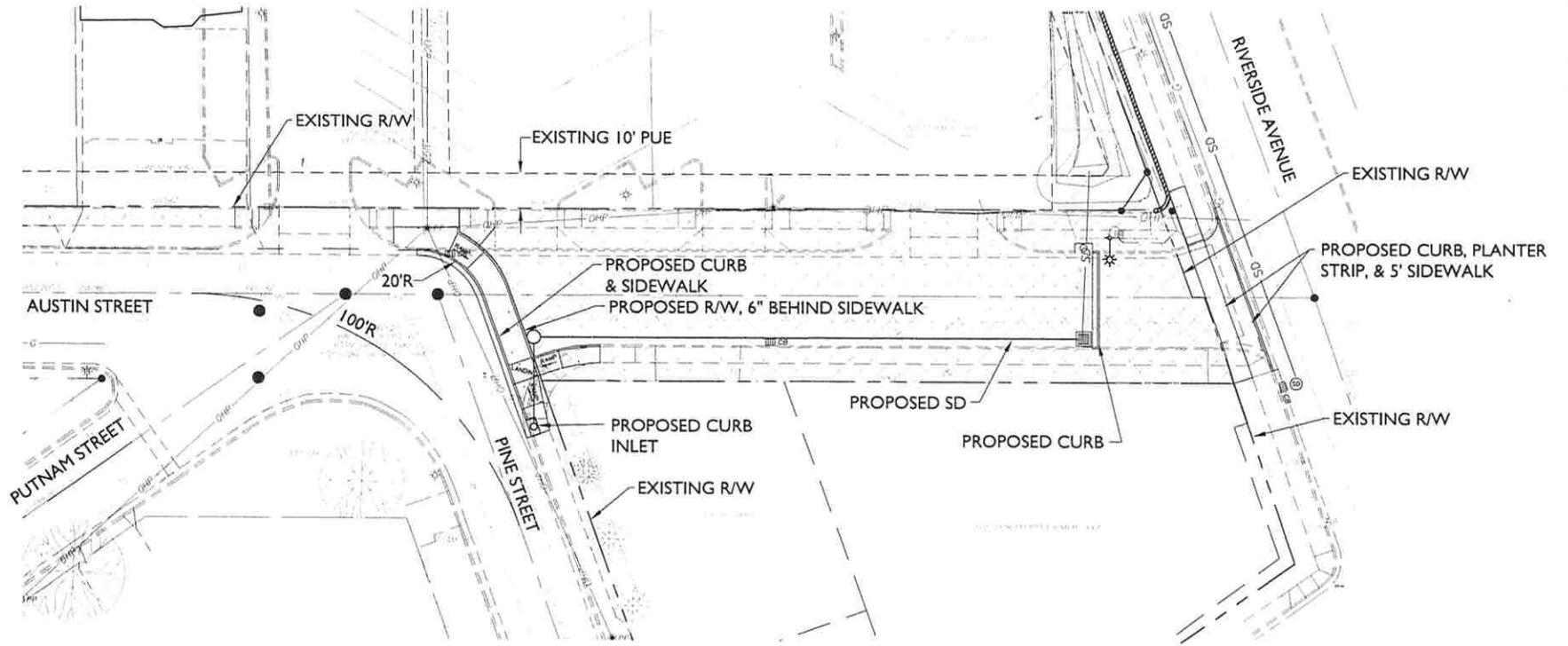
Based on the findings and conclusions that all of the applicable criteria are met or are not applicable, forward a favorable recommendation to the City Council for approval of the vacation per the Staff Report dated January 2, 2020, including Exhibits A through L.

EXHIBITS

- A Civil Improvements, received October 31, 2019
- B Survey Map, received October 31, 2019
- C Turn Analysis, received June 25, 2019
- D Assessor Map, received June 25, 2019
- E Utilities Map, received June 25, 2019
- F Legal Description, received June 25, 2019
- G Applicant's Findings of Fact, received June 25, 2019
- H Initiation Letter, received June 25, 2019
- I Public Works Staff Report, dated December 11, 2019
- J Medford Water Commission Memo, dated December 18, 2019
- K Building Department Memo, dated December 10, 2019
- L Medford Fire Report, dated December 11, 2019
Vicinity map

PLANNING COMMISSION AGENDA:

JANUARY 9, 2020



INDICATES AREA TO BE VACATED
(SEE SURVEY FOR DETAILED DESCRIPTION)



GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.

S: 19-047

EXHIBIT C.1



P.O. BOX 1724 - MEDFORD, OREGON 97501
PH. (541) 779-5268

CITY OF MEDFORD

KIDS UNLIMITED
CIVIL IMPROVEMENTS

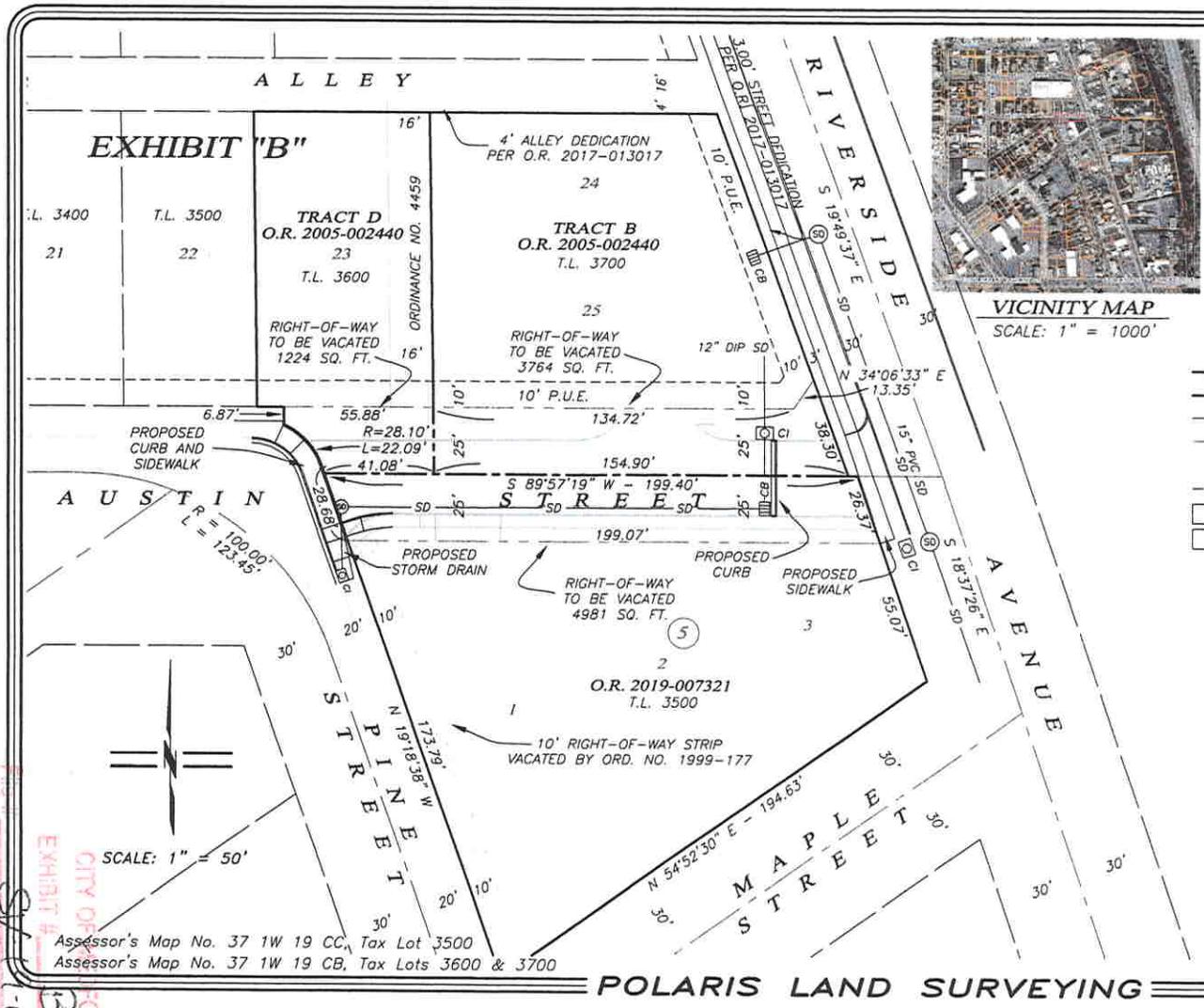
AUSTIN STREET VACATION EXHIBIT

PLANNING DEPT.

PROJECT NO. 2014
DRAWING NO. C.1

OCT 3 2014

RECEIVED



AUSTIN STREET VACATION

LYING SITUATE IN
SOUTHWEST QUARTER OF SECTION 19
TOWNSHIP 37 SOUTH, RANGE 1 WEST, W.M.
JACKSON COUNTY, OREGON

FOR
Kids Unlimited of Oregon
801 & 821 North Riverside Avenue
Medford, Oregon 97501

- LEGEND**
- EXISTING SUBJECT PROPERTY LINE
 - - - VACATED RIGHT-OF-WAY LINE
 - - - ADJACENT BOUNDARY LINES
 - - - STREET CENTERLINE
 - - - PREVIOUS LOT LINE
 - - - EASEMENT LINE
 - ▭ PUBLIC STREET VACATION AREA
 - ▭ PUBLIC UTILITY EASEMENT AREA

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 14, 1998
SHAWN KAMPMANN
2883 L5

RENEWAL DATE: 6/30/2021

SURVEYED BY:
POLARIS LAND SURVEYING LLC
P.O. BOX 459
ASHLAND, OREGON 97520
(541) 482-5009

DATE: OCTOBER 4, 2019
PROJECT NO. 1000-15

POLARIS LAND SURVEYING

PLANNING DEPT.

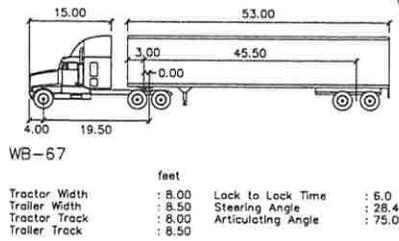
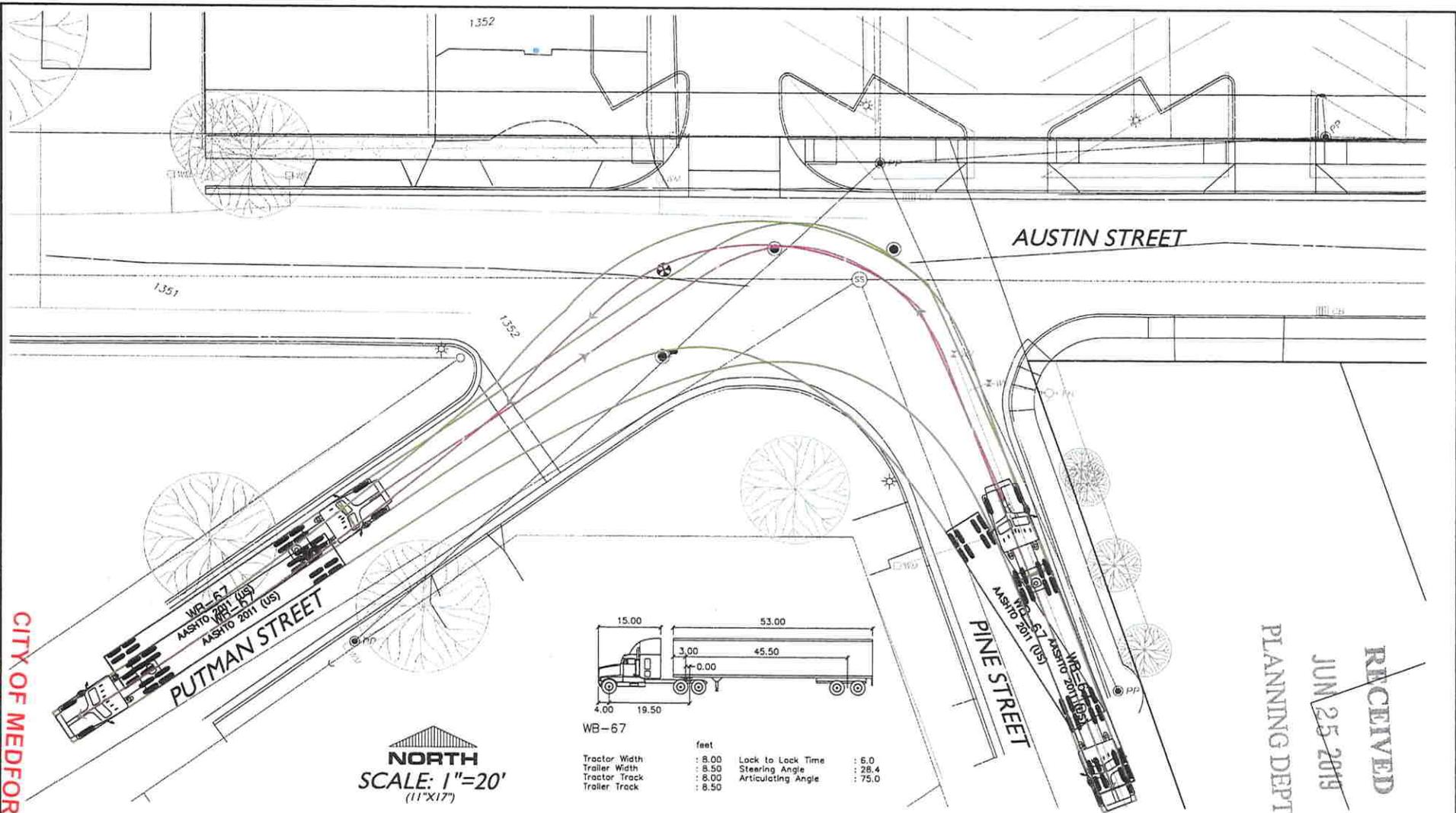
OCT 31 2019

RECEIVED

EXHIBIT # 1047

EXHIBIT #
FILE # SV-19-047

CITY OF MEDFORD



NORTH
SCALE: 1"=20'
(11"X17")

RECEIVED
JUN 25 2019
PLANNING DEPT.

NOT FOR CONSTRUCTION



P.O. BOX 1724 - MEDFORD, OREGON 97501
PH. (541) 779-0288 - FAX (541) 779-5139

DRAWN BY: BSH	DATE: 06/19
CHECKED BY: MNK	DATE: 06/19
APPROVED RVS:	DATE:
APPROVED:	DATE:
APPROVED:	DATE:
APPROVED:	DATE:

NO.	REVISION	DATE	BY

CONSTRUCTION ENGINEERING CONSULTANTS, INC.
KIDS UNLIMITED-AUSTIN STREET
AutoTURN ANALYSIS
(TRUCK ANALYSIS)

REV. CITY ENGINEER: DATE

PROJECT NO. -
DRAWING NO. -
4 of 4

SEE MAP 37 1W 19B

CANCELLED TAX LOT NUMBERS
2300
2900A1
3200 ADDED TO 3300
601



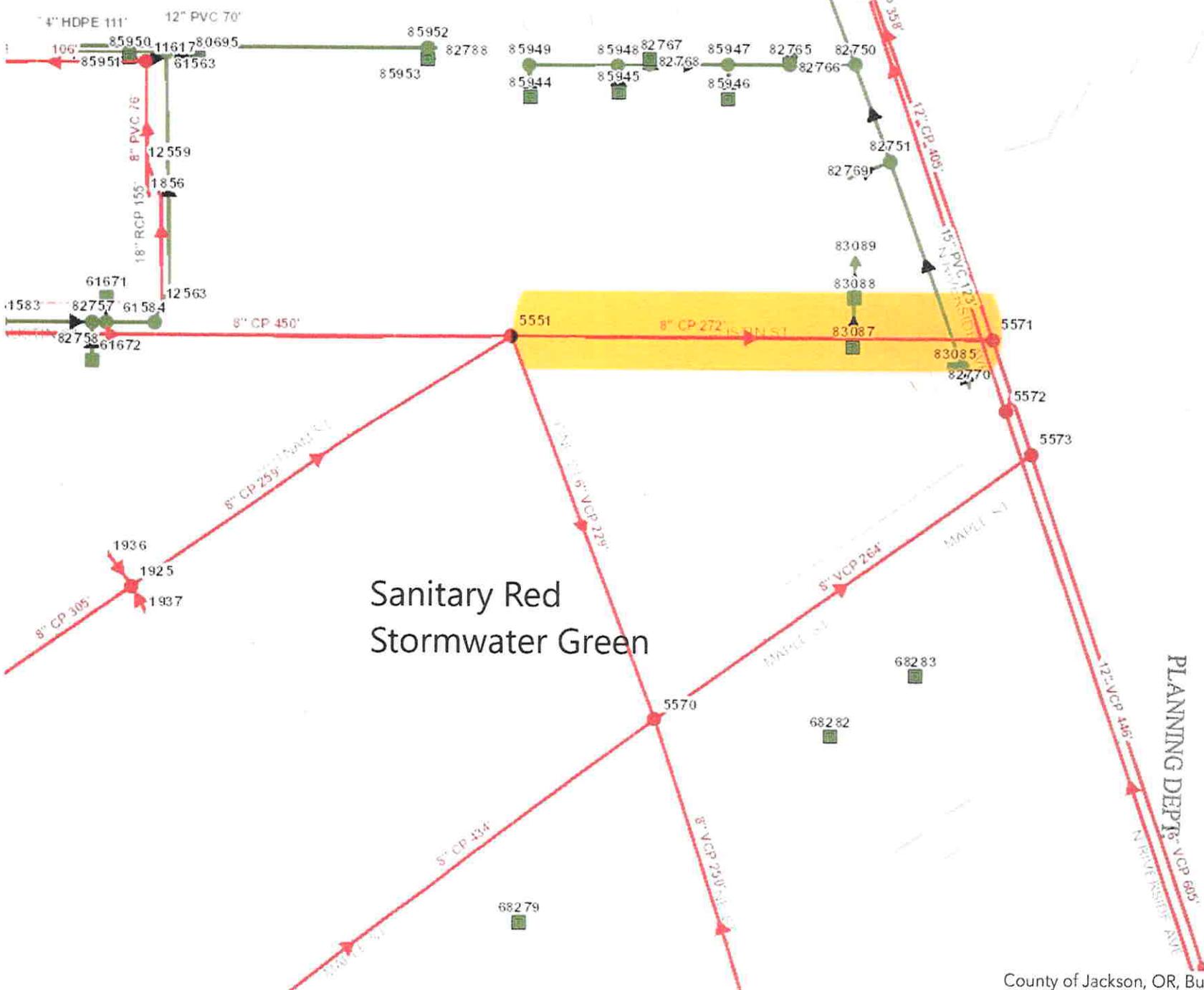
49-50

RECEIVED
JUN 25 2019
PLANNING DEPT.

371W19CB
MEDFORD
DOR CONVERSION October 6, 1999
REV July 25, 2018



Vacation Area
Abutting Properties



RECEIVED

JUN 25 2019

PLANNING DEPT. VCP 603'

8

RECEIVED

OCT 31 2019

PLANNING DEPT.

EXHIBIT "A"

LEGAL DESCRIPTION - AUSTIN STREET VACATION
KIDS UNLIMITED - 801 & 821 NORTH RIVERSIDE AVENUE
ASSESSOR'S MAP NO. 37 1W 19 CC, Tax Lot 3500 &
ASSESSOR'S MAP NO. 37 1W 19 CB, Tax Lots 3600 & 3700

A Public Street Vacation of that portion of Austin Street between North Riverside Avenue and Pine Street, lying adjacent to Tract B and Tract D of the lands described within Document No. 2005-002440 and that tract of land described within Document No. 2019-007321 of the Official Records in Jackson County, Oregon, lying situate within the Southwest Quarter of Section 19, Township 37 South, Range 1 West of the Willamette Meridian in the City of Medford, Jackson County, Oregon, being more particularly described and bounded as follows, to wit;

Beginning at the Northeast corner of Lot 3, Block 5, Meeker's Addition to the City of Medford, Oregon, recorded on November 8, 1888 in Volume 17, Page 1 of the Plat Records in Jackson County, Oregon; thence South 89°57'19" West, along the north line of said Block 5, 199.07 feet, to the west line of that ten foot strip of land vacated by City of Medford Ordinance No. 1999-177; thence North 19°18'38" West, along the northwesterly prolongation of said west line, 28.68 feet to a point of curvature; thence 22.09 feet along the arc of a 28.10 foot radius curve to the left, having a delta angle of 45°02'34" (Chord bearing North 41°49'55" West, 21.53 feet); thence North 00°02'39" West, 6.87 feet to the north line of Austin Street, common with the south line of Block 2, Edwards Addition to the City of Medford; thence North 89°57'19" East, along said south line, to a 5/8 inch iron pin at an angle point for a street dedication described in Document No. 2017-013017 of the Official Records in Jackson County, Oregon; thence North 34°06'33" East, 13.35 feet to a 5/8 inch iron pin along North Riverside Avenue; thence South 19°49'37" East, along a line being 33.00 feet southwesterly from and parallel with the centerline of said North Riverside Avenue, a distance of 38.30 feet to intersect the centerline of Austin Street; thence North 89°57'19" East, along said described centerline, 3.42 feet to a point being 30.00 feet at right angles to said centerline of North Riverside Avenue; thence South 18°37'26" East, parallel with and 30.00 feet southwesterly from said described centerline, 26.37 feet to the POINT OF BEGINNING.

Containing 10,031 square feet, more or less.

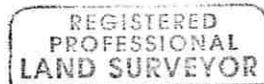
The Basis of Bearing for his description is the centerline of Austin Street as denoted on Survey No. 22478, on file in the office of the Jackson County Surveyor.

Prepared by:

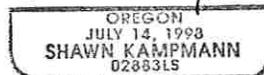
Shawn Kampmann
Professional Land Surveyor

Polaris Land Surveying LLC
P.O. Box 459
Ashland, Oregon 97520

Date: October 4, 2019



Shawn Kampmann



RENEWAL DATE: 6/30/21

s:\surveys\1000-15\Austin Street Vacation Legal.docx

P. O. Box 459, Ashland, Oregon 97520 Phone: (541) 482-5009 Fax: (541) 488-0797
Mobile: (541) 601-3000 www.polarissurvey.com

SV 19-047

FINDINGS OF FACT

RECEIVED
JUN 25 2019
PLANNING DEPT.

BEFORE THE CITY COUNCIL OF THE CITY OF MEDFORD, OREGON:

IN THE MATTER OF AN APPLICATION FOR
VACATION OF AUSTIN STREET RIGHT OF WAY
KIDS UNLIMITED OF OREGON APPLICANT
SCOTT SINNER CONSULTING, INC. AGENT

)
) FINDINGS OF FACT
) AND
) CONCLUSIONS
) OF LAW

)

I. BACKGROUND INFORMATION

Applicants:

Kids Unlimited of Oregon
821 North Riverside Avenue
Medford, OR 97501

Chuck Martinez
Board President
222 NE Park Plaza Dr. Suite 116
Vancouver, WA 98684

Agent:

Scott Sinner Consulting, Inc.
4401 San Juan Dr. Suite G
Medford, OR 97504
541-772-1494
scottsinner@yahoo.com

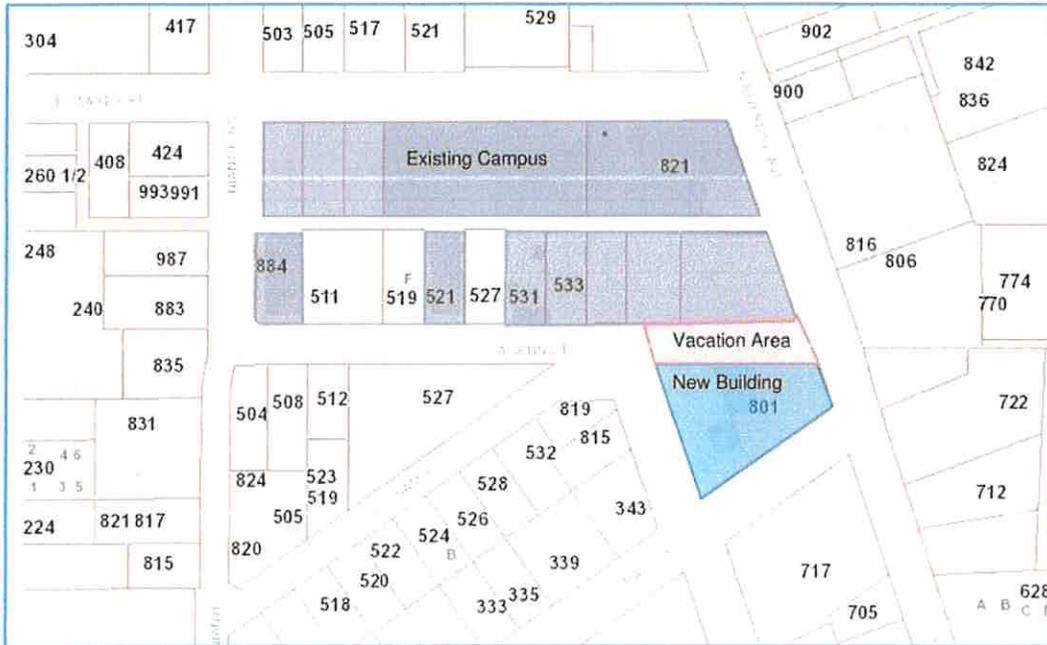
Project Summary:

This application requests the vacation of a segment of the Austin Street from N. Riverside Avenue to Pine Street. This segment is a public right of way between two parcels owned by Kids Unlimited of Oregon (KU). The primary purpose of this request is to increase public safety.

KU operates a Charter School on a campus approved through a Conditional Use Permit. The campus is located on most of the properties on the north side of Austin Street.

KU purchased the property located at 801 North Riverside and plans to add services associated with the Charter School.

FINDINGS OF FACT



The 801 Riverside building was built in 1957 and currently has no front setback. The oblique angle of the intersection and the zero setback results in significantly limited sight distance for vehicles entering N Riverside as seen in the image below in a vehicle stopped at the stop bar.



FINDINGS OF FACT

Upon the approval of the requested vacation, KU will install a sidewalk with planter strip on the N Riverside frontage preventing riverside traffic from a left turn movement. The west end of the segment will be retained to provide bus and car circulation in the existing KU parking area and student drop off area.



KU Traffic Circulation



Public Circulation

FINDINGS OF FACT

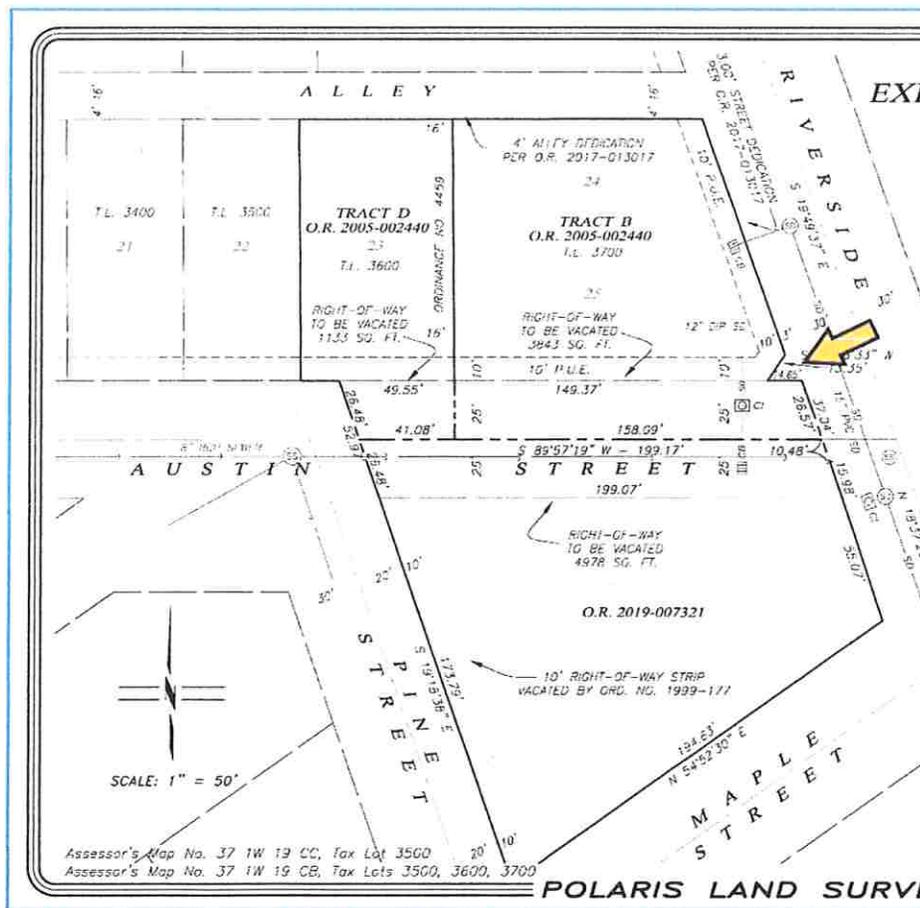
The circulation for the general public in the vicinity will be directed southbound to the Riverside and Maple intersection with substantially improved vision clearance, or to the signalized Edwards Riverside intersection. Both routes offer improved safety for the general public.

The primary objective for the vacation of the right of way is to link the two buildings and improve the safety of the children. There are no plans to build on the right of way.

Upon approval of this vacation of right of way KU plans to provide signage indicating Private Road and directional cues for KU related traffic.

KU has no plans to build on the vacated right of way and will work with the City to provide necessary easement for any public utilities in the current right of way.

The image below identifies a small area of existing right of way that is not included in this request to vacate at this time. In the event the City determines this area should be included in the vacation, the applicant will provide the appropriate legal description as required on the application form.



Approval Criteria

10.228 Vacation of Public Right-of-Way

(D) Vacation of Public Right-of-Way Approval Criteria. A request to vacate shall only be approved by City Council when the following criteria have been met:

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

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

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

Findings of Fact

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

The Public Facilities Element of the Medford Comprehensive Plan (Comp Plan) identifies and provides goals and strategies for managing and providing public facilities. Those public facilities most impacted by the requested vacation of right of way are the Category A Facilities listed as follows:

- Water Service
- Sanitary Sewer Service
- Stormwater Management
- Transportation Systems

Water Service

The requested vacation will have no impact on the water *supply*. The Medford water supply is Big Butte Springs and the Rogue River, both are unaffected by this vacation.

The *delivery* of water in the service area is the important discussion in this application. The Medford Water Commission provided an exhibit indicating there are no public water facilities in the area of the requested vacation of right of way.

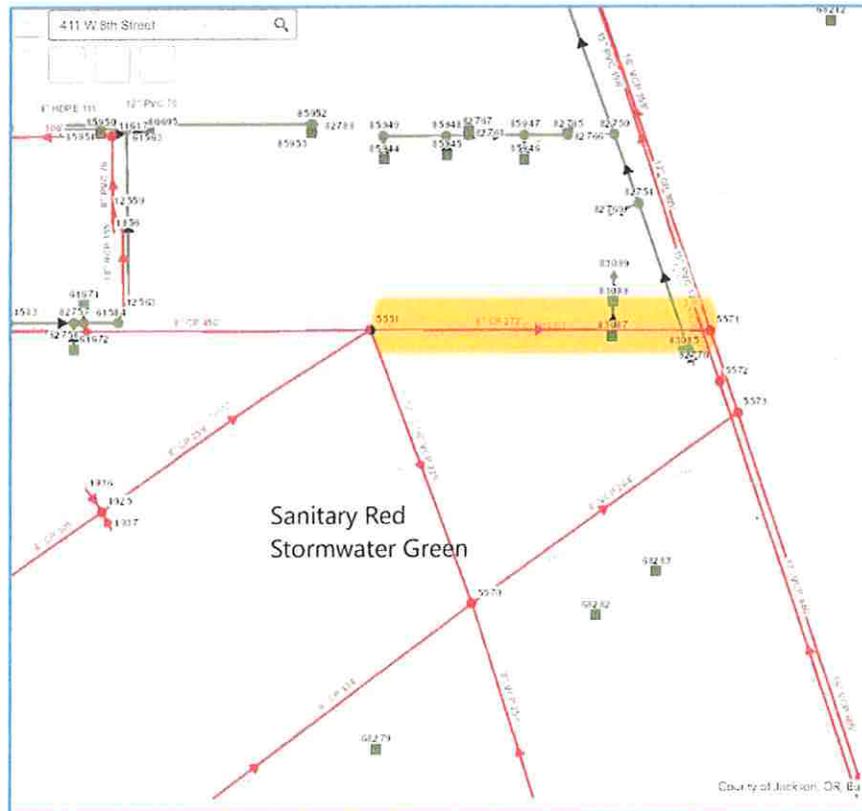
The adjoining properties are developed at or near urban densities and the existing public water lines in the area are adequate to serve the existing developments. The approval of the requested vacation of right of way will not impact the existing, or future water delivery systems.

Sanitary Sewer

FINDINGS OF FACT

A public sanitary sewer line is currently within the public right of way in the segment of Austin Street. As a condition of approval, the applicant will prepare and record a legal description, satisfactory to the City, for an appropriate easement for this facility.

The approval of this vacation will not have a negative effect on the sanitary sewer facilities.



Stormwater

The existing right of way has two existing catch basins and storm water pipes in the vacation area.

As a condition of approval, the applicant will prepare and record a legal description, satisfactory to the City, for an appropriate easement for this facility.

The approval of this vacation will not have a negative effect on the storm water facilities.

FINDINGS OF FACT

Streets and the Transportation System Plan (TSP)

The Comp Plan defers to the adopted TSP for the discussion of the transportation facilities for a vacation of right of way. The City has not adopted a circulation plan for this vicinity.

According to the functional street classification map within the TSP North Riverside is Classified as a major arterial street and Edwards Avenue, on the north side of the KU Campus, is classified as a minor collector. The Riverside / Edwards intersection is signalized.

Austin Street is not a classified street. The existing ROW has sidewalks but not bike lanes. The Austin / Riverside intersection has restricted vision clearance due to the oblique intersection angle and the zero building setback of the existing building.



The approval of the requested vacation will allow KU to utilize the vacated area for buses and student drop off. The general public will be directed to the signalized Edwards / Riverside intersection or to the Maple and Riverside with significantly improved sight vision clearance.

The current intersection spacing between Maple Street and Austin street is approximately 118 feet. The current spacing does not meet the current standards for intersection spacing in the Medford Land Development Code or the TSP. Eliminating the Austin / Riverside intersection will improve the flow of traffic on Riverside.

FINDINGS OF FACT

Upon approval the applicant proposes the installation of a sidewalk and planter strip to improve the pedestrian facilities on Riverside.

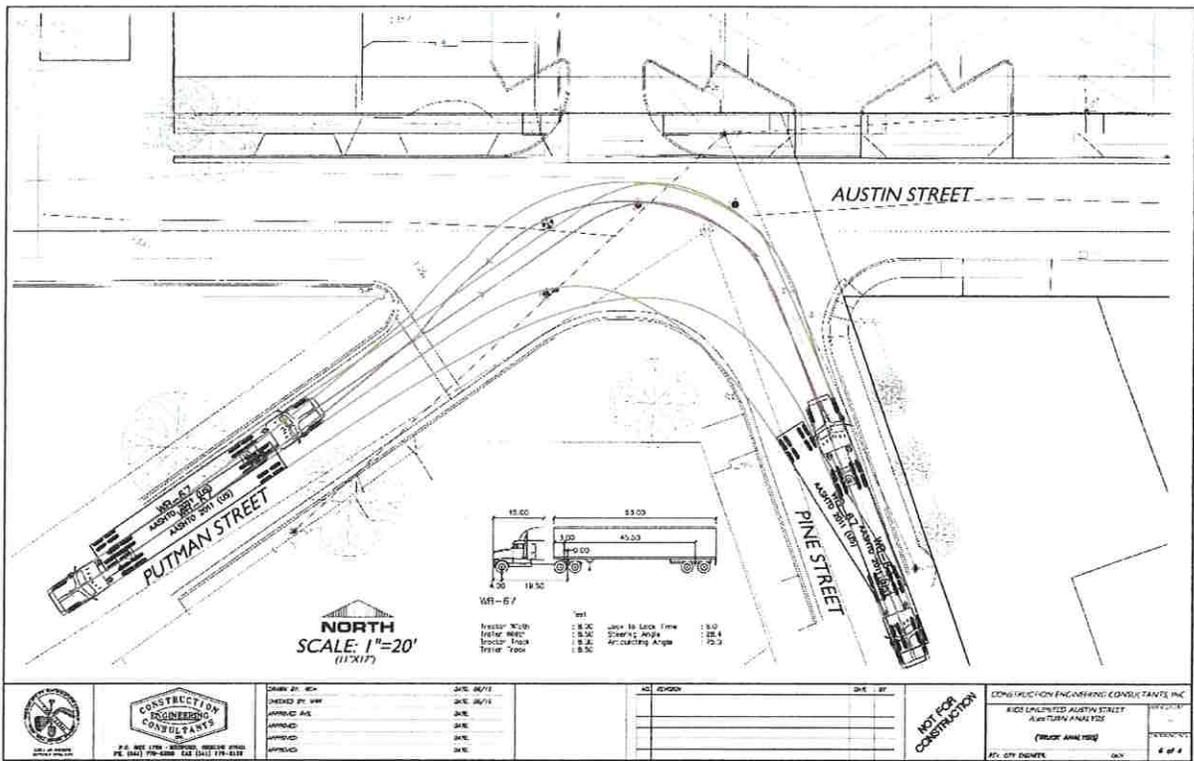
The TSP indicates a plan to reconfigure Riverside to provide bike lanes in the existing section. The approval of the requested exception will not prevent the proposed reconfiguration.

The requested vacation will have no effect on mass transit opportunities.

The applicant's civil engineer conducted an analysis of the turning movements required by a variety of long wheelbase trucks and busses and the results of the study is the turning radius.

The analysis demonstrates the long wheelbase vehicle movement from eastbound Putnam Street to Pine Street and northbound Pine Street to Putnam Street is functional. This is a tighter turn movement than the Austin Street to Pine Street movement.

The eastbound Austin Street to westbound Putnam Street, and the reverse, is currently nonfunctional and the approval of the vacation request will not change the functionality of this movement.



The KU Campus is comprised of multiple taxlots in single family residential, multifamily residential and the Community Commercial zoning districts. MLDC section 10.426 is the

FINDINGS OF FACT

Block Length Ordinance. This section the maximum Block Length and Block Perimeter Length.

The approval of the vacation will not affect block length, but the block perimeter will be affected. The existing Block Perimeter Length is approximately 2,000 feet. The approval of the vacation will increase the block perimeter length to approximately 2,325 feet.

The Perimeter Block Length of 2,325 exceeds the standard of 2,100 feet for the residential zones but is well under the 2,880 foot maximum for the Community Commercial zones.

The MLDC provides relief from the standards in 10.426 (2) (i) where the proposed use is a public or private school. KU is a public charter school, therefore the request to vacation the segment of Austin Street is consistent with the Block Length Ordinance.

The City has not adopted a street circulation plan for the vicinity. The requested vacation will not negatively impact vehicular traffic on North Riverside. The vision clearance safety hazard of the Austin Street / Riverside intersection will be eliminated with the closure of this intersection.

The pre-existing nonconforming intersection spacing between Austin Street and Maple street will be eliminated.

The pedestrian facilities on Riverside will not be negatively impacted by the vacation of right of way and the proposed reconfiguration of Riverside travel lanes to provide bike lane(s) will be possible.

The approval of the vacation request will continue to allow long wheelbase vehicles to function in the vicinity on the existing functional movements.

The request will comply with the Block Length Ordinance contained within the MLDC.

The request is consistent for streets and the transportation system as detailed in the Comp Plan, Transportation System Plan and the Medford Land Development Code.

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

This application is not initiated by petition.

FINDINGS OF FACT

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

This application is initiated by the City Council and subject to the criteria identified below:

(1) The City governing body may initiate vacation proceedings authorized by ORS 271.080 (Vacation in incorporated cities) and make such vacation without a petition or consent of property owners. Notice shall be given as provided by ORS 271.110 (Notice of hearing), but such vacation shall not be made before the date set for hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080 (Vacation in incorporated cities), object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages. Provision for paying such damages may be made by a local assessment, or in such other manner as the city charter may provide.

(2) Two or more streets, alleys, avenues and boulevards, or parts thereof, may be joined in one proceeding, provided they intersect or are adjacent and parallel to each other.

(3) No ordinance for the vacation of all or part of a plat shall be passed by the governing body until the city recording officer has filed in the office of the city recording officer or indorsed on the petition for such vacation a certificate showing that all city liens and all taxes have been paid on the lands covered by the plat or portion thereof to be vacated.

(4) Any property owner affected by the order of vacation or the order awarding damages or benefits in such vacation proceedings may appeal to the circuit court of the county where such city is situated in the manner provided by the city charter. If the charter does not provide for such appeal, the appeal shall be taken within the time and in substantially the manner provided for taking an appeal from justice court in civil cases. [Amended by 1995 c.658 §101]

FINDINGS OF FACT

Findings of Fact

- (1) *The City governing body may initiate vacation proceedings authorized by ORS 271.080 (Vacation in incorporated cities) and make such vacation without a petition or consent of property owners. Notice shall be given as provided by ORS 271.110 (Notice of hearing), but such vacation shall not be made before the date set for hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080 (Vacation in incorporated cities), object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages. Provision for paying such damages may be made by a local assessment, or in such other manner as the city charter may provide.*

The applicant has submitted a letter requesting the City Council initiate the proposed vacation.

This application includes the mailing labels of the names of the owners of property in the affected area to provide these residents with the appropriate notification.

The applicant owns 100%, both sides of the requested right of way. The approval of the requested vacation will not negatively affect the value of the abutting property owners and there will be no need for the City to incur any liability or need to pay damages for reduced property values.

- (2) *Two or more streets, alleys, avenues and boulevards, or parts thereof, may be joined in one proceeding, provided they intersect or are adjacent and parallel to each other.*

This application requests a vacation involving a single street segment, Austin Street from North Riverside to Pine Street. No additional streets are requested to be vacated.

- (3) *No ordinance for the vacation of all or part of a plat shall be passed by the governing body until the city recording officer has filed in the office of the city recording officer or indorsed on the petition for such vacation a certificate showing that all city liens and all taxes have been paid on the lands covered by the plat or portion thereof to be vacated.*

OK.

FINDINGS OF FACT

(4) Any property owner affected by the order of vacation or the order awarding damages or benefits in such vacation proceedings may appeal to the circuit court of the county where such city is situated in the manner provided by the city charter. If the charter does not provide for such appeal, the appeal shall be taken within the time and in substantially the manner provided for taking an appeal from justice court in civil cases. [Amended by 1995 c.658 §101]

The applicant owns 100% of the adjoining property associated with this application. The approval of this application will improve safety for all affected property owners by directing traffic away from the Austin / Riverside intersection which has very poor vision distance.

Application Summary and Conclusion:

The City Council can conclude this application for a vacation of right of way is consistent with the approval criteria contained within the Medford Land Develop Code. The application is complete with all required submittals, including a request for the City Council to initiate the vacation process.

These findings demonstrate the request is consistent with the Medford Land Development Code, the Public Facilities Element of the Medford Comprehensive Plan, the Medford Transportation System Plan and relevant sections of ORS 271.130, including the public noticing requirements.

The approval of the requested vacation and allowing the applicant to close the Austin Street / North Riverside intersection and limiting traffic to primarily Kid Unlimited school uses will not only improve the safety of the children and staff of the school, but also the safety of general public by directing traffic to intersections with substantially better vision clearance.

Respectfully
Scott Sinner



Scott Sinner Consulting, Inc.

Land Use Planning, Conservation Consulting

June 24, 2019

Medford City Council
411 W 8th St Room 310
Medford, OR 97501

Councilors,

On behalf of Kids Unlimited of Oregon, I would like to request the City Council of Medford initiate a vacation of public right of way for the portion of Austin Street from the Riverside Avenue intersection to the Pine Street intersection.

Kids Unlimited of Oregon operates a Charter School at their 821 N Riverside Avenue. They have acquired the building at 801 N Riverside and seek to fully integrate the new building into their program.

The vacation of right of way will greatly improve the safety of the students moving around the campus.

Regards,



Scott Sinner, President
Scott Sinner Consulting, Inc.

RECEIVED

JUN 25 2019

PLANNING DEPT.



4401 San Juan Drive, Suite G
Medford, Oregon 97504

Phone and Fax 541-772-1494
541-772-0917
Email scottsinner@yahoo.com

EXHIBIT # H
FILE # SV-19-047



PUBLIC WORKS DEPARTMENT STAFF REPORT

Austin Street Vacation

Kids Unlimited, Inc.

Project: Consideration of a request for the vacation of a portion of Austin Street public right-of-way.

Location: Running roughly east to west from Pine Street to North Riverside Avenue within the C-C (Community Commercial) zoning district.

Applicant: Applicant, Kids Unlimited; Agent, Scott Sinner Consulting Inc.; Planner, Steffen Roennfeldt.

A. EASEMENTS

There is a public storm drain and a sanitary sewer main within this section of the right-of-way, but it is unknown whether there are any other public utilities within the right-of-way.

The City of Medford will reserve an easement for storm drain, sanitary sewer, and any other public utility improvements currently existing therein. The easement shall include the right to access, maintain, and construct these utilities within the easement area. No structures shall be built over the easement area.

B. STREETS

1. Public Improvements

a. Public Streets

The vacated section is proposed to be closed off from through traffic from Austin Street. The applicant shall ensure adequate right-of-way is provided to allow for the improvements as show on Exhibit C.1. The improvements shall be bonded for prior to Council action. All construction/improvements shall be completed within one year of the recording date of the vacation. Submittal of Public Improvement Plans to the City of Medford Engineering Division for review/approval is required.

There is an existing street light in that portion of public right-of-way. The owner of the property shall take ownership of the light including any power and maintenance, or shall remove the light at the Developers cost including delivery to City of Medford Service Center at 821 N. Columbus Ave, Medford OR 97501. Delivery shall be coordinated with the City's Transportation Electrical Inspector.

b. Access and Circulation

No access shall be allowed to any parcel from Riverside Avenue or Edwards Street. The school should plan on all access to the campus ultimately being from Austin and/or Niantic Streets.

C. GENERAL CONDITIONS

1. Design Requirements and Construction Drawings

All public improvements shall be constructed in accordance with the "Engineering Design Standards for Public Improvements", adopted by the Medford City Council. Copies of this document are available in the Public Works Engineering office.

2. Construction Plans

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

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

3. Construction and Inspection

Contractors proposing to do work on public streets (including street lights), sewers, or storm drains shall 'prequalify' with the Engineering Division prior to starting work. Contractors shall work off a set of public improvement drawings that have been approved by the City of Medford Engineering Division.

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

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

Prepared by: Jodi K Cope
Reviewed by: Doug Burroughs



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

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

SUBJECT: SV-19-047

PARCEL ID: 371W19CC TL 3500, and 371W19CB TL 3600 & 3700

PROJECT: Consideration of a request for the vacation of a portion of Austin Street public right-of-way running roughly east to west from Pine Street to North Riverside Avenue within the C-C (Community Commercial) zoning district; Applicant, Kids Unlimited; Agent, Scott Sinner Consulting Inc.; Planner, Steffen Roennfeldt.

DATE: December 18, 2019

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

CONDITIONS

1. No Conditions.

COMMENTS

1. There is No Water Line in Austin Street.

CITY OF MEDFORD
ENGINEER
SV 19-047
7



0 25 50 100 Feet
 Scale: 1" = 100'

**Water Facility Map
 for
 SV-19-047**
 December 18, 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:

- G** Control Station
- P** Pump Station
- R** Reservoir



MEDFORD WATER COMMISSION
 1000 N. Riverside Ave., Medford, OR 97504
 Phone: 531-321-1111
 Fax: 531-321-1112

Page 43



MEDFORD

BUILDING SAFETY

MEMORANDUM

To: Steffen Roennfeldt, Planning Department
From: Chad Wiltrout, Building Department (541) 774-2363
CC: Kids Unlimited, Applicant; Scott Sinner Consulting, Inc., Agent
Date: December 10, 2019
Subject: SV-19-047_Vacation of Public Right-of-Way_Kids Unlimited

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 2019 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. Building Department has no comments regarding the vacation.

CITY OF MEDFORD

K

SV 19-047

Medford Fire-Rescue Land Development Report

Review/Project Information

Reviewed By: Kleinberg, Greg

Review Date: 12/4/2019
Meeting Date: 12/11/2019

LD File #: SV19047

Planner: Steffen Roennfeldt

Applicant: Kids Unlimited

Site Name: n/a

Project Location: Austin Street public right-of-way running roughly east to west from Pine Street to North Riverside Avenue

ProjectDescription: Consideration of a request for the vacation of a portion of Austin Street public right-of-way running roughly east to west from Pine Street to North Riverside Avenue within the C-C (Community Commercial) zoning district;

Specific Development Requirements for Access & Water Supply

Conditions

Reference	Description
Approved	Approved as submitted with no additional conditions or requirements.

Construction General Information/Requirements

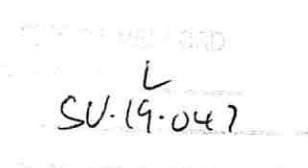
Development shall comply with access and water supply requirements in accordance with the Oregon Fire Code in affect at the time of development submittal. Fire apparatus access roads are required to be installed prior to the time of construction. The approved water supply for fire protection (fire hydrants)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


 L
 SU-19-047



Project Name:

**Vacation of Public
Right-of-Way**

Map/Taxlot:

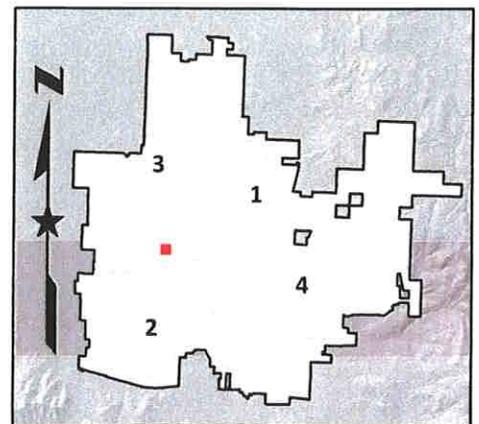
**371W19CC TL 3500
371W19CB TL 3600 & 3700**

0 60 120
Feet

Legend

-  Subject Area
-  Zoning Districts
-  Tax Lots

06/26/19





MEDFORD PLANNING

STAFF REPORT

for a Type-IV Legislative decision: Vacation

Project Lariot Vacation
Applicant: Applicant, Lariot Corporation; Agent, Berghausen Consulting Firm Engineers

File no. SV-19-048

To Planning Commission *for 1/9/2020 hearing*

From Dustin Severs, Planner III

Reviewer Kelly Evans, Assistant Planning Director *W*

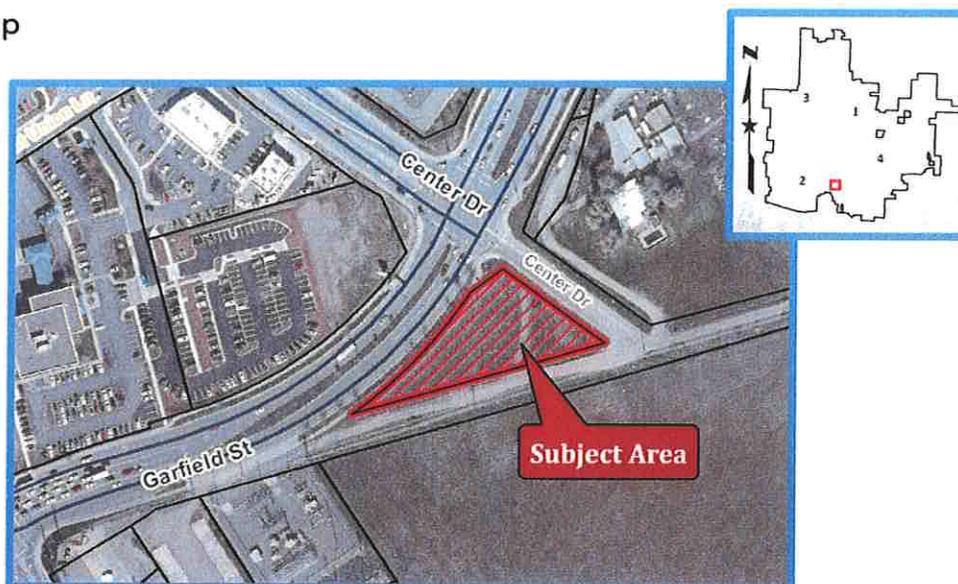
Date January 2, 2020

BACKGROUND

Proposal

Consideration of a request for the vacation of a 15-foot wide Public Utility Easement (PUE) on a single 0.76-acre parcel located at the corner of Garfield Street and Center Drive in the Regional Commercial (C-R) zoning district (371W32B3605).

Vicinity Map



Subject Site Characteristics

GLUP C-R (Regional Commercial)
Zoning CM (Commercial)
Overlay None
Use Vacant

Surrounding Site Characteristics

North Zone: C-R
 Use(s): Rogue Valley Credit Union parking lot

South Zone: SFR-00 (Single Family Residential, one dwelling unit per existing lot)
 Use(s): Vacant

East Zone: C-R
 Use(s): South Center shopping center

West Zone: C-R
 Use(s): Pacific Power substation

Related Projects

SV-17-039 Partial vacation of Belknap Road
LDP-17-131 Partition
AC-18-126 SPAC approval of a 2,849 square foot KFC restaurant

Applicable Criteria

Medford Municipal Code §10.228(D) – Vacation of Public Right-of-Way Approval Criteria

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

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

(2) If initiated by petition under ORS 271,080, the findings required by ORS 271.120.

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

Approval Authority

This proposal is a Type-IV application for the vacation of a Public Utility Easement. The Planning Commission is authorized to act as the advisory agency to the City Council for vacations, providing a recommendation to the City Council. City Council is the final approving authority.

ISSUES AND ANALYSIS

Background

On April 5, 2019, the Site Plan & Architectural Commission (SPAC) approved the construction of a 2,849 square foot KFC restaurant to be located on the subject property. Included in the applicant's SPAC submittals was a topographic survey map which identified a 15-foot wide PUE running through the lot where the future building is proposed to be constructed. Accordingly, a condition of approval was added to the SPAC approval, requiring the applicant to obtain approval for the vacation of the PUE prior to the issuance of a building permit for vertical construction.

Per MLDC 10.288(A-B), a request to vacate a PUE is subject to the vacation provisions of the Code, and is required to be recorded into the public record in accordance with Oregon Revised Statutes procedures.

The applicant is initiating the vacation process for the PUE by petition under MLDC 10.228(C) and ORS 271.080. The property is located within a three-lot partition plat, and pursuant to ORS 271.080, the consent of the owners of two-thirds in area of the property embraced within such plat is required. The applicant has provided the written consent of the requisite property owner(s) within the subject plat, along with written approval from all affected private utility providers.

On June 6, 2019, the applicant submitted their construction plans to the Building Safety Department, but the Planning Department's sign-off on the building permit is on hold until the vacation of the PUE has been approved by City Council.

On December 5, 2019, City Council set the public hearing date of February 6, 2020, for the subject request.

Agency Comments

Per the agency comments submitted to staff (Exhibits E-G), it can be found that the public facilities will not be impacted by the proposed vacation.

Committee Comments

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

No other issues were identified by staff.

FINDINGS AND CONCLUSIONS

The criteria that apply to vacations are in Medford Municipal Code Section 10.228(D) *Vacation Criteria*. A request to vacate shall be approved by the approving authority (City Council) when the following criteria have been met:

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

Findings

A review of the goals and policies in the Comprehensive Plan that relate to public facilities, transportation and the Transportation System Plan (TSP) do not apply to public easements.

Conclusion

This criterion is not applicable to the project.

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

Findings

The application was initiated by petition per the requirements in ORS 271.080(2).

Conclusion

The submitted application contains the requisite material and provides a petition conforming to the standards of ORS 271.080, including the written consent of the property owners within the subject plat, and written approval from all affected utility providers. This criterion is satisfied.

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

Findings

The application was initiated by petition per the requirements in ORS 271.080(2).

Conclusion

This criterion is not applicable to the project.

RECOMMENDED ACTION

Based on the findings and conclusions that all of the approval criteria are met or are not applicable, forward a favorable recommendation to City Council for approval of SV-19-048 per the staff report dated January 2, 2020, including Exhibits A through G.

EXHIBITS

- A Applicant's Legal description and exhibit map, received October 23, 2019.
- B Applicant's Findings of Fact and Conclusions of Law, received October 23, 2019.
- C Applicant's vicinity map, received October 23, 2019.
- D Partition plat (LDP-17-131) submitted by applicant, received October 23, 2019.
- E Public Works staff report, received December 18, 2019.
- F Medford Water Commission report, received December 18, 2019.
- G Medford Fire Department memo, received December 18, 2019.
Vicinity Map

PLANNING COMMISSION AGENDA:

JANUARY 9, 2020

Vacation of 15' PUE

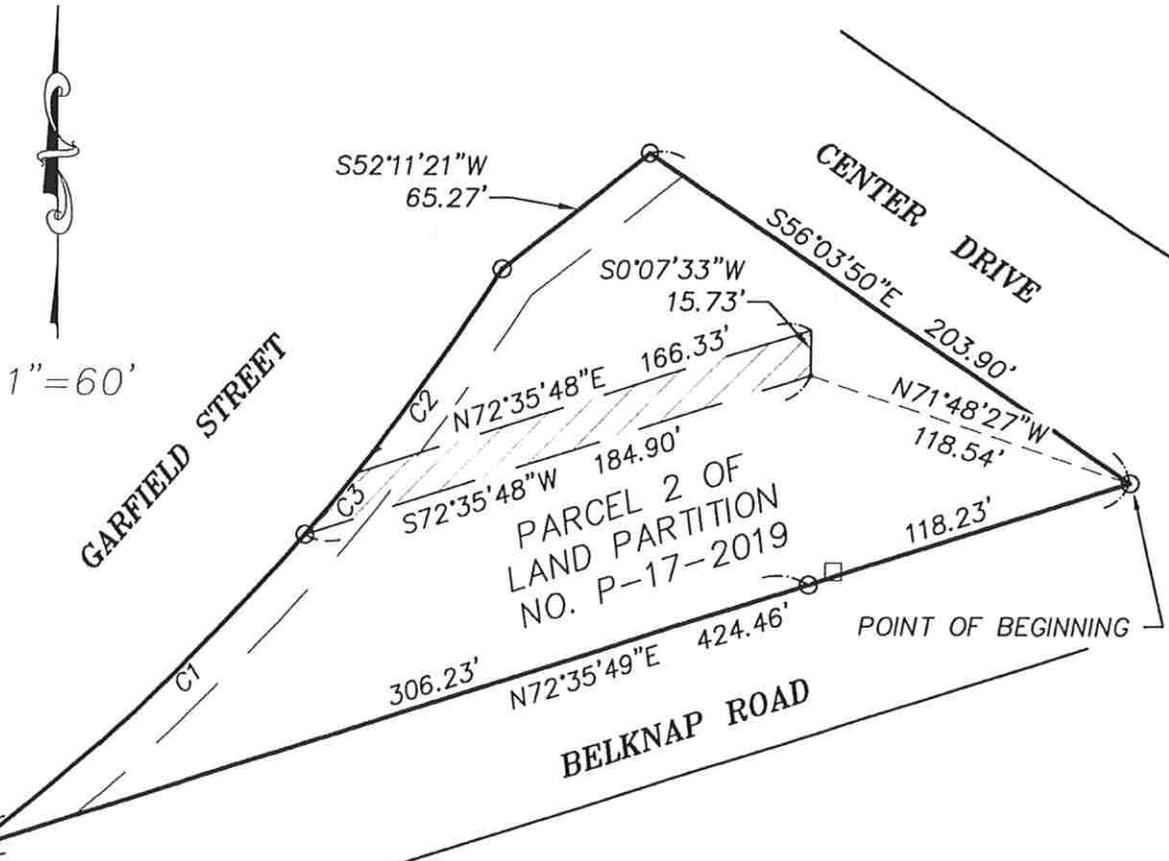
A parcel of land situated in Parcel 2 of Land Partition No. P-17-2019, said Parcel 2 is situated in the NW1/4 of Section 32, Township 37 South, Range 1 West of the Willamette Meridian. Being more particularly described as follows:

Commencing at the most easterly corner of said Parcel 2, Thence North $71^{\circ}48'27''$ West, 118.54 feet to the TRUE POINT OF BEGINNING; Thence South $72^{\circ}35'48''$ West, 184.90 feet to a point on the easterly right-of-way line of Garfield Street, said point bears North $46^{\circ}52'00''$ East, 158.93 feet from the most southwesterly point of said Parcel 2; Thence along said right-of-way line, along the arc of a 761.81 radius curve to the left, through a central angle of $2^{\circ}05'06''$ (the long chord of which bears North $39^{\circ}50'12''$ East, 27.72 feet) an arc distance of 27.72 feet; Thence leaving said right-of-way line, North $72^{\circ}35'48''$ East, 166.33 feet; Thence South $00^{\circ}07'33''$ West, 15.73 feet to the point of beginning.

Basis of bearings is Grid North of the Oregon Coordinated Reference System, Grants Pass – Ashland Zone as per Record of Survey No. 21477 on file at the Jackson County Surveyors Office.

CITY OF MEDFORD
CITY OF MEDFORD
File # ~~SV-19-048~~ **EXHIBIT A (to 52)**
FILE # SV-19-048

VACATION OF 15' PUE



Curve Table

Curve #	Radius	Length	Delta	Chord Direction	Chord Length
C1	761.81	159.22'	11°58'29"	N46°52'00"E	158.93'
C2	761.81	114.79'	8°38'00"	N36°33'45"E	114.68'
C3	761.81	27.72'	2°05'06"	N39°50'12"E	27.72'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Keith R. Rhine

OREGON
JULY 11, 2000
KEITH R. RHINE
58985

RENEWAL DATE: 12-31-20

R-C
RHINE-CROSS
GROUP

RHINE-CROSS GROUP LLC

ENGINEERING - SURVEYING - PLANNING
112 N 5th ST - SUITE 200 - P.O. BOX 909
KLAMATH FALLS, OREGON 97601

Phone: (541) 851-9405

Fax: (541) 273-9200

admin@rc-grp.com

CITY OF MEDFORD
EXHIBIT # A (2 of 2)
FILE # SV-19-048

RECEIVED
OCT 23 2019
PLANNING DEPT.

9-14-2019

PROPOSAL WITH FINDINGS AND FACTS

Proposal:

Consideration of a request for the vacation of a Public Utility Easement located on Parcel 2 of Land Partition No. P-17-2019. (See attached legal description and map).

FINDINGS AND FACTS:

1) Compliance with the Public Facilities Element of the Comprehensive Plan, Including the Transportation System Plan:

A review of the goals and policies of the Comprehensive Plan that relate to the "Facilities Element of the Comprehensive Plan" for the vacation of Public Utility Easement (PUE's) do not apply to the category of Public Utility Easements. Therefore, this criterion is not applicable to the project.

2) If initiated by petition under ORS 271.080, the findings required by OR 271.120:

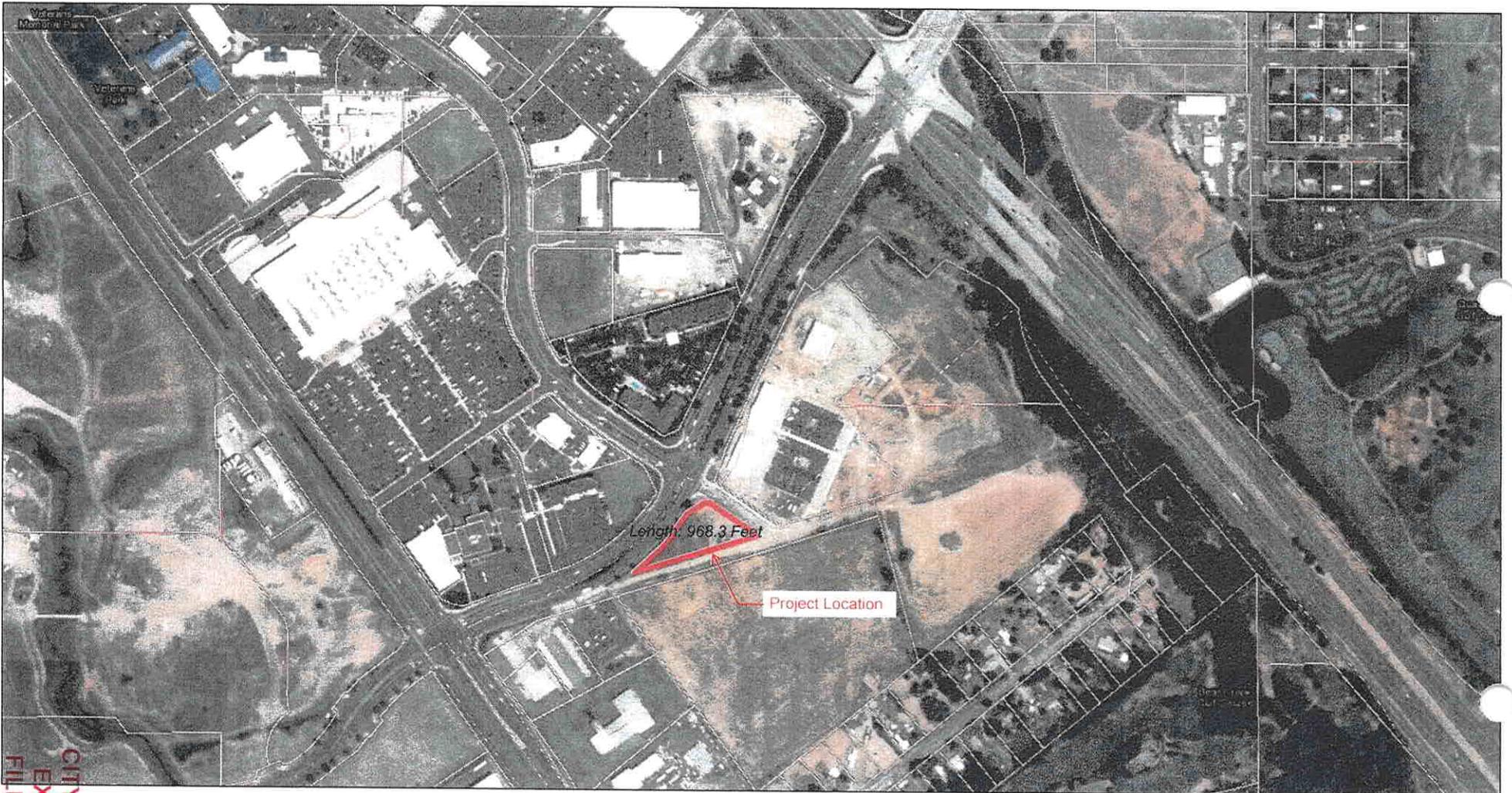
The application is being initiated by petition which includes written consent from the property owner within the subject plat that owns 2/3's of the property. Therefore only one property owner is needed to complete the "Consent to Vacate". (Included)

3) If initiated by petition under ORS 271.080, the findings required by OR 271.120: This request to vacate the PUE is being initiated by petition and requires written approval from all affected utility providers. Consent to vacate petitions have been provided to Pacific Power and Light, Charter Communications, Avista Utilities and Century Link. Once these consent forms have been returned they will be submitted to the City of Medford for inclusion into this PUE vacation request.

No other goals in the Comp Plan are applicable to this request for a Public Utility Easement Vacation.

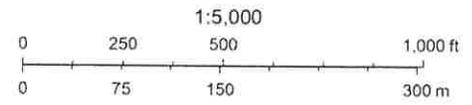
CITY OF MEDFORD
EXHIBIT # B
FILE # SV-19-048

City of Medford Map



Page 55

9/12/2019 11:28:15 AM
Taxlots
CITY OF MEDFORD
EXHIBIT # C
FILE # SV-19-048



Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community. Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community. City of Medford

*** APPROVALS ***

PARTITION PLAT NO. P-17-2019
Located in the N.W. 1/4 & S.W. 1/4 of Sec. 32, T.37S, R.1W., W.M.
in the City of Medford, Jackson County, Oregon
(File No. LDP-17-131)
(Validation of Parcels per O.R.S. 92.176)

*** RECORDER'S CERTIFICATE ***

CITY OF MEDFORD
(File No. LDP-17-131)
(Also Validation of Parcels per O.R.S. 92.176)

I certify that, pursuant to authority granted in Ordinance No. 5785 this plat is hereby approved.

FILED FOR RECORD THIS 29th DAY OF April, 2019
AT 9:58 O'CLOCK A.M., AND RECORDED AS PARTITION PLAT NO. P-17-2019
OF "RECORD OF PARTITION PLATS" OF JACKSON COUNTY, OREGON.
INDEX VOLUME 30, PAGE 17 & DOC. #2019-011236, ORJCO.

Planning Director APRIL 24, 2019 Date

SURVEY FOR:
GALPIN GANG LLC
744 CARDLEY AVE, #100
MEDFORD, OR 97504

Christina D. Walker COUNTY CLERK
Dean Shipe DEPUTY

COUNTY SURVEYOR FILE NO. 22805

*** SURVEYOR'S CERTIFICATE ***

EXAMINED AND APPROVED as required by ORS 92.100 as of APRIL 2, 2019

SURVEY BY:
L.J. FRIAR & ASSOCIATES, P.C.
CONSULTING LAND SURVEYORS
P.O. BOX 1947
PHOENIX, OREGON 97535
PHONE: (541) 772-2782
EMAIL: ljfriar@charter.net

I, JAMES E. HIBBS, A REGISTERED LAND SURVEYOR OF THE STATE OF OREGON, HEREBY CERTIFIES THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE BY ME, AND CONFORMS WITH THE REGULATIONS FOR PARTITIONS, AND REPRESENTS LAND, THE EXTERIOR OF WHICH BEING ACCURATELY DESCRIBED AS FOLLOWS:

EXAMINED AND APPROVED THIS DAY APRIL 8, 2019

DATE OF SURVEY:
FEBRUARY 22, 2019

TRACT 1: Commencing at the Northeast corner of Donation Land Claim No. 46, Township 37 South, Range 1 West, Willamette Meridian, Jackson County, Oregon; thence South 72°35'51" West (record South 72°54' West), 41.80 feet; thence South 50°57'13" West, 1358.02 feet (record South 51°16' West, 1360.2 feet) to the Southwest corner of Parcel 2 per Volume 365, Page 352, Jackson County Deed Records; thence along the West line thereof, North 15°26'46" West (record North 15°09' West), 541.83 feet to the Northeast corner of Belknap Road and the INITIAL POINT OF BEGINNING; thence North 71°32'07" East, 109.81 feet; thence North 38°52'57" West, 372.47 feet; thence North 51°02'23" East, 266.89 feet; thence North 38°57'31" West, 332.26 feet to the Northwesterly line of that property deeded far right of way purposes per Document No. 2006-013916, Official Records of Jackson County, Oregon; thence along the exterior of said right of way the following ten courses: South 48°47'39" West, 98.02 feet to an angle point; thence North 46°06'27" West, 39.84 feet to an angle point; thence along the arc of a 3366.14 foot radius curve to the left having a central angle of 02°24'50", a distance of 141.82 feet (the long chord of which bears South 26°02'34" West, 141.81 feet) to a point of spiral; thence along the arc of a spiral curve to the left the chord of which bears South 23°33'55" West, 227.04 feet to a point of tangent; thence South 22°55'35" West, 153.07 feet to an angle point; thence South 22°56'29" West, 85.29 feet to an angle point; thence South 17°35'46" West, 110.88 feet to an angle point; thence South 55°57'23" East, 22.50 feet to an angle point; thence South 56°06'10" East, 238.97 feet to the Northerly line of Belknap Road; thence along said Northerly line, North 72°37'00" East, 310.08 feet to the initial point of beginning.

EXAMINED AND APPROVED as required by ORS 92.100 (d) and Oregon Laws 2015 Chapter 95 as of April 24th, 2019

SHEET INDEX:
SHEET 1: SIGNATURES
SHEET 2: PARCEL 1
SHEET 3: PARCELS 2 & 3

TRACT 2: Commencing at the Northeast corner of Donation Land Claim No. 46, Township 37 South, Range 1 West, Willamette Meridian, Jackson County, Oregon; thence South 72°35'51" West (record South 72°54' West), 41.80 feet; thence South 50°57'13" West, 1358.02 feet (record South 51°16' West, 1360.2 feet) to the Southwest corner of Parcel 2 per Volume 365, Page 352, Jackson County Deed Records; thence along the West line thereof, North 15°26'46" West (record North 15°09' West), 541.83 feet to the Northeast corner of Belknap Road; thence along the Northerly line there, South 72°37'00" West, 310.08 feet to the intersection of the Northwesterly line of Center Drive set forth in Document No. 2006-013916, said Official Records; thence South 72°29'36" West, 92.53 feet to the intersection of the Northerly line of said Belknap Road with the Southwesterly line of said Center Drive and the true point of beginning; thence continue along said Northerly line, South 72°37'22" West, 118.24 feet to the Southwest corner of Parcel 1 per Volume 365, Page 352, said Deed Records; thence along the Southerly line Belknap Road vacated per Document No. 2017-041883, said Official Records, South 72°37'22" West, 305.95 feet to the Southeastery line of Garfield Street per Document No. 2005-055426, said Official Records; thence along said Southeastery line, the following two courses: along the arc of a 761.81 foot radius curve to the left having a central angle of 20°35'00", a distance of 273.68 feet (the long chord of which bears North 42°33'24" East, 272.21 feet); thence North 52°09'05" East, 65.17 feet to the Southwesterly line of said Center Drive; thence along said Southwesterly line, South 56°05'07" East, 203.97 feet to the true point of beginning.

ALL TAXES, FEES, ASSESSMENTS AND OTHER CHARGES as required by ORS 92.095 have been paid as of April 29, 2019

TRACT 3: Beginning at the Northwest corner of Lot 17 of SOUTH GATEWAY CENTER SUBDIVISION, according to the official plat, now of record, in Jackson County, Oregon; thence South 72°34'13" West, 45.01 feet to the centerline of Center Drive vacated per Document No. 2012-08253, said Official Records; thence along said centerline, South 17°25'28" East, 282.30 feet to the Northwesterly line of Garfield Street per Document No. 2005-055426, said Official Records; thence along said Northwesterly line, the following three courses: along the arc of a spiral curve to the left the chord of which bears North 66°01'00" East, 101.43 feet; thence along the arc of a 638.12 foot radius curve to the left having a central angle of 30°10'04", a distance of 335.99 feet (the long chord of which bears North 47°21'05" East, 332.12 feet); thence North 29°36'39" West, 95.40 feet to the Southwesterly line of said Center Drive; thence along said Southwesterly line, North 56°06'10" West, 46.06 feet to the North line of said Lot 17; thence along said North line, South 72°34'13" West, 307.29 feet to the point of beginning.

Assessor, Department of Assessment

Tax Collector

*** DECLARATION ***

KNOW ALL MEN BY THESE PRESENTS THAT GALPIN GANG, LLC, NASH HOLDINGS, LLC, SAYDEE #1, LLC AND ROGUE CREDIT UNION (FKA ROGUE FEDERAL CREDIT UNION) ARE THE OWNERS IN FEE OF THE LAND SHOWN HEREON, MORE PARTICULARLY DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND HAVE PARTITIONED THE SAME INTO THE PARCELS AS SHOWN ON SHEETS 2 AND 3. GALPIN GANG, LLC & NASH HOLDINGS, LLC DO HEREBY DEDICATE TO THE CITY OF MEDFORD THE PUBLIC UTILITY EASEMENTS SHOWN ON SHEET 2.

C.A. GALPIN, GENE BELHAM, DANIEL A. NASH

BARRY THRIOT, MANAGER SAYDEE #1, LLC

STATE OF OREGON)
COUNTY OF JACKSON) SS.
PERSONALLY APPEARED THE ABOVE NAMED C.A. GALPIN AND ACKNOWLEDGED THE FOREGOING INSTRUMENT TO BE HIS VOLUNTARY ACT AND DEED AND WAS SIGNED ON BEHALF OF GALPIN GANG, LLC.
DATED THIS 28th DAY OF February, 2019.

STATE OF OREGON)
COUNTY OF JACKSON) SS.
PERSONALLY APPEARED THE ABOVE NAMED GENE BELHAM AND ACKNOWLEDGED THE FOREGOING INSTRUMENT TO BE HIS VOLUNTARY ACT AND DEED AND WAS SIGNED ON BEHALF OF ROGUE CREDIT UNION.
DATED THIS 28th DAY OF March, 2019.

Terry Speedling
Jury Spaulding
COMMISSION NO. 962811
COMMISSION EXPIRES June 5, 2021

Darra M. Converse
COMMISSION NO. 962852
COMMISSION EXPIRES May 18, 2021

STATE OF OREGON)
COUNTY OF JACKSON) SS.
PERSONALLY APPEARED THE ABOVE NAMED DANIEL A. NASH AND ACKNOWLEDGED THE FOREGOING INSTRUMENT TO BE HIS VOLUNTARY ACT AND DEED AND WAS SIGNED ON BEHALF OF NASH HOLDINGS, LLC.
DATED THIS 26th DAY OF February, 2019.

STATE OF Oregon)
COUNTY OF Jackson) SS.
PERSONALLY APPEARED THE ABOVE NAMED BARRY THRIOT AND ACKNOWLEDGED THE FOREGOING INSTRUMENT TO BE HIS VOLUNTARY ACT AND DEED AND WAS SIGNED ON BEHALF OF SAYDEE #1, LLC.
DATED THIS 26th DAY OF February, 2019.

Terry Speedling
Jury Spaulding
COMMISSION NO. 962811
COMMISSION EXPIRES June 5, 2021

Terry Speedling
Jury Spaulding
COMMISSION NO. 962811
COMMISSION EXPIRES June 5, 2021

*** AFFIDAVIT OF CONSENT ***
FROM FIRST INTERSTATE BANK RECORDED AS DOCUMENT NO. 2019-011235, ORJCO.

REGISTERED PROFESSIONAL LAND SURVEYOR
James E. Hibbs
RENEWAL DATE 6-30-19

FILED
Date 4/29/19 By JB
This Survey Consists Of:
3 sheet(s) Map
0 page(s) Narrative
JACKSON COUNTY SURVEYOR

I HEREBY DECLARE THAT THIS IS AN EXACT COPY OF THE ORIGINAL PLAT.
James E. Hibbs
SURVEYOR

Page 56

FILE # SV-19-048

EXHIBIT # D
REMEMBER TO SIGN (1053)

571432B TL'S 3604,3605,4800,4801,4802,4708

SURVEY FOR:
GALPIN GANG LLC
744 CARDLEY AVE, #100
MEDFORD, OR 97504

DATE:
FEBRUARY 22, 2019

SURVEY BY:
L.J. FRIAR & ASSOCIATES, P.C.
CONSULTING LAND SURVEYORS
P.O. BOX 1947
PHOENIX, OREGON 97535
PHONE: (541) 772-2782
EMAIL: ljfriar@charter.net

PARTITION PLAT NO. P-17-2019

Located in the N.W. 1/4 & S.W. 1/4 of Sec. 32, T.37S, R.1W, W.M.
in the City of Medford, Jackson County, Oregon
(File No. LDP-17-131)
(Validation of Parcels per O.R.S. 92.176)

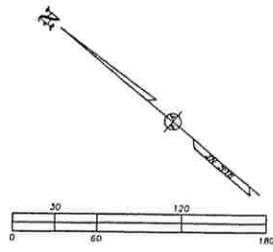
- LEGEND:**
- = FD. 1" IRON PIN PER FS705.
 - = FD. 5/8" IRON PIN & ALUM CAP MKD. ODOT RIGHT OF WAY PER FS21255 OR AS NOTED.
 - ⊙ = FD. 5/8" IRON PIN & ALUM. CAP MKD. AS NOTED PER FS21477.
 - ⊗ = FD. 5/8" IRON PIN & PLASTIC CAP MKD. HARVEY L51990 PER FS12761 OR 13449.
 - ⊠ = FD. 5/8" IRON PIN & PLASTIC CAP MKD. HUCK LS2023 PER FS21419.
 - ⊞ = FD. 5/8" IRON PIN & PLASTIC CAP MKD. KAISER LS803 PER FS11001.
 - ⊚ = FD. 5/8" IRON PIN & PLASTIC CAP MKD. L.J. FRIAR & ASSOC. PER FS21892.
 - ⊛ = SET 5/8" X 24" IRON PIN & PLASTIC CAP MKD. L.J. FRIAR & ASSOC.
 - JCDR = JACKSON COUNTY DEED RECORDS.
 - ORJCO = OFFICIAL RECORDS OF JACKSON COUNTY, OREGON.
 - WC = WITNESS CORNER.
 - () = DEED RECORD DATA PER V.365, P.352, JCDR. OR AS NOTED.
 - FS = FILED SURVEY #.
 - <-> = FENCE LINE.
 - M = RECORD DATA PER 2012 COUNTY RE-ESTABLISHMENT.
 - M = METERS.
 - L1/C1 = SEE COURSE DATA TABLE.
 - PE1 = 50' WIDE POWER EASEMENT PER V.345, P.306, JCDR.
 - PUE = PUBLIC UTILITY EASEMENT PER THIS PLAT (UNLESS NOTED).
 - WE1 = APPROX. LOCATION OF 20' WIDE WATER LINE EASEMENT PER V.531, P.42, JCDR.
 - ORL = OLD PROPERTY LINE BEING ELIMINATED.
 - () = RECORD DATA PER V.201, P.502, JCDR.
 - SCGS = SOUTH GATEWAY CENTER SUBDIVISION (FS13449).
 - RVS = SEWER EASEMENT PER DOC. 2018-026332, ORJCO.
 - SCH = SPIRAL CHORD.
 - WE2 = WATER MAIN & FACILITIES EASEMENT PER DOC. 2016-032877, ORJCO.
 - TP = MONUMENT TIED DURING FS21892 DESTROYED BY CONSTRUCTION, NOT RESET.
 - RSP = MONUMENT TIED DURING FS21892 DESTROYED BY CONSTRUCTION.
 - SET BRASS X 24" IRON PIN & PLASTIC CAP MKD. L.J. FRIAR & ASSOC.
 - RST = MONUMENT TIED DURING FS21892 DESTROYED BY CONSTRUCTION.
 - RSW = MONUMENT TIED DURING FS21892 DESTROYED BY CONSTRUCTION.
 - RM = SET BRASS WASHER MKD. L.J. FRIAR & ASSOC. & 4.5" MAG NAIL IN NEW ASPHALT.
 - PCS = REFERENCE MONUMENT.
 - PT = POINT OF HORIZONTAL CURVE TO SPIRAL CURVE.
 - PS = POINT OF SPIRAL CURVE TO HORIZONTAL CURVE.
 - PS = POINT OF TANGENT.
 - PS = POINT OF SPIRAL CURVE.
 - JCS# = REFERS TO MONUMENT PER FS21477.
 - MWC = EASEMENT FOR WATER FACILITIES PER DOC. 2018-034001, ORJCO.

COURSE DATA TABLE

NUM	BEARING	DISTANCE
L1	S72°40'24"W	33.30
L2	N46°06'27"W	39.84
L3	S23°59'20"W	19.52
L4	N55°57'23"W	22.50
L5	S09°55'52"W	114.92
L6	N52°09'05"E	65.17
L8	N34°08'51"W	25.94
L9	N58°06'10"W	46.06
L10	N15°26'46"W	50.30
L11	N72°38'59"E	45.00
L12	N72°38'34"E	40.58
L13	N17°21'26"W	35.10

COURSE DATA TABLE

NUM	DELTA	ARC	RADIUS	CHORD
C1	27°19'30"	363.32	761.81	N45°55'39"E 359.88
C2	11°56'25"	158.76	761.81	N46°52'42"E 158.47
C3	06°44'30"	89.64	761.81	N56°13'09"E 89.59
C4	08°38'35"	114.92	761.81	N36°35'12"E 114.81
C5	30°10'04"	335.99	638.12	N47°21'05"E 332.12
C6	02°24'50"	141.82	3366.14	S26°02'34"W 141.81
C7	20°35'00"	273.68	761.81	N42°33'24"E 272.21

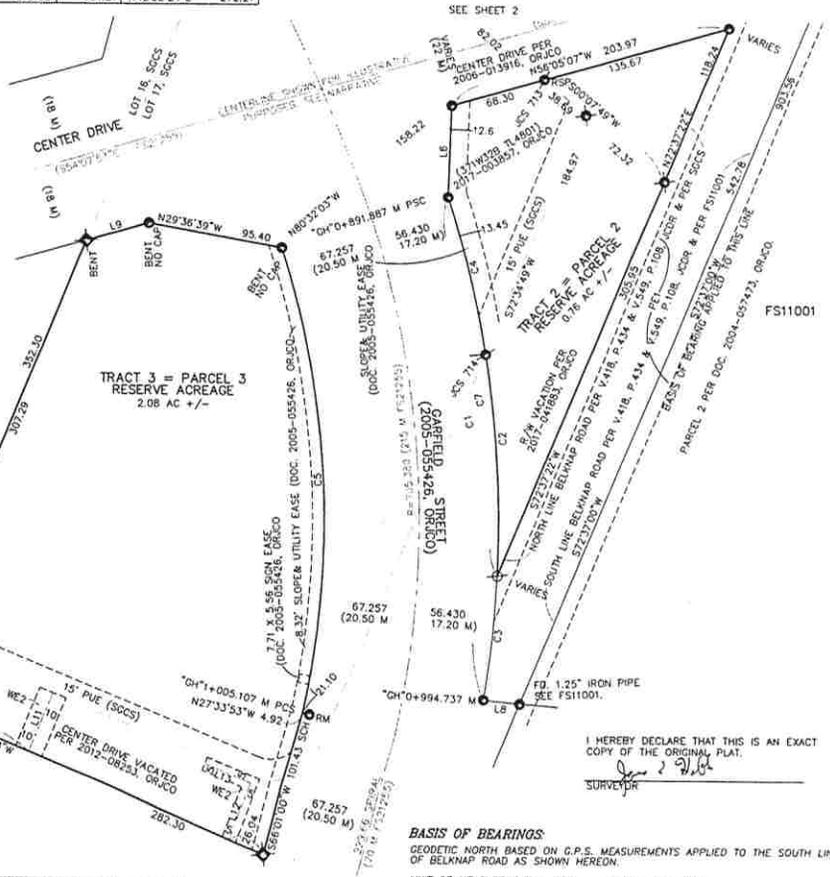


SURVEY NARRATIVE TO COMPLY WITH O.R.S. 209.250

PURPOSE. TO SURVEY AND MONUMENT THE CORNERS OF THREE PARCELS CREATED THROUGH A LAND PARTITION. SEE CITY OF MEDFORD FILES LDP-17-131. THIS PLAT WILL ALSO SERVE TO VALIDATE THESE PARCELS UNDER O.R.S. 92.176. THE INTENT OF FS21892 & DOCUMENT NO. 2016-015304, ORJCO WAS TO FOLLOW THE EXISTING R/W OF GARFIELD STREET AS SET FORTH IN DOCUMENT NO. 2006-013916. ORJCO, HOWEVER CURVE DATA ALONG THE GARFIELD STREET RIGHT OF WAY WAS INADEQUATELY LEFT OFF FS21892 AND DOCUMENT NO. 2016-015304, ORJCO ALTHOUGH THE INTENT REMAINS CLEAR TO FOLLOW THE R/W PER DOCUMENT NO. 2006-013916, ORJCO. THIS PLAT WILL SERVE TO CORRECT THIS CURVE INFORMATION INADVERTENTLY LEFT OFF THE ABOVE MENTIONED TWO ITEMS.

PROCEDURE. FROM CONTROL ESTABLISHED BY THIS OFFICE DURING FS21892 MADE TIES TO ADDITIONAL MONUMENTS AS SHOWN ON SHEET 2 & 3 TO CONTROL THE EXTERIOR OF THE SUBJECT TRACTS. COMPUTED THE SWLY CORNER OF THE VACATED BELKNAP ROAD (DOC. 2017-041883, ORJCO) AND SET MONUMENT AS SHOWN ON SHEET 3. THE CENTERLINE OF GARFIELD STREET & CENTER DRIVE AS SHOWN HEREON IS FOR ILLUSTRATIVE PURPOSES AS THIS SURVEY HELD THE EXISTING RIGHT OF WAY MONUMENTS PER FS21255 IN THEIR FOUND POSITION AS THE BEST EVIDENCE OF THE RIGHT OF WAYS OBTAINED BY THE STATE OF OREGON. BELKNAP ROAD WAS HELD AS MONUMENTED ON THE SOUTH PER FS11001 AND ON THE NORTH BY MONUMENTS PER SCGS & FS21255. THIS RESULTS IN THE NORTH & SOUTH LINE ON THE NORTH BEING PARALLEL TO EACH OTHER AND VARYING R/W WIDTHS. THIS IS ALSO THE CASE FOR THE SECTION OF CENTER DRIVE BETWEEN PARCELS 1 & 2. AS STATED ABOVE, I FEEL THE MONUMENTS TO BE THE BEST AVAILABLE EVIDENCE AS TO THE LOCATION OF BELKNAP ROAD, NUMEROUS MONUMENTS FOUND OR SET DURING FS21892 HAVE BEEN DESTROYED BY RECENT CONSTRUCTION. MONUMENTS WERE RESET IN THE POSITIONS AS SET DURING FS21892. THE POSITIONS OF THOSE THAT LIE UNDERNEATH NEW BUILDINGS ARE SHOWN IN THEIR TIED LOCATIONS.

- EASEMENTS PER FIRST AMERICAN PRELIM. TITLE REPORT 7169-2886470 DATED 6-28-2018**
- EASEMENT FOR TRANSMISSION AND DISTRIBUTION OF ELECTRICITY PER VOL 266, PG 593 & VOL 290, PG 84, JCDR. (SPECIFIC LOCATION NOT GIVEN)
- EASEMENTS, COVENANTS, CONDITIONS, LIENS AND CHARGES AS SET FORTH IN THE DECLARATION OF CONSTRUCTION, OPERATION AND RECIPROCAL EASEMENT AGREEMENT PER DOC 93-14091, DOC 94-4290, DOC 94-27132, DOC 95-09665, DOC 96-34946, DOC 99-22558, DOC 00-00250, DOC 2005-037480 & DOC 2008-039496, ORJCO. (BLANKET OVER LOTS 16 & 17 SCGS (BEING PARCEL 3 OF THIS PLAT, TL4801, TL4802 & TL4708))
- RESTRICTIVE COVENANTS PER DOC 98-32832, ORJCO. (BLANKET OVER LOTS 16 & 17 SCGS (BEING PARCEL 3 OF THIS PLAT, TL4801, TL4802 & TL4708))
- ABUTTER'S EASEMENTS OF ACCESS TO RELOCATED GARFIELD STREET & CENTER DRIVE RELINQUISHED BY DOC. 2005-055426, ORJCO. AFFECTE PARCELS 2 & 3 OF THIS PLAT.
- SLOPE & UTILITY EASEMENT PER DOC 2005-055426, ORJCO. (SHOWN)
- PUBLIC UTILITY EASEMENT PER SCGS. (SHOWN)
- WATER MAIN & FACILITIES EASEMENT PER DOC 2016-032877, ORJCO. (SHOWN)
- PUBLIC UTILITY EASEMENT PER DOC 2017-028000, ORJCO. (SHOWN)
- EASEMENT FOR ELECTRIC TRANSMISSION PER VOL 149, PG 143, JCDR. (SPECIFIC LOCATION NOT GIVEN)
- EASEMENT FOR ELECTRIC TRANSMISSION PER VOL 152, PG 557, JCDR. (SPECIFIC LOCATION NOT GIVEN)
- EASEMENT FOR ELECTRIC TRANSMISSION PER VOL 174, PG 453, JCDR. (SPECIFIC LOCATION NOT GIVEN)
- EASEMENT FOR ELECTRIC TRANSMISSION PER VOL 243, PG 82, JCDR. (SPECIFIC LOCATION NOT GIVEN)
- EASEMENT FOR ELECTRIC TRANSMISSION PER VOL 261, PG 51, JCDR. (SPECIFIC LOCATION NOT GIVEN)
- EASEMENT FOR ELECTRIC TRANSMISSION PER VOL 345, PG 306, JCDR. (NOT ON SUBJECT PROPERTY BUT SHOWN)
- EASEMENT FOR ELECTRIC TRANSMISSION PER VOL 376, PG 345, JCDR. (SPECIFIC LOCATION NOT GIVEN)
- SANITARY SEWER EASEMENT PER VOL 424, PG 198, JCDR. (NOT ON SUBJECT PROPERTY)
- EASEMENT FOR ELECTRIC TRANSMISSION PER VOL 438, PG 169, JCDR. (SPECIFIC LOCATION NOT GIVEN)
- EASEMENT FOR ELECTRIC TRANSMISSION PER VOL 477, PG 175, JCDR. (SPECIFIC LOCATION NOT GIVEN)
- CHANNEL CHANGE EASEMENT PER VOL 501, PG 420, JCDR. (NOT ON SUBJECT PROPERTY)
- LIMITED ACCESS PROVISIONS TO STATE HIGHWAY PER VOL 502, P194, JCDR. (NOT ON SUBJECT PROPERTY)
- PIPELINE EASEMENT PER VOL 531, PG 42, JCDR. (NOT ON SUBJECT PROPERTY BUT SHOWN)
- EASEMENT FOR ELECTRIC TRANSMISSION PER VOL 550, PG 439 & VOL 556, PG 168, JCDR. (SPECIFIC LOCATION NOT GIVEN)
- RIGHT OF ENTRY EASEMENT PER DOC 75-02642, ORJCO. (NOT ON SUBJECT PROPERTY)
- SANITARY SEWER EASEMENT PER DOC 75-03418 & 77-04534, ORJCO. (NOT ON SUBJECT PROPERTY)
- BIKEWAY EASEMENT PER DOC 01-17201, ORJCO. (NOT ON SUBJECT PROPERTY)
- LIMITED ACCESS PROVISIONS TO STATE HIGHWAY PER DOC. 2006-013916, ORJCO. (AFFECT PARCELS 1 & 2 OF THIS PLAT)
- ACCESS EASEMENT TO CENTER DRIVE PER DOC 2018-012453, ORJCO. (SPECIFIC LOCATION NOT GIVEN)
- SIGN EASEMENT PER DOC 2018-012453, ORJCO. (SPECIFIC LOCATION NOT GIVEN)
- LIMITED ACCESS PROVISIONS TO STATE HIGHWAY PER DOC 2005-053916, ORJCO. (AFFECTS TL4708)
- SLOPE & UTILITY EASEMENT PER DOC 2005-053916, ORJCO. (NOT ON SUBJECT PROPERTY)
- SEWER EASEMENT PER DOC. 2018-026332, ORJCO. SHOWN.
- WATER FACILITIES EASEMENT PER DOC. 2018-034001, ORJCO. SHOWN.



I HEREBY DECLARE THAT THIS IS AN EXACT COPY OF THE ORIGINAL PLAT.
SURVEYOR

BASIS OF BEARINGS:
GEODETIC NORTH BASED ON G.P.S. MEASUREMENTS APPLIED TO THE SOUTH LINE OF BELKNAP ROAD AS SHOWN HEREON.

UNIT OF MEASUREMENT = FEET SCALE: 1" = 60'

REGISTERED PROFESSIONAL LAND SURVEYOR

James E. Hibbs
OREGON
JULY 17, 1986
JAMES E. HIBBS
2224
RENEWAL DATE 6-30-19

FILED
Date 4/29/19 By RB
This Survey Consists Of:
3 sheet(s) Map
0 page(s) Narrative
JACKSON COUNTY SURVEYOR

FILE # SV-19-048
EXHIBIT # 111 (of 53)

SURVEY FOR:
GALPIN GANG LLC
744 CARDLEY AVE, #100
MEDFORD, OR 97504

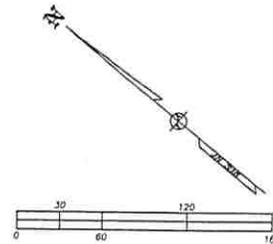
DATE:
FEBRUARY 22, 2019

SURVEY BY:
L.J. FRIAR & ASSOCIATES, P.C.
CONSULTING LAND SURVEYORS
P.O. BOX 1947
PHOENIX, OREGON 97535
PHONE: (541) 772-2782
EMAIL: ljfriar@charter.net

PARTITION PLAT NO. P-17-2019
Located in the N.W. 1/4 & S.W. 1/4 of Sec. 32, T.37S, R.1W, W.M.
in the City of Medford, Jackson County, Oregon
(File No. LDP-17-131)
(Validation of Parcels per O.R.S. 92.176)

NUM	BEARING	DISTANCE
L1	S72°40'24"W	33.39
L2	N46°06'27"W	39.84
L3	S23°59'20"W	19.52
L4	N55°57'23"W	22.50
L5	S09°55'52"W	114.92
L6	N52°09'05"E	65.17
L8	N43°09'51"W	25.94
L9	N56°06'10"W	46.06
L10	N15°26'46"W	50.30
L11	N72°08'59"E	45.00
L12	N72°38'34"E	40.58
L13	N17°21'26"W	35.10

NUM	DELTA	ARC	RADIUS	CHORD
C1	27°19'30"	363.32	761.81	N45°55'39"E 359.88
C2	11°56'25"	158.76	761.81	N48°52'42"E 158.47
C3	06°44'30"	89.64	761.81	N56°13'09"E 89.59
C4	08°38'35"	114.92	761.81	N36°35'12"E 114.81
C5	30°10'04"	335.99	638.12	N47°21'05"E 332.12
C6	02°24'50"	141.82	3366.14	S26°02'34"W 141.81
C7	20°35'00"	273.68	761.81	N42°33'24"E 272.21



- LEGEND:**
- = FD. 1" IRON PIN PER FS705.
 - = FD. 5/8" IRON PIN & ALUM. CAP MKD. 000T RIGHT OF WAY PER FS21255 OR AS NOTED.
 - ⊙ = FD. 5/8" IRON PIN & ALUM. CAP MKD. AS NOTED PER FS21477.
 - ⊗ = FD. 5/8" IRON PIN & PLASTIC CAP MKD. HARDEY LS1990 PER FS12761 OR 13449.
 - ⊕ = FD. 5/8" IRON PIN & PLASTIC CAP MKD. HUCK LS2023 PER FS21419.
 - ⊖ = FD. 5/8" IRON PIN & PLASTIC CAP MKD. KAISER LS803 PER FS11001.
 - ⊗ = FD. 5/8" IRON PIN & PLASTIC CAP MKD. L.J. FRIAR & ASSOC. PER FS21892.
 - ⊙ = SET 5/8" X 24" IRON PIN & PLASTIC CAP MKD. L.J. FRIAR & ASSOC.
 - JCDR = JACKSON COUNTY DEED RECORDS.
 - ORJCO = OFFICIAL RECORDS OF JACKSON COUNTY, OREGON.
 - WC = WITNESS CORNER.
 - () = DEED RECORD DATA PER V.365, P.352, JCDR, OR AS NOTED.
 - FS = FILED SURVEY #.
 - X- = FENCE LINE.
 - < > = RECORD DATA PER 2012 COUNTY RE-ESTAB NOTES.
 - M = METERS.
 - LIV/21 = SEE COURSE DATA TABLE.
 - PE1 = 50' WIDE POWER EASEMENT PER V.345, P.306, JCDR.
 - PUE = PUBLIC UTILITY EASEMENT PER THIS PLAT (UNLESS NOTED).
 - WE1 = APPROX LOCATION OF 20' WIDE WATER LINE EASEMENT PER V.531, P.42, JCDR.
 - DPL = OLD PROPERTY LINE BEING ELIMINATED.
 - FS = RECORD DATA PER V.201, P.502, JCDR.
 - SCH = SOUTH GATEWAY CENTER SUBDIVISION (FS13449).
 - RVSS = SEWER EASEMENT PER DOC. 2018-028332, ORJCO.
 - SCH = SPIRAL CHORD.
 - WE2 = WATER MAIN & FACILITIES EASEMENT PER DOC. 2016-032877, ORJCO.
 - TR = MONUMENT TIED DURING FS21892 DESTROYED BY CONSTRUCTION, NOT RESET.
 - RSP = MONUMENT TIED DURING FS21892 DESTROYED BY CONSTRUCTION.
 - SET 5/8" X 24" IRON PIN & PLASTIC CAP MKD. L.J. FRIAR & ASSOC.
 - RST = MONUMENT TIED DURING FS21892 DESTROYED BY CONSTRUCTION.
 - SET BRASS TAG MKD. L.J. FRIAR & ASSOC. & MAG NAIL IN CONCRETE.
 - RSW = MONUMENT TIED DURING FS21892 DESTROYED BY CONSTRUCTION.
 - RM = SET BRASS WASHER MKD. L.J. FRIAR & ASSOC. & 4.5" MAG NAIL IN NEW ASPHALT.
 - PC5 = POINT OF HORIZONTAL CURVE TO SPIRAL CURVE.
 - PC6 = POINT OF SPIRAL CURVE TO HORIZONTAL CURVE.
 - PT = POINT OF TANGENT.
 - PS = POINT OF SPIRAL CURVE.
 - JCS# = REFERS TO MONUMENT PER FS21477.
 - MWC = EASEMENT FOR WATER FACILITIES PER DOC. 2018-034001, ORJCO.

TRACT 1 = PARCEL 1 RESERVE ACREAGE 6.64 AC +/-

INITIAL POINT
THIS POINT IS 572°35'51"W (RECORD 572°54"W) 41.80' AND S50°57'13"W, 1358.02' (RECORD S51°18'W, 1360.21') AND N15°26'46"W (RECORD N15°09'W) 541.83' FROM THE N.E. CORNER OF DONATION LAND CLAIM NO. 46 PER FS21892.



REGISTERED PROFESSIONAL LAND SURVEYOR
J. Friar

OREGON
JULY 17, 1986
JAMES E. HIBBS
2234
RENEWAL DATE 6-30-19

FILED
Date 4/29/19 By RB
This Survey Consists Of:
3 sheet(s) Map
0 page(s) Narrative
JACKSON COUNTY
SURVEYOR

I HEREBY DECLARE THAT THIS IS AN EXACT COPY OF THE ORIGINAL PLAT.
J. Friar
SURVEYOR

CITY OF MEDFORD
EXHIBIT # D35FB
FILE # SV-19-048

371W32B TL'S 3604,3605,4800,4801,4802,4708

SEE SHEET 3



MEDFORD

PUBLIC WORKS

LD DATE: 12/18/2019

File Number: SV-19-048

PUBLIC WORKS DEPARTMENT STAFF REPORT

PUE Vacation – Garfield Street at Center Drive (TL 3605)

KFC Restaurant

Project: Consideration of a request for the vacation of a 15-foot wide Public Utility Easement (PUE) on a single 0.76-acre parcel.

Location: Located at the corner of Garfield Street and Center Drive in the Regional Commercial (C-R) zoning district (371W32B3605).

Applicant: Applicant, Lariot Corporation; Agent, Berghausen Consulting Firm Engineers, Inc.; Planner, Dustin Severs.

Public Works takes no exception to the request to vacate the subject existing public-utility-easement, with the condition that sign-offs shall be obtained from all applicable utility companies to confirm they have relocated their facilities out of the area to be vacated.

Prepared by: Jodi K Cope
Reviewed by: Doug Burroughs

CITY OF MEDFORD
EXHIBIT # E
FILE # SV-19-048



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

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

SUBJECT: SV-19-048

PARCEL ID: 371W19CC TL 3500, and 371W19CB TL 3600 & 3700

PROJECT: Consideration of a request for the vacation of a 15-foot wide Public Utility Easement (PUE) on a single 0.76-acre parcel located at the corner of Garfield Street and Center Drive in the Regional Commercial (C-R) zoning district (371W32B3605). Applicant, Lariot Corporation; agent, Berghausen Consulting Firm Engineers, Inc.; Planner, Dustin Severs

DATE: December 18, 2019

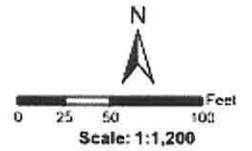
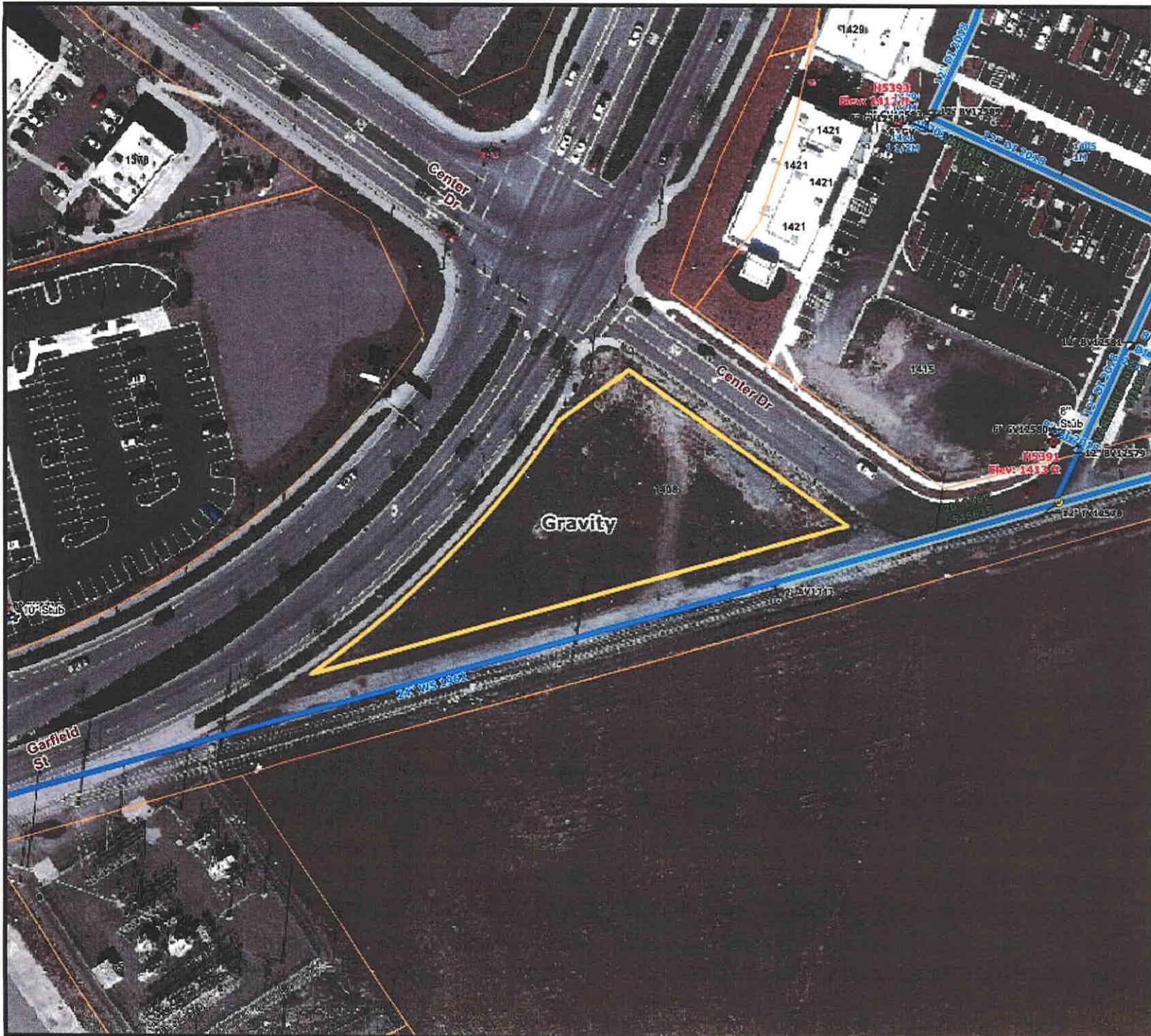
I have reviewed the above plan authorization application as requested. Conditions for approval and comments are as follows:

CONDITIONS

1. No Conditions.

COMMENTS

1. There is a 24-inch water line located in the Public ROW south of this parcel. (See attached Water Facility Map)



Water Facility Map
City of Medford
Planning Application:
SV-19-048
(371W32B3605)
Dec 18, 2019

Legend

- ⊙ Air Valve
 - ⊙ Sample Station
 - ⊙ Fire Service
 - ⊕ Hydrant
 - ▲ Reducer
 - ⊖ Blow Off
 - ⊕ Plug/Cap
- 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



Medford Fire-Rescue Land Development Report

Review/Project Information

Reviewed By: Kleinberg, Greg

Review Date: 12/13/2019
Meeting Date: 12/18/2019

LD File #: SV19048

Planner: Dustin Severs

Applicant: Lariot Corporation

Site Name: n/a

Project Location: Corner of Garfield Street and Center Drive

Project Description: Consideration of a request for the vacation of a 15-foot wide Public Utility Easement (PUE) on a single 0.76-acre parcel located at the corner of Garfield Street and Center Drive in the Regional Commercial (C-R) zoning district (371W32B3605).

Specific Development Requirements for Access & Water Supply

Conditions

Reference	Description
Approved	Approved as submitted with no additional conditions or requirements.

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

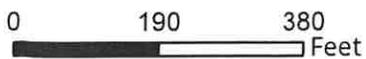


Project Name:

**Vacation of Public
Utility Easement**

Map/Taxlot:

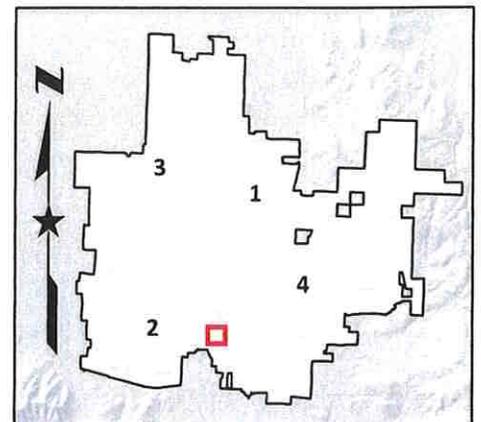
371W32B TL 3605



Legend

-  Subject Area
-  Tax Lots

11/06/2019





MEDFORD PLANNING

STAFF REPORT

for a Type-III quasi-judicial decision: Revision to Zone Change Conditions of Approval

Project Zone Change at W McAndrews Road at N Ross Lane
Applicant: CDT-BAR, LLC; Agent: CSA Planning, Ltd.

File no. ZC-08-144

To Planning Commission *for January 9, 2020, hearing*

From Kelly Evans, Assistant Planning Director

Date January 2, 2020

BACKGROUND

Proposal

Consideration of a request to amend a condition of approval requiring a right turn lane on N Ross Lane for the proposed Pioneer Marketplace development. The 7.34 acre site is located on the southeasterly corner of N Ross Lane and W McAndrews Road within the C-C (Community Commercial) zone district. (372W26AD2400 and 2600)

Vicinity Map



Subject Site Characteristics

GLUP	CM	Commercial
Zoning	C-C	Community Commercial
Use	Existing commercial building	

Surrounding Site Characteristics

<i>North</i>	Zone:	C-C, C-H (Heavy Commercial), and SFR-00 (Single Family Residential, one dwelling unit per existing lot)
	Use:	Some commercial uses; largely underdeveloped
<i>South</i>	Zone:	C-H
	Use:	JB Steel and Batzer Construction yard
<i>East</i>	Zone:	SFR-00, SFR-10 (Single Family Residential 10 dwelling units per gross acre), and MFR-20 (Multiple Family Residential, 20 dwelling units per gross acre)
	Use:	Largely undeveloped or underdeveloped with single family residential uses; Newbridge Place apartment complex
<i>West</i>	Zone:	C-C and SFR-00
	Use:	Pacific Stone and Supply; single family residences

Related Projects

A-99-149 Annexation (O-2002-192 adopted November 7, 2002)
LDS-04-187 Tentative plat for 14 lots approved in 2005 (expired)
ZC-08-144 Zone Change on Tax Lot 2400 approved 2009 (subject application)
ZC-10-072 Zone Change on Tax Lot 2600 approved 2010
AC-10-089 Site Plan Review (valid until February 18, 2022)
PLA-11-052 Property Line Adjustment (completed)
LDP-11-108 Tentative plat for a three lot partition approved in 2012 (expired)
LDS-14-102 Tentative plat for 15 lots approved 2014 (expired)
LDS-18-078 Tentative plat for 12 lots approved December 27, 2018

Applicable Criteria

As this is a request to revise a condition of approval, the approval criteria listed below are those used for the original 2009 decision.

Medford Municipal Code §10.227 Zone Change Approval Criteria

The zone change criteria that are not relevant to this particular application are hereby omitted from the following citation. Section 10.227 (A) of the Land Development Code states the following:

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

(1) *The proposed zone is consistent with the Oregon Transportation Planning Rule (OAR 660) and the General Land Use Plan Map designation. (When the City of Medford's Transportation System Plan (TSP) is adopted, a demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule.) Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections (1)(a), and (1)(b), (1)(c), or (1)(d). Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria below.*

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

(ii) *The overall area of the C-C zoning district shall be over three (3) acres in size and shall front upon a collector or arterial street or state highway. In determining the overall area, all abutting property(s) zoned C-C shall be included in the size of the district.*

(2) *It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in the MLDC and Goal 3, Policy 1 of the Comprehensive Plan "Public Facilities Element."*

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

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

(i) *Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity;*

(c) *In determining the adequacy of Category A facilities, the approving authority (Planning Commission) may evaluate potential impacts based upon the*

imposition of special development conditions attached to the zone change request.

Approval Authority

Medford Land Development Code (MLDC) Section 10.204(C) describes the process for removing development conditions on zone changes. In this case, the request is outside the authority granted to the Planning Director in MLDC 10.204(C)(1); therefore, this is a Type III land use decision. The Commission is the approving authority under MLDC 10.110(D).

Corporate Names

The Oregon Secretary of State website lists Raymond Heysell as the Registered Agent and R. Andrew Batzer as a Member of CDT-BAR, LLC. For CSA Planning, Ltd., the website lists William H. Fowler as the Registered Agent, Jay Harland as President and Raul Woerner as Secretary.

ISSUES AND ANALYSIS

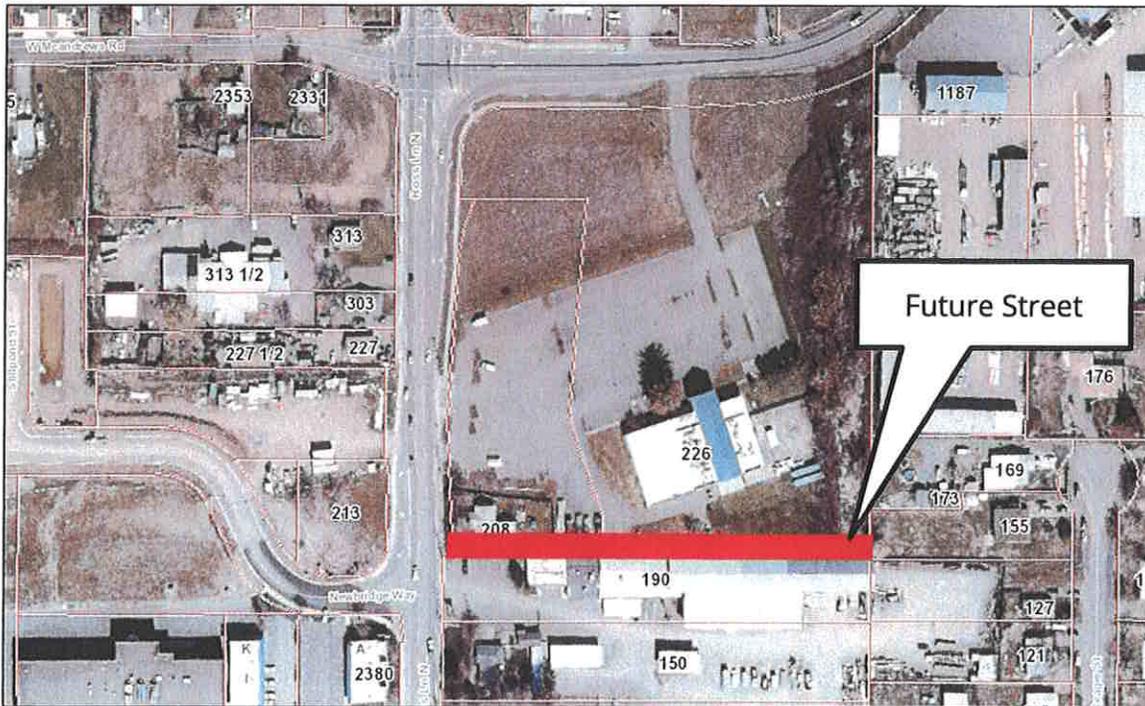
Revision Request

In 2008, the Planning Commission conditionally approved the subject zone change (Exhibit B). The applicant is now requesting to revise the conditions of approval addressing the requirement to construct a right turn lane for the driveway on N Ross Lane and a trip cap. The revision will clarify the timing of the required improvements and sync the zone change conditions with other land use decisions that have occurred.

As pointed out in the applicant's request, the construction of the right turn lane conflicts with the future street planned for the southerly project boundary.

Site Plan and Architectural Commission Decision

In 2010, the Site Plan and Architectural Commission (SPAC) approved a proposal to develop the site. As part of that process, the City requested – and the applicant agreed to – a reservation for a public street across the southerly property boundary (referred to as South Street). Construction of the right turn lane was not required as a condition of the SPAC approval. The record is not clear as to why it was not included; however, staff presumes it was because of the agreement for the new South Street.



2019 Aerial Photo

Disposition and Development Agreement (Exhibit C)

In 2012, the applicant submitted a partition application to create three lots on the N Ross Lane frontage. During that process, staff requested the construction of South Street. Again, the applicant sought to reach agreement on the appropriate timing of the improvement.

The outcome of the discussion was a Disposition and Development Agreement (DDA) that was approved by the City Council on June 13, 2012. In short, the applicants agreed to reserve and dedicate South Street at specific times. In return, the City agreed to issue a revocable permit to allow the applicants to use the dedicated areas until the street is constructed. Additionally, the agreement extends the expiration date of the SPAC approval to 2022. The DDA did not address the N Ross Lane driveway turn lane.

2018 Subdivision Application

In 2018, the applicant submitted a subdivision application to create 12 lots on the subject site. Again, the issues of the right turn lane and South Street (now Newbridge Way) were raised. In its decision, the Planning Commission included a condition of approval requiring that the zone change condition be addressed prior to issuance of building permits for vertical construction. The applicant is now seeking to address this condition.

Proposed Condition Language

Conditions of approval related to the TIA are included in the Final Order for ZC-08-144, Exhibit O 2 of 2 (Exhibit B). The Transportation Manager has reviewed the request and proposes to revise Traffic condition of approval no. 4 with the following language:

Prior to the issuance of building permits for vertical construction for more than 20,000 square feet of development on the site, Newbridge Way (referred to as South Street in the Disposition and Development Agreement) shall be constructed or else the applicant shall install a right turn lane at the project driveway to North Ross Lane.

All other conditions of approval remain in effect.

No other issues were identified by staff.

FINDINGS AND CONCLUSIONS

Staff has reviewed the approval criteria and the requested revision. There are no specific criteria for revisions to a zone change; however, the Planning Commission can find that the proposal to amend the conditions of approval to clarify the timing of the required improvements does not alter its original conclusions contained in Exhibit B.

RECOMMENDED ACTION

Adopt the findings as recommended by staff and direct staff to prepare the final order for approval of the revision to conditions of approval for ZC-08-144 per the staff report dated January 2, 2020, including Exhibits A through C.

EXHIBITS

- A Applicant's request received November 19, 2019
- B Final Order for ZC-08-144 dated February 26, 2009
- C Disposition and Development Agreement for Pioneer Marketplace
Vicinity map

PLANNING COMMISSION AGENDA:

JANUARY 9, 2020

RECEIVED

NOV 19 2019

PLANNING DEPT.



CSA Planning, Ltd

4497 Brownridge, Suite 101
Medford, OR 97504

Telephone 541.779.0569
Fax 541.779.0114

Jay@CSAplanning.net

November 18, 2019

City of Medford Planning Commission
Attn: Kelly Akin, Assistant Planning Director
200 South Ivy Street, Lausmann Annex, Room 240
Medford, Oregon 97501

RE: **Amendment to Condition of Approval for ZC-08-144**

Dear Commissioners:

During the Pioneer Market Place subdivision approval, LDS-18-078, the Applicant was advised that a condition requiring installation of a right-turn lane from North Ross Lane condition could only be removed by having the Planning Commission amend the original zone change condition from File ZC-08-144. This condition was initially applied in 2008, as part of ZC-08-114, based on the recommendation from the Applicant's traffic study. Based on that study, Applicant stipulated to installing a northbound right-turn deceleration lane for the driveway access from North Ross Lane.

After the initial zone change, the Applicant's acquired an additional parcel at the southwest corner of the site. That site was subsequently zone changed to commercial through file ZC-10-072.

Following the zone changes, the Applicant sought site development plan approval through SPAC. During the SPAC review for file AC 10-89, the City sought exactions for a new public street at the south boundary of the property. While I believe the Applicant had grounds to contest this street exaction, the Applicant wanted to work with the City on the issue. After some back and forth, the City and the Applicant reached an agreement to do a right-of-way reservation with respect to the SPAC approval to accommodate the City's desired new public street.

File No: AC 10-89 did not include any condition for improvements at the project driveway at North Ross Lane. A right-turn deceleration lane at this location would conflict with the future street the City required of the Applicant.

Following the SPAC approval, the Applicant requested a partition approval for the North Ross Lane frontage side of the project. During the partition approval, the City sought actual street construction on the south property line rather than just reservation of future right-of-way. This brought the exactions issues to a head. Again, the Applicant sought to reach agreement with the City. The outcome of those negotiations was a Disposition and Development Agreement that was approved by the City Council in Ordinance 2012-67.

Again, nothing in the DDA or that partition approval required construction of a right-turn deceleration lane on North Ross Lane at the project driveway. The problems with a right-turn deceleration lane at this location if a future street is constructed are obvious and shown right across the street. The access to the north has deceleration lane that extends beyond where the future street would be. If this configuration were flipped to the other side of the street, the right-turn deceleration lane taper would cut diagonally across the future street intersection.

The right-turn deceleration lane was dropped from the discussion and from any of these subsequent approvals because it makes no sense if a public street is constructed at the location approved in the DDA. I have to own part of this because I should have thought of it and should have requested it be clarified as part of the DDA.

The partition plat ultimately expired. In 2018, the client filed for a subdivision with the first phase being the previously approved partition area and this is when the right-turn deceleration lane issue resurfaced.

CITY OF MEDFORD

EXHIBIT # A

File # ZC-08-144

RES. TO COMMISSION



As part of the 2018 subdivision approval, the initial Public Works report was requiring implementation of the "South Street" in the DDA and the continuation of the condition of approval for a right-turn deceleration lane. The general premise of attaching conditions of approval from zone changes to future development permit actions is typically sound. However, in this instance, the facts changed dramatically from the zone change to the development approvals.

Upon reconsideration by Public Works during the subdivision review, it became apparent that installation of the conditioned right-turn deceleration lane on N. Ross Lane at this location would interfere with the functioning of that new street when constructed, as the deceleration lane would overlap the new intersection. Public Works therefore agreed that if the new street is constructed, the right-turn deceleration lane condition is no longer required. Traffic to the site could use a driveway from the new street to access the site, thereby reducing the number of vehicles using the driveway, providing the similar relief as the deceleration lane would have provided.

In response to these changes by Public Works, as part of the LDS-18-078 approval, the Applicant stipulated that prior to the issuance of permits for more than 20,000 square feet of new development is constructed on the site, the Applicant will either construct the new street or to install the right-turn deceleration lane. The Planning Commission, to prevent future confusion, added a condition that the Zone Change condition was to be removed as it was now covered by the LDS-18-078 condition.

Therefore, as required by the approval for LDS-18-078, Applicant hereby requests amendment of Zone Change 08-144 to make clear that the condition requiring a right turn deceleration lane at the N. Ross Lane driveway is only required after 20,000 square feet of new vertical construction has occurred on the site and if the "South Street" required by the DDA has not been constructed.

We appreciate the Planning Commission's attention to this matter.

Very Truly Yours,

CSA Planning, Ltd.



Jay Harland
President

cc. File



-  Subject
-  Tax Lots

Aerial Map

2012 Aerial



CDT-BAR LLC
Pioneer Market Place
Commercial Subdivision
37-2W-26AD Tax Lots 2400 & 2600



CSA Planning LTD



11-18-2019 Source: City of Medford GIS

BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF PLANNING COMMISSION FILE)
ZC-08-144 APPLICATION FOR A ZONE CHANGE SUBMITTED) **ORDER**
BY PLATA STATION, LLC.)

ORDER granting approval of a request for changing the zoning from County SR-2.5 (Suburban Residential –2.5 acre minimum) to City C-C (Community Commercial) on a 7.34 acre parcel located on the southeast corner of N. Ross Lane and W. McAndrews Road. 372W 26AD TL2400.

WHEREAS, the City Planning Commission in the public interest has given consideration to changing the zoning of real property described below from County SR-2.5 (Suburban Residential –2.5 acre minimum) to City C-C (Community Commercial) on a 7.34 acre parcel located on the southeast corner of N. Ross Lane and W. McAndrews Road. 372W 26AD TL2400; and

WHEREAS, the City Planning Commission has given notice of, and held, a public hearing, and after considering all the evidence presented hereby adopts the Planning Commission Report dated February 18, 2009, Applicant’s Findings – Exhibit “A,” and Legal Description – Exhibit “B” attached hereto and hereby incorporated by reference; now, therefore,

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF MEDFORD, OREGON, that:

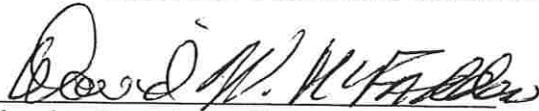
The zoning of the following described area within the City of Medford, Oregon:

37 2W 26AD Tax Lot 2400

is hereby changed from County SR-2.5 (Suburban Residential –2.5 acre minimum) to City C-C (Community Commercial) zoning district.

Accepted and approved this 26th day of February, 2009.

CITY OF MEDFORD PLANNING COMMISSION


Planning Commission Chair

ATTEST:


Planning Department Representative

CITY OF MEDFORD
EXHIBIT # B
File # ZC-08-144
REV. TO CONDITIONS

SCANNED



CITY OF MEDFORD

PLANNING DEPARTMENT

COMMISSION REPORT

Date: February 18, 2009

Subject: Plata Station, LLC et al Zone Change (ZC-08-144)
Plata Station, LLC, Verde Station, LLC, Rock On 2008, LLC, CDTROSS,
LLC, and Ideal Equity, LLC Applicants (CSA Planning, Ltd. Agent)

Background

Proposal

Consideration of a request for a change of zone from County SR-2.5 (Suburban Residential – 2.5 acre minimum) to City C-C (Community Commercial) on a 7.34 acre parcel located on the southeast corner of N. Ross Lane and W. McAndrews Road. (372W 26AD TL2400)

Subject Site Zoning, GLUP Designation and Existing Uses

<i>Zoning District:</i>	County SR-2.5
<i>GLUP Map Designation:</i>	CM (Commercial)
<i>Current Use:</i>	Rogue Valley Children's Discovery Museum (<i>Kid's Imagination Discovery Center</i>)

On January 15, 2009, the City Council approved ZC-08-089, and adopted Ordinance Number 2009-14. This Class "A" major amendment to the City of Medford Zoning Map changed the zoning district of approximately 500 tax lots within the City of Medford. The zoning designations were changed from County zoning designations to the equivalent City zoning designation (or holding zone – thereby not creating an increase in traffic generation). No properties within the West Main Transit-Oriented District (TOD) were re-zoned: these properties will receive equivalent City zoning, or a holding zone, upon adoption of the West Main TOD plan. As this subject property lies within the boundaries of the West Main TOD, it retains its County zoning district of SR-2.5.

Surrounding Property Zoning and Uses

<i>North:</i>	<i>Zone</i>	County General Commercial (GC) and County SR-2.5
	<i>Use</i>	<i>Mercury Air and Metal and Irongate Ornamental Iron</i>
<i>South:</i>	<i>Zone</i>	County GC
	<i>Use</i>	Single Family Residential and <i>Batzer Construction, Inc.</i>

East: Zone County GC and County SR-2.5
Use Rogue Pacific Lumber Company and single family residential

West: Zone SR-2.5
Use Single family dwellings

Related Projects

Annexation (A-99-149) adopted by the Medford City Council

Applicable Criteria

Section 10.227 of the *Land Development Code* (Exhibit B)

Issues/Analysis

Staff reviewed the zone change request and found that it meets the approval criteria listed in *Medford Land Development Code* §10.227, subject to those conditions included in Exhibit A. The subject site meets the locational criteria in that the project site is over three acres and fronts upon an arterial and collector street.

Traffic, Trip Caps and a Building Square Footage Cap

The 7.37 acre site has the potential to generate 11,055 average daily trips (ADTs); therefore, as per §10.461, a traffic impact analysis (TIA) is required. The applicant submitted a TIA, herein referenced as Exhibit N. As per the TIA (Exhibit N), mitigation is required at various intersections.

The Oregon Department of Transportation (ODOT), and the City of Medford Public Works Department have reviewed the applicant's TIA (Exhibit N) and concur with the applicant's conclusions.

ODOT, the Public Works Department, and the applicant all support a trip cap of and building cap. The trip cap is defined in the Public Works Department Memorandum (Exhibit O). The building cap shall be 69,370 square feet of Community Commercial (C-C) uses.

Staff provides the following analysis regarding the applicant's TIA (Exhibit N), ODOT's recommendations (Exhibit T), and the Public Works Department's memorandum (Exhibit O).

Applicant's Traffic Impact Analysis

The applicant's findings contain a stipulation limiting development to a maximum lot coverage of 25% of the 6.37 developable acres of the project site, which equals 69,370 square feet. Those areas deemed to contain *wetlands* have been

removed from gross acreage such that the developable area of the site is 6.37 acres. Additional stipulations are identified below.

Oregon Department of Transportation

The Oregon Department of Transportation (ODOT) Memorandum (Exhibit S-1) includes recommendations that a building square footage cap of 69,371 square feet, and trip cap be placed on this application. The request for a building cap of 69,370 square feet is equivalent to the trip cap condition contained in the Public Works Department Memorandum (Exhibit O). A condition is included requiring the applicant comply with the ODOT Memorandum received February 11, 2009, Exhibit S-1.

Note: The Oregon Department of Transportation submitted a revised memorandum, received February 11, 2009. This memorandum supersedes the previous email received December 11, 2008, and becomes Exhibit S-1. A condition was added requiring the applicant comply with Exhibit S-1.

Public Works Department

The Public Works Department has reviewed the applicant's TIA (Exhibit N), and provides conditions in Exhibit O, including but not limited to: a trip cap; installation of a traffic signal at the intersection of Ross Lane and McAndrews Road; and the construction of turn lanes. Prior to issuance of the first building permit on this property, the applicant shall comply with the Public Works Department Memorandum received February 2, 2009, Exhibit O.

Applicant Stipulations

The applicant includes stipulations in on pages 21 and 22 of Exhibit C including, but not limited to: a building cap of 69,370 square feet of commercial space; the funding of additional improvements as recommended in the TIA (Exhibit N); and on-site storm drainage. Staff recommends the Planning Commission include these stipulations as conditions of approval. Such a condition is included.

No other issues were identified by staff.

ACTION TAKEN

Directed staff to prepare a Final Order for approval of ZC-08-144 per the Commission Report dated February 18, 2009, including Exhibits A through U.

EXHIBITS

- A-1 Revised Conditions of Approval dated February 18, 2009;
- B Approval Criteria dated February 2, 2009;
- C Applicant's Findings of Fact and Conclusions of Law received November 13, 2008;
- D Wetland Assessment received November 13, 2008;



CITY OF MEDFORD
PLANNING DEPARTMENT

EXHIBIT A-1

REVISED CONDITIONS OF APPROVAL
ZC-08-144
February 18, 2009

1. Prior to issuance of the first building permit for vertical construction, the applicant shall comply with the:
 - a. Memorandums from the Medford Engineering Division received February 2, 2009 (Exhibit O);
 - b. Those stipulations included on pages 21 and 22 of the applicant's Findings of Fact received November 13, 2008 (Exhibit C); and
 - c. Oregon Department of Transportation Memorandum received February 11, 2009 (Exhibit S-1).



CITY OF MEDFORD

PLANNING DEPARTMENT

EXHIBIT B

APPROVAL CRITERIA

ZC-08-144

February 2, 2009

The zone change criteria that are not relevant to this particular application are hereby omitted from the following citation. Section 10.227 (A) of the Land Development Code states the following:

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

- (1) *The proposed zone is consistent with the Oregon Transportation Planning Rule (OAR 660) and the General Land Use Plan Map designation. (When the City of Medford's Transportation System Plan (TSP) is adopted, a demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule.) Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections (1)(a), and (1)(b), (1)(c), or (1)(d). Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria below.*

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

- (ii) *The overall area of the C-C zoning district shall be over three (3) acres in size and shall front upon a collector or arterial street or state highway. In determining the overall area, all abutting property(s) zoned C-C shall be included in the size of the district.*

- (2) *It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in the MLDC and Goal 3, Policy 1 of the Comprehensive Plan "Public Facilities Element."*

- (a) *Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.*
- (b) *Adequate streets and street capacity must be provided in one of the following ways:*
 - (i) *Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity;*

- (c) *In determining the adequacy of Category A facilities, the approving authority (Planning Commission) may evaluate potential impacts based upon the imposition of special development conditions attached to the zone change request.*

BEFORE THE PLANNING COMMISSION
 FOR THE CITY OF MEDFORD
 JACKSON COUNTY, OREGON

IN THE MATTER OF AN APPLICATION)
 FOR A ZONE CHANGE FROM COUNTY)
 SUBURBAN RESIDENTIAL 2.5 UNITS)
 PER ACRE (SR-2.5) TO CITY)
 COMMUNITY COMMERCIAL (C-C) FOR)
 7.37 ACRES ON THE SOUTHEAST)
 CORNER OF NORTH ROSS LAND AND)
 WEST MCANDREWS ROAD 37-2W-)
 26AD, TAX LOT 2400, WITHIN THE)
 CORPORATE LIMITS OF THE CITY OF)
 MEDFORD, JACKSON COUNTY,)
 OREGON)
)
 Owners and Applicants: Plata Station)
 LLC et al)

FINDINGS OF FACT AND
 CONCLUSIONS F LAW

Applicants' Exhibit 2

I

NATURE AND SCOPE OF APPLICATION; BACKGROUND

Applicants Plata Station LLC and others holding an undivided interest in the property seek to rezone a 7.37-acre parcel located within the corporate limits of the City of Medford.¹ The subject property, identified as Tax Lot 2400 on Assessor's Map 37-2W-26-AD was annexed to the City of Medford in 2002 but was not rezoned. The property retained its County Suburban Residential, minimum 2.5 acre lot (SR-2.5) zoning. The applicants request that the subject property be rezoned to Community Commercial(C-C) to allow for commercial development of the property. Most of the other properties fronting on this section of North Ross Lane and W. McAndrews Road are currently zoned County General Commercial and this change will make the subject property commercial as well.

II

EVIDENCE SUBMITTED WITH APPLICATION

RECEIVED

NOV 13 2008

Planning Dept.

Applicant herewith submits the following evidence with its zone change application:

Exhibit 1. Signed and Completed Application Forms and powers of attorney

¹ A complete reporting of entities holding an undivided ownership interest in the property is set forth in the Findings of Fact (Section IV hereinbelow).



CITY OF MEDFORD
 EVALUATE C
 FILE # 2008-144
 Page 1 of 22

5

- Exhibit 2.** The proposed findings of fact and conclusions of law, demonstrating how zone change proposal complies with the applicable substantive criteria of the City of Medford and State of Oregon
- Exhibit 3.** Jackson County Assessor plat map 37-2W-26AD which contains and depicts the subject property
- Exhibit 4.** City of Medford General Land Use Plan (GLUP)
- Exhibit 5.** Figure 4-1: Medford Conceptual TOD Boundaries and Other Activity Centers from Medford's Transportation System Plan, 2003
- Exhibit 6.** Zoning Map on Aerial
- Exhibit 7.** Proposed Zoning Map
- Exhibit 8.** Photos of site and surrounding properties
- Exhibit 9.** Wetlands and Floodplain Map
- Exhibit 10.** Terra Science Wetland Assessment letter from September 28, 2007
- Exhibit 11.** North Ross Lane & McAndrews Road Zone Change Application Transportation Impact Analysis, Southern Oregon Transportation Engineering, LLC; September 4, 2008
- Exhibit 12.** Preliminary Ross Lane. north at McAndrews Road Signal Plan, Jackson County Roads
- Exhibit 13.** Water Line Map for area
- Exhibit 14.** Sanitary Sewer Line Map for area
- Exhibit 15.** Storm Drainage Memo, April 25, 2008
- Exhibit 16.** Current deeds of record for the subject property
- Exhibit 17.** Legal Description of Zone Change Area
- Exhibit 18.** Duly Executed Limited Powers of Attorney

III

RELEVANT SUBSTANTIVE APPROVAL CRITERIA

The criteria under which a zone change application must be considered are in Section 10.227 of the Medford Land Development Code ("MLDC"). Additional approval standards and criteria are in the Oregon Transportation Planning Rule at OAR 660-012-0060. The relevant approval criteria are recited verbatim below:

MLDC 10.227 ZONE CHANGE CRITERIA (Inapplicable provisions omitted)

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

- (1) The proposed zone is consistent with the Oregon Transportation Planning Rule (OAR 660) and the General Land Use Plan Map designation. (When the City of Medford's Transportation System Plan

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

- (c) For zone changes to any commercial zoning district, the following criteria shall be met for the applicable zoning sought: (i) The overall area of the C-N zoning district shall be three (3) acres or less in size and within, or abutting on at least one boundary, residential zoning. In determining the overall area, all abutting property(s) zoned C-N shall be included in the size of the district. (ii) The overall area of the C-C zoning district shall be over three (3) acres in size and shall front upon a collector or arterial street or state highway. In determining the overall area, all abutting property(s) zoned C-C shall be included in the size of the district. (iii) The overall area of the C-R zoning district shall be over three (3) acres in size, shall front upon an arterial street or state highway, and shall be in a centralized location that does not otherwise constitute a neighborhood shopping center or portion thereof. In determining the overall area, all abutting property(s) zoned C-R shall be included in the size of the district. The C-R zone is ordinarily considered to be unsuitable if abutting any residential zones, unless the applicant can show it would be suitable pursuant to (1)(e) below. (iv) The C-H zone shall front upon an arterial street or state highway. The C-H zone may abut the General Industrial (I-G), Light Industrial (I-L), and/or any commercial zone. The C-H zone is ordinarily considered to be unsuitable if abutting any residential and I-H zones, unless the applicant can show it would be suitable pursuant to (1)(e) below.

 - (e) For purposes of (1)(c) and (1)(d) above, a zone change may be found to be "suitable" where compliance is demonstrated with one or more of the following criteria: (i) The subject property has been sited on the General Land Use Plan Map with a GLUP Map designation that allows for only one zone; (ii) At least 50% of the subject property's boundaries abut zones that are expressly allowed under the criteria in (1)(c) or (1)(d) above; (iii) At least 50% of the subject property's boundaries abut properties that contain one or more existing uses which are permitted or conditional uses in the zone sought by the applicant, regardless of whether the abutting properties are actually zoned for such existing uses; or (iv) Notwithstanding the definition of "abutting" in MLDC 10.012 and for purposes of determining suitability under Section (1) (e), the subject property is separated from the "unsuitable" zone by a public right-of-way of at least 60 feet in width.
- (2) It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in the MLDC and Goal 3, Policy 1 of the Comprehensive Plan "Public Facilities Element."
- (a) Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.

 - (b) Adequate streets and street capacity must be provided in one of the following ways: (i) Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity; or (ii) Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or (iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one proposed or anticipated development, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one of the following occurs: (a) the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or (b) when an applicant funds the improvement through a reimbursement district pursuant to the MLDC. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated

cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits. (iv) When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.

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

OREGON TRANSPORTATION PLANNING RULE
Oregon Administrative Rules Chapter 660, Division 12

SECTION 660-012-0060

- (1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:
- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
 - (b) Change standards implementing a functional classification system; or
 - (c) As measured at the end of the planning period identified in the adopted transportation system plan:
 - (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or
 - (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.
- (2) Where a local government determines that there would be a significant effect, compliance with section (1) shall be accomplished through one or a combination of the following:
- (a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.
 - (b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.
 - (c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.

Findings of Fact and Conclusions of Law

Zone Change Application

Applicant: Plata Station LLC, et al

- (d) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.
 - (e) Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management measures, demand management or minor transportation improvements. Local governments shall as part of the amendment specify when measures or improvements provided pursuant to this subsection will be provided.
- (4) Determinations under sections (1)-(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.
- (a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.
 - (b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:
 - (A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.
 - (B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.
 - (C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.
 - (D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.
 - (E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.
 - (c) Within interstate interchange areas, the improvements included in (b)(A)-(C) are considered planned facilities, improvements and services, except where:
 - (A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or
 - (B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.
 - (d) As used in this section and section (3):
 - (A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;
 - (B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and
 - (C) Interstate interchange area means:



Findings of Fact and Conclusions of Law

Zone Change Application

Applicant: Plata Station LLC, et al

- (i) Property within one-half mile of an existing or planned interchange on an Interstate Highway as measured from the center point of the interchange; or
 - (ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.
- (e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements and services identified in paragraphs (b)(A)-(C) to determine whether there is a significant effect that requires application of the remedies in section (2).
- (6) In determining whether proposed land uses would affect or be consistent with planned transportation facilities as provided in 0060(1) and (2), local governments shall give full credit for potential reduction in vehicle trips for uses located in mixed-use, pedestrian-friendly centers, and neighborhoods as provided in (a)-(d) below;
- (a) Absent adopted local standards or detailed information about the vehicle trip reduction benefits of mixed-use, pedestrian-friendly development, local governments shall assume that uses located within a mixed-use, pedestrian-friendly center, or neighborhood, will generate 10% fewer daily and peak hour trips than are specified in available published estimates, such as those provided by the Institute of Transportation Engineers (ITE) Trip Generation Manual that do not specifically account for the effects of mixed-use, pedestrian-friendly development. The 10% reduction allowed for by this section shall be available only if uses which rely solely on auto trips, such as gas stations, car washes, storage facilities, and motels are prohibited;
 - (b) Local governments shall use detailed or local information about the trip reduction benefits of mixed-use, pedestrian-friendly development where such information is available and presented to the local government. Local governments may, based on such information, allow reductions greater than the 10% reduction required in (a);
 - (c) Where a local government assumes or estimates lower vehicle trip generation as provided in (a) or (b) above, it shall assure through conditions of approval, site plans, or approval standards that subsequent development approvals support the development of a mixed-use, pedestrian-friendly center or neighborhood and provide for on-site bike and pedestrian connectivity and access to transit as provided for in 0045(3) and (4). The provision of on-site bike and pedestrian connectivity and access to transit may be accomplished through application of acknowledged ordinance provisions which comply with 0045(3) and (4) or through conditions of approval or findings adopted with the plan amendment that assure compliance with these rule requirements at the time of development approval; and
 - (d) The purpose of this section is to provide an incentive for the designation and implementation of pedestrian-friendly, mixed-use centers and neighborhoods by lowering the regulatory barriers to plan amendments which accomplish this type of development. The actual trip reduction benefits of mixed-use, pedestrian-friendly development will vary from case to case and may be somewhat higher or lower than presumed pursuant to (a) above. The Commission concludes that this assumption is warranted given general information about the expected effects of mixed-use, pedestrian-friendly development and its intent to encourage changes to plans and development patterns. Nothing in this section is intended to affect the application of provisions in local plans or ordinances which provide for the calculation or assessment of systems development charges or in preparing conformity determinations required under the federal Clean Air Act.
- (8) A "mixed-use, pedestrian-friendly center or neighborhood" for the purposes of this rule, means:
- (a) Any one of the following:
 - (A) An existing central business district or downtown;
 - (B) An area designated as a central city, regional center, town center or main street in the Portland Metro 2040 Regional Growth Concept;
 - (C) An area designated in an acknowledged comprehensive plan as a transit oriented development or a pedestrian district; or



- (D) An area designated as a special transportation area as provided for in the Oregon Highway Plan.
- (b) An area other than those listed in (a) which includes or is planned to include the following characteristics:
 - (A) A concentration of a variety of land uses in a well-defined area, including the following:
 - (i) Medium to high density residential development (12 or more units per acre);
 - (ii) Offices or office buildings;
 - (iii) Retail stores and services;
 - (iv) Restaurants; and
 - (v) Public open space or private open space which is available for public use, such as a park or plaza.
 - (B) Generally include civic or cultural uses;
 - (C) A core commercial area where multi-story buildings are permitted;
 - (D) Buildings and building entrances oriented to streets;
 - (E) Street connections and crossings that make the center safe and conveniently accessible from adjacent areas;
 - (F) A network of streets and, where appropriate, accessways and major driveways that make it attractive and highly convenient for people to walk between uses within the center or neighborhood, including streets and major driveways within the center with wide sidewalks and other features, including pedestrian-oriented street crossings, street trees, pedestrian-scale lighting and on-street parking;
 - (G) One or more transit stops (in urban areas with fixed route transit service); and
 - (H) Limit or do not allow low-intensity or land extensive uses, such as most industrial uses, automobile sales and services, and drive-through services.

IV

FINDINGS OF FACT

The Planning Commission reaches the following findings of fact and finds them to be true with respect to this matter:

1. **Property Location:** The property is located at the southeast corner of the intersection of West McAndrews Road and North Ross Lane. The property is within the corporate limits of the City of Medford and its adopted and acknowledged urban growth boundary.
2. **Property Description and Acreage:** The property is identified in the records of the Jackson County Assessor as Tax Lot 2400 in Township 37 South Range 2 West in Section 26AD. The property consists of a single parcel that has approximately 7.37 acres, of which approximately 6.37 acres can be further developed. There is approximately one acre of wetlands.
3. **Subject Property Ownership:** The subject property is owned by five limited liability companies, each of which holds an undivided 20 percent interest in the property and all of which have consented in writing to this zone change application. See Exhibit 18 which consists of powers of attorney from the five owner LLCs: Plata Station, LLC, Verde Station, LLC, Rock On 2008, LLC, CDTROSS, LLC, and Ideal Equity, LLC.

4. **Comprehensive Plan Map Designation:** The property is designated Commercial on the Medford Comprehensive Plan Map.² See, Exhibit 4.
5. **Zoning Map Designation:** The property is zoned County Suburban Residential- 2.5 acre minimum lot size (SR-2.5). See, Exhibit 6. The proposed zoning— Community Commercial (C-C) is shown on Exhibit 7.
6. **Existing Land Use:** The property contains a 16,137 square foot building, off-street parking and appurtenances that was originally constructed as a Moose Lodge. The property was sold to the Rogue Valley Children's Discovery Museum, now known as the Kid's Imagination Discovery Center, which continues to operate from this building. Portions of the property not occupied by the existing building and parking are vacant.
7. **Intended Land Use:** Applicants herewith testify that they intend the property to ultimately be planned and developed as a phased retail/commercial development.
8. **Topography:** The property is relatively flat and does not contain significant topographic relief. Topography does not represent a significant constraint for urban utilization of the property.
9. **Wetlands; Floodplain:** According to Medford and Jackson County Geographical Information System (GIS) data bases taken from the U.S. National Wetland Inventory, the subject property contains no jurisdictional wetlands. However, the owners engaged qualified wetland experts Terra Science, Inc. to do an on-site wetland investigation which revealed an approximate one-acre wetland located along the eastern border of the property. The identified is an isolated occurrence that lacks surface water connectivity. See, Exhibit 10. The subject property is not within any 100-year floodplain of any according to Jackson County GIS records. See, Exhibit 9.
10. **Surrounding Land Uses:** The GLUP map (Exhibit 4) and Zoning Map which is overlaid on an aerial photo (Exhibit 6) accurately depict the pattern of land partitioning and development in the surrounding area. Exhibit 8 includes photos of the site and surrounding properties which further depict the land uses that surround the subject property and which are further described as follows:
 - A. **Surrounding Area Characteristics:** The property is surrounded by general commercial, light industrial, and single-family residential uses. 179.5 acres, including the subject property, was annexed to the City of Medford in 2002. Many of the properties kept their then prevailing SR-2.5 zoning despite the fact that this and several other properties had pre-existing commercial uses.³ The intersection

² Medford often refers to its comprehensive plan map as the Generalized Land Use Plan or GLUP map.

³ Since the time of annexation, Jackson County has eliminated its SR-2.5 zoning district, although that zone still applies to the subject property until it is changed by action of the city.

immediately south of the property is a major commercial intersection with the Thunderbird and Jackson Creek shopping centers on the northwest and southwest corners. On the northeast corner of that intersection, a Walgreen's drug store was recently approved but is yet unbuilt. The southeast corner has convenience and fast food stores.

- B. East:** Most of the property abuts the Rogue Pacific Lumber Company, a supplier of lumber and roofing materials for the Rogue Valley. This property is zoned County General Commercial (GC). The southeast corner the property abuts two residential properties that are accessed from a cul-de-sac that originates on West Main Street. The residential properties are zoned County SR-2.5. The next two properties immediately to the south of those residences are owned by Batzer Construction, Inc. The yards of the Batzer-owned adjacent parcels are used for storage.
- C. South:** To the south, one small residential property exists abutting the southwest corner of the property. The rest of the property abuts Batzer Construction, Inc., a large construction company. The Batzer property houses several concrete and wood buildings for material storage, shops, and offices. There is also a materials storage and vehicle yard onsite. Beyond the Batzer properties are several commercial properties, including the approved based upon yet unbuilt Walgreen's at the corner of West Main and North Ross Lane. These properties are zoned County General Commercial (GC).
- D. West:** West, across North Ross Lane, are several large properties zoned SR-2.5. Several are occupied by dwellings. Two of the properties have been converted to house a commercial cabinet shop. The properties to the southwest are zoned residential and are currently vacant. Beyond those is the Jackson Creek Shopping Center at the northwest corner of West Main and North Ross Lane which is zoned County General Commercial (GC).
- E. North:** Across West McAndrews Road, on the northeast corner with North Ross Lane, is a vacant lot zoned SFR-4. The remaining properties across W. McAndrews Road are zoned County General Commercial (GC) and uses which include Mercury Air and Metal and Irongate Ornamental Iron, as well as several largely vacant properties that despite their General Commercial zoning are occupied by residences.

11. Essential (Category "A") Public Facilities: The comprehensive plan defines Category "A" public facilities as follows: (1) Sanitary sewage collection and treatment; (2) Storm Drainage; (3) Water Service; (4) Transportation Facilities. The Planning Commission finds the following facts with respect to each of the Category "A" public facilities:

- A. Sanitary Sewer Service (Collection):** The property is in the Rogue Valley Sewer Services (RVSS) district. An existing 30-inch sanitary sewer line is located in North Ross Lane. Another 8-inch line runs along the northwestern border of the subject property within the McAndrews Road right-of-way. These facilities are available to serve the property.

B. Sanitary Sewer Service (Treatment): According to Jim Hill of the Medford Engineering Department, sewage wastewater collected and transported by the Bear Creek Interceptor is treated at the Medford Regional Water Reclamation Plant. Mr. Hill serves as the principal staff person in charge of operations at the regional plant, which is located near Bybee Bridge where Table Rock Road crosses the Rogue River. A portion of the service charges levied on customers is allocated to treatment costs. The Regional Rate Committee as established in the September 23, 1985 Regional Sewer Agreement is authorized to set treatment charges and rates for the regional system. The Regional Rate Committee reviews the charges and rate structures annually, and rate adjustments are made as necessary. Systems development charges are allocated to plant expansion. Monthly service charges levied on customers are allocated to treatment costs, equipment repair and replacement, and plant upgrades to meet changing regulations.

The regional treatment plant was constructed in 1969-1970. The present average dry weather plant capacity is 20.0 million gallons per day (MGD). The peak hydraulic capacity is 60 MGD. Plant capacity was doubled between years 1980-1990 through several incremental expansions. A treatment plant facilities plan, developed in 1992, established a capital improvement program to meet growth need to Year 2010.

Average dry weather flow into the treatment plant was 13.2 MGD in 1988, increasing to 14.1 MGD in 1994. Flows in 1997 were estimated to be approximately 18.0 MGD. The population receiving sewer service in 1988 was 77,475. Sewer connections since 1988 have increased the residential population served by sewers to approximately 94,000. The regional plant has a capacity for a population equivalent of approximately 115,000, including commercial and industrial flows. The population forecasts by consulting engineers Brown and Caldwell, including analysis of rural as well as urban population densities, estimate the ultimate population that the plant would serve at 190,800.

C. Water Distribution Lines: Water is available to the property via a 6-inch water line loop running through the property and connecting to 4 and 6-inch lines located in North Ross Lane and McAndrews Road. In November 2008 construction is scheduled to install 12-inch mains in North Ross Lane from West Main Street to McAndrews Road, and in West McAndrews Road from North Ross Lane east 400 feet, which will allow for connection of the 6-inch loop within the subject property.

D. Water Supply: According to the Medford Water Commission Manager, the Medford water system presently serves a population of $\pm 80,000$. The present maximum daily use is 45 million gallons per day, (MGD). The present source and distribution system has an existing capacity of 56.5 MGD. There is an additional water source capability of 35 MGD available. The Water Commissioner expects present facilities will be adequate to accommodate growth until around the Year 2050. According to a Medford Water Commission Representative, water pressure in this area ranges from a low in the summer of approximately 70 psi to an average of 80 to 85 psi.

E. Storm Drainage: The general subject property area is located in the Elk Creek Drainage Basin. Jackson County has an open ditch storm drainage system that borders the north and west subject property boundaries. Current County design plans integrate the construction of a new storm drainage pipe and detention pond system with the planned road improvements. The existing onsite parking lot drains connect to a ditch collection system on the north side of McAndrews Road. Applicant inquired with Medford Public Works as to the adequacy of the storm drainage system for this area. The representative confirmed that there is adequate capacity for future development on the site to connect to the existing drainage ditch system. Applicant offers to stipulate to the on-site detention condition of approval typically applied by Public Works for zone changes which is intended to assure that ultimate development of the site will have no net impact on off-site storm drainage systems. *See* Exhibit 15.

F. Streets and Traffic: The following facts pertain to streets and traffic as proposed in this project:

- **Street Functional Classification and Standards:** North Ross Lane on the property's west side is classified as a major collector in the Medford Transportation System Plan while West McAndrews Road on the property's north boundary is classified as a major arterial.
- **Street Improvements:** Improvements by Jackson County have been funded for the signalization of the intersection of North Ross Lane and West McAndrews Road and are scheduled for construction in 2010. Private funds have been set aside as a condition of an earlier development approval for the signalization of the intersection of Oregon Highway 238 and North Ross Lane and the same is expected to be constructed prior to vertical construction of the subject project.
- **Access:** Two access points to the parcel are existing, one from North Ross Lane and one off of McAndrews Road. The Transportation Impact Analysis recommends that a northbound right turn deceleration lane to the North Ross Lane driveway be installed as part of the project. *See* Transportation Impact Analysis, Exhibit 11.
- **Vehicular Traffic:** Pursuant to MLDC 10.461(3) a Transportation Impact Analysis is required:

"If a proposed application has the potential of generating more than 250 net average daily trips (ADT) or the Public Works Department has concerns due to operations or accident history, a TIA will be required to evaluate development impacts to the transportation system. The Public Works Department may waive a TIA if it is concluded that the impacts are not substantial."

A Transportation Impact Analysis has been prepared by Applicant's registered professional traffic engineer, Kim Parducci of Southern Oregon Transportation Engineering, LLC. *See*, Exhibit 11. Chapter II of the Exhibit 11 analysis identifies the following issues:

The site is estimated to generate 1500 average daily trips per acre under the City of Medford's Community Commercial trip generation for undeveloped property which results in 11,055 ADT with 1,106 trips occurring during the P.M peak hour. The distribution of 1,106

P.M. peak hour project trips to the surrounding transportation system creates impacts at several study area intersections that would require mitigation. The nearest study area intersection impacted is the intersection of Sage Road & Hwy 238, which operates at a volume-to-capacity ratio of 0.85 under year 2010 no build conditions and increases to a failing v/c of 1.05 under year 2010 build conditions with the full development or 1,106 P.M. peak hour trips evaluated.

Based on this, a stipulation is proposed as part of the zone change application to reduce project trips from the site to 25% lot coverage of the 6.37 estimated usable acres for purposes of a commercial Shopping Center. Twenty-five percent lot coverage of 6.37 acres results in 69,370 SF of shopping center use. A 69,370 SF Shopping Center is estimated to generate 492 P.M. peak hour trips according to the Institute of Transportation Engineers (ITE) Trip Generation.

The following excerpt from the Exhibit 11 Traffic Impact Analysis summarizes its conclusions:

The findings of the traffic impact analysis conclude that the proposed stipulated zone change application for a 69,370 SF Shopping Center development can be accommodated on the existing transportation system without creating adverse impacts.

Intersection operations, 95th percentile queue lengths, turn lanes, and crash histories were evaluated to address project impacts. Results of the analysis show the following:

- All study area intersections with the exception of two are shown to operate acceptably under adjusted year 2008 conditions. The two intersections that exceed performance standards under existing conditions include the unsignalized intersections of Ross Lane & Hwy 238 and Ross Lane & McAndrews Road. Both intersections have planned improvements for signalization and are funded or will be constructed prior to the project build year 2010.
- All study area intersections are shown to operate acceptably under year 2010 no build and build conditions with planned improvements in place.
- All study area intersections are shown to operate no worse than no build conditions under future year 2023 and 2030 build conditions.
- Criterion for a northbound right turn lane at the project access on Ross Lane is shown to be met under project build year 2010 and future year 2023 build conditions.
- Criterion for an eastbound right turn lane at the project access on McAndrews Road is not shown to be met under project build year 2010 or future year 2023 build conditions.
- A southbound left turn lane exists at the project access on Ross Lane. Criterion for a westbound left turn lane at the project access on McAndrews Road is shown to be met under project build year 2010 and future year 2023 build conditions.
- 95th percentile queue lengths from the signalized intersection of Ross Lane & McAndrews Road are not shown to exceed storage lengths nor block either project access point on Ross Lane or McAndrews Road under the project build year 2010 conditions. Under future year 2023 build conditions the westbound left 95th percentile queue length from the signalized intersection of Ross Lane & McAndrews Road is shown to exceed its 200' storage length and spill into the adjacent westbound through lane but neither the westbound left nor the westbound through lane is shown to exceed the link distance to the project access.

Recommended improvements include the installation of a northbound right turn deceleration lane on Ross Lane at the project access and installation of a westbound left turn pocket at the project access on McAndrews Road.

It is concluded that the proposed stipulated zone change application to City C-C for a 69,370 SF Shopping Center development can be accommodated on the existing transportation system to City of Medford, ODOT, and Jackson County standards without creating adverse impacts under year 2010 and future years 2023 and 2030 build conditions with planned improvements and the recommended mitigations in place.

G. Police and Fire Protection: The property is served by the Medford Fire Department from its Fire Station 2, located at the intersection of West Eighth Street and Lincoln Street a short distance from the subject property. Emergency fire response is estimated to be two minutes. Police protection is from the City of Medford Police Department.

V

CONCLUSIONS OF LAW

The Planning Commission reaches the following conclusions of law for each of the relevant substantive criteria with respect to this matter:

***City of Medford Approval Criteria
Medford Land Development Code (MLDC) 10.227***

MLDC 10.227 ZONE CHANGE CRITERIA

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

Criterion 1

- (1) The proposed zone is consistent with the Oregon Transportation Planning Rule (OAR 660) and the General Land Use Plan Map designation. (When the City of Medford's Transportation System Plan (TSP) is adopted, a demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule.) Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections (1)(a), (1)(b), (1)(c), or (1)(d). Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria below.

Conclusions of Law (Criterion 1): Criterion 1 is threefold: consistency with the Oregon Transportation Planning Rule (TPR), consistency with the General Land Use Plan Map and consistency with the locational standards in MLDC 10.227 (1) (a) through (d).

Regarding TPR, the Planning Commission concludes that the applicable provisions are in OAR 660-012-0060 and the same have been addressed herein below as Criterion 5. The Planning Commission herewith incorporates and adopts its findings of fact and conclusions of law herein below with respect to OAR 660-012-0060 and concludes that this zone change is consistent with all applicable provisions of the Oregon Transportation Planning Rule.

Regarding consistency with the General Land Use Plan (GLUP) Map, the Planning Commission concludes from Exhibit 4 (which shows the GLUP map designations which apply to the subject property and surrounding area) that the property is designated

Commercial on the GLUP Map; the proposed Community Commercial (C-C) zone is consistent in all respects with the subject property's Commercial GLUP Map designation.

Regarding consistency with the relevant locational standards in MLDC 10.227 (1) (a) through (d), the same is addressed herein below as Criterion 3, the findings of fact and conclusions of law for which are herewith incorporated and adopted.

Based upon the foregoing findings of fact and conclusions of law, the Planning Commission concludes that the application is consistent with the requirements of Criterion 1.

* * * * *

Criterion 2

10.227 Zone Change Criteria

- (1)(c) For zone changes to any commercial zoning district, the following criteria shall be met for the applicable zoning sought: (i) The overall area of the C-N zoning district shall be three (3) acres or less in size and within, or abutting on at least one boundary, residential zoning. In determining the overall area, all abutting property(s) zoned C-N shall be included in the size of the district. (ii) The overall area of the C-C zoning district shall be over three (3) acres in size and shall front upon a collector or arterial street or state highway. In determining the overall area, all abutting property(s) zoned C-C shall be included in the size of the district. (iii) The overall area of the C-R zoning district shall be over three (3) acres in size, shall front upon an arterial street or state highway, and shall be in a centralized location that does not otherwise constitute a neighborhood shopping center or portion thereof. In determining the overall area, all abutting property(s) zoned C-R shall be included in the size of the district. The C-R zone is ordinarily considered to be unsuitable if abutting any residential zones, unless the applicant can show it would be suitable pursuant to (1)(e) below. (iv) The C-H zone shall front upon an arterial street or state highway. The C-H zone may abut the General Industrial (I-G), Light Industrial (I-L), and/or any commercial zone. The C-H zone is ordinarily considered to be unsuitable if abutting any residential and I-H zones, unless the applicant can show it would be suitable pursuant to (1)(e) below.

Conclusions of Law (Criterion 2): Based the evidence in Section II and the Findings of Fact in Section IV, the overall area of this proposed zone change to C-C is 7.37. Based upon the findings of fact in Section IV, the subject property also fronts upon both an arterial and major collector streets.

Criterion 2 contains alternative tests, consistency with any one of which is sufficient to demonstrate compliance with Criterion 2. By virtue of the zone change having more than 3 acres and fronting upon an arterial street, this zone change is concluded to be consistent with MLDC 10.227(1)(c)(iii) (one of the *alternative tests* in Criterion 2). Therefore, the Planning Commission concludes that this zone change is consistent with Criterion 2. Because compliance with Criterion 2 under the alternative test in MLDC 10.227(1)(c)(iii) is clear and undisputable, the Commission declines to further consider other alternatives therein.

* * * * *

Criterion 3

- (1)(e) For purposes of (1)(c) and (1)(d) above, a zone change may be found to be "suitable" where compliance is demonstrated with one or more of the following criteria: (i) The subject property has been sited on the General Land Use Plan Map with a GLUP Map designation that allows for only one zone;

(ii) At least 50% of the subject property's boundaries abut zones that are expressly allowed under the criteria in (1)(c) or (1)(d) above; (iii) At least 50% of the subject property's boundaries abut properties that contain one or more existing uses which are permitted or conditional uses in the zone sought by the applicant, regardless of whether the abutting properties are actually zoned for such existing uses; or (iv) Notwithstanding the definition of "abutting" in MLDC 10.012 and for purposes of determining suitability under Section (1) (e), the subject property is separated from the "unsuitable" zone by a public right-of-way of at least 60 feet in width.

Conclusions of Law: Criterion 3 operates as an alternative to establishing compliance with, in this instance, MLDC 10.227 (1) (c). However, this application clearly and indisputably complies with MLDC 10.227 (1) (c). Therefore, the Planning Commission concludes that it is unnecessary to comply with or to even further address MLDC 10.227 (1) (e) — Criterion 3 — and the Planning Commission concludes that it is irrelevant.

* * * * *

Criterion 4

- (2) It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in the MLDC and Goal 3, Policy 1 of the Comprehensive Plan "Public Facilities Element."
- (a) Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.

Discussion; Conclusions of Law: The Planning Commission concludes that Goal 3, Policy 1 of the comprehensive plan Public Facilities Element were removed by action of the City Council and no longer in exist or have any force or effect. The zone change criteria for determining the adequacy of Category A public facilities, consistent with the Public Facilities Element, now reside solely in MLDC 10.227(2). The Planning Commission reaches the following conclusions of law with respect to each of the Category "A" infrastructure components:

Wastewater Collection and Treatment: Based upon the findings of fact in Section IV, the Planning Commission concludes that wastewater collection and treatment facilities are sufficient to serve potential development consistent with the proposed Community Commercial zoning district to accommodate projected peak flows for that specific gravity flow service area as determined by the city engineer, and that these facilities are available to adequately serve the property.

Storm Drainage System: Based upon the findings of fact in Section IV, the Planning Commission concludes storm drainage facilities are available for connection to the subject property. The anticipated development of the subject property will cause no more than nominal impacts to projected peak flows for that specific service area as determined by the *Comprehensive Medford Area Drainage Master Plan (1996)*, and that these facilities will not be negatively impacted by the proposed development.

Water System: Based upon the findings of fact in Section IV, the Planning Commission concludes that the water system is sufficient to provide the subject property with a permanent water supply having adequate water pressure and volume for projected commercial fire control needs consistent with the GLUP designation as determined by the water utility manager, and that these facilities are available to adequately serve the property under the proposed Community Commercial zone.

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

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

Discussion and Conclusions of Law Continued: The Planning Commission continues its discussion and conclusions of law of law herein below:

Streets and Transportation: The Commission concludes that the evidence in Section II and the Findings of Fact in Section IV include all appropriate and relevant facts needed to properly consider this zone change with respect to traffic pursuant to Zone Change Criterion 2. The Commission also concludes that it has properly addressed the Oregon Transportation Planning Rule under Criterion 5 herein below, the findings of fact and conclusions of law for which is herewith incorporated and adopted.

The Commission next addresses the portion of Criterion 2(b) that deals with streets, which provides alternative paths to compliance. In this regard, the Planning Commission adopts as its overriding conclusion of law, that the City's standard potential trip generation of 1,500 p.m. peak hour trip generation for commercial lands would exceed the capacity of the transportation system in the area; and on this basis, Applicant has requested the imposition of special development conditions limiting trip generation to that projected to be generated by a

69,370 square foot shopping center (or such other development pattern that has an equivalent or less trip generation). Consistent with the imposition of this special development condition pursuant to MLDC 10.227(2)(c) and its overriding conclusion of law in this regard, the evidence supports the Commission's conclusion that the zone change complies with this criterion, as follows:

1. With respect to 2(b)(i), the Planning Commission concludes Applicants TIA substantiates that all transportation facilities in the area which serve the subject property as defined in MLDC 10.461(2), are adequate in condition and capacity to serve the subject property with the exception of the intersections of North Ross Lane and Highway 238 and North Ross Lane and McAndrews Road; the Planning Commission herewith incorporates and adopts its conclusions of law pursuant to MLDC 10.227(2)(b)(ii-iv) below addressing the adequacy of these two intersections.
 2. With respect to MLDC 10.227 2(b)(ii-iv) to address the intersections of North Ross Lane and Highway 238 and North Ross Lane and McAndrews Road, the Planning Commission concludes that improvements to these intersections have been identified in the near term within the relevant Transportation System Plans of the city and county and that the Applicant's TIA establishes that with these planned improvements both intersections will operate within acceptable standards. Thus, the Planning Commission concludes that the ultimate assurance of system improvements for each intersection prior to the issuance of permits for vertical construction can feasibly and will be assured based upon the following:
 - a. With respect to North Ross Lane and McAndrews Road, the signalization of this intersection is approved is included in the County's adopted capital improvement program and is being fully funded by Jackson County and therefore can be considered fully funded, pursuant to MLDC 10.227(2)(b)(iii).
 - b. With respect to North Ross Lane and Highway 238, this project has been partially funded by the *Northgate Centre* development project. While a State Highway intersection, this project is being managed by Jackson County and is also in the County's adopted capital improvement program. If building permits for vertical construction are sought prior to initial construction of this signal project but the project remains on the County's capital improvement project list, then Applicant must pay its pro-rata share based upon trips impacting the intersection for this signal project. In the event this signal project has been defunded or is otherwise removed from the County's capital improvement budget, then Applicant will be required to initiate signal installation prior to vertical construction.
- (2)(c) In determining the adequacy of Category A facilities, the approving authority (Planning Commission) may evaluate potential impacts based upon the imposition of special development conditions attached to the zone change request. Special development conditions shall be established by deed restriction of covenant, which must be recorded with proof of recordation returned to the Planning Department, and may include, but are not limited to the following:
- (i) Restriction of uses by type or intensity; however, in cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future

development, or intensification of development, on the subject property or adjacent parcels. In no case shall residential densities be approved which do not meet minimum density standards,

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

Discussion and Conclusions of Law Continued: The Planning Commission's conclusions of law for Criterion 4 are continued herein below:

Special Development Conditions: Based upon the Evidence in Section II and the Findings of Fact in Section IV, the Planning Commission concludes that limiting the size of future development on site to 69,370 square feet of Shopping Center development will appropriately mitigate and limit the impact of the future site development on surrounding transportation facilities.

Based upon the foregoing findings of fact and conclusions of law, the Planning Commission concludes that the application is consistent with the requirements of Zone Change Criterion 4.

* * * * *

**State of Oregon Approval Criteria
Oregon Transportation Planning Rule
OAR Chapter 660, Division 012**

The following provisions of the Oregon Transportation Planning Rule (OAR 660-012-0060) operate as approval criteria for zone changes:

Criterion 5

660-012-0060 Plan and Land Use Regulation Amendments

SECTION 660-012-0060 (1)

- (1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:
 - (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
 - (b) Change standards implementing a functional classification system; or
 - (c) As measured at the end of the planning period identified in the adopted transportation system plan:
 - (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or 2 comprehensive plan; or

- (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

Discussion; Conclusions of Law: The Planning Commission reaches the following conclusions of law: based the Findings of Fact in Section IV and the Exhibit 11 Transportation Impact Study:

- A. The proposed zone change will not change the functional classification of any roads in the study area.
- B. The proposed zone change will not change standards for implementing the functional classification system
- C. The proposed zone change:
1. Does not allow land uses or development that would be inconsistent with the functional classification of any transportation facility in the study area.
 2. For those facilities not otherwise projected to fail (Ross Lane & OR 238, Ross Lane and McAndrews Road, and Stewart Avenue and Lozier Lane), the zone change has the potential to reduce the performance of a transportation facility below the minimum adopted performance standard without the development conditions imposed that restrict development to a maximum of 69,371 square feet of shopping center development (or development pattern with equivalent or less trip generation) under subsection (2) of this rule below. With this development condition so imposed, the proposed zone change will not reduce the performance of any transportation facility below the acceptable performance standard that is not otherwise projected to fail.
 3. The intersections of Sage Road and OR 238 and Ross Lane and Main Street are both projected to perform below the adopted standard. The zone change has the potential to worsen the performance of these transportation facilities without the development conditions imposed that restrict development to a maximum of 69,371 square feet of shopping center development (or development pattern with equivalent or less trip generation) under subsection (2) of this rule below. With this development condition so imposed, the zone change will not worsen the performance of the existing and planned transportation facilities within the scoped project impact area.
- (2) Where a local government determines that there would be a significant effect, compliance with section (1) shall be accomplished through one or a combination of the following:
- (a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.
 - (b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an

- amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.
- (c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.
 - (d) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.
 - (e) Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management measures, demand management or minor transportation improvements. Local governments shall as part of the amendment specify when measures or improvements provided pursuant to this subsection will be provided.

Discussion; Conclusions of Law: The Planning Commission concludes that without imposition of any development conditions and if development were to occur that would generate the 1,106 PM peak hour trips associated with the City's 1,500 average daily trips per acre rate applied to commercial land, the subject application would significantly affect the intersection of Sage Road and Highway 238 under Section (1) above. The Planning Commission further concludes that OAR 660-012-0060(2)(e) provides for conditions of development which may be applied to assure compliance with Section (1). The Commission further concludes that Applicant has agreed to stipulate to a development condition which will restrict development of the subject property to a 69,370 square foot shopping center (or such other use as would generate an equivalent number of pm peak hour trips); it is this agreed to stipulation that is applied in Section (1) above to establish compliance and which permits an ultimate conclusion that the subject amendment will not significantly affect a transportation facility.

- (4) Determinations under sections (1)-(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.
 - (a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.
 - (b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:
 - (A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.
 - (B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.
 - (C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.
 - (D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.

- (E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.
- (c) Within interstate interchange areas, the improvements included in (b)(A)-(C) are considered planned facilities, improvements and services, except where:
 - (A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or
 - (B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.
- (d) As used in this section and section (3):
 - (A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;
 - (B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and
 - (C) Interstate interchange area means:
 - (i) Property within one-half mile of an existing or planned interchange on an Interstate Highway as measured from the center point of the interchange; or
 - (ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.
- (e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements and services identified in paragraphs (b)(A)-(C) to determine whether there is a significant effect that requires application of the remedies in section (2).

Discussion; Conclusions of Law: In reaching the foregoing conclusions of law addressing OAR 660-012-0060(1) and (2), the Planning Commission concludes the project is outside any interchange area and the proposed zone change has relied upon only existing facilities and planned projects that are included in the MPO's financially constrained project list consistent with the rule.

VI

AGREED TO STIPULATIONS

Applicant herewith agrees to stipulate to the following to which it agrees to comply if the same is made a condition attached to the approval of this land use application:

1. Applicant will restrict development to 69,370 square feet of Shopping Center development (or such other development that would result in an equivalent of less trip generation) for the purpose of limiting the number of trips generated by this site.
2. Applicant will fund the additional improvements recommended by Applicant's

Transportation Impact Study in Exhibit 11, including installation of a northbound right turn deceleration lane on Ross Lane at the project access and installation of a westbound left turn pocket at the project access on McAndrews Road prior to significant vertical construction at the site.

3. Applicant will provide on-site storm drainage detention consistent with the standard requirements of the City of Medford Public Works Department at the time of new on-site development.

VII

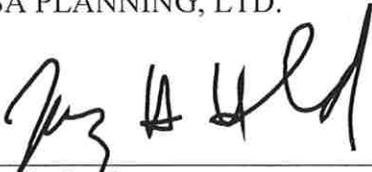
ULTIMATE CONCLUSIONS

Based upon the preceding findings of fact and conclusions of law, the Planning Commission ultimately concludes that, the case for a zone change from existing County Suburban Residential (SR-2.5) to City Community Commercial (C-C) is consistent with all of the relevant criteria in MLDC 10.227 because: 1) the proposed change is consistent with relevant goals and policies of the comprehensive plan, 2) that proposed change is consistent with the comprehensive plan (GLUP) map, 3) that Category "A" urban services and facilities are available to adequately serve the property, and 4) the zone change has been found to be compliant with the Oregon Transportation Planning Rule (OAR 660-12-060).

Dated: November 10, 2008

Respectfully submitted on behalf of applicant:

CSA PLANNING, LTD.



Jay Harland
Consulting Planner

TERRA SCIENCE, INC.

Soil, Water & Wetland Consultants
CCB no. 138507

September 28, 2007

Kids Discovery Museum
c/o Batzer, Inc.
Attn: Andy Batzer
Post Office Box 4460
Medford, Oregon 97501

Re: Wetland Assessment of Jackson County Tax Lot 2400, T. 37S, R. 02W, Sec. 26AD
Medford, Jackson County, Oregon (Department of State Lands WD#07-0372)

Dear Mr. Batzer,

As requested, this letter and enclosures outline results of our preliminary site assessment for potentially jurisdictional wetland and water resources contained within the above referenced parcel located at 226 North Ross Lane in southeast Medford. During review of City of Medford Local Wetland Inventory (LWI) and Jackson County Soil Survey maps, Jevra Brown of the Oregon Department of State Lands (DSL) indicated the potential presence of a waterway along the eastern portion of the property. Specific site characteristics observed during Terra Science, Inc.'s September 12, 2007 site visit are discussed herein.

The federal and state governments define wetlands as "those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions." In Oregon, wetlands are identified using the methodology prescribed by the 1987 *Corps of Engineers Wetland Delineation Manual* with guidance from DSL, U.S. Army Corps of Engineers (Corps), and U.S. Environmental Protection Agency. Proper identification of a jurisdictional wetland requires the presence of positive evidence or indicators of wetland hydrology, hydric soils, and hydrophytic vegetation. This wetland assessment focused on the presence or absence of hydrophytic plants and potential wetland drainage patterns; however, soil conditions were not examined as part of this wetland assessment.

The study area contains a former Moose Lodge and grounds currently being renovated as the Children's Discovery Museum. Based on existing topographical conditions, vegetation communities, and developed characteristics, a majority of the parcel contains upland. TSI verified the LWI labeled "Elk Creek" drainage as a linear feature located three to eight feet lower than the surrounding upland terrace flanking the eastern site boundary. Portions of the drainage supporting herbaceous vegetation such as *Typha latifolia*, *Phalaris arundinacea*, *Mentha pulegium*, and *Rumex crispus* would likely qualify as palustrine, emergent, seasonally flooded (PEMC) type wetland while areas supporting mature *Salix spp.*, *Fraxinus latifolia*, *Rosa spp.*, *Alnus rubra*, and *Typha latifolia* would best qualify as palustrine, scrub-shrub, seasonally flooded (PSSC) type wetland. Although no specific outflow point was observed during the field visit, the topographic setting of the area would best qualify as Depression Outflow by Hydrogeomorphic assessment standards.

A dramatic transition from wetland drainage bottom to surrounding upland fill slopes is observable. Although a few mature *Salix spp.* and *Fraxinus latifolia* trees are observed on the fill slopes, *Rubus discolor* is the primary dominate species. Similarly, several primary hydrological indicators including surface saturation, inundation, water stained leaves, and sediment deposits are observable along the ditch bottom while the surrounding fill slopes lack a high water table.

Kiddis WLA 070928.ltr

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CITY OF MEDFORD TSI 2007-0913

4710 S.W. Kelly Avenue, Suite 100 / Portland, Oregon 97209 Phone: 503-274-2100 / Fax: 503-274-2101

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File #

2C-08-144

SCANNED

TERRA SCIENCE, INC.

Soil, Water & Wetland Consultants
CCB no. 138507

Page 2—September 28, 2007 Letter to Andy Batzer, Batzer Inc.
Wetland Assessment for Tax Lot 2400, T. 37S, R. 02W, Sec. 26AD, Medford, Jackson County, Oregon

The drainage appears to be partially impounded on the southern end by adjacent (offsite) fill slopes. The field investigation did not locate a culvert or means of offsite conveyance to the south. Roadside ditches adjacent to Ross Lane contribute road runoff, urban runoff, and upgradient runoff support to the drainage. Similarly, a culvert beneath Ross Lane is observed to discharge to the drainage.

The field team documented the western wetland boundary using a survey grade Trimble GeoXT hand held GPS unit. Corrected coordinates were then inserted into georeferenced civil files available at Jackson County SmartMap online services. Attachment 1 was compiled using AutoCAD drafting software. Assessed boundaries total 0.7-acre wetland.

The wetland drainage component identified during the site visit would fall under DSL jurisdiction. The drainage does not appear to have a surface connection to or be contiguous with other wetlands or waters. In the absence of surface water connectivity during the rainy season, the identified wetland may be considered isolated and therefore not subject to federal jurisdiction. From a regulatory perspective, any impacts to jurisdictional waters or wetlands would require state and federal permits and compensation via mitigation construction. State or federal wetland fill permits would not be required to develop the remainder of the parcel.

Terra Science, Inc. did not examine conditions beyond Tax lot 2400 on Jackson County Assessor's map T. 37S, R. 02W, Sec. 26AD. This report makes no claim or conclusions about those conditions beyond the study area. The data presented in this report was collected, and analyzed on a preliminary basis – it is not a wetland delineation report. The occurrence of identified wetlands indicates the need for a wetland delineation at a later time to refine the precise wetland boundary if development of the area is proposed. Findings outlined in this letter are based on information from the observations of the project team and limitations of the wetland identification methodology. The report findings and their significance should not be extrapolated beyond the immediate area of the subject property. Terra Science, Inc. shall not be liable beyond the fees paid for its services for errors and omissions.

This report was generated for the express use of Batzer Inc. and their designates. These parties shall not interpret the report findings or conclusions any differently than stated without prior discussion with Terra Science, Inc.

Should you have any questions, concerns, comments, or require additional information regarding this matter, please contact me at (503) 274-2100 or david@terrascience.com at your convenience.

Cordially,

TERRA SCIENCE, INC.

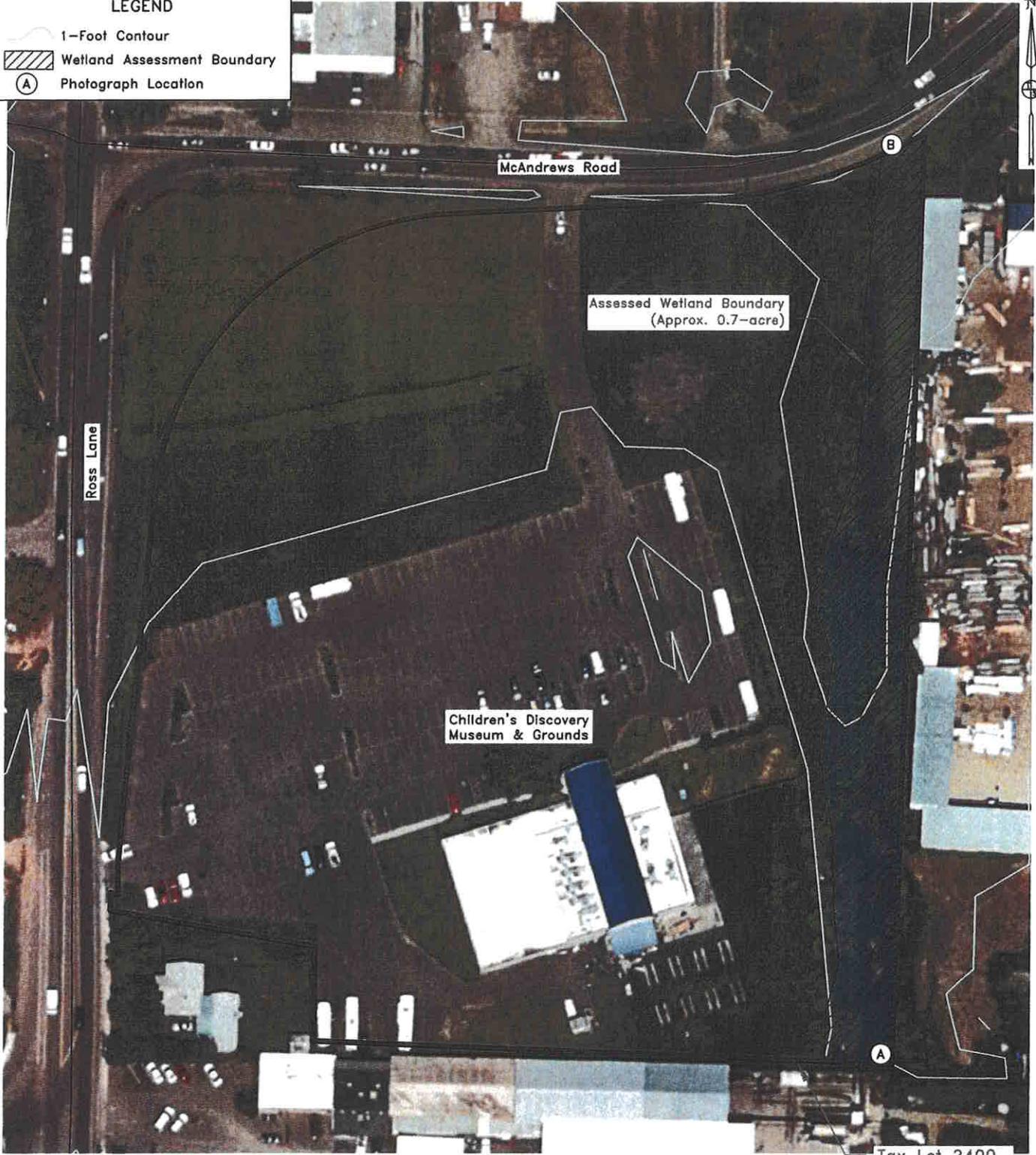


David Monnin
Wetland Scientist

Enclosures

LEGEND

-  1-Foot Contour
-  Wetland Assessment Boundary
-  Photograph Location



Source: Jackson County SmartMap & TSI GPS survey.

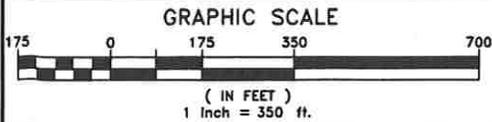
Tax Lot 2400

Terra Science, Inc.
Soil, Water, & Wetland Consultants

WETLAND ASSESSMENT FOR
JACKSON COUNTY TAX LOT 2400
T. 37S, R. 02W, SEC. 26
Medford, Jackson County, Oregon

EXISTING
CONDITIONS

ATTACH. 1



September 2007

Photo A: View looking west to north from developed fill terrace to identified drainage feature.

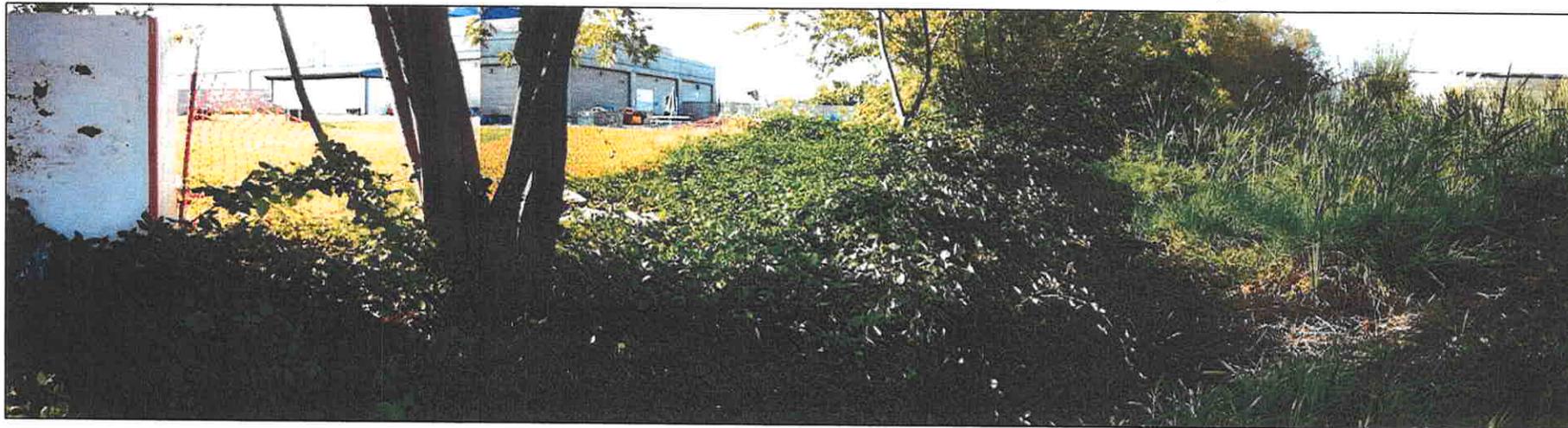
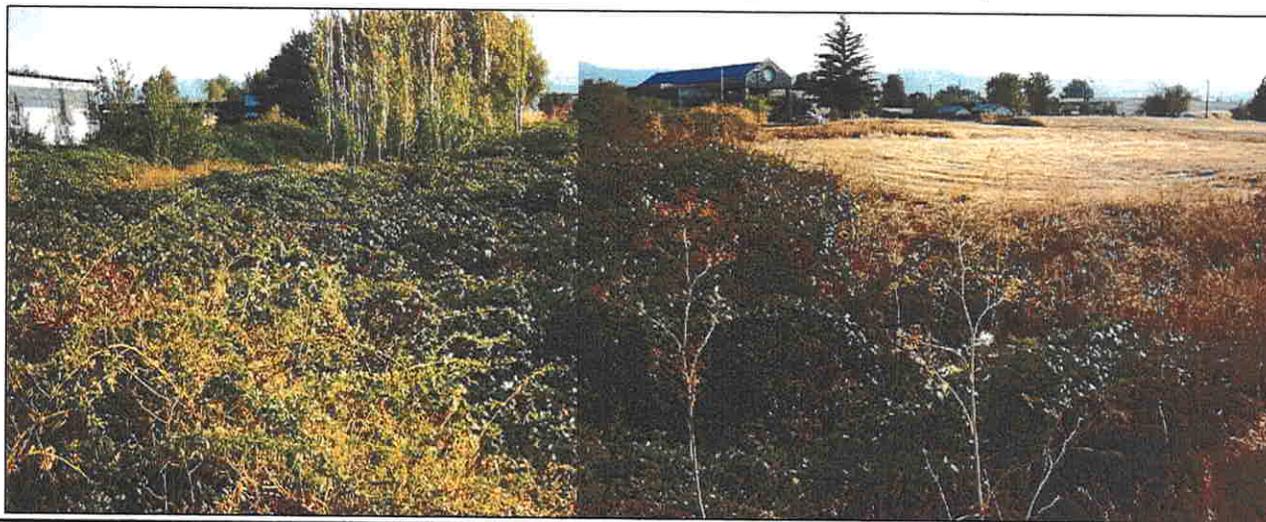


Photo B: View looking south at identified drainage west to developed fill terrace.

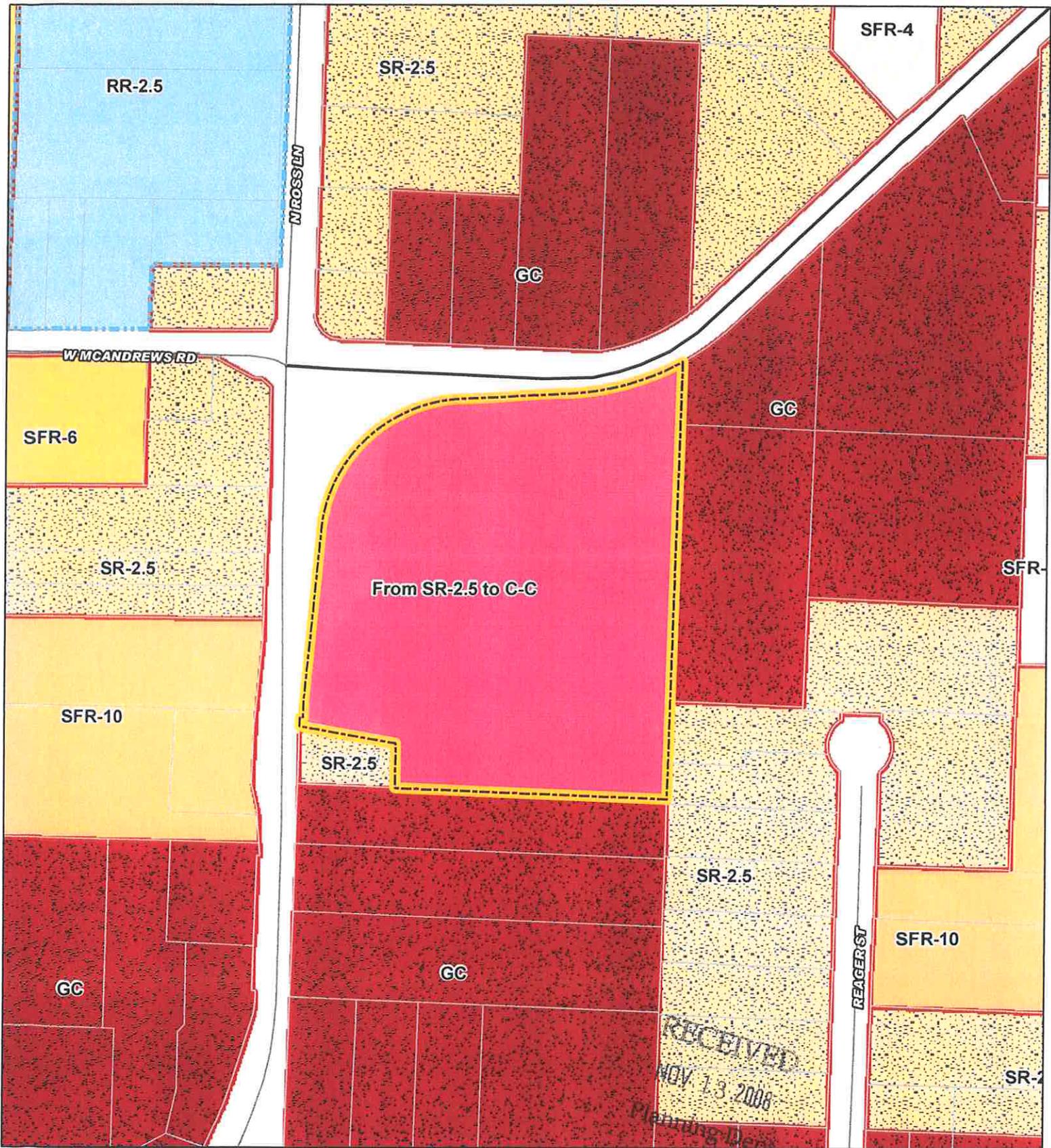


Terra Science, Inc.
Soil, Water, & Wetland Consultants

WETLAND ASSESSMENT FOR
JACKSON COUNTY TAX LOT 2400
T. 37S, R. 02W, SEC. 26
Medford, Jackson County, Oregon

Photos Taken On
September 12, 2007

ATTACH. 2



Legend

Zoning

- SR-2.5
- SFR-4
- SFR-6
- SFR-10
- GC
- CC

City Limits

Subject Property*

Tax Lots

Urban Growth Boundary

Zoning Outline

RR-2.5

* Area of Proposed Zone Change From SR-2.5 To C-C

Proposed Zoning

CITY OF MEDFORD

EXHIBIT # F

Change of Zoning Designation
226 North Ross Lane

File # 2008-144

200 100 0 200 Feet

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Exhibit 7

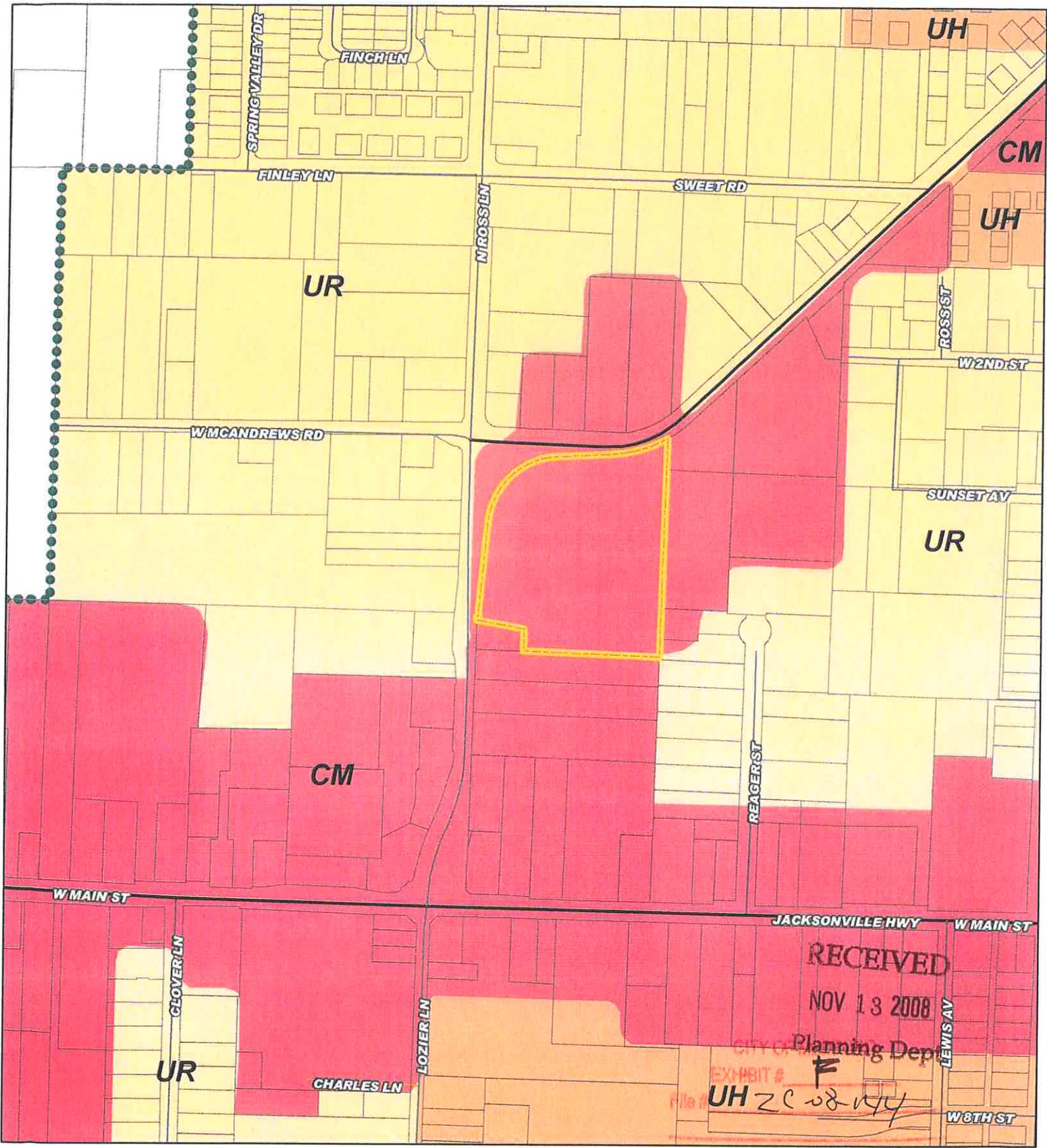
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CSA Planning, L.L.C.

Date: October 21, 2008 Source: Jackson County GIS; City of Medford

Page 107

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 EXHIBIT # F
 File # UH 2008-174

Legend

- Subject Property
- Tax Lots
- Urban Growth Boundary
- Medford GLUP**
- CM-COMMERCIAL
- SC-SERVICE COMMERCIAL
- PS-PARKS & SCHOOLS
- UR-URBAN RESIDENTIAL
- UH-URBAN HIGH DENSITY RESIDENTIAL

General Land Use Plan (GLUP)

Change of Zoning Designation
 226 North Ross Lane

Exhibit 4

400 200 0 400 Feet

CSA Planning, L^{LLC} Date: October 21, 2008 Source: Jackson County GIS; City of Medford

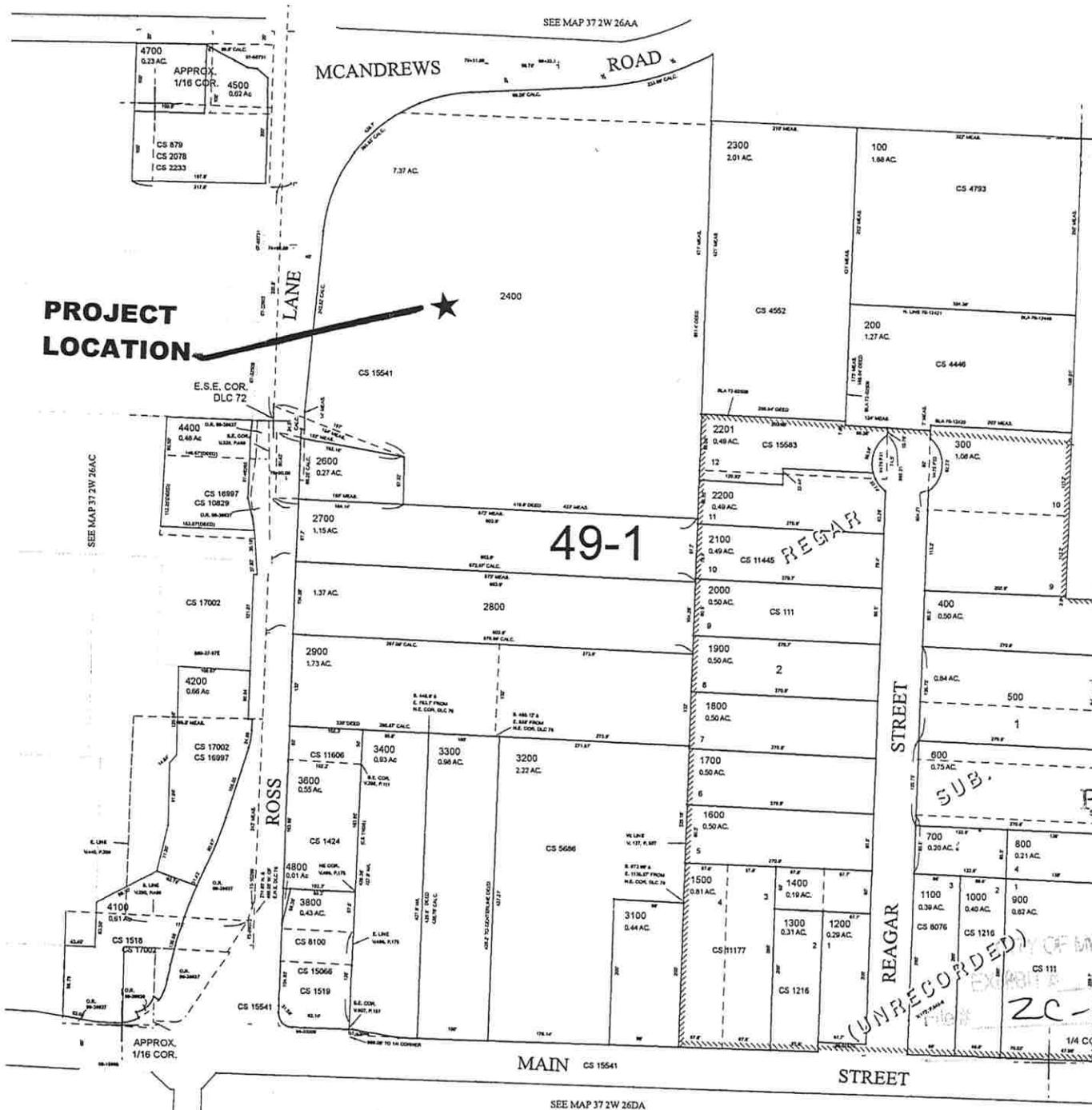
Page 108

FOR ASSESSMENT AND TAXATION ONLY

S.E.1/4, N.E.1/4, SEC.26, T.37S., R.2W., W.M.
JACKSON COUNTY
1" = 100'

EXHIBIT 3

37 2W 26AD
MEDFORD



APPROX. 1/16 COR.

CANCELLED TAX LOT NUMBERS:

- 2500
- 3000
- 3200A1
- 3500 ADDED TO 3600
- 3800A1 ADDED TO 3800
- 3900, 4000 ADDED TO 4100
- 4300 REMAPPED TO 372W26AC
- 4600 ADDED TO 4500

PROJECT LOCATION → ★

49-1

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UNRECORDED
20-08-144

MAIN STREET 37 2W 26AD
MEDFORD

DOR CONVERSION MARCH 30, 2000
REV AUGUST 27, 2008

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Page 109

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GIS DATA
08/27/2008 9:20:05 AM : Krlgslaj



Legend

- City Limits
- Subject Property
- Tax Lots
- Urban Growth Boundary
- Zoning Outline

Zoning Map On Aerial

CITY OF MEDFORD
EXHIBIT # 4

Change of Zoning Designation
226 North Ross Lane

NOV 13 2008

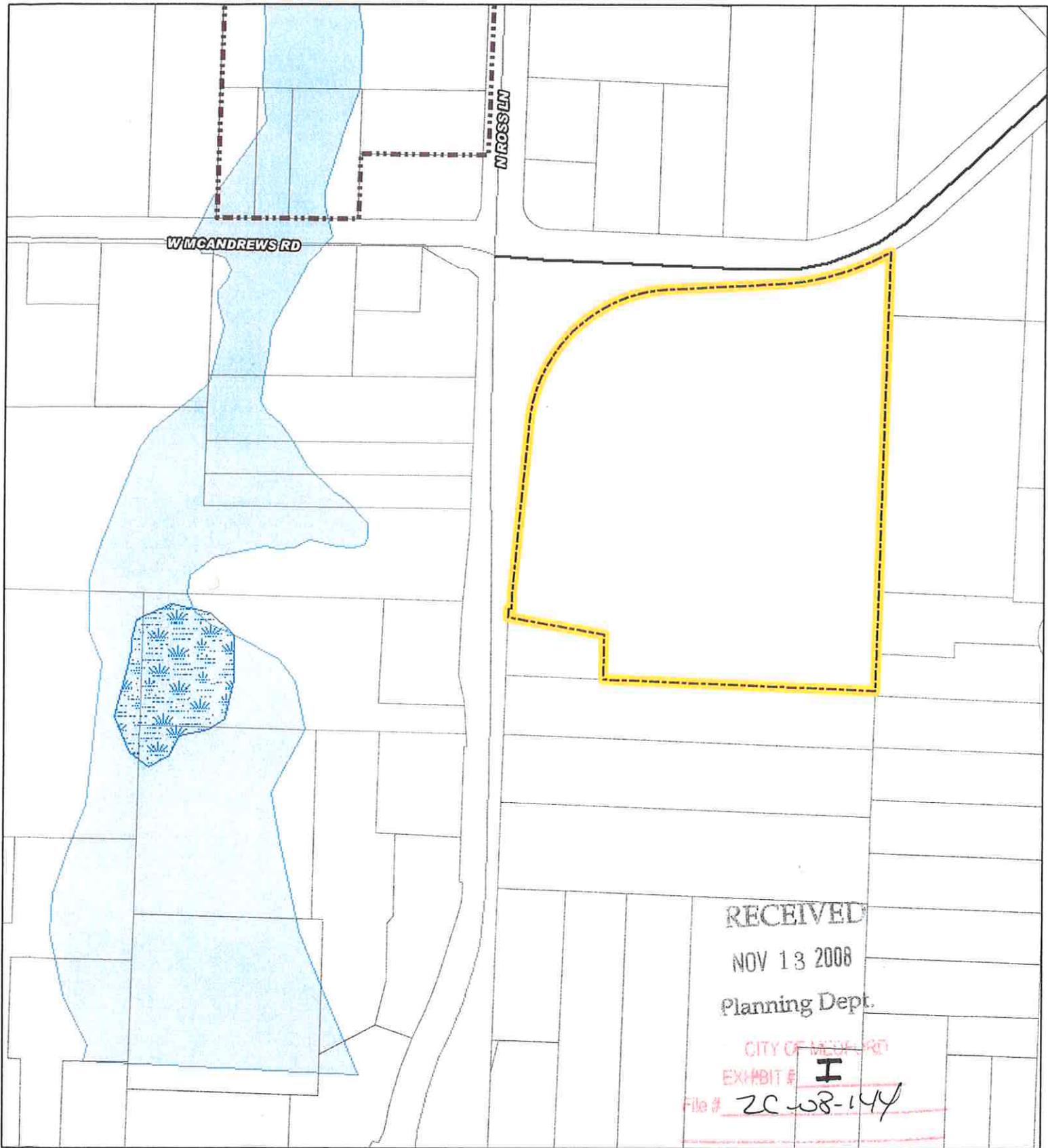
200 100 0 200 Feet

Exhibit 6

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W E
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CSA Planning, L.P. Planning Dept
Date: October 21, 2008 Source: Jackson County GIS; City of Medford

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CITY OF MEDFORD
 EXHIBIT # **I**
 File # 2008-144

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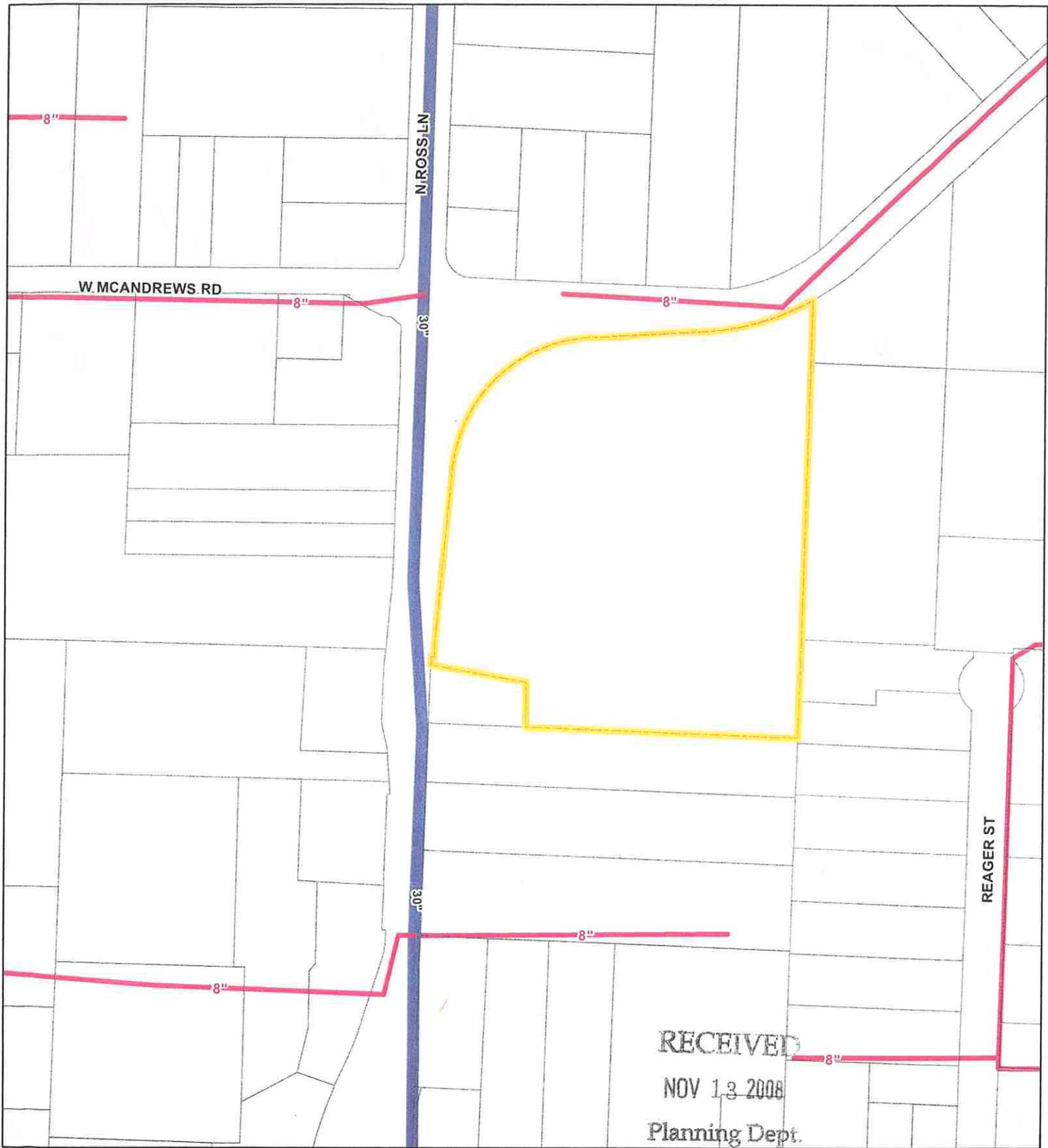
Subject Property	Rivers and Major Streams
City Limits	Named Streams
Tax Lots	Minor Streams
Wetland	Intermittent Streams
Wetlands	Underground Streams
100-Year Floodplain	Ditches
	Ditches - Tunnels / Siphons

Streams, Wetlands & Floodplain

Exhibit 9

Change of Zoning Designation
 226 North Ross Lane





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Legend

- Subject Property
- Tax Lots
- Urban Growth Boundary
- Building Footprints
- RVSS Sewer Line By Size**
- 30" Pipe
- 8" Pipe

RVSS Sanitary Sewer Lines CITY OF MEDFORD

Change of Zoning Designation EXHIBIT # J

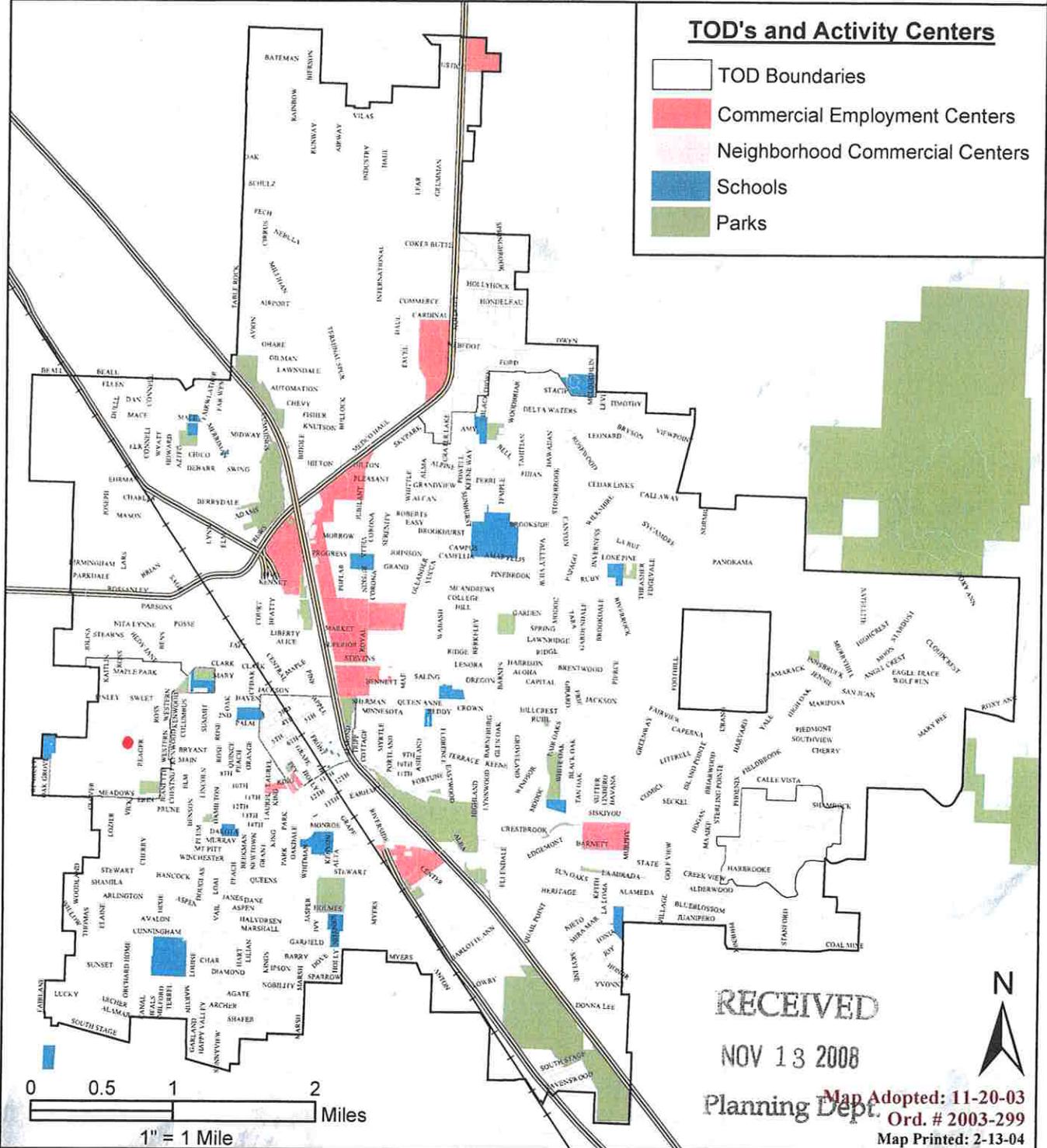
226 North Ross Lane File # ZC 08-144

200 100 0 200 Feet

CSA Planning, L.L.C. Date: October 21, 2008 Source: Jackson County GIS; City of Medford

Exhibit 14

Figure 4-1: Medford Conceptual TOD Boundaries and Other Activity Centers



Other Streets
 Highway
 Railroad
 UGB



The Geographic Information Systems (GIS) data made available on this map are developed and maintained by the City of Medford and Jackson County. GIS data is not the official representation of any of the information included. The maps and data are made available to the public solely for informational purposes.

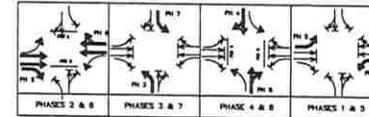
THERE MAY BE ERRORS IN THE MAPS OR DATA. THE MAPS OR DATA MAY BE OUTDATED, INACCURATE, AND MAY OMIT IMPORTANT INFORMATION. THE MAPS OR DATA MAY NOT BE SUITABLE FOR YOUR PARTICULAR USE. THIS INFORMATION IS BEING PROVIDED "AS IS" OR "WITH ALL FAULTS". THE ENTIRE RISK AS TO THE QUALITY OR PERFORMANCE IS WITH THE BUYER AND IF INFORMATION IS DEFECTIVE, THE BUYER ASSUMES THE ENTIRE COST OF ANY NECESSARY CORRECTIONS OR SERVICING.

EXHIBIT # **K**
 File # **20-08-944**

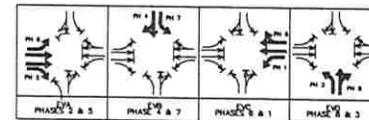
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Ross Ln. N. at McAndrews Rd.
Signal Plan

Scale: 1"=10'



NORMAL PHASE ROTATION
CONTRACTOR SUPPLIED WARE WHICH114 PROGRAM



FIRE PRE-EMPTION PHASING DIAGRAM

Signal Plan Notes

- (E) EXISTING POWER POLE TO SUPPLY POWER. LOCATION TO BE DETERMINED.
- (M) INSTALL MODEL 170 CONTROLLER IN MODEL 333 CABINET WITH RISER FRAME. ORIENT FRONT (LOUVERED) DOOR AS SHOWN. CONSTRUCT 8' X 8' CONTROLLER ACCESS PAD TO SIDEWALK STANDARDS WITH CONTROLLER AT CENTER.
- (B) INSTALL BASE MOUNTED CABINET.
- (PH) INSTALL PHASE (PH) VEHICLE SIGNAL.
- (CH) INSTALL CHANNEL (N) BARREL FIRE PRE-EMPTION DETECTOR UNIT.
- (T) INSTALL TYPE (T) MAST WITH LUMINAIRE POLE (35' MOUNT HEIGHT) EXTENSION.
- (S) INSTALL TYPE (T) STANDARD MAST ARM POLE.
- (L) INSTALL (L) FOOT TRAFFIC SIGNAL MAST ARM.
- (F) INSTALL 15 FOOT LUMINAIRE ARM.
- (HP) INSTALL 400 WATT HIGH PRESSURE SODIUM LUMINAIRE.
- (PE) INSTALL PHOTO ELECTRIC RELAY ON NORTH SIDE OF POLE.
- (C) INSTALL TERMINAL CABINET.
- (PH) INSTALL PHASE (PH) PEDESTRIAN SIGNAL PUSHBUTTON AND INSTRUCTION DECAL.
- (J) INSTALL 22in X 12in X 12in (MINIMUM DIMENSION) PRECAST CONCRETE JUNCTION BOX.
- (K) INSTALL 30in X 17in X 12in (MINIMUM DIMENSION) PRECAST CONCRETE JUNCTION BOX.
- (D) INSTALL CONDUIT AND POLYLINE AS REQUIRED BY POWER COMPANY.
- (DC) DETECTOR CONDUIT (SEE DETECTOR PLAN).
- (S2) INSTALL SPARE 2" CONDUIT WITH POLY PULL LINE.
- (S) INSTALL (S) INCH ELECTRICAL CONDUIT.
- (N) INSTALL (N) NO. 6 THIN (SIGNAL SYSTEM COMMON).
- (G) INSTALL (N) NO. (G) TYPE THIN WIRES.
- (S3) INCLUDES 3 SPARE WIRES FOR PHASE (PH).

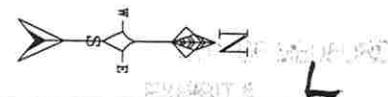
Abbreviations

- CH = CHANNEL SHOWN
- PH = PHASE SHOWN
- T = TYPE SHOWN
- L = LENGTH SHOWN
- N = NUMBER SHOWN
- S = SIZE SHOWN
- HP = HIGH PRESSURE SODIUM LUMINAIRE
- IN = INCHES
- FT = FEET
- SB = ADJUSTABLE SIGN BRACKET
- AB = ADJUSTABLE SIGNAL BRACKET
- 12in S, 12in Y, 12in G
- 12in PLTA, 12in YLTA, 12in FYLTA
- 12in ELTA

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FILE # ZC-08-144

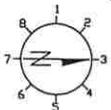
PRELIMINARY

POLE NO. 2
13+81.63 / 35.67' ft.

POLE NO. 3
14+55.62 / 37.72' ft.

POLE NO. 1
13+84.23 / 44.71' ft.

POLE NO. 4
14+59.53 / 43.56' ft.



Orientation looking down on pole

POLE ENTRANCE CHART

Pole Number	1	2	3	4
Terminal Cabinet	1	4	6	8
Pedestrian Signal	5&7	7&1	3&1	3&5
Pedestrian Pushbutton and Arrow	3&1	3&5	5&7	7&1
Mast Arm	3	5	7	1
Luminaire Arm	-	5	-	1

DRAWN BY: CSF
CHECKED BY: ELM
SHEET
1 OF 2



ROSS LN & MCANDREWS SIGNAL
ROSS LANE NORTH



Jackson County Roads
LD 1150
DEC 2007

Jackson County Roads
DALE W. PETRASEK, P.E.
COUNTY ENGINEER

SCANNED



1

Property viewed from W. McAndrews Road



2

Corner of W. McAndrews and N. Ross Lane



3

Property viewed from N. Ross Lane looking southeast



4

View of parking area from N. Ross Lane.

Legend

2

Photo ID Number

Property Photos

226 NORTH ROSS LANE

October 20, 2008

CSA Planning, Ltd.

RECEIVED

NOV 13 2008

Planning Dept.

EXHIBIT 8

CITY OF MEDFORD

EXHIBIT # M

File # ZC-08-144



5 Rogue Pacific Lumber on McAndrews on east boundary

6 Residential and Industrial buildings on north side of W. McAndrews Road



7 Properties on east side of N. Ross Lane near W. Main

8 Properties on west side of N. Ross Lane near W. Main

Legend

2 Photo ID Number

Property Photos

226 NORTH ROSS LANE

October 20, 2008

CSA Planning, Ltd.

EXHIBIT 8



9 Intersection W. Main and N. Ross Lane looking north



10 Looking northeast on W. Main toward intersection



11 Looking north from Thunderbird Shopping Center toward intersection



12 Mini-mall southeast corner of intersection of W. Main and Ross Lane

Legend

2 Photo ID Number

Property Photos

226 NORTH ROSS LANE

October 20, 2008

CSA Planning, Ltd.

EXHIBIT 8

Ross Lane & McAndrews Road Zone Change Application

Traffic Impact Analysis

September 4, 2008

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PLANNING DEPT.

Prepared By:

SOUTHERN OREGON TRANSPORTATION ENGINEERING, LLC

CITY OF MEDFORD
EXHIBIT # N 1092
File # 7C-08-144

I. EXECUTIVE SUMMARY

Summary

Southern Oregon Transportation Engineering prepared a traffic impact analysis for a proposed zone change from County SR-2.5 to City C-C (Community Commercial) on Township 37S Range 2W Section 26AB, tax lot 2400 in Medford, Oregon. The proposed site is located along the southwest corner of Ross Lane and McAndrews Road and occupies 7.37 acres.

The site is currently zoned SR-2.5 but has been occupied by The Kids Imagination Discovery Space for previous years. The Kids Imagination Discovery Space is an existing commercial development that was grandfathered in and allowed to remain in operation until such time that the site redeveloped. The zone change proposes to change the existing County SR-2.5 zoning to City C-C (Community Commercial) for construction of a neighborhood shopping center. The proposed development includes a 69,370 SF shopping center that will cover approximately 6.37 usable acres of the site. A stipulation is proposed as part of the zone change application to limit impacts to study area intersections that would otherwise be impacted by 25 or more peak hour trips and require mitigation under the City's 1500 average daily trip (ADT) per acre generation for commercial property. Refer to the project background discussion in Section II of the report for further information.

Access to the site is currently provided along Ross Lane and McAndrews Road. Both accesses are unrestricted.

The traffic analysis evaluated the impacts of a stipulated zone change from County SR-2.5 to City C-C for a 69,370 SF Shopping Center on the surrounding transportation system during the P.M. peak hour. Analysis years include an adjusted year 2008, a build year 2010, and future years 2023 and 2030 to meet TPR requirements for both the City and State.

Conclusions

The findings of the traffic impact analysis conclude that the proposed stipulated zone change application for a 69,370 SF Shopping Center development can be accommodated on the existing transportation system without creating adverse impacts.

Intersection operations, 95th percentile queue lengths, turn lanes, and crash histories were evaluated to address project impacts. Results of the analysis show the following:

- All study area intersections with the exception of two are shown to operate acceptably under adjusted year 2008 conditions. The two intersections that exceed performance standards under existing conditions include the unsignalized intersections of Ross Lane & Hwy 238 and Ross Lane & McAndrews Road. Both intersections have planned improvements for signalization and are funded or will be constructed prior to the project build year 2010.
- All study area intersections are shown to operate acceptably under year 2010 no build and build conditions with planned improvements in place.
- All study area intersections are shown to operate no worse than no build conditions under future year 2023 and 2030 build conditions.
- Criterion for a northbound right turn lane at the project access on Ross Lane is shown to be met under project build year 2010 and future year 2023 build conditions.
- Criterion for an eastbound right turn lane at the project access on McAndrews Road is not shown to be met under project build year 2010 or future year 2023 build conditions.
- A southbound left turn lane exists at the project access on Ross Lane. Criterion for a westbound left turn lane at the project access on McAndrews Road is shown to be met under project build year 2010 and future year 2023 build conditions.
- 95th percentile queue lengths from the signalized intersection of Ross Lane & McAndrews Road are not shown to exceed storage lengths nor block either project access point on Ross Lane or McAndrews Road under the project build year 2010 conditions. Under future year 2023 build conditions the westbound left 95th percentile queue length from the signalized intersection of Ross Lane & McAndrews Road is shown to exceed its 200' storage length and spill into the adjacent westbound through lane but neither the westbound left nor the westbound through lane is shown to exceed the link distance to the project access.

Recommended improvements include the installation of a northbound right turn deceleration lane on Ross Lane at the project access and installation of a westbound left turn pocket at the project access on McAndrews Road.

It is concluded that the proposed stipulated zone change application to City C-C for a 69,370 SF Shopping Center development can be accommodated on the existing transportation system to City of Medford, ODOT, and Jackson County standards without creating adverse impacts under year 2010 and future years 2023 and 2030 build conditions with planned improvements and the recommended mitigations in place.

SOUTHERN OREGON TRANSPORTATION ENGINEERING, LLC

112 Monterey Drive - Medford, Or. 97504 - Phone (541) 608-9923 - Email: Kwkp1@Q.com

January 28, 2009

David Jiao, Asst. to the Traffic Engineer
City of Medford Engineering
411 W. 8th Street
Medford, Oregon 97501

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JAN 28 2009

PLANNING DEPT.

Dan Dorrell, P.E., District 8 Traffic Operations Engineer
William Fitzgerald, District 8 Traffic Analyst
Oregon Department of Transportation Region 3
100 Antelope Road
White City, OR 97503

Subject: Response to Ross Lane and McAndrews Road Zone Change Agency Comments

Southern Oregon Transportation Engineering, LLC received final comments from ODOT and the City of Medford (shown below in bold italics) pertaining to the Ross Lane and McAndrews Road Zone Change traffic impact analysis. The requested revisions or clarifications have been provided and are summarized below.

ODOT Comment 1: (December 15, 2008)

The OR 238 and North Ross Lane traffic count is not included in the appendix. The global peak was calculated using a City of Medford count taken at the intersection on 8/14/2007.

Consultant Reply:

The traffic count prepared by the City of Medford on 8/14/2007 at OR 238 & Ross Lane should have been included in the original study and was left out in error. It is provided as an attachment with this letter.

CITY OF MEDFORD
EXHIBIT # N 2 of 2
File # 2008-144

CITY OF MEDFORD
INTER - OFFICE MEMORANDUM

TO: Planning Department
FROM: Engineering Division
SUBJECT: Zone Change Request, File No. ZC-08-144
DATE: February 2, 2009

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FEB 02 2009
PLANNING DEPT

1. Sanitary Services:

A. Currently serviced by: This site lies within the Rogue Valley Sewer Service area. Contact Rogue Valley Sewer Service for sanitary sewer issues.

2. Streets:

A. Current condition of nearest streets:

McAndrews Road, a designated Major Arterial Street is paved but without curb and gutter along the frontage of this site.

Ross Lane North, a designated Major Collector Street is paved but without curb and gutter along the frontage of this site.

B: Who has maintenance responsibilities:

McAndrews Road and Ross Lane North are currently maintained by Jackson County.

C: Traffic analysis including potential impact of nearby and anticipated improvements required:

Land Development Code Section 10.461 governs traffic impact analyses (TIA) required to determine development impacts on the street system. The proposed zone change from County SR-2.5 (Suburban Residential - 2.5 acre minimum) to City C-C (Community Commercial), on 7.37 acres has the potential to generate 11055 average daily trips (ADT) or produce a net increase of 11026 ADT to the transportation system. Based on this and code sections 10.460 and 10.461, a traffic impact analysis (TIA) is required.

The traffic impact study for the aforementioned zone change was prepared by Southern Oregon Transportation Engineering and submitted to Public Works for review on Oct. 22, 2008. Our comments were sent to Southern Oregon Transportation Engineering on Nov.

13, 2008.

Based on the traffic study, Public Works Department recommends approval with the following conditions. Per municipal code 10.462, the developer needs to either mitigate the failed facilities or stipulate to trip caps. The developer shall coordinate improvements with the City's planned improvements, which may require the developer to post a bond for the improvements. The following stipulations shall be included in the conditions of approval:

1. The developer shall stipulate to a trip cap of 443 PM peak hour trips for the community commercial permitted land uses or 492 PM peak hour trips for mixed-use, pedestrian-friendly design with solely relied-on auto trips land uses prohibited (defined in OAR 660-012-0060) until improvements are made to mitigate the intersections affected by the additional site trips. A subsequent traffic impact study and indicated mitigations will be required to remove the trip cap.
2. Prior to occupancy of the site, a traffic signal shall be installed at the intersection of Ross Ln. & McAndrews Rd.
3. Prior to occupancy of the site a westbound left turn lane will be constructed on McAndrews Rd at the site access driveway.
4. Prior to occupancy of the site, a northbound right turn lane shall be constructed on Ross Ln. at the site access driveway.

3. Drainage:

This site lies within the Elk Creek Drainage Basin. The City's current Drainage Master Plan indicates improvements are required in the downstream storm drainage system to meet current design standards for this basin. As a zone change is not allowable without adequate storm drain facilities, the stormwater discharge from this site may not be increased above predeveloped conditions. To accomplish this, the following criteria must be met prior to issuance of a development permit or a building permit:

- a) An engineer registered in the State of Oregon shall prepare a report which includes testing, plans and calculations necessary to demonstrate a controlled storm water release of no more than 0.25 C.F.S. per acre of development for the 10-year storm. The report shall be submitted to the City of Medford Engineering Division for review and approval.

RECEIVED

FEB 02 2009

PLANNING DEPT.

CITY OF MEDFORD
INTER - OFFICE MEMORANDUM

TO: Planning Commission

FROM: Public Works Department

SUBJECT: Recommendation based on the revised Ross Ln & McAndrews Rd TIA for ZC 08-144

DATE: February 2, 2009

The updated Traffic Impact Analysis (TIA) for the proposed Ross Ln & McAndrews Rd ZC project was prepared by Southern Oregon Transportation Engineering, and submitted to Public Works for review. The 7.37 acre property (372W26AB2400) is located at the southeast corner of Ross Ln and McAndrews Rd. The site contains approximately 6.37 buildable acres due to environmental and ROW constraints.

Streets expected to be impacted by the proposed development were evaluated with Highway Capacity Manual (HCM) procedures. The study area was roughly bounded by Main Street, Hwy 238, Ross Ln, Sage Rd, and Columbus Avenue. The Public Works Department concurs with the following findings:

1. The study assumes that RTP tier 1 improvements will be complete prior to project build out.
2. The site if zoned as requested could generate 11,055 ADT (1,105 PM peak hour trips) which would significantly impact several intersections.
3. The site development has been scaled back to reduce the mitigation required for full development of the site.

Based on the traffic study, Public Works Department recommends approval with the following conditions. Per municipal code 10.462, the developer needs to either mitigate the failed facilities or stipulate to trip caps. The developer shall coordinate improvements with the City's planned improvements, which may require the developer to post a bond for the improvements. The following stipulations shall be included in the conditions of approval:

1. The developer shall stipulate to a trip cap of 443 PM peak hour trips for the community commercial permitted land uses or 492 PM peak hour trips for mixed-use, pedestrian-friendly design with solely relied-on auto trips land uses prohibited (defined in OAR 660-012-0060) until improvements are made to mitigate the intersections affected by the additional site trips. A subsequent traffic impact study and indicated mitigations will be required to remove the trip cap.
2. Prior to occupancy of the site, a traffic signal shall be installed at the intersection of Ross Ln & McAndrews Rd.
3. Prior to occupancy of the site a westbound left turn lane will be constructed on McAndrews Rd at the site access driveway.
4. Prior to occupancy of the site, a northbound right turn lane shall be constructed on Ross Ln at the site access driveway.

CITY OF MEDFORD
EXHIBIT # 0 2 of 2
File # ZC-08-144



BOARD OF WATER COMMISSIONERS
Staff Memo

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DEC 24 2008

PLANNING DEPT.

TO: Planning Department, City of Medford
FROM: Rodney Grehn P.E., Water Commission Staff Engineer
SUBJECT: ZC-08-144
PROJECT: Consideration of a request for a change of zone from County SR-2.5 (Suburban Residential – 2.5 acre minimum) to City C-C (Community Commercial) on a 7.34 acre parcel located on the southeast corner of N. Ross Lane and W. McAndrews Road; Plata Station LLC et al, Applicant (CSA Planning, Ltd., Agent). Carly Meske, Planner

PARCEL ID: 372W26AD TL 2400

DATE: December 16, 2008

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

COMMENTS

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 MWC system does have adequate capacity to serve this property.
4. Off-site water facility construction may be required depending on future land development review.
5. On-site water facility construction may be required depending on future land development review.
6. MWC-metered water service does exist to this property. There is a 1 ½" water meter located near the northeast corner of the existing building. This building also 4" fire service connection for building sprinkler system.
7. Access to MWC water lines for connection is available. There are 6" water lines that run across this parcel which are located in 10' wide easements per OR 94-08194. One 6" water line runs from the southeast property corner along the existing east side of the current building and up to McAndrews Road through the existing parking lot and access driveway. The other 6" water line enters this parcel at the entrance off Ross Lane and extends easterly through the existing parking lot and intersects the other 6" water line described above. There are also new 12" water lines in both Ross Lane and McAndrews Road.



City of Medford Fire/Rescue

200 S. Ivy Street, Room #257
Medford, OR 97501
Phone: 774-2300; Fax: 541-774-2514;
E-mail www.fire@ci.medford.or.us

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DEC 24 2008

PLANNING DEPT

LAND DEVELOPMENT REPORT - PLANNING

To: Carly Meske

LD Meeting Date: 12/24/2008

From: Kleinberg, Greg

Report Prepared: 12/18/2008

File #: ZC - 08 - 144

Site Name/Description:

Consideration of a request for a change of zone from County SR-2.5 (Suburban Residential - 2.5 acre minimum) to City C-C (Community Commercial) on a 7.34 acre parcel located on the southeast corner of N. Ross Lane and W. McAndrews Road; Plata Station LLC et al, Applicant (CSA Planning, Ltd., Agent). Carly Meske, Planner

DESCRIPTION OF CORRECTIONS	REFERENCE
----------------------------	-----------

Approved as Submitted

Meets Requirement: No Additional Requirements

Development shall comply with access and water supply requirements in accordance with the Fire Code in affect at the time of development submittal.

Fire apparatus access roads are required to be installed and made servicable prior to the time of construction. Water supply for fire protection is required to be installed and made serviceable prior to the time of vertical combustibile construction.

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

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

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

CITY OF MEDFORD
EXHIBIT # 0
File # ZC-08-144

June 7, 2001

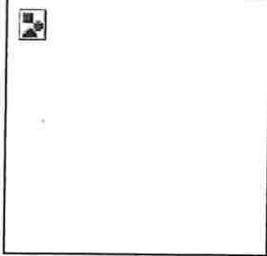
Page 1 of 1

From: Carl Tappert [ctappert@rvss.us]
Sent: Tuesday, December 23, 2008 4:02 PM
To: Carly A. Meske
Subject: A-08-144 Plata Station.doc

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cm.
DEC 23 2008

PLANNING DEPT

Attachments: image001.jpg



ROGUE VALLEY SEWER SERVICE

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

December 11, 2008

City of Medford Planning Department
411 West 8th Street
Medford, Oregon 97501

Re: ZC-08-144, Plata Station Zone Change (372w26AD – 2400)

ATTN: Carly,

The subject property are currently served through a 6 inch connection to the 8 inch sewer main on McAndrews Road. The proposed zone change will not affect this service.

Sincerely,

Carl Tappert P.E.
District Engineer

CITY OF MEDFORD
EXHIBIT # R
File # ZC-08-144

SCANNED
ED



Oregon

Theodore R. Kulongoski, Governor

Department of Transportation

Region 3 District 8

Rogue Valley Area Office

100 Antelope Road

White City, OR 97503

Telephone (541) 774-6399

FAX (541) 774-6349

David.PYLES@odot.state.or.us

February 11, 2009

RECEIVED

FEB 11 2009

PLANNING DEPT.

Mr. David McFadden, Planning Commission Chair
City of Medford
411 W 8th Street
Medford, OR 97501

Re: ODOT comments: Plata Station (et al) Zone Change @ 226 North Ross Lane: file no. ZC-08-144

Dear Chairman McFadden & Fellow Medford Planning Commissioners:

The Oregon Department of Transportation appreciates the opportunity to review and comment on the noticed Plata Station, LLC (et al) zone change proposed for 7.34 acres located at 226 North Ross Lane. We understand the applicant requests a zone map change from County SR-2.5 (Suburban Residential - 2.5 acre minimum) to City C-C (Community Commercial) for the subject property identified as Map 37-2W-26AD, Tax Lot 2400. We understand the site contains approximately 6.37 buildable acres due to constraints, and that the applicant stipulates to a maximum building cap of 69,370 square feet of community commercial use; *and*, a maximum vehicular trip cap of 492 PM peak hour trips applied to the subject property. We support the city Planning Commission's approval of the requested zone change, with the stipulated development caps as conditions of approval reflected in the city's adopting ordinance and final decision. Please include this letter in the city's decision record.

We have reviewed the applicant's *Ross Lane & McAndrews Road Zone Change Application: Traffic Impact Analysis (TIA)*, dated September 4, 2008, and supplemental memorandum dated January 28, 2009, as well as the city Public Works Department's memo dated February 2, 2009. We agree with the findings and recommendations of these documents. We concur also with the applicant's Findings of Fact and Conclusion of Law (Exhibit C) provided by CSA Planning stating, "...the zone change has the potential to reduce the performance of a transportation facility below the minimum adopted performance standard without the development conditions..." We find without conditions as stipulated, the proposed zone change and allowable development would create a Transportation Planning Rule significant effect, as measured at the end of future year 2030, at the intersection of North Ross Lane at OR-238 without transportation improvements.

A planned intersection signalization improvement project will be provided at the OR-238/North Ross Lane intersection by a near-future STIP (State Transportation Improvement Plan) project, and/or otherwise funded by prior approved development (e.g., the Northgate Centre project). This improvement is anticipated within approximately two years.

Consistent with the identified stipulations and conditions identified in the City's *Staff Report* dated February 2, 2009, we recommend the following conditions of approval be adopted in the Planning Commission's final decision for consistency with Oregon's Transportation Planning Rule (Oregon Administrative Rule 660-012-0060):

- > The applicant shall stipulate to a maximum building cap of 69,370 square feet of community commercial use for the subject property.
- > The applicant shall stipulate to a maximum vehicular trip cap of 492 PM peak hour trips applied to the subject property.

CITY OF MEDFORD

EXHIBIT #

File #

2C-08-144

SCANNED

We appreciate this opportunity to provide development review service to the applicant and city of Medford. We appreciate also the level of project stakeholder coordination that occurred to address adequate state highway facilities and the Transportation Planning Rule.

Please enter this letter into the project record for Planning Commission hearing on February 12, 2009, and copy the ODOT to my attention on the city's final decision. Please contact me at (541) 774-6399, if you have questions or require additional information regarding this letter and our interests as an affected agency. Thank you.

Sincerely,



David J. Pyles

Development Review Planner III

Cc: Carly Meske, City Planner
Alex Georgevitch, City Transportation Manager
Jay Harland, CSA Planning (applicant's agent)
Kim Parducci, Southern Oregon Transportation Planning (applicant's traffic engineer)
ODOT Region 3

EXHIBIT 'A'

PARCEL I:

Beginning at the Southeast corner of Donation Land Claim No. 72 in Township 37 South, Range 2 West, Willamette Meridian, in Jackson County, Oregon; thence North 0°10' East, 537.9 feet along the center line of the County Road; thence South 89°50' East, 608.5 feet along the center line of the County Road to a 2 1/2" gas pipe monument; thence South 0°10' East, 661.4 feet along the fence line to a 2 1/2" gas pipe monument; thence West 419.8 feet to a 1 1/2" gas pipe monument; thence North 67.32 feet to a 1/2" gas pipe monument; thence North 72°50' West, 197 feet to the point of beginning, all being in Jackson County, Oregon.

EXCEPTING THEREFROM the tract, conveyed to Jackson County, a POLITICAL SUBDIVISION, in Deed recorded August 7, 1980, Document No. 80-14790, for Ross Lane - McAndrews Street intersection.

PARCEL II:

Beginning at the Southeast corner of Donation Land Claim No. 72 in Township 37 South, Range 2 West, Willamette Meridian, in Jackson County, Oregon; thence South 72°50' East, 197 feet to a point which is the Northeast corner of the Tract described in Warranty Deed recorded December 10, 1981, Document 81-22325; thence North 81°45' West along the North boundary of the tract described in said deed 81-22325, 182.16 feet; thence Northwesterly 35 feet more or less to the place of beginning.

EXCEPTING THEREFROM the county road along the West boundary.

For Informational purposes only, the following is included:
(Map No. 372W26AD, Tax Lot 2400, Account No. 1-043029-3, Code 49-01)

RECEIVED
DEC 19 2008
PLANNING DEPT.

ZC-08-144_RVTD Comments_121908_2.txt

From: Paige Townsend [p.townsend@rvtd.org]
Sent: Friday, December 19, 2008 12:42 PM
To: Carly A. Meske; Alex T. Georgevitch
Subject: RE: ZC-08-144- Ross/ McAndrews

Follow Up Flag: Follow up
Flag Status: Completed

I am not sure if we will need a bus pull out but at least a stop along Ross on the east side and possibly a stop along McAndrews on the south side. If I remember correctly, there are plans for a dedicated right hand turn lane that could affect where we place the stop. If we can wait until the AC to provide greater detail that would buy Alex and me some time to look at our options. At least we could give the applicant notice next wed.

Paige Townsend
RVTD Senior Planner
(541)608-2429
3200 Crater Lake Ave.
Medford, OR 97504-9075

-----Original message-----

From: "Carly A. Meske" Carly.Meske@cityofmedford.org
Date: Fri, 19 Dec 2008 11:43:59 -0800
To: "Paige Townsend" p.townsend@rvtd.org, "Alex T. Georgevitch"
Alex.Georgevitch@cityofmedford.org
Subject: RE: ZC-08-144- Ross/ McAndrews

- > As a reminder:
- > Sections of the land development code require particular developments
- > to include transit facilities. Therefore, future land development
- > applications (such as an AC application) will provide RVTD the
- > opportunity to require bus facilities.
- >
- > Section 10.807 (Transit Facilities for Major Industrial,
- > Institutional, Commercial and Office Developments) reads,
- >
- > "Transit improvements, including provision of bus stops, pullouts,
- > shelters, on-street parking restrictions, optimum road geometrics and
- > similar facilities shall be provided at the time of development of
- > major industrial, institutional, commercial and office developments
- > when the building or group of buildings exceeds the following:
- >
- > Commercial
- > 60,000 sq. ft.
- >
- > Industrial
- > 120,000 sq. ft.
- >
- >
- > The transit provider shall identify the type of transit facility
- > required. This determination shall be made either through an adopted
- > plan or on a case by case basis in response to a development proposal
- > review. Applicants for major developments shall consult with the
- > transit provider on necessary transit facility improvements."
- >
- > Carly Meske
- > Land Use Planner
- > City of Medford, Planning Department
- > 200 S. Ivy Street
- > Lausmann Annex, Room 240
- > Medford, OR 97501

Page 1

CITY OF MEDFORD
EXHIBIT # T
File # ZC-08-144

ZC-08-144_RVTD Comments_121908_2.txt

> 541-774-2380

> carly.meske@cityofmedford.org

>

> -----Original Message-----

> From: Paige Townsend [mailto:p.townsend@rvtd.org]

> Sent: Friday, December 19, 2008 10:23 AM

> To: Alex T. Georgevitch; Alex T. Georgevitch

> Cc: Carly A. Meske

> Subject: ZC-08-144- Ross/ McAndrews

>

> Hi Alex,

>

> There is an application for a zone change for Plata Station in the
> works. RVTD would like to place stop facilities at this development
> but we need more information about the future intersection design. Do
> you have time to meet on this prior to the LDC meeting next wed.? My
> schedule is open Monday after 3pm and all day Tues.

>

>

> BTW- which email would like me to use?

>

> Paige Townsend

> RVTD Senior Planner

> (541)608-2429

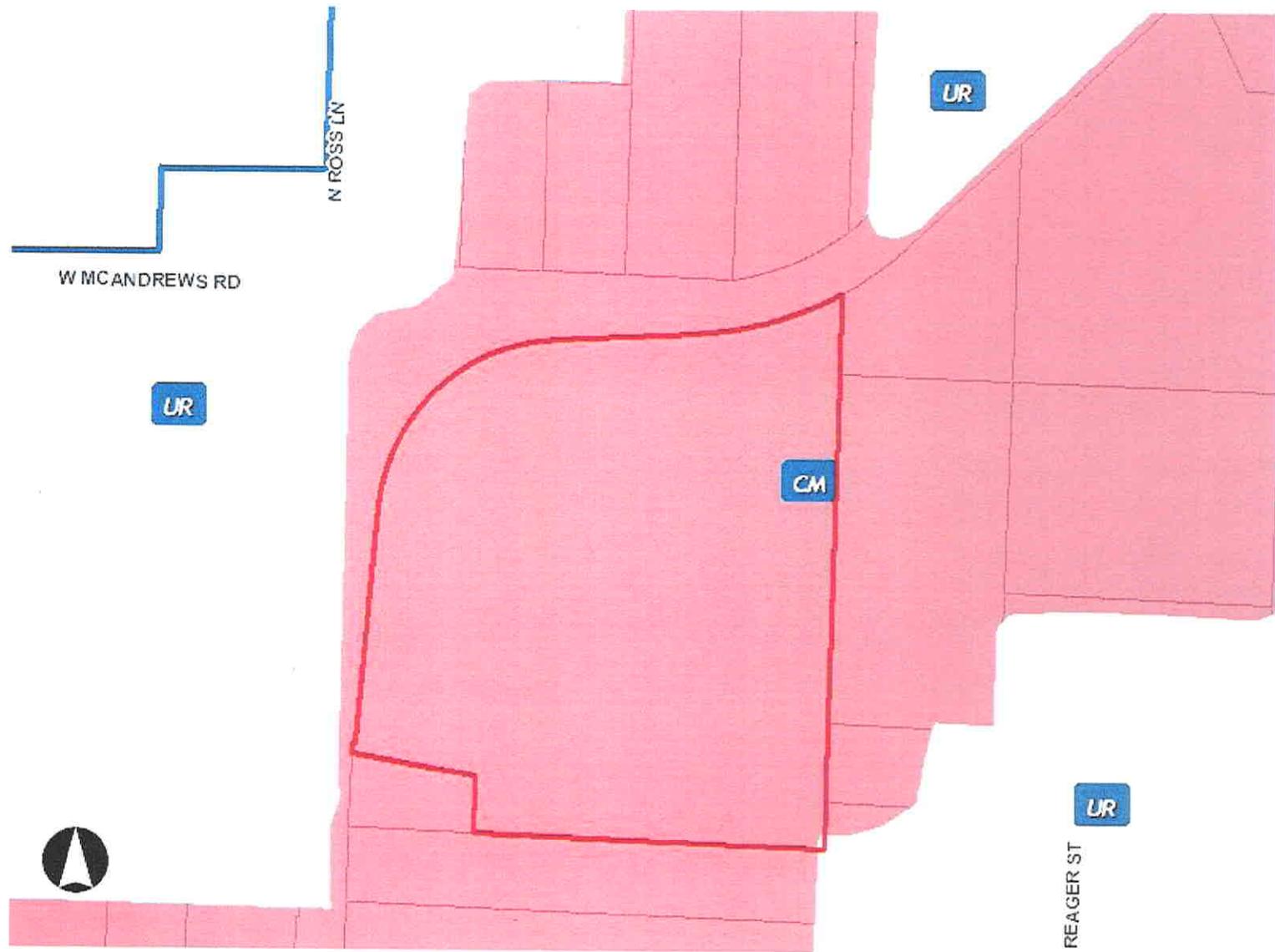
> 3200 Crater Lake Ave.

> Medford, OR 97504-9075

>

>

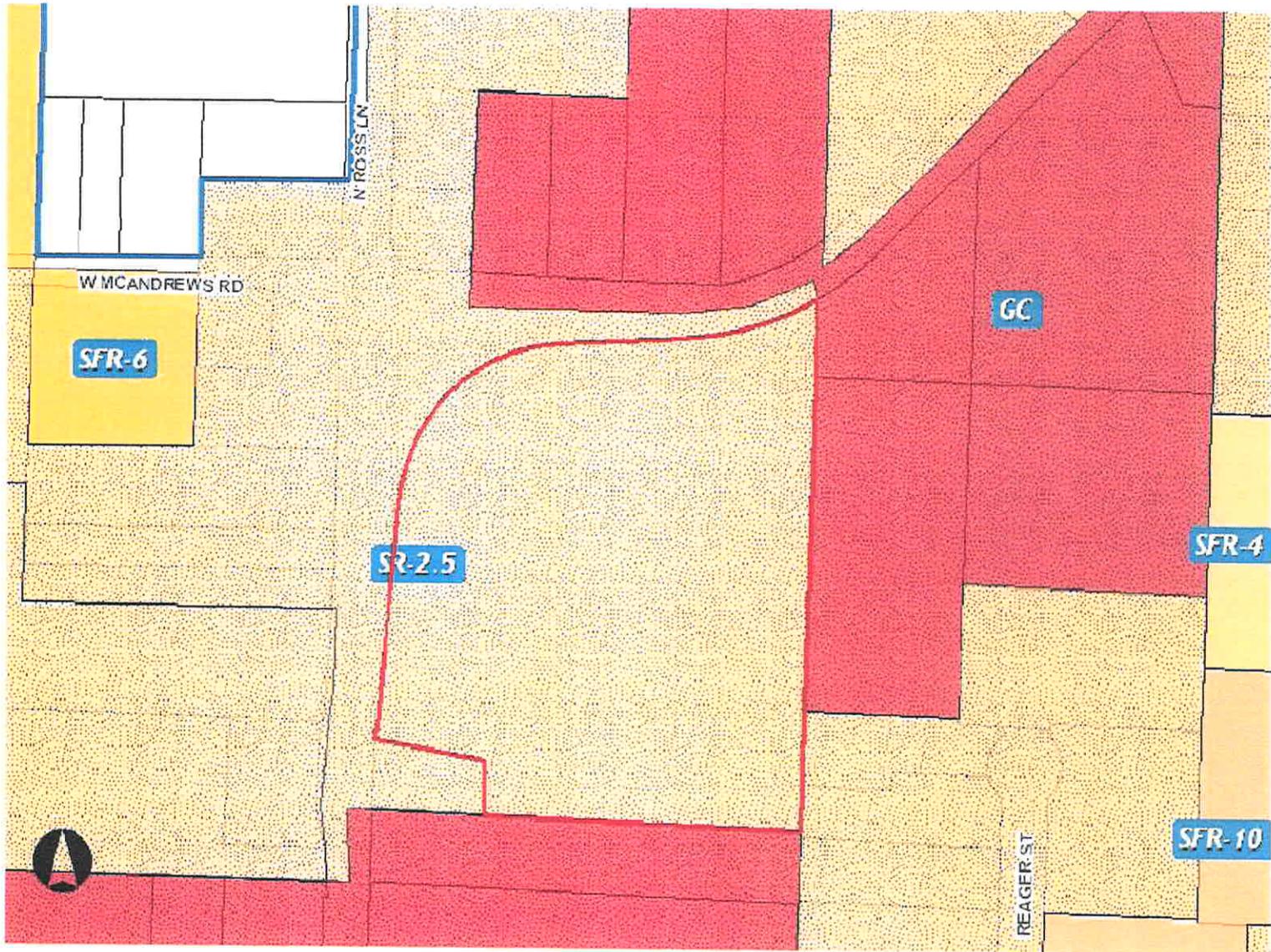
>



City of Medford General Land Use Plan Map

CITY OF MEDFORD
 EXHIBIT # U 1042
 File # 20-08-144

SCANNED



City of Medford Zoning Map

SCANNED

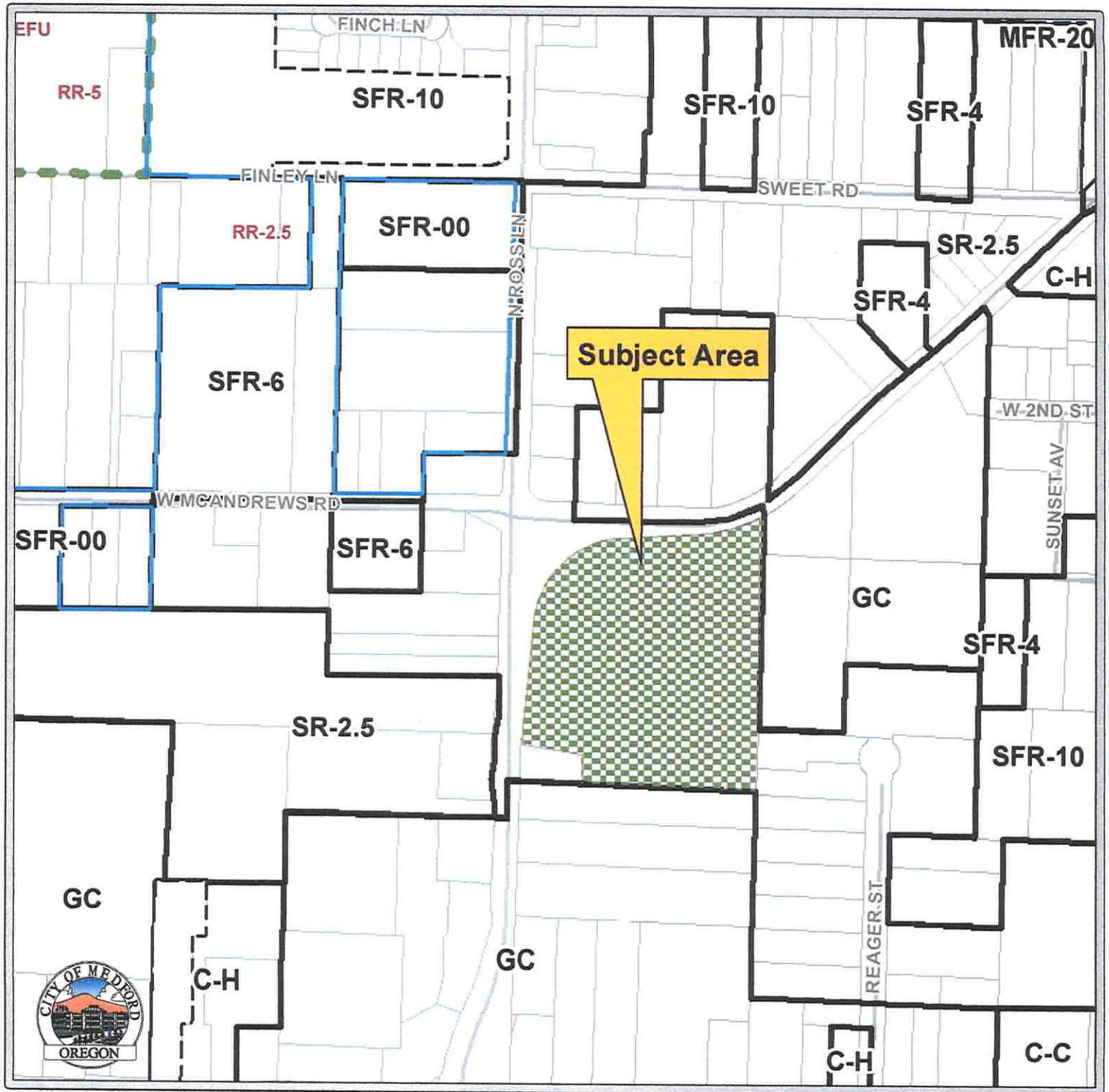
CITY OF MEDFORD
 EXHIBIT # U 2012
 File # ZC-08-144

Vicinity Map

-  Zoning Boundary
-  UGB
-  City Limits
-  Taxlots

OVERLAY

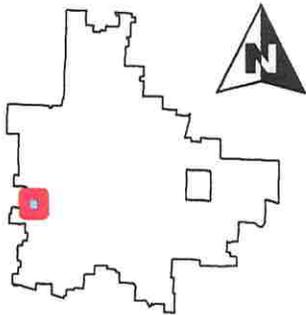
-  Airport Approach
-  Airport Radar
-  Central Business
-  Freeway
-  Historic Outline
-  Limited Industrial
-  Limited Service
-  Planned Development
-  Southeast



**FILE NUMBER:
ZC-08-144**

**APPLICANT:
Plata Station, LLC.**

Map: 372W26AD
TL: 2400



11/21/2008

SCANNED

**DISPOSITION AND DEVELOPMENT AGREEMENT
FOR DEVELOPMENT OF PIONEER MARKET PLACE**

THIS AGREEMENT FOR DEVELOPMENT OF PIONEER MARKET PLACE (this "Agreement") is made as of JUNE 13, 2012, by and between the CITY OF MEDFORD ("City"), an Oregon municipal corporation, REAGER STREET, LLC (REAGER), PLATA STATION, LLC (PLATA), and SOUTHERN OREGON MANAGEMENT, INC. (SOMI).

WHEREAS, REAGER, PLATA, and SOMI own real property at or near the southeast corner of the intersection of Ross Lane North and West McAndrews Road, as depicted in Exhibit A; and

WHEREAS, REAGER owns the real property described in Exhibit B, PLATA owns the real property described in Exhibit C, and SOMI owns the real property described in Exhibit D; and

WHEREAS, PLATA has received conditional approval of a development named Pioneer Market Place through AC 10-089, which occupies all the property owned by PLATA and REAGER in this Agreement, and is depicted on Exhibit E; and

WHEREAS, one of the conditions of AC 10-089 requires PLATA to reserve 35 feet of property along the southerly property lines of PLATA and REAGER for a future public local street. For the purpose of this agreement, the proposed street along the southerly property line of PLATA and REAGER, and along the northerly property line of SOMI shall be referred to as South Street; and

WHEREAS, REAGER has submitted an application (LDP 11-108) for a partition of the property owned by REAGER into three (3) Parcels as depicted on Exhibit F; and

WHEREAS, PLATA also desires to subdivide its property in the future, and SOMI plans to redevelop its property in the future; and

WHEREAS, REAGER, PLATA, and SOMI desire to place the centerline of the future South Street on the south property line of PLATA's and REAGER's property, and to limit the total right-of-way width to 47 feet, of which the northerly 23.5 feet would be on PLATA's and REAGER's property and the southerly 23.5 feet would be on SOMI's property; and

WHEREAS, the SOMI property is used for construction contracting offices, and a steel fabrication facility, together with parking areas, driveways, storage facilities and warehouses associated with the construction contracting offices and steel fabrication facility ("SOMI Businesses"); and

CITY OF MEDFORD
EXHIBIT # C
File # 20-08-144
REL TO CONDITIONS

WHEREAS, for purposes of this Agreement, Redevelopment shall mean a change in use on the SOMI property such that the SOMI Businesses no longer utilize at least fifty percent (50%) of the SOMI property and such change in use necessitates a subdivision application, partition application, or permit for vertical construction. The utilization of the site shall be determined based on the square footage of the site used by the SOMI Businesses for its construction contracting offices, steel fabrication facility, and its parking areas, driveways, storage facilities and warehouses associated with the construction contracting offices and steel fabrication facility; and

WHEREAS, SOMI is willing to consent to the placement of the street on the SOMI property at such time SOMI Redevelops its property; and

WHEREAS, all of the conditions contained in AC 10-089, unrelated to South Street, shall apply as adopted by the Site Plan and Architectural Commission; and

WHEREAS, the City desires to work with REAGER, PLATA, and SOMI to split the dedication and improvements of the future local street;

NOW, THEREFORE, REAGER, PLATA, and SOMI agree to the following terms:

- Supersedes I.A.3*
1. REAGER agrees to reserve the southerly 35 feet of their property in accordance with the adopted conditions of AC 10-089 prior to the first building permit on REAGER's property. If REAGER subdivides or partitions their property, they shall dedicate 23.5 feet along their south property line for public street right-of-way. Said dedication shall be on the final plat or by separate instrument prior to the final plat of LDP 11-108 or any other subdivision of this property. Prior to the issuance of the building permit for each Parcel within LDP 11-108, REAGER shall enter into a deferred improvement agreement, in accordance with the Medford Land Development Code (MLDC), Section 10.432, for the improvement of the street along the south property line. The required deposit for each deferred improvement agreement shall be the prorated portion of \$55,000, based on equal amounts for each parcel created (\$18,333 each for three Parcels) If SOMI Redevelops prior to any subdivision of REAGER's property, then REAGER shall dedicate the 23.5 feet of right-of-way along their southerly property line at the time of Redevelopment of SOMI's property.
 2. PLATA agrees to reserve the southerly 35 feet of their property in accordance with the approved conditions of AC 10-089 prior to the first building permit on this property. If PLATA subdivides or partitions any of their property, they shall dedicate 23.5 feet along their southerly property line either prior to or on the final plat. Prior to issuance of each building permit on any lot created within the PLATA property, PLATA shall also enter into a deferred improvement agreement, in accordance with MLDC, Section 10.432 for the improvement of the street along the south property line. The required deposit for each deferred improvement agreement shall be a prorated portion of \$95,000, based on equal amounts for each Parcel or Lot created (\$23,750 each for four Parcels, doesn't include the existing building). If SOMI Redevelops prior to any subdivision of PLATA's property, then PLATA shall
- Supersedes I.B.3*

dedicate the 23.5 feet of right-of-way along their southerly property line at the time of Redevelopment of SOMI's property.

3. SOMI agrees to dedicate 23.5 feet of right-of-way along the entire length of their north property line at the time of Redevelopment of SOMI's property. In addition, upon Redevelopment SOMI shall improve that portion of the street located on SOMI's property to commercial street standards necessary to create a 36 foot wide street on all the properties, measured from face of curb to face of curb, including 5 foot sidewalks adjacent to the curb on each side of the street, and street lights. The improvements shall extend the full length of SOMI's north property line, and make the connection to Ross Lane North; and
4. The Developers agree to waive the right to object to the exaction to dedicate and improve the South Street on the basis of the MLDC, Section 10.668.

NOW, THEREFORE, the City agrees to the following terms:

1. The City shall accept the 47 foot dedication of the South Street as the full and complete right-of-way dedication for this street within the boundaries of this agreement; and
2. The City shall grant REAGER and PLATA a revocable permit for the private use of the area within the 23.5 foot dedications as set forth on the City's standard form, with the stipulation that the City will require that the private use shall cease and private improvements be removed at the time SOMI redevelops.
3. The Site Plan for the REAGER and PLATA properties shall remain valid until February 18, 2022.

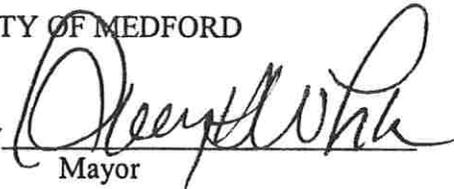
The Recitals set forth above and the Exhibits attached hereto are hereby incorporated into and made a part of this Agreement.

This Agreement is personal to the parties hereto. Neither City nor REAGER, PLATA, or SOMI shall assign this Agreement without the written consent of the other, which consent shall not be unreasonably withheld. The provisions of this Agreement shall be binding upon the heirs, assignees, or other successors of the parties, and shall survive the conveyance of a deed without merger therein.

The Parties intend that the rights, obligations and covenants in this Agreement shall be exclusively enforceable by the Parties. There are no third party beneficiaries to this Agreement, either express or implied.

Dated: 6/13/12

CITY OF MEDFORD

By 
Mayor

Dated: 6/8/12

REAGER STREET, LLC

By 
Member

Dated: 6/8/12

PLATA STATION, LLC

By 
Member

Dated: 6/8/12

SOUTHERN OREGON
MANAGEMENT, INC.

By 
President

EXHIBIT "B"

Commencing at the East-Southeast corner of Donation Land Claim No. 72 in Township 37 South, Range 2 West of the Willamette Meridian, Jackson County, Oregon; thence South 89° 48' 11" East 43.31 feet to the Easterly right-of-way line of Ross Lane as described in Instrument No. 80-14790 of the Official Records of Jackson County, Oregon for the **POINT OF BEGINNING**; thence along said right-of-way line, North 03° 42' 13" East 242.52 feet; thence along the arc of a 232.84 foot radius non-tangent curve to the right (the long chord to which bears North 12° 58' 23" East 103.29 feet) a distance of 104.16 feet; thence leaving said right-of-way line, North 89° 55' 08" East 146.29 feet; thence South 04° 13' 45" West 288.91 feet; thence South 18° 58' 05" East 136.74 feet; thence South 00° 08' 10" West 50.76 feet, more or less, to the South line of that tract of land described in Instrument No. 2008-008268 of the Official Records of Jackson County, Oregon; thence along said South line, WEST 210.82 feet, more or less, to the Easterly right-of-way line of the aforesaid Ross Lane; thence along said right-of-way, North 00° 04' 14" East 87.55 feet; thence South 81° 45' 00" East 2.46 feet; thence North 00° 09' 27" East 38.12 feet to the Point of Beginning.

(Reager Street, LLC)

EXHIBIT "C"

Commencing at the East-Southeast corner of Donation Land Claim No. 72 in Township 37 South, Range 2 West of the Willamette Meridian, Jackson County, Oregon; thence South $89^{\circ} 48' 11''$ East 43.31 feet to the Easterly right-of-way line of Ross Lane as described in Instrument No. 80-14790 of the Official Records of Jackson County, Oregon; thence along said right-of-way line, North $03^{\circ} 42' 13''$ East 242.52 feet; thence along the arc of a 232.84 foot radius curve to the right (the long chord to which bears North $12^{\circ} 58' 24''$ East 103.30 feet) a distance of 104.16 feet to the **POINT OF BEGINNING**; thence continue along said right-of-way line, along the arc of a 232.84 foot radius non-tangent curve to the right (the long chord to which bears North $57^{\circ} 59' 10''$ East 248.13 feet) a distance of 261.69 feet to the Southerly right-of-way line of McAndrews Road as described in the aforesaid Instrument No. 80-14790; thence along said right-of-way line, North $84^{\circ} 24' 13''$ East 99.30 feet; thence along the arc of a 411.97 foot radius non-tangent curve to the left (the long chord to which bears North $81^{\circ} 33' 44''$ East 123.51 feet) a distance of 123.98 feet to intersect the southerly right-of-way line of McAndrews Road as surveyed and established by Jackson County Road survey dated 1941; thence along said right-of-way, along the arc of a 316.48 foot radius non-tangent curve to the left (the long chord to which bears North $67^{\circ} 26' 59''$ East 103.88 feet) a distance of 104.35 feet to the Northeast corner of that tract of land described in Instrument No. 2008-008268, Official Records, Jackson County, Oregon; thence along the East line of said tract, South $00^{\circ} 03' 18''$ West (Record South $0^{\circ} 10'$ East) 667.18 feet to the Southeast corner thereof; thence along the South line of said tract WEST 357.38 feet; thence North $00^{\circ} 08' 10''$ East 50.76 feet; thence North $18^{\circ} 58' 05''$ West 136.74 feet; thence North $04^{\circ} 13' 45''$ East 288.91 feet; thence South $89^{\circ} 55' 08''$ West 146.29 feet to the Point of Beginning.

(Plata Station, LLC)

EXHIBIT "D"

PARCEL I:

Commencing at a point 6.82 chains South and 13.00 chains East from the North Northeast corner of Donation Land Claim No. 76 in Township 37 South, Range 2 West of the Willamette Meridian in Jackson County, Oregon; thence East 4.15 chains; thence North 4.91 chains to the true point of beginning; thence West 9.15 chains; thence South 87.70 feet; thence East 9.15 chains; thence North 87.70 feet to the true point of beginning.

(Map No. 372W26AD, Tax Lot 2700.)

PARCEL II:

Commencing at a point 6.82 chains South and East 13.00 chains from the North Northeast corner of Donation Land Claim No. 76 in Township 37 South, Range 2 West of the Willamette Meridian in Jackson County, Oregon; run thence East 4.15 chains; thence North 2.00 chains to the true point of beginning; thence North 1.58 chains; thence West 9.15 chains; thence South 1.58 chains; thence East 9.15 chains to the true point of beginning.

(Map No. 372W26AD, Tax Lot 2800.)

(Southern Oregon Management, Inc.)

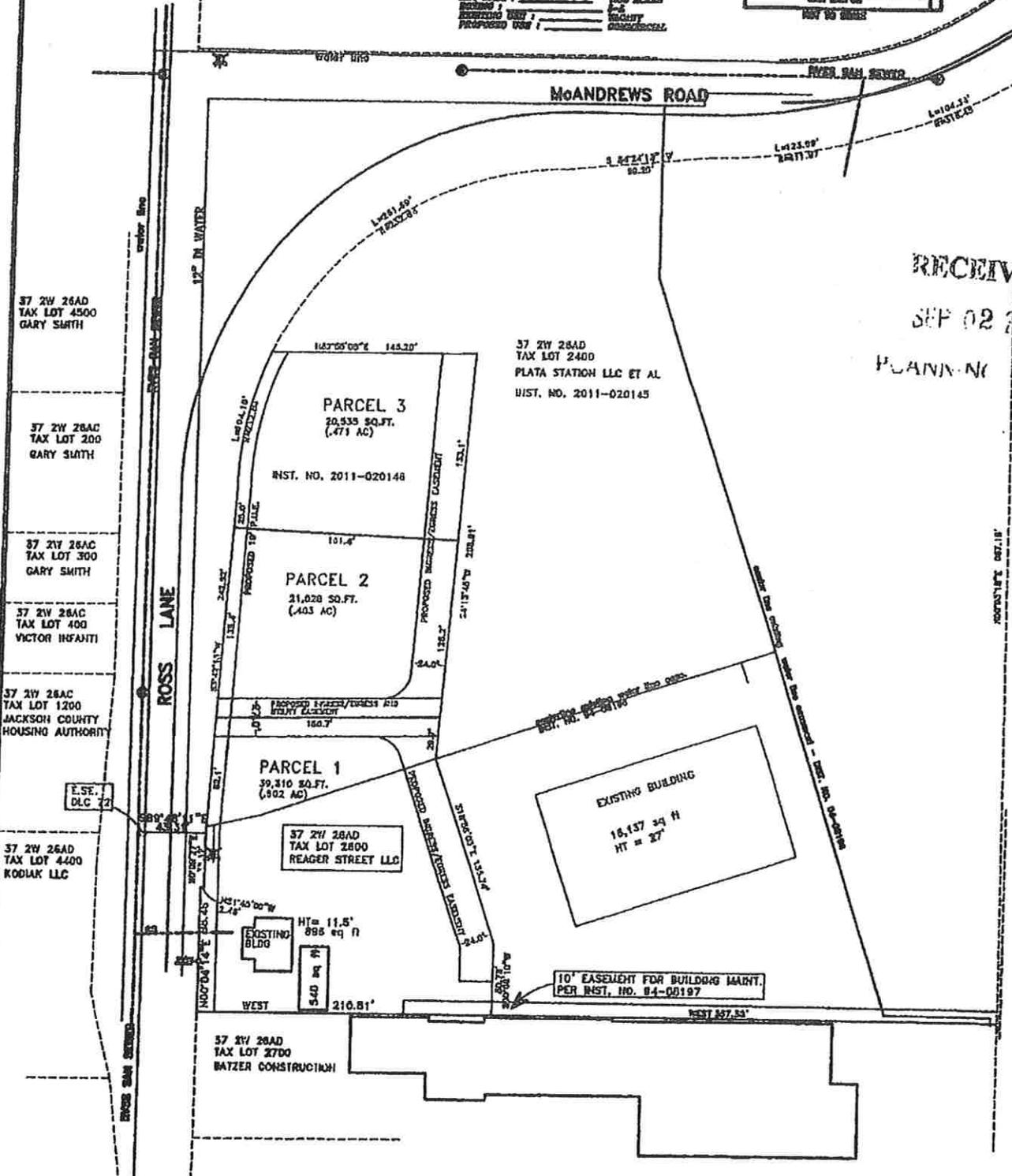
OWNER/APPLICANT
 REAGER STREET LLC
 P.O. BOX 4160
 MEDFORD, OR 97504
 (541) 773-7533

SURVEYOR
 HOFFBUHR AND ASSOC., INC.
 880 GOLF VIEW DRIVE, #201
 MEDFORD, OR 97504
 (541) 779-1641

LAND PARTITION
 TENTATIVE PLAT
 For
REAGER STREET LLC
 Located by
 the Northeast 1/4 of Section 26,
 Township 37 South, Range 2 West, V.M.,
 Jackson County, Oregon

EXHIBIT 'F'

SCHOOL DISTRICT : 6-00
 JURISDICTION DISTRICT : 103
 SANITATION DISTRICT : 103
 COUNTY AREA : 1-08 ACRES
 NET AREA : 1.08 ACRES
 RECORD : 1-3
 RECORDING DIST : HIGHWAY
 PROPOSED USE : RESIDENTIAL



RECEIVED
 SEP 02 2011
 PLANNING

37 2W 26AD TAX LOT 4500 GARY SMITH
 37 2W 26AC TAX LOT 200 GARY SMITH
 37 2W 26AC TAX LOT 300 GARY SMITH
 37 2W 26AC TAX LOT 400 VICTOR INFAJTI
 37 2W 26AC TAX LOT 1200 JACKSON COUNTY HOUSING AUTHORITY
 37 2W 26AD TAX LOT 4400 KODIAK LLC

CITY OF MEDFORD
 EXHIBIT
 FILED LDP-11-108

REGISTERED PROFESSIONAL LAND SURVEYOR
 ELECTRONIC COPY

<p>HOFFBUHR & ASSOCIATES, INC. 680 Golf View Drive Suite 201 Medford, OR 97504 (541) 779-1641 FAX (541) 779-0870</p>	BY: DANIEL L. HUCK	18 207
	PROJECT: BAIZER CONS	10-1
	DRAWING FILE NO.: 100701A.DWG	March 21, 20
	SCALE: 1" = 60' NTS	
	REVISION NO.:	
	REVISION DATE:	
	SHEET 1 OF 1	
	BASIS OF BEARING: DEED INST. NO. 89-58048	
	ELEVATION DATUM:	
	DRAWN BY:	
REVIEWED BY:		



City of Medford
Agenda Item Commentary

Item No.:
Meeting Date:
Page:

May 17, 2012
1 of 1

Lawry

SUBJECT:

An ordinance authorizing the execution of a Disposition and Development Agreement (DDA) with Reager, LLC for the future dedication and construction of a public street along the south property line of the Pioneer Market Place development located at the intersection of Ross Lane North and West McAndrews Road.

INITIATOR:

Reager, LLC and the City of Medford

STAFF INFO. SOURCE:

Cory Crebbin, Director of Public Works

FISCAL IMPACT/SOURCE:

None.

RECOMMENDATION:

Approve the agreement.

VISION STATEMENT/COUNCIL GOAL:

- ***Vision:*** Medford is a series of well-planned neighborhoods, connected by all modes of transportation and a system of open space and parks.
- ***Council Goals:*** None

BACKGROUND & KEY ISSUES:

Reager Street, LLC owns a portion of the land within the Pioneer Market Place development, and desires to partition their portion of the development. The southerly boundary of this development is an appropriate location for a needed east-west commercial street to provide connectivity and circulation in this area of Medford. The property owners desire to continue operating existing businesses on the adjacent parcel which will be impacted by street construction. The proposed Disposition and Development Agreement (DDA) provides an understanding of the timing, location and method for the dedication and future improvements of the street along southerly boundary of this development. This agreement involves the City, Reager, and the two adjoining properties owned by Plata Station, LLC and Southern Oregon Management, Inc. See attached map for the location of the three properties and the proposed street.

EXHIBITS:

Disposition and Development Agreement available in the Recorder's office
Site Map, Exhibit A

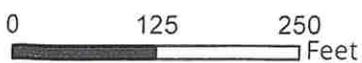


Project Name:

Pioneer Marketplace
Condition of Approval
Amendment

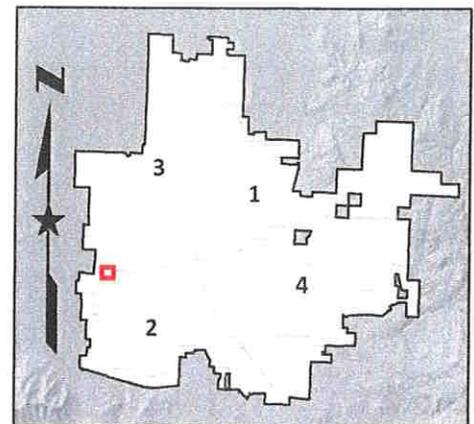
Map/Taxlot:

372W26AD TL 2400 & 2600



Legend

-  Subject Area
-  Tax Lots





MEDFORD PLANNING

STAFF REPORT

for a type-III quasi-judicial decision: Land Division

Project Falco Fields Subdivision
Applicant: Michael Falco
Agent: Scott Sinner Consulting, Inc.

File no. LDS-19-079

To Planning Commission *for 1/9/2020 hearing*

From Dustin Severs, Planner III

Reviewer Kelly Evans, Assistant Planning Director *W*

Date January 2, 2020

BACKGROUND

Proposal

Consideration of tentative plat approval for Falco Fields, a proposed 7-lot residential subdivision on a single 0.93-acre parcel located at 2737 Howard Avenue in the SFR-6 (Single-Family Residential, six dwelling units per gross acre) zoning district (372W13BB 6900).

Vicinity Map



Subject Site Characteristics

Zoning: SFR-6 (Single-Family Residential, six dwelling units per gross acre)
GLUP: UR (Urban Residential)
Overlay(s): AC (Airport Area of Concern)
Use(s): Single-family residence

Surrounding Site Characteristics

North Zone: SFR-6
Use(s): single-family residential

South Zone: SFR-6
Use(s): single-family residential

East Zone: SFR-6
Use(s): single-family residential

West Zone: SFR-6
Use(s): single-family residential

Related Projects

None

Applicable Criteria

MLDC 10.202(E): Land Division Criteria

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

- (1) Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, including Neighborhood Circulation Plans, and all applicable design standards set forth in Article IV and V;*
- (2) Will not prevent development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this chapter;*
- (3) Bears a name that has been approved by the approving authority and does not use a word which is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in the City of Medford; except for the words "town", "city", "place", "court", "addition", or similar words; unless the land platted is contiguous to and platted by the same applicant that platted the land division bearing that name; or unless the applicant files and records the consent of the*

party who platted the land division bearing that name and the block numbers continue those of the plat of the same name last filed;

- (4) If it includes the creation of streets or alleys, that such streets or alleys are laid out to be consistent with existing and planned streets and alleys and with the plats of land divisions already approved for adjoining property unless the approving authority determines it is in the public interest to modify the street pattern;*
- (5) If it has streets or alleys that are proposed to be held for private use, that they are distinguished from the public streets or alleys on the tentative plat, and reservations or restrictions relating to the private streets or alleys are set forth;*
- (6) Will not cause an unmitigated land use conflict between the land division and adjoining agricultural lands within the EFU (Exclusive Farm Use) zoning district.*

Issues and Analysis

Project Summary

Current site

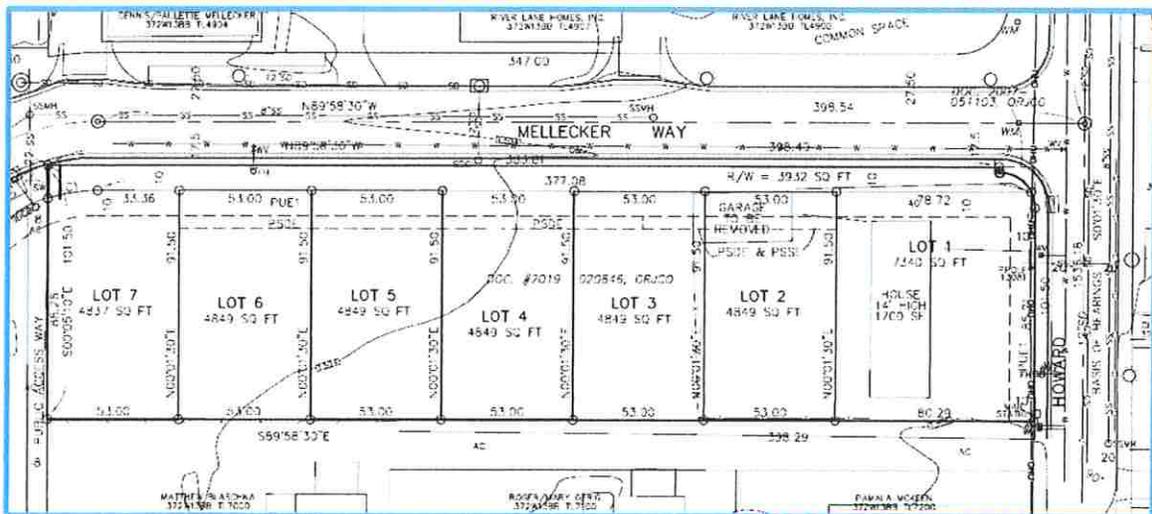
The subject site consists of a single 0.93-acre parcel, currently containing a single-family home and a detached garage. The parcel is a corner lot, with Mellecker Way—a Minor Residential street—fronting the parcel along its northerly boundary, and Howard Avenue—a Standard Residential street—fronting its easterly boundary. Vehicular access to the existing residence is provided via a driveway off of Howard Avenue.



Proposal

The applicant is proposing to subdivide the property, creating a 7-lot residential subdivision—Falco Fields Subdivision. The existing single-family house is proposed to remain with the future development of the site (located on Lot 1), while the detached garage will be removed.

Both Mellecker Way and Howard Avenue are currently improved with pavement, curb and gutter; however, Mellecker Way does currently contain a sidewalk. With the approval of the subdivision, the applicant will be required to construct a sidewalk with a planter strip along the property's frontage with Mellecker Way.



Density

Density Table

SFR-6 Minimum /Maximum Density	Allowed	Shown
4.0 to 6.0 dwelling units per gross acre	5 min. – 7 max.	7 lots

As shown on the Density Table above, based on 1.13 gross acres of land, the creation of 7 lots, as identified on the submitted tentative plat, falls within the minimum/maximum range permitted for the SFR-6 zoning district, as per MLDC 10.713.

Development Standards

Detached Single Family Dwellings
 Site Development Table (MLDC 10.710)

SFR-6	Lot Area	Minimum Lot Width (Interior)	Minimum Lot Width (Corner)	Minimum Lot Depth	Minimum Lot Frontage
Required	4,500 to 12,500	50 feet	60 feet	90 feet	30 feet
Shown	Lot 1: 7,340	Lot 1: NA	Lot 1: 80.2	Lot 1: 91.5	Lot 1: 78.7
	Lot 2: 4,849	Lot 2: 53	Lot 2: NA	Lot 2: 91.5	Lot 2: 53
	Lot 3: 4,849	Lot 3: 53	Lot 3: NA	Lot 3: 91.5	Lot 3: 53
	Lot 4: 4,849	Lot 4: 53	Lot 4: NA	Lot 4: 91.5	Lot 4: 53
	Lot 5: 4,849	Lot 5: 53	Lot 5: NA	Lot 5: 91.5	Lot 5: 53
	Lot 6: 4,849	Lot 6: 53	Lot 6: NA	Lot 6: 91.5	Lot 6: 53
	Lot 7: 4,847	Lot 7: 53	Lot 7: NA	Lot 7: 91.5	Lot 7: 53

As shown in the Site Development Table above, it can be found that the 7 proposed lots, as identified on the submitted plat, meet all the dimensional standards for lots in the SFR-6 zoning district, as per MLDC 10.710.

Facility Adequacy

Per the agency comments submitted to staff (Exhibits E-G), it can be found that, with the imposition of the conditions of approval contained in Exhibit A, there are adequate facilities to serve the future development of the site.

Other Agency Comments

None

Committee Comments

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

FINDINGS AND CONCLUSIONS

Tentative Plat

Staff finds the subdivision plat consistent with the Comprehensive Plan and all applicable design standards set forth in Articles IV and V. Furthermore, the subdivision will not prevent development of the remainder of the property under the same ownership or of adjoining land; bears a name (Falco Fields Subdivision), which has been reviewed and approved by the City's Address Technician; the plat does not include the creation of a public street; and criteria 5 and 6 are inapplicable.

RECOMMENDED ACTION

Adopt the findings as recommended by staff and direct staff to prepare a Final Order for approval of LDS-19-079 per the staff report dated January 2, 2019, including Exhibits A through G.

EXHIBITS

- A Conditions of Approval, drafted January 2, 2020.
- B Tentative Plat, received October 30, 2019.
- C Conceptual Grading & Drainage Plan, received October 30, 2019.
- D Applicant's Findings of Fact & Conclusions of Law, received October 30, 2019.
- E Public Works Staff Report, received December 11, 2019.
- F Medford Water Commission memo & associated map, received December, 11,2019.
- G Medford Fire Department Report, received December 11, 2019.
Vicinity map

PLANNING COMMISSION AGENDA:

JANUARY 9, 2020

EXHIBIT A

Falco Fields Subdivision
LDS-19-079
Conditions of Approval
January 2, 2020

CODE REQUIRED CONDITIONS

Prior to the approval of the final plat, the applicant shall:

1. Comply with all conditions stipulated by the Medford Public Works Department (Exhibit E)
2. Comply with all conditions stipulated by the Medford Water Commission (Exhibit F).
3. Comply with all conditions stipulated by the Medford Fire Department (Exhibit G).

TENTATIVE PLAT OF
FALCO FIELDS SUBDIVISION
 Located in the N.W. 1/4 of Sec. 13, T.37S, R.2W, W.M.
 & in the City of Medford Jackson County, Oregon

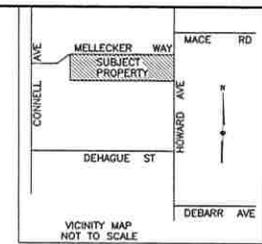
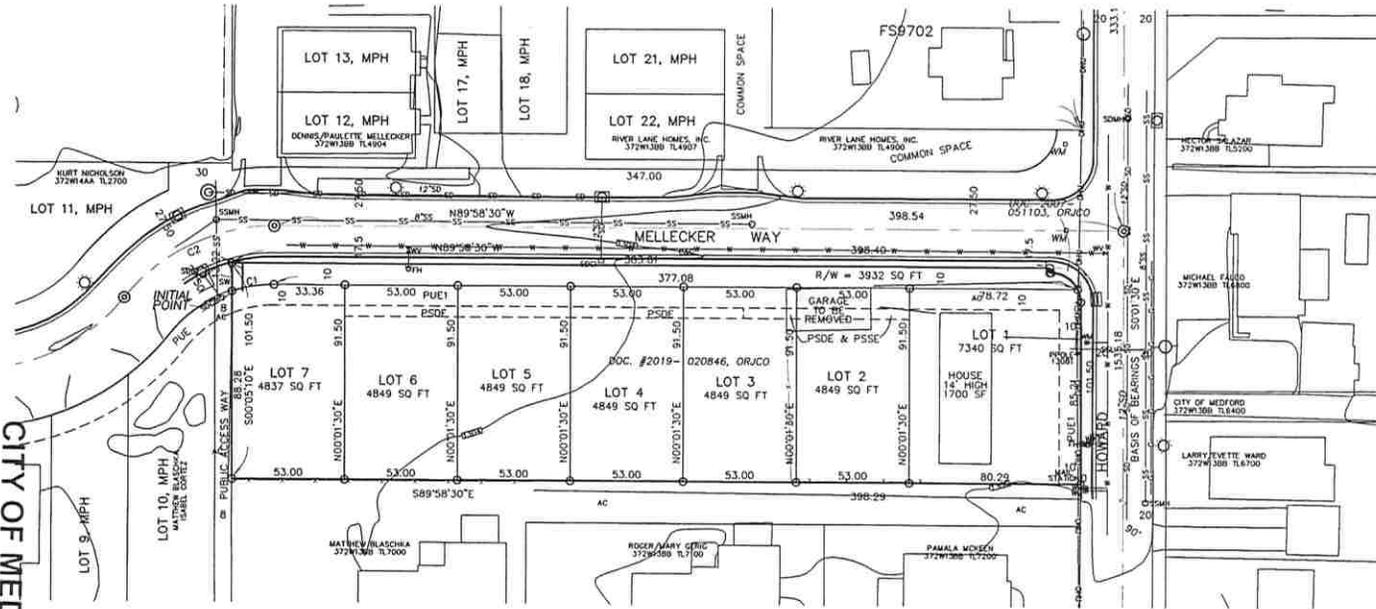
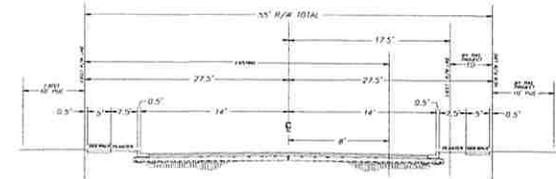


EXHIBIT **A**

FILE NO.: _____ DATE: _____
 ASSESSOR'S PARCEL NO.: 372W13BB TL6900
 ZONING DISTRICT: SFR-6
 MIN. LOT SIZE: 4500 SF MAX. LOT SIZE: 12500 SF
 NO. OF LOTS: 7 SFR LOTS
 MATS TRACT: _____
 COMP. PLAN DESIGNATION: URBAN RESIDENTIAL
 RECEIVED BY: _____ DATE: _____
 REVIEWED BY: _____ DATE: _____



RECEIVED
OCT 30 2019
PLANNING DEPT.

GENERAL NOTES

SCHOOL DISTRICT: MEDFORD 549C
 IRRIGATION DISTRICT: M.I.D.
 TOTAL GROSS ACREAGE: 1.14 AC.
 NET ACREAGE: 0.93 AC
 MIN # LOTS = 5 MAX # LOTS = 7
 10' PUE ALONG STREETS
 ALL STRUCTURES TO BE REMAIN.

LEGEND

PUE = EXISTING 10' PUBLIC UTILITY EASEMENT.
 PUE1 = PROPOSED 10' PUBLIC UTILITY EASEMENT.
 MPH = MORIAN PARK HOMES, PHASES 1 & 2
 PSDE = PROPOSED 5' PRIVATE STORM DRAINAGE EASEMENT.
 PSDE = PROPOSED 5' PRIVATE SANITARY SEWER EASEMENT.

REGISTERED PROFESSIONAL LAND SURVEYOR <i>James C. Hibbs</i> OREGON JULY 17, 1986 JAMES C. HIBBS 2234 RENEWAL DATE: 6-30-21	TITLE: TENTATIVE SUBDIVISION PLAT ASSESSOR'S MAP # 372W13BB TL6900 OWNER & APPLICANT: MIKE FALCO 2744 HOWARD AVE MEDFORD, OR 97501	DATE: 29 OCT 2019 SCALE: 1 inch = 40 feet DRAWN BY: JEH CHK BY: ORIGIN:
	L.J. FRIAR & ASSOCIATES P.C. CONSULTING LAND SURVEYORS P.O. Box 1947, Phoenix, OR 97533 Phone: (541) 972-2182 Email: ljohnson@friarandassociates.com	

CONCEPTUAL GRADING & DRAINAGE PLAN
FALCO FIELDS SUBDIVISION
 Located in the N.W. 1/4 of Sec. 13, T.37S, R.2W, W.M.
 & in the City of Medford Jackson County, Oregon

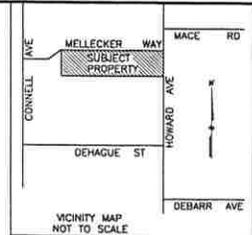
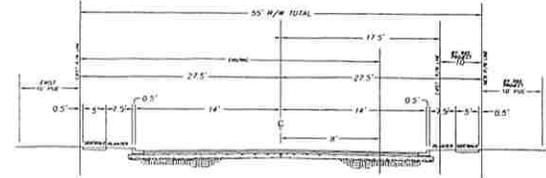
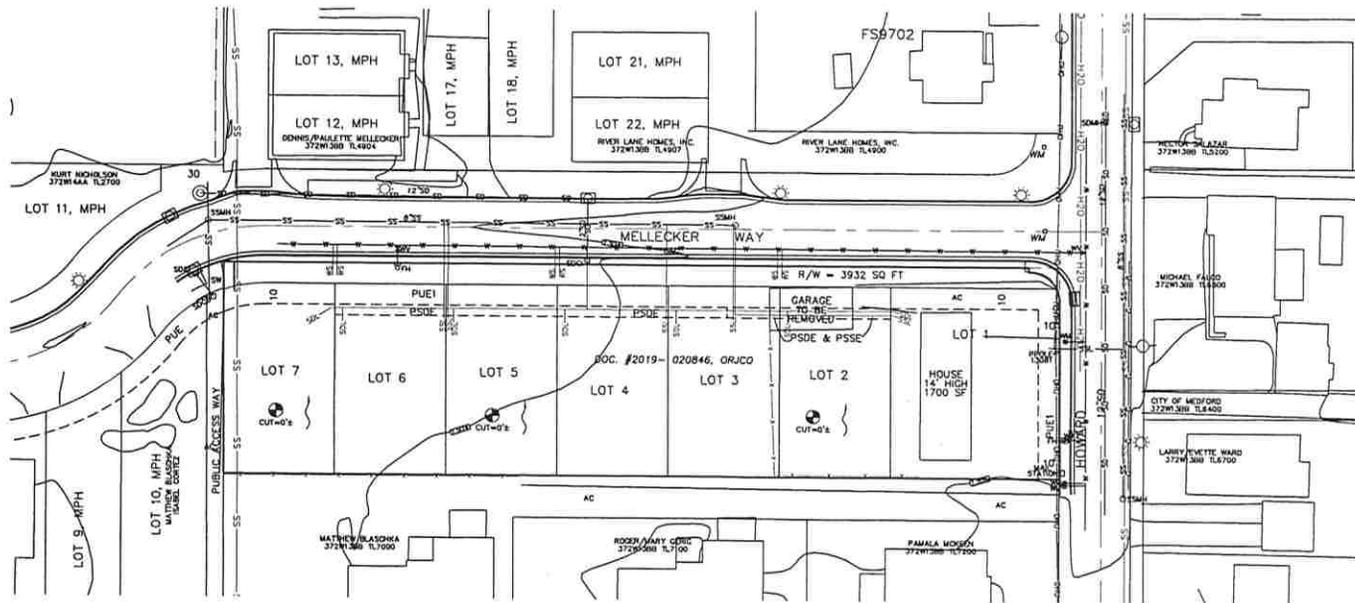
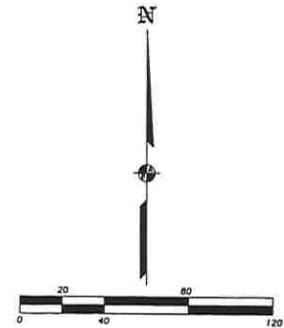


EXHIBIT "A"
 FILE NO.: _____ DATE: _____
 ASSESSOR'S PARCEL NO.: 372W13BB TL6900
 ZONING DISTRICT: SFR-6
 MIN. LOT SIZE: 4500 SF MAX. LOT SIZE: 12500 SF
 NO. OF LOTS: 7 SFR LOTS
 MATS TRACT: _____
 COMP. PLAN DESIGNATION: URBAN RESIDENTIAL
 RECEIVED BY: _____ DATE: _____
 REVIEWED BY: _____ DATE: _____

DRAINAGE NOTES:
 UPON DEVELOPMENT, EXCESS SPOILAGE WILL BE REMOVED BY THE CONTRACTOR FROM THE PROJECT IF, IN FACT, IT WILL CREATE AREAS OF DRAINAGE ONTO EXISTING PROPERTIES.
 ROOF DRAINS WILL BE DIRECTED INTO STORM DRAIN MAIN LINES IN STREETS.



MELLECKER WAY (LOOKING EAST)
 NOT TO SCALE



GENERAL NOTES
 SCHOOL DISTRICT: MEDFORD 549C
 IRRIGATION DISTRICT: M.I.D.
 TOTAL GROSS ACREAGE: 1.14 AC.
 NET ACREAGE: 0.93 AC.
 MIN # LOTS = 4 MAX # LOTS = 7
 10' PUE ALONG STREETS
 ALL STRUCTURES TO BE REMAIN.

LEGEND
 PUE = EXISTING 10' PUBLIC UTILITY EASEMENT.
 PUE1 = PROPOSED 10' PUBLIC UTILITY EASEMENT.
 MPH = MORIAN PARK HOMES, PHASES 1 & 2
 PSDE = PROPOSED 5' PRIVATE STORM DRAINAGE EASEMENT.
 PSSE = PROPOSED 5' PRIVATE SANITARY SEWER EASEMENT.

REGISTERED PROFESSIONAL LAND SURVEYOR <i>James E. Hibbs</i> OREGON JULY 17, 1986 JAMES E. HIBBS 2234 RENEWAL DATE: 6-30-21	TITLE: CONCEPTUAL GRADING & DRAINAGE PLAN ASSESSOR'S MAP #: 372W13BB TL6900 OWNER & APPLICANT: MIKE FALCO 2744 HOWARD AVE. MEDFORD, OR 97501	DATE: 28 OCT 2018 SCALE: 1 inch = 40 feet DRAWN BY: JEH CHK BY: ORIGIN: NOTATION: 07 JOB#: 1820HW Sheet 1 of 1.
	L.J. FRIAR & ASSOCIATES P.C. CONSULTING LAND SURVEYORS P.O. Box 1597, Prineas, OR 97535 Phone: (541) 972-2193 Email: lfr@lfrassociates.com	

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

RECEIVED

IN THE MATTER OF AN APPLICATION FOR)
A LAND DIVISION FOR THE PROPERTY IDENTIFIED AS)
T372W13BB TAX LOT 6900)
MICHAEL FALCO APPLICANT)
SCOTT SINNER CONSULTING, INC. AGENT)

FINDING OF FACT OCT 30 2019
AND
CONCLUSIONS PLANNING DEPT.
OF LAW

I. BACKGROUND INFORMATION

Applicant:

Michael Falco
2744 Howard Ave
Medford, OR 97501
mikefalco88@yahoo.com

Agent:

Scott Sinner Consulting, Inc.
4401 San Juan Dr. Suite G
Medford, OR 97504
scottsinner@yahoo.com

Property:

37 2W 13BB TL 6900
2737 Howard Ave
Medford, OR 97501

.93 acres net
1.13 acres gross
SFR-6 zoning district

Owner
Michael Falco
2744 Howard Ave
Medford, OR 97501
mikefalco88@yahoo.com

Project Summary:

This application requests approval of a seven lot subdivision proposed as Falco Fields. The existing dwelling will remain however all other structures will be removed.

7

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

The subdivision faces on Mellecker Way, which is currently improved with a complete paved section and curb and gutter on the frontage of the subject property.

The proposed tentative plat is consistent with all standards of the Medford Land Development Code (MLDC) for the SFR-6 zoning district.

Approval Criteria:

The relevant approval criteria for the requested land division is found within MLDC 10.202 (E) as provided below:

(E) Land Division Approval Criteria.

The 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 Articles 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 Planning Commission 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;*

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

(6) *Will not cause an unmitigated land use conflict between the land division and adjoining agricultural lands within the EFU (Exclusive Farm Use) zoning district.*

Findings of Fact:

(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 Articles IV and V;*

The Oregon Transportation Planning Rule requires a jurisdiction considers all modes of transportation in a land use decision. A review of this property determines water and rail transportation are not available.

The subject property is 2 miles from the Rogue Valley International Airport, and 2.1 miles from Interstate Highway 5 (I-5). The subject property has frontage on Mellecker Lane and Howard Avenue. Mellecker is classified as a minor residential street and Howard Avenue is improved through a Transportation Facility application approved by the City Council.

The nearest RVTB bus stop is located at about .3 miles east of the site on Merriman Road. The route is #4 between Medford and Central Point.

The subject property is within the General Land Use Plan Map (GLUP) UR Urban Residential map designation. The UR designation allows for the SFR-2, SFR-4, SFR-6 and SFR-10 zoning districts. The property is currently within the SFR-6 zoning district. The zoning is consistent with the GLUP designation.

The City Council has not adopted a street circulation plan for the area of the subject parcel.

The standards are consistent with the Medford Transportation System Plan, therefore also consistent with the Oregon Transportation Planning Rule.

Conclusions of Law:

The Planning Commission can conclude this application is with the Comp Plan, the TSP and there are no neighborhood circulation plans. The application is consistent with the adopted Medford Transportation System Plan and the Oregon Transportation Planning Rule.

(1) *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;*

Findings of Fact:

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

The tentative plat submitted with this application proposes development to the entire parcel at the standards provided by the MLDC.

The approval of this application will not prevent any adjoining parcel from development. The adjoining parcels are currently developed at urban densities.

Conclusions of Law:

The Planning Commission can conclude the entire property is available for development and the adjoining properties are not prevented from development.

(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;

Findings of Fact:

The proposed land division is proposed as Falco Fields Subdivision. The subdivision name is unique in the jurisdiction.

Conclusions of Law:

The Planning Commission can conclude the application is consistent with the criteria as the proposed subdivision name is unique.

(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;

Findings of Fact:

The subdivision does not propose any new streets. The parcel fronts on two improved public streets Mellecker Way and Howard Avenue.

The existing street pattern is adequate for urban development and meets all circulation.

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

Conclusions of Law:

The Planning Commission can conclude the proposed plat conforms with new and existing street patterns in the area.

(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;

This application does not propose any new streets. The existing streets are public streets.

Conclusions of Law:

The Planning Commission can conclude the tentative plat does not propose any new streets, and the existing streets are public streets.

(6) Will not cause an unmitigated land use conflict between the land division and adjoining agricultural lands within the EFU (Exclusive Farm Use) zoning district.

Findings of Fact:

The subject parcel does not abut any properties in the County Exclusive Farm Use (EFU) zoning district.

Conclusions of Law:

The Planning Commission can conclude the subject property does not abut any properties or agricultural lands in the EFU zoning district and no mitigation is applicable.

Additional Criteria

Two additional criteria relevant to this application are the Hillside Ordinance and the Block Length Ordinance.

Hillside Ordinance

10.929 Hillside Ordinance, Purpose; Applicability

Sections 10.929 to 10.933 establish procedural requirements for development on Slopes in excess of fifteen percent (15%) to decrease soil erosion and protect public safety. Sections 10.929 to 10.933 apply in addition to all other requirements set forth by ordinance. In the case of conflict between Sections 10.929 to 10.933 and other requirements set forth by ordinance, Sections 10.929 to 10.933 shall govern.

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

The subject property is located on Beall Lane and is not in any steep slope areas. As per the referenced section of the MLDC, the site is not within a high slope area and the requirements to comply with the hillside ordinance requirements, including the constraints analysis do not apply to this property and the current development application.

As required by the MLDC, this application contains the submittal the City of Medford Hillside Development Constraints Analysis Status Form signed by Staff and indicating the site has slopes of less than 2% and the requirements of the Hillside Ordinance have been met.

Conclusions of Law

The Planning Commission can conclude the application complies with the requirements for compliance with the submittal requirements contained within the Medford Hillside Ordinance and the requirements of the relevant sections are not applicable to this application.

Block Length Ordinance

The MLDC includes the following Block Length sections to assure the City provides circulation and connectivity in land division applications.

10.426 Street Circulation Design and Connectivity

A. Street Arrangement Suitability.

The approving authority shall approve or disapprove street arrangement. In determining the suitability of the proposed street arrangement, the approving authority shall take into consideration:

- 1. Adopted neighborhood circulation plans where provided; and*
- 2. Safe, logical and convenient access to adjoining property consistent with existing and planned land uses; and*
- 3. Efficient, safe and convenient vehicular and pedestrian circulation along parallel and connecting streets; and*
- 4. Compatibility with existing natural features such as topography and trees; and*
- 5. City or state access management standards applicable to the site.*

B. Street Connectivity and Formation of Blocks Required.

- 1. Block layouts shall substantially conform to adopted neighborhood circulation plans for the project area if applicable. Street arrangement*

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

and location may depart from the adopted plan if the project will result in a comparable level of overall connectivity. Projects that depart from the neighborhood circulation plan shall conform to planned higher order streets adopted in the City of Medford Transportation System Plan.

2. *Proposed streets, alleys and accessways shall connect to other streets within a development and to existing and planned streets outside the development, when not precluded by factors in Section 10.426 C.2 below. When a development proposes a cul-de-sac, minimum access easement or flag lot to address such factors, the provisions of Section 10.450 apply.*
3. *Proposed streets or street extensions shall be located to provide direct access to existing or planned transit stops and other neighborhood activity centers such as schools, office parks, shopping areas, and parks.*
4. *Streets shall be constructed or extended in projections that maintain their function, provide accessibility, and continue an orderly pattern of streets and blocks.*

C. Maximum Block Length and Block Perimeter Length.

1. *Block lengths and block perimeter lengths shall not exceed the following dimensions as measured from centerline to centerline of through intersecting streets, except as provided in Subsections 10.426 C.2.*

MAXIMUM BLOCK LENGTH AND PERIMETER LENGTH
Table 10.426-1

<i>Zone or District</i>	<i>Block Length</i>	<i>Block Perimeter Length</i>
<i>a. Residential Zones</i>	<i>660'</i>	<i>2,100'</i>
<i>b. Central Business Overlay District</i>	<i>600'</i>	<i>1,800'</i>
<i>c. Transit Oriented Districts (Except SE Plan Area)</i>	<i>600'</i>	<i>1,800'</i>
<i>d. Neighborhood, Community, and Heavy Commercial Zones; and Service Commercial-Professional Office Zones</i>	<i>720'</i>	<i>2,880'</i>
<i>e. Regional Commercial and Industrial Zones</i>	<i>940'</i>	<i>3,760'</i>

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

2. *The approving authority may find that proposed blocks that exceed the maximum block and/or perimeter standards are acceptable when it is demonstrated by the findings that one or more of the constraints, conditions or uses listed below exists on, or adjacent to the site:*
 - a. *Topographic constraints, including presence of slopes of 10% or more located within the boundary of a block area that would be required by subsection 10,426 C.1.,*
 - b. *Environmental constraints including the presence of a wetland or other body of water,*
 - c. *The area needed for a proposed Large Industrial Site, as identified and defined in the Medford Comprehensive Plan Economic Element, requires a block larger than provided by section 10.426 C.1.e. above. In such circumstances, the maximum block length for such a Large Industrial Site shall not exceed 1,150 feet, or a maximum perimeter block length of 4,600 feet*
 - d. *Proximity to state highways, interstate freeways, railroads, airports, significant unbuildable areas or similar barriers that make street extensions in one or more directions impractical,*
 - e. *The subject site is in SFR-2 zoning district,*
 - f. *Future development on adjoining property or reserve acreage can feasibly satisfy the block or perimeter standards,*
 - g. *The proposed use is a public or private school, college or other large institution,*
 - h. *The proposed use is a public or private convention center, community center or arena,*
 - i. *The proposed use is a public community service facility, essential public utility, a public or private park, or other outdoor recreational facility.*
 - j. *When strict compliance with other provisions of the Medford Land Development Code produce conflict with provisions in this section.*
3. *Block lengths are permitted to exceed the maximum by up to 20% where the maximum block or perimeter standards would require one or more additional street connections in order to comply with both the block length or perimeter standards while satisfying the street and block layout requirements of 10.426 A or B or D,*
4. *When block perimeters exceed the standards in accordance with the 10.426 C.2. above, or due to City or State access management*

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

plans, the land division plat or site plan shall provide blocks divided by one or more public accessways, in conformance with Sections 10.464 through 10.466.

D. Minimum Distance Between Intersections.

Streets intersecting other streets shall be directly opposite each other, or offset by at least 200 feet, except when the approving authority finds that utilizing an offset of less than 200 feet is necessary to economically develop the property with the use for which it is zoned, or an existing offset of less than 200 feet is not practical to correct.

Findings of Fact

The proposed plat is infill development. The properties to the south are developed at urban densities in 1978 prior to the current code requirements for circulation and connectivity. There is no potential for connectivity to the south.

Wyatt Drive, to the south, is a cul de sac approved by the City in several land use actions from 1998 to 2005. The approval of these plats eliminated the possibility of street connection for Wyatt Drive from De Hague to Mellecker.

The property to the west is a PUD and has a dedicated public access way connecting Wyatt Drive with Mellecker Way. This pedestrian access is adjacent to the subject property.

The properties to the north are build out at urban densities and there are no opportunities for connectivity to the north.

The proposed plat does not propose any new streets and there are no new intersections spacing conflicts.

Conclusions of Law

The Planning Commission can conclude the application is consistent with the block length ordinance contained in the MLDC.

Application Summary and Conclusion:

This application identifies the relevant approval criteria contained in the MLDC for a land division.

The Findings of Fact demonstrate consistency with the Oregon Transportation Planning Rule, the Medford Transportation System Plan and the General Land Use Plan Map.

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

The Tentative Plat will not prevent development of the remainder of the subject parcel or any adjoining parcels.

The proposed subdivision name is unique for the jurisdiction.

The subject property is not in a steep slope area and the Hillside provisions of the code are not applicable.

The application is consistent with the block length ordinance.

This application is consistent with all approval criteria contained in the MLDC for a land division. On behalf of the applicant, I respectfully request the approval of this application.

Scott Sinner
Scott Sinner Consulting, Inc.



PUBLIC WORKS DEPARTMENT STAFF REPORT

Falco Fields Subdivision (TL 6900) 7-Lot Subdivision

- Project:** Consideration of tentative plat approval for Falco Fields, a proposed 7-lot residential subdivision on a single 0.93-acre parcel.
- Location:** Located at 2737 Howard Avenue in the SFR-6 (Single-Family Residential, six dwelling units per gross acre) zoning district (372W13BB 6900).
- Applicant:** Applicant, Michael Falco; Agent, Scott Sinner Consulting, Inc.; Planner, Dustin Severs.

The following items shall be completed and accepted prior to the respective events under which they are listed:

- Approval of Final Plat:
Right-of-way, construction and/or assurance of the public improvements in accordance with Medford Land Development Code (MLDC), Section 10.666 & 10.667 (Items A, B & C)
- Issuance of first building permit for residential construction:
Construction of public improvements (Items A through E)
- Issuance of Certificates of Occupancy for individual units:
Sidewalks (Items A2)

A. STREETS

1. Dedications

Howard Avenue is classified as a Standard Residential street within the Medford Land Development Code (MLDC), Section 10.430. **No additional right-of-way is required.**

Mellecker Way is classified as a Minor Residential street within the MLDC 10.430. The developer shall dedicate for public right-of-way, sufficient width of land along the frontage

of this development to comply with the half width of right-of-way, which is 27.5-feet. **The Developer's surveyor shall verify the amount of additional right-of-way required.**

Corner radii shall be provided at the right-of-way lines of all intersecting streets per MLDC 10.445.

Public Utility Easements (PUE), 10-feet in width, shall be dedicated along the street frontage of all the Lots within this development (MLDC 10.471).

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 right-of-way and 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 right-of-way and PUE area.

2. Public Improvements

a. Public Streets

Howard Avenue – All street section improvements, with the exception of a planter strip, have been completed in close conformance with current standards, including pavement, curb and gutter, and sidewalk. **No additional improvements are required.**

Mellecker Way – 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. **No additional improvements are required except for sidewalk with a planter strip.**

b. Street Lights and Signing

No additional street lights or signage 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 the Developer.

c. Pavement Moratoriums

There is a no pavement cutting moratorium currently in effect along this developments respective frontages.

d. Access to Public Street System

Driveways shall comply with MLDC 10.550.

e. Easements

All public sanitary sewer or storm drain mains shall be located in paved public streets or within easements. A 12-foot wide paved access shall be provided to any public manholes or other structures which are not constructed within the street section, in these locations the paved access shall be located within a 15-foot easement.

Easements shall be shown on the final plat for all sanitary sewer and storm drain mains or laterals which cross lots, including any common area, other than those being served by said lateral. The City requires that easement(s) do not run down the middle of two tax lot lines, but rather are fully contained within one tax lot.

3. Section 10.668 Analysis

To support a condition of development that an applicant dedicate 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 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 dedication recommended herein can be found to be roughly proportional to the impacts reasonably anticipated to be imposed by this development.

Howard Avenue & Mellecker Way:

In determining rough proportionality, the City averaged the square footage of right-of-way per dwelling unit for dedications. Also the development will dedicate approximately 3,850 square feet of right-of-way, which equates to approximately 550 square feet per dwelling unit.

To determine proportionality a neighborhood with similar characteristics was used. The development used was Silky Oaks Subdivision Phase 1 & 2 southwest of this development on the north side of Maple Park Drive and consisted of 19 dwelling units. The previous development dedicated approximately 19,690 square feet of right-of-way (GIS data used to calculate, approximations only). This equates to approximately 1,036 square feet of right-of-way per dwelling unit.

- a. Dedication will ensure that new development and density intensification provides the current level of urban services. This development will create an additional 7 new Lots within the City of Medford and increase vehicular traffic by approximately 66 average daily trips.
- b. Dedication of PUE will benefit development by providing public utility services, which are out of the roadway and more readily available to each Lot being served.

The additional traffic of all modes of travel generated by this proposed development supports the dedication 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 previous developments in the vicinity to provide a transportation system that meets the needs for urban level services.

B. SANITARY SEWERS

The proposed development is situated within the Medford sewer service area. The Developer shall provide one service lateral to each buildable lot prior to approval of the Final Plat.

City of Medford

200 S. Ivy Street, Medford, OR 97501

(541) 774-2100

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C. STORM DRAINAGE

1. Hydrology

The Design Engineer shall provide an investigative report of the off-site drainage on the subdivision perimeter, a distance not less than 100 feet in all directions. All off-site drainage affecting the subdivision shall be addressed on the subdivision drainage plan. A hydrology map depicting the amount of area the subdivision will be draining shall be submitted with hydrology and hydraulic calculations. The opening of each curb inlet shall be sized in accordance with ODOT design standards. These calculations and maps shall be submitted with the public improvement plans for approval by the Engineering Division.

2. Grading

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

3. Mains and Laterals

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

In the event the lot drainage should drain to the back of the lot, the Developer shall be responsible for constructing a private drain line, including a tee at the low point of each lot to provide a storm drain connection. All roof drains and foundation drains shall be connected directly to a storm drain system.

A storm drain lateral shall be constructed to each tax lot prior to approval of the Final Plat. Easements shall be shown on the Final Plat for storm drain laterals crossing lots other than the one being served by the lateral.

4. Erosion Control

Subdivisions of one acre and greater require a run-off and erosion control permit from DEQ. The approved permit must be submitted to the Engineering Division prior to public improvement plan approval. The erosion prevention and sediment control plan shall be included as part of the plan set. All disturbed areas shall have vegetation cover prior to final inspection/"walk-through" for this subdivision.

D. SURVEY MONUMENTATION

All survey monumentation shall be in place, field-checked, and approved by the City Surveyor prior to approval of the final plat.

E. GENERAL CONDITIONS

1. Phasing

The proposed plans do not show any phasing.

2. Draft of Final Plat

The Developer shall submit 2 copies of the preliminary draft of the final plat at the same time the public improvement plans (3 copies) are submitted. Neither lot number nor lot line changes shall be allowed on the plat after that time, unless approved by the City and all utility companies.

3. Permits

Building Permit applications for vertical construction shall not be accepted by the Building Department until the Final Plat has been recorded as required by the Planning Commission.

Concrete or block walls built within a PUE, or within sanitary sewer or storm drain easements require review and approval from the Engineering Division of Public Works. Walls shall require a separate permit from the Building Department and may also require certification by a professional engineer.

4. System Development Charges (SDCs)

Buildings in this development are subject to SDC fees. These SDC fees shall be paid at the time individual building permits are taken out.

This development is also subject to storm drain system development charges, the Developer is eligible for storm drain system development charge credits for the installation of storm drain pipe which is 24-inches in diameter or larger and is not used for storm drain detention in accordance with Medford Municipal Code (MMC), Section 3.891. The storm drain system development charge shall be collected at the time of the approval of the final plat.

5. Construction and Inspection

Contractors proposing to do work on public streets (including street lights), sewers, or storm drains shall 'prequalify' with the Engineering Division prior to starting work.

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

Prepared by: Jodi K Cope
Reviewed by: Doug Burroughs

**SUMMARY CONDITIONS OF APPROVAL
Falco Fields Subdivision (TL 6900)
7-Lot Subdivision**

LDS-19-079

A. Streets

1. Street Dedications to the Public:

- **Howard Avenue** – No additional right-of-way required.
- **Mellecker Way** – Dedicate additional right-of-way.
- Dedicate 10-foot public utility easements (PUE).

2. Improvements:

Public Streets

- **Howard Avenue** – Street improvements have been completed.
- **Mellecker Way** – No additional improvements are required except for sidewalk with a planter strip.

Lighting and Signing

- No additional street lights or signage are required.

Access and Circulation

- Driveways shall comply with MLDC 10.550.

Other

- No pavement moratorium currently in effect along this developments respective frontages.

B. Sanitary Sewer:

- Provide a private lateral to each lot.
- Provide easements as necessary.

C. Storm Drainage:

- Provide an investigative drainage report.
- Provide a comprehensive grading plan.
- Provide storm drain laterals to each tax lot.

D. Survey Monumentation

- Provide all survey monumentation.

E. General Conditions

- Provide public improvement plans and drafts of the final plat.
- = 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.



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

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

SUBJECT: LDS-19-079

PARCEL ID: 372W13BB TL 6900

PROJECT: Consideration of tentative plat approval for Falco Fields, a proposed 7-lot residential subdivision on a single 0.93-acre parcel located at 2737 Howard Avenue in the SFR-6 (Single-Family Residential, six dwelling units per gross acre) zoning district (372W13BB 6900); Applicant, Michael Falco; Agent, Scott Sinner Consulting, Inc.; Planner, Dustin Severs.

DATE: December 11, 2019

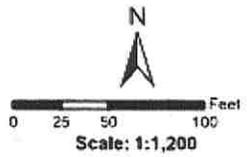
I have reviewed the above plan authorization application as requested. Conditions for approval and comments are as follows:

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 water meter located approximately mid-lot along Howard Avenue shall continue to serve the existing dwelling located at 2737 Howard Avenue, also being proposed Lot 1.
4. Installation of water meters is required for Lots 2 thru 7. Proposed water meters are required to be located per Medford Water Commission Standards.
5. Static water pressure is expected to be approximately 85 psi. See attached document from the City of Medford Building Department on "Policy on Installation of Pressure Reducing Valves".

COMMENTS

1. Off-site water line installation is not required.
2. On-site water facility construction is not required.
3. MWC-metered water service does exist to this property. (See Condition 3 above)
4. Access to MWC water lines is available. There is an existing 6-inch water line located along the south side of Mellecker Way.



**Water Facility Map
City of Medford
Planning Application:
LDS-19-079
(372W13BB6900)
Dec 11, 2019**

Legend

- Air Valve
 - Sample Station
 - Fire Service
 - Hydrant
 - ▲ Reducit
 - ⊘ 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



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Medford Fire-Rescue Land Development Report

Review/Project Information

Reviewed By: Kleinberg, Greg

Review Date: 12/4/2019
Meeting Date: 12/11/2019

LD File #: LDS19079

Planner: Dustin Severs

Applicant: Michael Falco

Site Name: Falco Fields

Project Location: 2737 Howard Avenue

Project Description: Consideration of tentative plat approval for Falco Fields, a proposed 7-lot residential subdivision on a single 0.93-acre parcel located at 2737 Howard Avenue in the SFR-6 (Single-Family Residential, six dwelling units per gross acre) zoning district (372W13BB6900);

Specific Development Requirements for Access & Water Supply

Conditions

Reference	Comments	Description
OFC 508.5	One new fire hydrant will be required between Lot #1 and Lot #2.	<p>Fire hydrants with reflectors will be required for this project.</p> <p>The approved water supply for fire protection (hydrants) is required to be installed prior to construction when combustible material arrives at the site.</p> <p>Plans and specifications for fire hydrant system shall be submitted to Medford Fire-Rescue for review and approval prior to construction. Submittal shall include a copy of this review (OFC 501.3).</p>

MMC
10.430

Driveways shall be clustered between Lot #2/Lot #3, Lot #4/Lot #5, and Lot #6/Lot #7.

In order to ensure that there is at least twenty (20) feet of unobstructed clearance for fire apparatus on 28 feet wide minor residential streets, the developer shall choose from one of the following design options outlined in Medford Code section 10.430:

(a) Clustered, offset (staggered) driveways, and fire hydrants located at intersections with the maximum fire hydrant spacing along the street of 250-feet.

(b) All dwellings that front and take access from minor residential streets to be equipped with a residential (NFPA 13D) fire sprinkler system, and fire hydrants located at intersection with the maximum fire hydrant spacing along the street of 500-feet.

(c) Total paved width of 33-feet with five-and-a-half (5 ½) foot planter strips.

The developer shall choose one of the three options prior to the final plat. If the clustered-offset driveway option is chosen, submitted civil plans are required to show driveway locations which will be reviewed by the Fire Department and Engineering Department prior to development. If the fire sprinkler option is chosen, the developer shall notify the Fire Department prior to final plat.

The Fire Department reserves the right to require parking restrictions with no parking signs in areas where the clustered-offset driveway option breaks down for short distances. Parking restrictions shall not be deemed as a separate option to the overall layout of the subdivision. If the developer by preference does not design the clustered/offset driveways into the overall design of the minor residential street, option (b) or (c) must be chosen.

The Oregon Fire Code requires; "Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and unobstructed vertical clearance of not less than 13 feet 6 inches" (OFC 503.2.1). "The required width of a fire apparatus access road shall not be obstructed in any manner, including parking of vehicles. Minimum required widths and clearances established in Section 503.2.1, shall be maintained at all times." (OFC 503.4).

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.

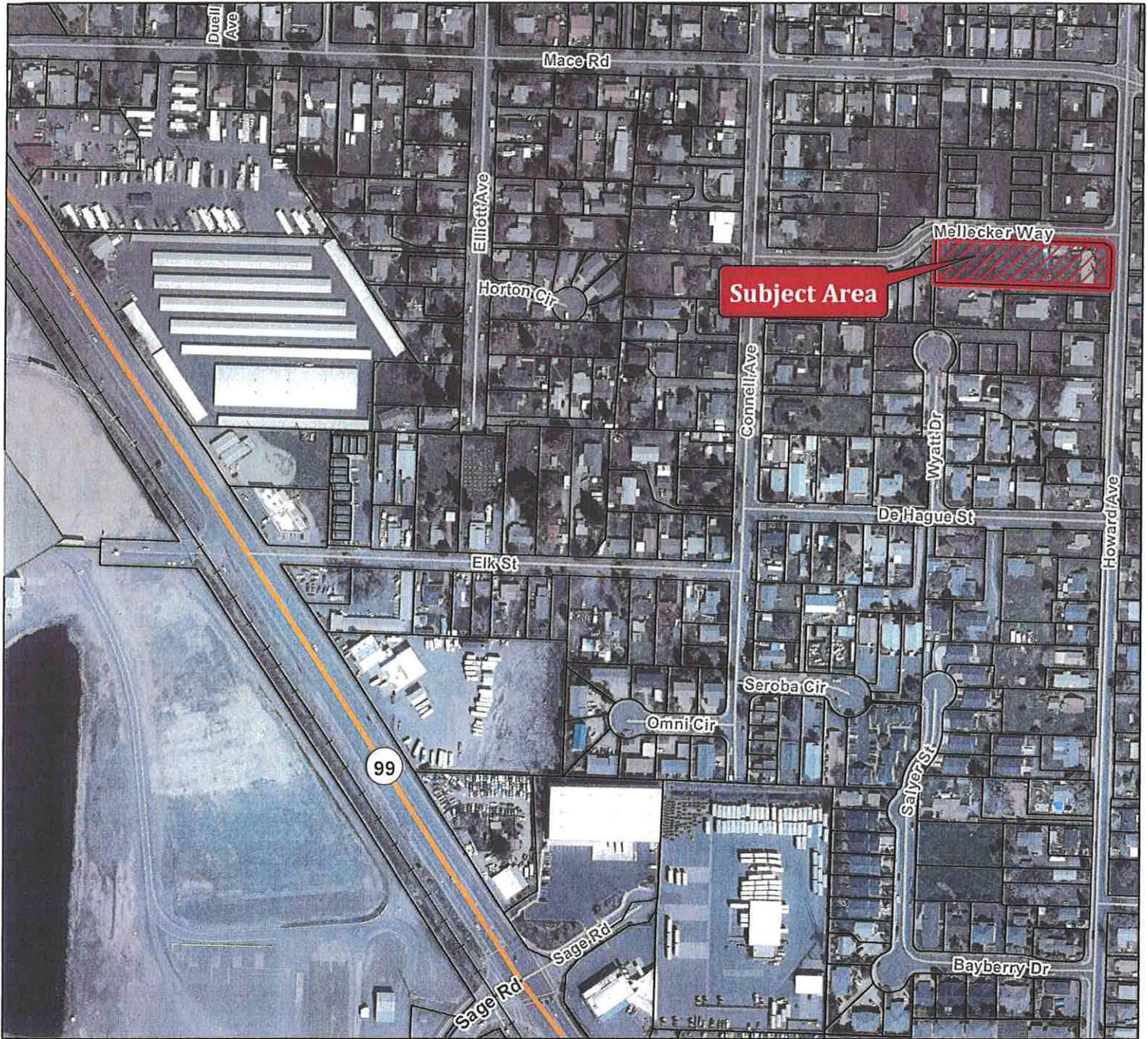
Specific fire protection systems may be required in accordance with the Oregon Fire Code.

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



Project Name:

Falco Fields
2737 Howard Avenue

Map/Taxlot:

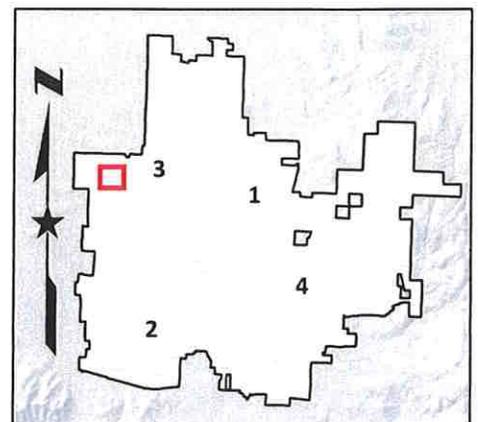
372W13BB TL 6900



Legend

-  Subject Area
-  Tax Lots

11/06/2019





STAFF REPORT

for a Type-IV legislative decision: **Development Code Amendment**

Project Streamlined Residential Review Process – SPAR Type II
File no. DCA-19-002
To Planning Commission *for 01/09/2020 hearing*
From Kyle Kearns, AICP, Planner II
Reviewer Carla Angeli Paladino, Principal Planner
Date January 2, 2020

Proposal

An amendment to portions of Chapter 10, the Medford Land Development Code (MLDC), creating a Type II administrative review land use process for certain multi-family residential developments.

History

Starting after the most recent adoption of the Housing and Regional Plan Elements of the Comprehensive Plan, the City's Planning Department has been developing land use strategies to aid in the allowance of affordable and available housing. The Regional Plan Element, in particular, was the result of partnerships among the Rogue Valley municipalities to plan collectively for population growth in the Valley. In the Regional Plan Element of the Comprehensive Plan it states, "Participating jurisdictions shall create regional housing strategies that strongly encourage a range of housing types throughout the region within 5 years of acknowledgement of the RPS Plan," (Medford Comprehensive Plan, Regional Plan Element 4.1.12.). Acting on the aforementioned action, at the end of 2017 the then Housing Advisory Committee (HAC) completed a list of recommended regulatory strategies and financial incentives to promote the creation of affordable and market-rate housing (Ordinance 2018-15).

DCA-19-002 is one of several strategies the have been developed out of the HAC recommendations; other strategies, which have been adopted, include the allowance for cottage housing, the creation of the Construction Excise Tax (CET), creation of Type II land use process for minor lot partitions, and updated Accessory Dwelling Unit (ADU) standards. Additionally, the 2019 Housekeeping ordinance, included updates to the zone change criteria, duplex densities and building height measurements.

Site Plan and Architectural Review (SPAR) – Type II Land Use Review (DCA-19-002) Summarized

As proposed, DCA-19-002 creates the Site Plan and Architectural Review – Type II (SPAR – Type II) land use review. This would be an administrative review process for multi-family developments as defined in the proposal (Exhibit A). This new review is in lieu of the current process which requires a Site Plan and Architectural Commission (SPAC) Review, which is a Type III land use decision with a public hearing. Below is a brief summary of the various amendments to the MLDC.

Sections 10.106 – 10.124: SPAR – Type II Creation and Noticing Requirements

These amendments add the Site Plan and Architectural review process to the Planning Directors review and set the noticing requirements for Type II land use processes to 300 feet as opposed to 200 (above required distance in State law).

Sections 10.134 – 10.140: Appeals of SPAR – Type II

City Council is set as the appeal body for the SPAR – Type II land use review. It is necessary to have City Council set as the appeal body in order to meet the “120-day rule,” (see Issues and Analysis section for further detail).

Sections 10.141 – 10.175: SPAR – Type II Criteria

Provisions outlined in the Sections 10.141-10.175 set the criteria for when a SPAR – Type II land use review shall be used. The following criteria have been set:

- 10.141: Points to the SPAR – Type II process for affordable housing projects as opposed to the section that does not outline the process used.
- 10.168: Amended language gives the Planning Director discretion to send SPAR – Type II land use reviews to the Site Plan and Architectural Commission.
- 10.175A: Establishes the criteria for when a SPAR – Type II shall be used as opposed to a Type II land use review. The criteria recommended by staff is that all multi-family development, without a Type III land use review associated with the development, be reviewed as an administrative, Type II land use review with public notice.
 - **NOTE:** The previous options for the criteria, presented before the Housing Advisory Commission (HAC) and Planning Commission included the following:
 - Option 1 – All multi-family reviewed as Type II
 - Option 2 – All multi-family reviewed as Type II, except when abutting SFR-00, SFR-2, SFR-4 and SFR-6 zones (See Exhibit B)
 - Option 3 – All multi-family housing when under three net acres

Section 10.200: Site Plan and Architectural Review

Amend current language to distinguish between the Site Plan and Architectural Review – Type II land use review and the Site Plan and Architectural Commission (Type II) land use review. The materials needed in submitting a site plan are to remain unchanged for both.

Article III & V Changes

Additional amendments to the Medford Land Development Code (MLDC) proposed within DCA-19-002 include:

- 10.358: Updates to the Central Business (C-B) zoning overlay to clarify the intended site design standards for residential development, remove the conditional use permit (CUP) requirements for residential development in the C-B Overlay, and permit 100% lot coverage in the C-B Overlay.
- 10.714: Removed requirement that multi-family development in the SFR-10 zone be owner occupied and provided direct reference to the multi-family design standards of 10.715A-10.719.
- 10.717: Clarification of multi-family design standards in the C-B Overlay as it relates to parking and maneuvering areas.
- 10.719: Amended language to reflect changes of SPAR – Type II process.
- 10.790: Amended language to reflect changes of SPAR – Type II process.

Study Sessions and Commission Meetings

Staff has reviewed the proposal (Exhibit A) with the Planning Commission, Housing Advisory Commission and Site Plan and Architectural Commission. Below is a summary of the input and processes used in developing the proposed language.

Housing Advisory Commission (HAC) Meeting October 09, 2019 – Minutes Exhibit C

At a regularly scheduled meeting of the City's Housing Advisory Commission (HAC) staff provided a presentation summarizing the proposal. At the time of the October 9 meeting the proposal identified that the Type II administrative review process would only apply for multi-family housing of one gross acre or less and no more than 30 dwelling units. This particular criteria was the point of the discussion with the HAC.

Upon conclusion of the discussion regarding the proposal (as it existed then) staff was provided with direction to bring back additional options for consideration at the

HAC's November meeting; in November the HAC determined that a review and recommendation on the proposal would be made. The comments/direction provided are summarized as follows:

- The acreage limit should be increased beyond an acre
- Some members were supportive of increasing beyond 30 dwelling units
- Some members of the HAC questioned why we should have any limits to the number of dwelling units that constitutes an administrative review
- Additionally they had directed staff to incorporate "flexible" design standards to allow for a deviation from Article V standards without a Type III Exception.

Planning Commission Study Session October 28, 2019 – Minutes Exhibit D

The Planning Commission was provided an amended version of the text that had incorporated the aforementioned direction of the HAC. Much like the HAC, the majority of the discussion focused on the criteria that would "trigger" a SPAR – Type II land use review. The Planning Commission provided direction counter to that of the HAC; directives were to limit the use of the administrative review process for multi-family housing.

Some Commissioners voiced a desire to keep the current processes in place or to extend the administrative review process on a limited basis. The direction provided can be summarized as follows:

- Limit the review process when abutting low-density zones
- Remove the Type II allowance for cottage housing
- Separate the "flexible" design standards into their own project
- The total dwelling unit number permitted under the new process should be limited in the criteria (3-5 units proposed)
- Supportive of three net acres over five

Staff has removed the cottage housing from Exhibit A and separated the "flexible" design standards into their own project (DCA-19-012). Other aforementioned directives have not been incorporated wholly into Exhibit A, but may be recommended by the Planning Commission.

“Final Options” Meeting - Housing Advisory Commission (HAC) Meeting November 13, 2019 – Minutes Exhibit E

To garner a formal recommendation from the HAC, staff presented an amended proposal incorporating feedback from the previous HAC and Planning Commission meetings. Direction sought at the November 13 meeting mostly pertained to the criteria to use in applying the new administrative review process for multi-family housing. Staff provided the following options for selection:

Option 1 – All multi-family reviewed as Type II (HAC & Staff Recommended)

Option 2 – All multi-family reviewed as Type II, except when abutting SFR-00, SFR-2, SFR-4 and SFR-6 zones (Mapped in Exhibit B)

Option 3 – All multi-family housing when up to three net acres

These above options have been refined through the aforementioned meetings to attempt to balance the directives provided. The HAC recommended Option 1 with a unanimous vote of 5 to 0.

Site Plan and Architectural Commission (SPAC) Meetings June 15, 2018 & November 15, 2019 – Minutes Exhibit F & G, respectively

In two separate meetings, the topic of an administrative review process for multi-family housing has been discussed with SPAC. The first time back in 2018 the topic was discussed more broadly as it related to the multi-family residential design standards (adopted per Ordinance No. 2018-100). While deliberating on the multi-family design standards, SPAC had acknowledged that staff makes the determination as to whether a proposal meets the standards, then SPAC reviews staff's recommendation.

Since the determination is already made as to whether or not a proposal meets the clear and objective standards, SPAC questioned whether or not the Commission would still need to review multi-family proposals that meet the standards. At the June 15, 2018 meeting it was suggested that SPAC would only need to review in the case of an appeal of staff's decision, but that staff could have the authority to determine compliance as opposed to SPAC. Specifically, the minutes state, “Staff would have primary responsibility for determining whether this list of clear and objective standards is met or not.”

In further discussing the administrative review process, SPAC voiced a desire to only see exceptions and appeals of the multi-family review process. In drafting the proposal (Exhibit A) staff has recommended that the current exception process be maintained (i.e. exceptions go before Planning Commission and/or SPAC) and that appeals of the SPAR – Type II decisions go before City Council.

While drafting DCA-19-002, staff had determined that it would be advantageous to bring the proposal back to SPAC as they had provided direction previously. At the November 15, 2019 SPAC hearing (Minutes Exhibit G) staff provided an update on the development of the administrative review process. SPAC provided the following comments and recommendation:

- The acreage criteria is not important to SPAC.
- City Council should determine the criteria set in the administrative review process (Exhibit A).
- **Motion:** “Recommend to City Council that the Site Plan & Architectural Commission not be involved in multi-family development proposals where there is no SPAC discretion that can be exercised,” (Exhibit G). Motion passed 5-1.

Staff will continue to review the proposal with SPAC per the Commission’s desire to stay engaged in the process. After a recommendation has been provided by the Planning Commission, staff will share the outcome and proposed text with SPAC to ensure no further direction is provided.

Authority

This proposed plan authorization is a Type IV legislative amendment of Chapter 10 of the Municipal Code. The Planning Commission is authorized to recommend, and the City Council to approve, amendments to Chapter 10 under Medford Municipal Code §§10.214 and 10.218.

ISSUES AND ANALYSIS

Background

In determining how a new administrative review would work for Medford staff conducted research that first looked at what other cities are doing. Second, staff reviewed the types of multi-family developments in the City of Medford. Lastly, the proposal was presented in several public forums with the City’s commissions pertinent to reviewing land use proposals for housing. Substantiating the benefits of a streamlined, administrative review process can be difficult, however the adage quoted by many developers and planners alike is “Time is money.” This is likely the case due to the need to pay staff, potential for inflation on other hard costs (e.g. concrete, wood, etc.) and the added complexity and uncertainty that public hearings can add into development timelines.

Furthermore, with the adoption of the multi-family special development standards (see MLDC Sections 10.715A-10.719), multi-family development, in large part, can be designed through reviewing, and then implementing, the MLDC. Given the newly

adopted development standards and the requirement per Senate Bill 1051 that, “A city may not deny an application for a housing development located within the urban growth boundary if the development complies with clear and objective standards, including but not limited to clear and objective design standards contained in the city comprehensive plan or land use regulations.” The discretion a public hearing is able to provide has been removed from the site plan review process. The creation of the SPAR – Type II land use review is to supplement the newly adopted development standards and to simplify the review process for multi-family housing. In an attempt to streamline Medford’s land use review, it would also create consistency with comparable cities in the Rogue Valley and Oregon.

What Do Other Cities Do?

Staff looked at comparable cities for what land use processes are used for reviewing residential development. Type I reviews are building permits and administrative review without noticing; Type II reviews are administrative reviews with noticing; Type III reviews require a public hearing for approval. Generally, Medford is not consistent with comparable municipalities in reviewing multi-family housing but is consistent in regards to subdivisions, Planned Unit Developments, zone changes and other larger scale projects related to residential development.

	Type I Review	Type II Review	Type III Review
Ashland	All structures under 10,000 sq. ft.	Residential over 10,000 sq. ft. & Subdivisions	Zone (some type II) & Comp. Plan change
Central Point	3 or less units	4 or more units (attached)	Subdivision, PUD, zone change
Phoenix	Duplex, Triplex	Multi-family < 2 acres, townhouses	Multi-family greater than 2 acres
Bend	Single Family, attached single family (duplex & townhouse)	Triplex, subdivisions, multi-family generally	Zone change, master plan, PUD
Eugene	Type II Design Reviews & Site Reviews. Subdivisions Type II. Large number of overlay zones with design standards		Zone Change, CUP, PUD
Medford	Single-family, duplex (one only), ADU	Partition (3 or less lots)	All multi-family, subdivisions

Past Twenty Years of Multi-Family Development in Medford

To understand the scale to which multi-family development occurs in Medford, staff used Jackson County Assessor data to determine some statistics (summarized in a table below). Data was used analyzing the property class of individual tax lots; property class is a three-digit classification that distinguishes things such as land use, zone, level of development, tax-exempt status, and other pertinent details to taxing a property. The property class allows for determining whether a property is considered multi-family, owned by a housing authority, or if it is improved or vacant.

Using this dataset, paired with a date of construction and land use approvals recorded by the City allowed for a comprehensive look at multi-family development in Medford over 20 years. However, it is important to note that some parcels were missed in the data analysis, most notably The Concord development downtown. The Concord is a 50 unit apartment complex built on 1.09 gross acres at a density of 46 units per acre. The following table is a summary of the aforementioned analysis:

Stat	MFR Zones (includes SFR-10)	Commercial Zones
Average Size	1.54 acres (median 0.89)	1.68 acres (median 0.61)
Maximum Size	3.87 acres (Stewart Meadows)	3.12 acres (Charles Point)
Minimum Size	0.23 acres (5 unit complex)	0.25 acres (5 unit complex)
Average Density	21 units/acre (median: 20)	23 units/acre (median: 21)
Maximum Density	35 units/acre (Stewart Meadows)	30 units/acre (Orchard Glen)
Minimum Density	14 units/acre (Finley Square)	19 units/acre (Charles Point)
Total # of Developments	20 developments	5 developments

Drafting the Recommended Text

In preparing the proposed text staff sought direction from several of the City's Commissions, as previously discussed (see above). A bulk of the focus of the City's Commissions pertained to criteria that would trigger the use of the SPAR – Type II process; other discussion pertained to who would see the appeals. Both items are addressed in further detail below.

Staff is recommending that all multi-family development, without a Type III land use review (e.g. Subdivision, PUD, or Exception), be reviewed administratively. This decision is supported by the HAC and creates consistency with comparable municipalities throughout the State of Oregon. Staff is not supportive of "Option 2" (mapped in Exhibit B) as it gives preferential treatment to the single-family zone and limits the scope to which the SPAR – Type II process could be used to a total of 1,036 acres (36 acres of which are vacant). "Option 3," or a similar fourth option, limiting the scope of the SPAR – Type II process to parcels under a certain acreage may be palatable for Medford as well. Staff would encourage an acreage of three acres or more based on the aforementioned multi-family statistics.

In regards to the decision to have City Council as the appeal body for the SPAR – Type II, timing and public interest were in mind. Per Oregon Revised Statute (ORS) 227.181 it states "...the governing body of the city or its designee shall take final action on an application for a permit, limited land use decision or zone change within 120 days of the effective date of the final order issued by the board," [ORS 227.181(1)]. In reviewing public testimony received (Exhibit H) and in conferring with the City's Legal Department, staff has determined that a SPAR – Type II land use decision would be a limited land use decision, thus limiting the timelines for approval. Since there are consistently items reviewed by City Council, and two meetings a month, the odds of maintaining the "120-day rule" are higher with selecting Council as the appeal body. Furthermore, Council represents an elected governance body as opposed to an appointed one. Additionally, having Council review the appeal of a new process is advantageous to the public interest.

FINDINGS AND CONCLUSIONS

The criteria that apply to code amendments are in Medford Municipal Code §10.218. The criteria are rendered in italics; findings and conclusions in roman type.

Land Development Code Amendment. The Planning Commission shall base its recommendation and the City Council its decision on the following criteria:

10.218(A). Explanation of the public benefit of the amendment.

Findings

Removing regulatory barriers to housing development is one of the tools available to local governments outside of providing financial incentives. If barriers to housing development can be removed, then more housing can be made available to the community members of Medford. The first iteration of removing barriers to multi-family development came with the adoption of the

multi-family development standards. This created a predictable review process by providing clear and objective standards that can be determined, without ambiguity, whether they are met or not (e.g. list of building materials to be used, MLDC §10.717[D]). Previously, multi-family development was reviewed under a subjective criteria that said “The proposed development is [or can be] compatible with uses and development that exist on adjacent land,” leaving discretion to the public hearing body; without this subjectivity an administrative review process can be used in place of a public hearing as the development standards are now clear and objective in the MLDC. Additionally, as proposed, the new SPAR – Type II land use process is requiring public notice to all properties within 300 feet of the proposed development; currently, the notice is only sent to properties within 200 feet.

Lastly, multi-family housing is identified as a needed housing type per the City’s Housing Element of the Comprehensive Plan; a need of 4,586 multi-family units is identified by the year 2029. The purpose of creating an administrative review process for multi-family housing is to shorten development timelines and be more permissive to residential development, thus creating an overall benefit to the public of enabling more housing units in an expedited fashion.

Conclusions

DCA-19-002 has the overall intent of removing barriers to multi-family housing by providing an expedited, clear and objective review process. By removing the public hearing from the review process of multi-family developments there is less uncertainty in the development proposal. As proposed, prospective developers can simply review our development code and check to see how they can develop within the standards of the MLDC. Additionally, the increased noticing requirement informs more community members directly of the proposed changes as opposed to relying on passive noticing (i.e. on-site sign or newspaper posting) and a smaller noticing buffer per current code. Given the low availability of almost all housing types in Medford, the removal of barriers and shortening of development timelines is only aimed at providing benefit to the public.

The criterion has been satisfied.

10.218(B). The justification for the amendment with respect to the following factors:

1) Conformity with goals and policies of the Comprehensive Plan considered relevant to the decision.

Findings

The proposed code amendment supports the goals, policies, and action items of the Population, Environmental, Housing, Transportation, and Regional Plan Elements of the Medford Comprehensive Plan. They are as follows.

Population Element

GOAL 1: To accept the role and responsibilities of being the major urban center in a large and diverse region that includes portions of southwest Oregon and northern California.

Environmental Element

Goal 9: To assure that future urban growth in Medford occurs in a compact manner that minimizes the consumption of land, including class I through IV agricultural land.

Policy 9-B: The City of Medford shall strive to protect significant resource lands, including agricultural land, from urban expansion.

Housing Element

HOUSING GOAL

To provide for the housing needs of citizens of Medford. Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Medford households and allow for flexibility of housing location, type and density.

Policy 1: The City of Medford shall assess the housing needs of current and prospective residents, including the elderly, disabled, active retirees, and other groups with special housing needs, to determine development priorities and to formulate specific strategies and activities to meet those needs.

Implementation 1-A: When considering changes to the Medford Comprehensive Plan or Land Development Code, base such changes on the Housing Element adopted on December 2, 2010, particularly:
[...]Forecast of Needed Housing Units in Table 37[multi-family represents 30% of needed housing [...]

[...]Implementation 1-C: Assess policies, regulations, and standards affecting residential development and pursue amendments as needed to meet Policy 1. Assess factors such as:
a) Residential development standards; [adopted][...]
[....]e) Assuring a mix of income levels and dwelling types, including multi-family, group, affordable, and assisted housing, throughout the City.

Policy 2: The City of Medford shall designate areas for residential development that are or will be conveniently located close to pedestrian, bicycle, and transit or high capacity transportation routes, community facilities and services, and employment to ensure that the benefits of public investment in those facilities are available to as many households as possible.

Implementation 2-B: Assess and remove unnecessary local regulatory impediments to downtown housing.

Policy 6: The City of Medford shall plan for multi-family residential development encouraging that which is innovative in design and aesthetically appealing to both the residents and the community.

Policy 8: The City of Medford shall assist regional housing agencies, nonprofit organizations, private developers, and other entities in their efforts to provide affordable housing, opportunities for minorities, low- and moderate income people, and people in protected classes to gain access to housing.

Transportation (i.e. TSP) Element

Objective 10: Increase the number of walkable, bikeable, mixed-use, transit oriented and transit supportive neighborhoods while promoting connectivity to existing neighborhoods.

Action Item 10-c: Research and consider options for development standards and incentives to promote mixed-use and transit oriented development/districts.

Regional Plan Element

Goal 1: Manage future regional growth for the greater public good.

[...]g. The Region will facilitate development of a healthy balance of jobs and housing within each of the communities, and will do the same on a regional basis to accommodate needs that cannot be met within individual communities.[...]

Conclusions

The concept of enabling multi-family housing of varying housing types and affordability ranges is well supported by the Comprehensive Plan. While the creation of an administrative review process isn't the production of housing, it does enable a more expedited and guaranteed review process of a needed housing type (i.e. multi-family units). As identified in the Housing Element, multi-family housing represents 30%, or 4,586 units, of the 15,050 housing units needed to accommodate growth in Medford. The aim of multi-family housing is to provide a varying range of housing types for all income levels at an affordable price range. Currently, the ability to produce housing with a quick and expedited review process is reserved for single-family and duplex dwellings, which have historically provided for a narrowly designed housing market. Removing the barrier that multi-family housing be reviewed at a public hearing creates a consistent review process with single-family housing, also another needed housing type in the City of Medford.

Additionally, removing barriers to multi-family development by creating an administrative review process for the housing type would enable goals of creating "[...]walkable, bikeable, mixed-use[...]," neighborhoods or it will "[...] facilitate development of a healthy balance of jobs and housing within each communities[...]," per the Transportation and Regional Plan Element, respectively. Not only will it enable the creation and retention of mixed-use, walkable neighborhoods but it will, "[...] assure that future urban growth in Medford occurs in a compact manner that minimizes the consumption of land[...]," per the Environmental Element. Through creating a consistent review process for all housing types sprawl can become less the focus of Medford urban-form and infill and urban development, within the center, can be reviewed nearly as quickly as a single-family home.

Lastly, as the "[...] major urban center in a large and diverse region[...], Medford has to accept certain "[...] roles and responsibilities[...], per the Population Element. Medford, unlike smaller municipalities in the Rogue Valley, has a greater utility capacity and roadway network to manage urban

growth. This means that, as the “[...] major urban center[...],” Medford must “[...] accommodate needs that cannot be met within individual communities[...],” per the Regional Plan element. Given that several other smaller, Rogue Valley municipalities have already adopted similar provisions as proposed in DCA-19-002 (see “What Do Other Cities Do?” above), staff concludes that adoption of an administrative review process for multi-family housing is directed by the Comprehensive Plan.

The criterion has been satisfied.

2) Comments from applicable referral agencies regarding applicable statutes or regulations.

Findings

Staff had taken the proposed amendment (Exhibit A) to the Land Development Committee (LD) meeting on September 4, 2019. The intent of LD meetings is to solicit comment from applicable agencies who review development in the City. Official “No Comment” memorandums were received from the following departments/agencies:

Medford Fire and Rescue – Exhibit I
Medford Water Commission – Exhibit J
Medford Public Works – Exhibit K
Medford Building Department – Exhibit L

Additional comments were received from the Department of Land Conversation and Development (DCLD), see Exhibit M. DCLD’s comments were in regard to existing municipal code language and whether or not it met the “clear and objective” standards as outlined in SB 1051.

In addition to the LD meeting, staff also presented the proposed amendment to the Housing Advisory Commission (HAC) and the Planning Commission at three separate study session settings. The direction provided at these meetings has been incorporated into the most recent proposal (Exhibit A). For further detail, see the “Study Sessions and Commission Meetings section above.”

Conclusions

A large majority of the comments received required no changes to the proposed text. Staff has incorporated the direction received at the study

sessions and Commission meetings. The decision to follow the direction of the HAC was made as they consist of members who are tasked with administering “[...]the City's affordable housing program and advise the City Council on matters related to the City's housing stock and its development,” Medford Municipal Code § 2.439(3).

This criterion is found to be satisfied.

3) Public comments.

Findings

Public comment has been received from the following agencies:

CSA Planning, LTD: via. Raul Woerner – Exhibit H

Builders Association of Southern Oregon: via. Brad Bennington – Exhibit N

Additionally, staff had solicited public comment from a group of local professionals, experts, developers, non-profit organizations and other agencies affected by changes to the Medford Land Development Code. This list is in excess of 45 individual persons. Lastly, staff post the amendment to the City website a minimum of a week prior to the public hearing.

Conclusions

CSA's comments have been addressed in email communication and have helped frame the department's determination that the criteria of what constitutes a “limited land use decision,” per ORS 197.015, is applicable. For additional detail, see “Drafting the Recommended Text” section above. Additionally, CSA's comments were either easily answered or not pertinent to the proposal (Exhibit A). Lastly, the comments received from the Builders Association of Southern Oregon were shown to be in support of the proposed text, stating “To the extent that the amendment accomplishes efficiency and better service we completely support it,” said Brad Bennington (see Exhibit N). Since the goal of removing the public hearing for the review of multi-family projects is to expedite the land use review, staff agrees with Brad Bennington in his conclusion of DCA-19-002.

This criterion is found to be satisfied.

4. Applicable governmental agreements.

Findings

In 2008, the City of Medford signed the “Participants’ Agreement” (Ordinance No. 08-235) to partake in the Greater Bear Creek Valley Regional Plan, aka. The Regional Plan. The Regional Plan is a comprehensive land-use planning effort to accommodate growth in the Rogue Valley. In 2012, after the Jackson County Board of Commissioners adopted the revised Regional Plan (Ordinance No. 2012-06), the City of Medford updated the Comprehensive Plan to reflect the new plan; Medford’s Regional Plan Element of the Comprehensive Plan was then adopted (Ordinance No. 2012-127).

One of the conditions of approval within the Regional Plan was that “Participating jurisdictions shall create regional housing strategies that strongly encourage a range of housing types throughout the region within 5 years of acknowledgement of the RPS Plan,” Regional Plan, Chapter 5. To complete this condition, the City of Medford participated in the Regional Housing Strategies planning effort conducted by ECONorthwest and DLCDC. Through this, the City Council adopted Ordinance No. 2018-15 which formed the Housing Advisory Committee to review the work of ECONorthwest. A deliverable of the Housing Advisory Committee was a list of regulatory and financial incentives that can aid in providing for all housing types, in particular affordable and market-rate housing. Since the adoption of Ordinance No. 2018-15, staff has been working to incorporate the recommendations of the then HAC into the Medford Municipal code.

Conclusions

One of the recommendations of the aforementioned HAC list, was to create residential design standards with a streamlined review process. The design standards have been adopted, DCA-19-002 is intended to create the streamlined review process. The purpose of DCA-19-002 is to support the Regional Plan, as discussed above.

This criterion is found to be satisfied.

RECOMMENDED ACTION

Based on the findings and conclusions that all of the applicable criteria are satisfied, Planning Commission forwards a favorable recommendation using “Option 1” for approval of DCA-19-002, to the City Council per the staff report dated January 2, 2020, including Exhibits A through N.

Note: In Exhibit A, staff has used “Option 1” as the criteria for when a SPAR – Type II land use process would be used; this option considers all multi-family developments as a Type II land use process unless they have a Type III or IV land use review associated with the development. If Planning Commission is seeking a different recommendation, the aforementioned options discussed the previous study sessions can be found in the “Site Plan and Architectural Review (SPAR) – Type II Land Use Review (DCA-19-002) Summarized” section. The options are:

Option 1 – All multi-family reviewed as Type II (HAC & Staff Recommended)

Option 2 – All multi-family reviewed as Type II, except when abutting SFR-00, SFR-2, SFR-4 and SFR-6 zones (Mapped in Exhibit B)

Option 3 – All multi-family housing when up to three net acres

Option 4 – Other not defined

EXHIBITS

- A Proposed amendment – DCA-19-002
- B “Option 2” Criteria Mapped
- C Housing Advisory Commission Meeting Minutes – October 9, 2019
- D Planning Commission Study Session Minutes – October 28, 2019
- E Housing Advisory Commission Meeting Minutes – November 13, 2019
- F Site Plan and Architectural Commission Meeting Minutes – June 15, 2018
- G Site Plan and Architectural Commission Meeting Minutes – November 15, 2019
- H Public Comment – CSA Planning, Ltd. via Raul Woerner
- I Medford Fire-Rescue Department Comment
- J Medford Water Commission Comment
- K Medford Public Works Department Comment
- L Medford Building Department Comment
- M Department of Land Conservation and Development (DLCD) Comment
- N Public Comment – Builders Association of Southern Oregon via Brad Bennington

PLANNING COMMISSION AGENDA:

JANUARY 9, 2020

Exhibit A

Proposed Text DCA-19-00004

~~Deleted Text~~ New Text

ARTICLE II - PROCEDURAL REQUIREMENTS

* * *

10.106 Procedural Types.

* * *

(B) Type II Administrative Procedures.

(1) Administrative decisions shall be made by applying clear, objective approval criteria and standards while using limited discretion to determine impact(s) on adjacent properties and the surrounding vicinity, public infrastructure and services, and the health, welfare, and safety of the community at-large.

(2) Decisions shall be made by the Planning Director or designee.

(3) Public notice and a public comment period are required according to Section 10.124 of this Chapter, but a public hearing shall not be required.

(4) Requested action shall be initiated by the applicant.

(5) Appeals of Site Plan and Architectural Reviews – Type II are appealed to the City Council, at a public hearing, per Section 10.140(F)(2); all other appeals of Type II decisions are heard by the Planning Commission, at a public hearing, per Section 10.140(G).

* * *

Table 10.108-1. Land Use Review Procedures				
Land Use Review Type	Procedural Type	Applicable Standards	Approving Authority	Subject to 120 Day Rule (ORS 227.178)?
*	*	*	*	*
Riparian Corridors, Reduction or Deviation	I	10.927	Planning Director	No
Sign Permit	I	10.1000 – 10.1810	Planning Director	No
<u>Site Plan and Architectural Review (SPAR) – Type II</u>	<u>II</u>	<u>10.200</u>	<u>Planning Director</u>	<u>Yes</u>
<u>Site Plan and Architectural Commission (SPAC) Review – Type III</u>	III	10.200	SPAC	Yes
Tentative Plat, Partition	II	10.170	Planning Director	Yes
*	*	*	*	*

* * *

10.110 Designation and Duties of Approving Authorities.

* * *

(H) Site Plan and Architectural Commission Authority.

The Site Plan and Architectural Commission is hereby designated as the approving authority for the following land use reviews:

Land Use Review

Exception

Major Modification of Site Plan and Architectural Commission Review Approval

Site Plan and Architectural Commission Review

* * *

(Q) Planning Director Authority. The Planning Director is hereby designated as the approving authority for Type I and II land use reviews as well as issuance of the Development Permit. This includes the following land use reviews:

Land Use Review

De Minimis Revision(s) to Approved PUD Plan

Final PUD Plan

Final Plat, Partition/Subdivision

Major Modifications to Site Plan and Architectural Review

Minor Historic Review

Minor Modification to Conditional Use Permit

Minor Modification to a Park Development Review

Minor Modification to Site Plan and Architectural Review

Nonconformities

Pre-Application

Property Line Adjustment

Riparian Corridor Reduction or Deviation

Sign Permit

Site Plan and Architectural Review

Tentative Plat, Partition

Wireless Communication Facilities in Public Right-of-Way

* * *

10.124 Due Process Element 2: Notification.

(A) Content of Public Hearing Notice/Notice of Decision. The Public Hearing/Decision notice shall:

- (1) Explain the nature of the application and the proposed use or uses which could be authorized;
- (2) List the applicable criteria from the Code and the Comprehensive Plan that apply to the application at issue;
- (3) Set forth the street address or other easily understood geographical reference to the subject property;
- (4) State the date, time and location of the hearing; or, for Type II applications, state the date the decision will be rendered;
- (5) State that failure to raise an issue in a hearing, in person or by letter, or failure to

provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal based on that issue;

(6) Include the name of a local government representative to contact and the telephone number where additional information may be obtained;

(7) State that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;

(8) State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost; or for a Type II application the staff report will be available on the day the decision is rendered; and

(9) Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings, when applicable.

(B) Public Hearing Signs. On-Site Posting. Public hearing signs shall be posted on the project site for any proposed Type III or IV (minor) land use actions according to the following:

(1) Contents of sign. Public Hearing signs shall include a description of the proposed land use action, the date of the public hearing, and the City of Medford file number for the proposed land use action.

(2) Location and number of signs. A posted notice sign must be placed on each existing street frontage of the project site. If a frontage is over 600 feet long, a notice sign is required for each 600 feet, or fraction thereof. Notice signs must be posted within 10 feet of a street lot line and must be visible to pedestrians and motorists. Notice signs may not be posted in a public right-of-way, unless the land use action specifically pertains to a public right-of-way. If posting must occur in the right-of-way, care should be taken to comply with Section 10.735, Clear View of Intersecting Streets.

(3) Sign posting schedule. The required sign(s) shall be posted as specified in Table 10.124-1. Posted signs shall be removed within 10 days following the final decision.

~~(4) Consequences of failing to post the property as required. Failure to post the signs as required by this section is a violation of the Medford Municipal Code.~~

(C) Notification, Affected Property Owners.

(1) Notice of Type II Land Use Action. In the case of Type II land use actions where there is no public hearing, notification shall be mailed to the applicant and all affected property owners within 14 calendar days of deeming an application complete pursuant to Section 10.122.

(a) Notice of Public Comment Period, Type II. The Planning Director shall provide a 14 day period for submission of written comments prior to making a decision on any application requiring a Type II land use action.

(b) Notice Area, Type II. The Planning Director shall mail notice of the public comment period to the following:

(i) —The applicant.

(ii) Property owners within ~~200~~ 300 feet of the entire contiguous site for which the application is made. This list shall be compiled from the most recent property tax assessment roll.

- (iii) Any neighborhood or community organization recognized by the City and whose boundaries include the site.
 - (iv) Public agencies which provide transportation facilities and services, such as Jackson County and the Oregon Department of Transportation (ODOT), for all partitions, which affect private access to roads.
- (c) Notice of Comment Period Content, Type II. The notice shall:
- (i) State that issues which may provide the basis for an appeal shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue.
Note: The above language is required by ORS 197.195 for Limited Land Use Decisions, even though the procedures provide for appeal of a Type II decision to the Planning Commission, or City Council for Site Plan and Architectural Review (SPAR) – Type II, through a de novo hearing, which allows new issues to be raised and allows the introduction of new evidence. The ‘notice of comment period’ and ‘notice of decision’ language below is slightly different than the statutory language to reflect the fact this code allows for local appeal.
 - (ii) List, by commonly used citation, the applicable criteria for the decision.
 - (iii) Briefly summarize the local decision making process for the decision being made.
 - (iv) Provide a project description that clearly describes the proposal and what is being requested.
 - (v) Identify the street address or other easily understandable geographical reference of the location of the site under review.
 - (vi) State the place, date and time the comments are due, and the person whom the comments should be addressed.
 - (vii) State that copies of all evidence relied upon by the applicant are available for review at no cost, and that copies can be obtained at reasonable cost from the City.
 - (viii) Include the name of the Planning Director or designee to contact and the telephone number where additional information may be obtained regarding the application.
 - (ix) State that any person who is adversely affected or aggrieved, anyone who is entitled to written notice in Subsection 10.124 (C)(1)(b) above, and anyone who provides written comments during the comment period may appeal the decision by filing an appeal in accordance with this Code within 14 days of the date the written notice of decision is mailed.
 - (x) State the decision will not become final until the period for filing a local appeal has expired.

(xi) State that a person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830.

* * *

Procedure Type	Newspaper Publication	On-Site Public Hearing Sign	Affected Property Owners Notice
Type I	None	None	None
Type II	None	None	Within 14 calendar days of deeming an application complete, notice will be sent to all property owners within 200 300 feet of the project boundaries.

* * *

10.134 Due Process Element 7: Action, Decision Time, and Notice of Decision.

(A) Action. After acceptance of an application, the approving authority shall approve, approve with conditions, or deny the request. The decision of the approving authority shall be based upon the application, the evidence and comments from referral agencies and the public, and compliance with this chapter.

(B) Decision Time. Action on all land use reviews shall be taken within the time herein prescribed.

(C) Notice of Decision, Type III/IV. The Planning Department shall, within five working days of the decision date, provide written notification of the land use decision to the applicant and all persons who testify orally or in writing on the land use review. The notice shall indicate the date that the decision will take effect, the approval's expiration date, and the final date for appeal.

(D) Notice of Decision, Type II. Within three working days of a final decision on the application, the Planning Director shall mail a copy of the decision to the applicant and any person who submits comments during the public comment period. The Planning Director shall also mail notice of the decision in writing to parties who were notified of the comment period in Section 10.124(C)(1)(b).

(1) Notice of Decision Content, Type II. The content of the notice of decision shall:

- (a) Include a description of the applicant's proposal and summary of the City's decision on the proposal.
- (b) Identify the street address or other easily understandable geographical reference of the location of the site.
- (c) Identify a statement of where the City's decision can be obtained and contact information.
- (d) Include a statement that all persons entitled to notice may appeal the decision.

(e) State that any person who is adversely affected or aggrieved, anyone who is entitled to written notice in Section 10.124(C)(1)(b), and anyone who provides written comments during the comment period may appeal the decision by filing an appeal in accordance with this Code within 14 days of the date the written notice of decision is mailed.

(f) State that copies of all evidence relied upon by the decision-maker are available for review at no cost, and that copies can be obtained at reasonable cost from the City.

(g) State the decision will not become final until the period for filing a local appeal has expired.

(h) State that a person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830.

(2) Final Decision and Effective Date, Type II. The effective date of the final decision shall be 14 calendar days following the date the notice of decision is mailed, unless appealed, in which case the decision is effective when the appeal is decided.

(3) Appeal, Type II. Type II land use decisions shall be appealed as follows:

(a) Site Plan and Architectural Review – Type II land use decisions may be appealed to the City Council as provided in Section 10.140 of this Code.

(b) All other Type II land use decisions, not identified in 10.134(D)(3)(a) above, A final decision may be appealed to the Planning Commission as provided in Section 10.140 of this Code.

* * *

10.140 Appeal of Land Use Decision.

(A) Standing for Appeal.

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

(2) A person has standing if the person:

(a) appeared in the initial proceedings orally or in writing; and

(b) was entitled to a right of notice and hearing prior to the decision to be reviewed, or is aggrieved by the decision, or has interests adversely affected by the decision.

(3) For a Type II land use decision, a person with standing is an applicant or owner of the subject property, or was entitled to written notice of the decision, or participated in the proceeding by submitting written comments.

(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 10.140(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.

(2) Upon timely receipt of the notice of appeal and filing fee, the Planning Department shall schedule the appeal for a hearing before the appropriate appeal body at the next regular hearing that falls not less than fourteen days after the date of filing. The Planning Department shall notify the appellant and other parties with standing, of the time and place of the hearing by first class mail, enclosing a copy of the notice of appeal.

(C) Appeal Procedure.

Only the appellant and other parties with standing may participate in the appeal hearing. Appellant shall make the initial presentation and shall be allowed rebuttal. Each participant in the appeal hearing shall present to the appeal body those portions of the record which the participant deems relevant to the appeal. If a party wishes the appeal body to review recorded testimony, the party shall present a written summary or transcript of such testimony to be read by the appeal body in lieu of actually listening to the recording.

For an appeal of a Type II land use decision, the appellant and other parties shall have an opportunity to present testimony, arguments, and evidence as they would have had in a hearing before the decision was issued. The presentation of testimony, arguments, and evidence shall not be limited to the issues raised in the notice of appeal.

(D) Scope of Appeal.

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

(1) De novo: Anyone may testify. Issues are not limited to those raised in the appeal. New evidence and argument may be presented. An appeal of a Type II land use decision, shall be a ‘de novo’ hearing as required by ORS 227.175 (10)(a)(D). The de novo hearing shall be the initial evidentiary hearing required under ORS 197.763 as the basis for an appeal to the Land Use Board of Appeals.

(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.

(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.

(F) Appeal of Type I Land Use Decision.

(1) With the exception of Riparian Corridor Reductions or Deviations, Final PUD Plan decisions and Minor Historic Review decisions, all other Type I land use decisions are final and not appealable under this chapter or any other provision of the Medford Municipal Code.

(2) Riparian Corridor Reduction or Deviation decisions made by the Planning Director or designee may be appealed to the City Council.

(3) Final PUD Plan decisions made by the Planning Director or designee may be appealed to the Planning Commission.

(4) Minor Historic Review decisions made by the Planning Director or designee may be appealed to the Landmarks and Historic Preservation Commission.

(G) Appeal of Type II Land Use Decisions.

Type II land use decisions may be appealed as follows:

(1) Site Plan and Architectural Review – Type II land use decisions made by the Planning Director or designee may be appealed to the City Council as a de novo hearing. The City Council decision on appeal shall be the final local decision on the matter.

(2) All other Type II land use decisions made by the Planning Director or designee, may be appealed to the Planning Commission as a de novo hearing. The Planning Commission decision on appeal shall be the final local decision on the matter.

(H) Appeal of Type III Land Use Decision.

Type III land use decisions made by the approving authority (Planning Commission, Site Plan and Architectural Commission, or Landmarks and Historic Preservation Commission) may be appealed to the City Council. The appeal shall be heard on the record.

(I) Appeal of Type IV Land Use Decision.

Type IV land use decisions made by City Council may be appealed to the Land Use Board of Appeals (LUBA) pursuant to ORS 197.830.

[Replaced Sec. 32, Ord. No. 2018-64, June 21, 2018 (effective July 23, 2018).]

10.141 Review and Appeal of Certain Affordable Housing Projects.

Notwithstanding other code provisions to the contrary, when an application involves a residential development that: (1) contains five or more residential units; (2) will sell or rent

at least 50 percent of the residential units as housing that is affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the development is built or for the state, whichever is greater; and (3) is subject to a covenant appurtenant restricting the owner and each successive owner of the development (or a residential unit of the development) from selling or renting any affordable residential unit within the development as housing that is not affordable for a period of 60 years from the date of the certificate of occupancy, the following review and appeal procedures apply. If the applicant has not requested an Exception as set forth in Section 10.717(F) or any adjustment from the Special Development Standards as set forth in Sections 10.718 – 10.719, the application shall be reviewed by the Planning Director with a substantive review consisting of the type of review described in Section 10.175200. Notification for such applications shall be the same as those for —Type II land use actions described in Section 10.124., ~~with the addition of posting an on-site notification sign that describes the application and the public comment period.~~ Any appeal from the Planning Director decisions shall be made to the City Council, and final action shall be taken within 100 days unless an applicant has made a written request to extend the 100-day period for a specified period of time, and any appeal therefrom shall be made to the Land Use Board of Appeals (LUBA).

If the applicant has requested an Exception as set forth in Section 10.717(F) or any adjustment from the Special Development Standards as set forth in Sections 10.718 – 10.719, the application shall be reviewed by the Site Plan and Architectural Commission as per Sections 10.182 and 10.200, and any appeal from the Site Plan and Architectural Commission decisions shall be made to the City Council. Final action in such instances shall be taken within 120 days unless an applicant has made a written request to extend the 120-day period for a specified period of time, and any appeal therefrom shall be made to the Land Use Board of Appeals (LUBA).

[Added Sec. 1, Ord. No. 2018-100, Sept. 6, 2018.]

* * *

10.168 Type II Land Use Actions.

(A) Type II actions comprise the following land use reviews:

Land Use Actions

Partition, Tentative Plat

Portable Storage Containers

Major Modifications to a Site Plan and Architectural Review

Site Plan and Architectural Review (SPAR)

(B) Type II Action and Decision Time.

The Planning Director shall take final action within 120 days after the application is deemed complete. An applicant may make a written request to extend the 120-day period for a specified period of time. In no case may the total extensions exceed 245 days. At the Planning Director’s discretion, an application requiring a Type II land use action may be referred directly to the Planning Commission for review through a Type III land use action, with the exception of the Site Plan and Architectural Review – Type II land use actions, which may be referred directly to the Site Plan and Architectural Review Commission as

a Type III land use action.

10.169A Major Modifications to a Site Plan and Architectural Review – Type II

See Section 10.200.

* * *

10.175A Site Plan and Architectural Review (SPAR) – Type II

(A) Purpose of Site Plan and Architectural Review – Type II.

The Site Plan and Architectural Review – Type II process is established 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. The distinction of a Type II Site Plan and Architectural Review, from a Type III, is needed to provide a more expedited land use review for certain multi-family uses in the City as identified below. The SPAR – Type II land use review considers consistency with section 10.717 of the MLDC, site planning and general placement of related facilities as identified in 10.200 and throughout the Medford Municipal Code.

(B) Site Plan and Architectural Review – Type II Required.

A SPAR – Type II shall be used when reviewing land uses proposing multi-family development, in place of the SPAC Type-III, when the following conditions apply:

(1) Is a multi-family development; and

(2) The proposed land use does not require a Type III or Type IV land use review in conjunction with the multi-family development such as, but not limited to, an Exception, Historic Review or Land Division;

(C) Site Plan and Architectural Review approval shall be required prior to the application for a building permit.

(D) Site Plan and Architectural Review Approval Criteria. See Section 10.200.

* * *

10.182 Type III Land Use Actions.

(A) Type III actions comprise the following land use reviews:

- Land Use Action
- Conditional Use Permit
- Exception
- Historic Review
- Park Development Review
- Preliminary PUD Plan
- Site Plan and Architectural Commission (SPAC) Review
- Subdivision Tentative Plat
- Zone Change

(B) Type III Action and Decision Time.

(1) The approving authority shall take final action within 120 days after the application is deemed complete.

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

(C) Resubmission of Type III Application. After 60 working days of the final determination denying a Type III action, the applicant may make appropriate alterations to a proposal and resubmit along with the payment of any additional fees as required by Section 10.070.

(D) Effective Date of a Type III Application. A Type III land use decision shall take effect on the date the final order or resolution for approval is signed.

* * *

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, Cottage Cluster, 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.

(B) Site Plan and Architectural Review Required.

~~Projects which are not exempt from Site Plan and Architectural Commission Review pursuant to Subsection (C) below, except that exterior alterations to a building or site and new construction in a Historic Overlay shall require Historic Review pursuant to Section 10.188, but shall not require Site Plan and Architectural Review. The type of Site Plan and Architectural Review required shall be determined as follows:~~

~~(1) The Site Plan and Architectural Review – Type II (SPAR – Type II) shall be used when the applicable criteria in Section 10.175A(B) is met.~~

~~(2) The Site Plan and Architectural Commission Review – Type III (SPAC – Type III) shall be used when a SPAR – Type II is not applicable.~~

~~Exterior alterations to a building or site and new construction in a Historic Overlay shall require Historic Review pursuant to Section 10.188, but shall not require Site Plan and Architectural Review.~~

(C) Exemptions from the Site Plan and Architectural ~~Commission~~ Review, SPAR - Type II & SPAC - Type III, Requirement.

(1) An exemption from Site Plan and Architectural ~~Commission (SPAC)~~ Review does not exempt the use or development from compliance with the applicable standards of this chapter, including but not limited to access, parking, riparian protection, and landscaping. Exemptions under this section do not apply to uses subject to a conditional use permit or park development review or a major modification thereof.

(2) The following uses or developments do not require Site Plan and Architectural Review~~SPAC review~~.

(a) Parking lots and parking lot additions, when not associated with building construction required to be reviewed ~~by the Site Plan and~~

~~Architectural Commission as a Type II or III Site Plan and Architectural Review~~, except any parking lot or parking lot additions located within a Historic Overlay requires Historic Review. (Effective Dec. 1, 2013.)

(b) Construction of a new building if it does not increase motor vehicle trip generation by more than 10 average daily trips, unless within a Historic Overlay, in which case, Historic Review is required for all new construction. (Effective Dec. 1, 2013.)

(c) A building addition similar to the existing building in architectural style and exterior building materials and that is no more than a 20 percent or 2,500 square-foot increase in gross floor area, whichever is less, unless within a Historic Overlay, in which case, Historic Review is required for all building additions and exterior alterations. (Effective Dec. 1, 2013.)

(d) Detached single-family residential development on a lot within a final platted land division or on an otherwise legally created lot, unless within a Cottage Cluster Development pursuant to Section 10.818A, or within a Historic Overlay, in which case, SPAC review or Historic Review, respectively, is required for all single-family residential development. (Effective Dec. 1, 2013.)

(e) Solar Photovoltaic/Solarvoltaic energy systems, as defined in ORS 757.360, except when located on historic landmarks or within historic districts, in which case the review authority shall be the Landmarks and Historic Preservation Commission.

(f) One duplex dwelling divided by a lot-line or on a single, vacant lot within a final platted land division or on an otherwise legally created lot, unless within a Historic Overlay, in which case, Historic Review is required.

(g) Airport accessory structure(s) including hangars, aircraft storage, maintenance facilities, warehouse storage, and office buildings to be located on airport property within the secured fence area (as shown on the Medford Zoning Map) not intended for public use.

(D) Site Plan and Architectural Review approval ~~and a development permit~~ shall be required prior to the application for a building permit.

(E) Site Plan and Architectural Review Approval Criteria ~~(Type II & III)~~.

(1) The Site Plan and Architectural Commission, ~~SPAC – Type III Review~~, 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.

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

of the following:

- (a) Any Exceptions, as provided for in MLDC Section 10.186, which resolve(s) any instances of non-compliance with those provisions.
- (b) Any Adjustments or Exceptions from the Special Development Standards for Multiple-Family Dwellings, as provided for in MLDC Section 10.715A through 10.717.
- (c) Any Adjustments or Exceptions from the Development Standards for a Cottage Cluster Development, as provided for in MLDC Section 10.818A.

(F) Site Plan and Architectural Review Conditions of Approval. In approving a site plan and architectural review application, the ~~Site Plan and Architectural Commission~~ approving authority 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 need
- (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) Modifying elements of Cottage Cluster Developments when the applicant has affirmatively elected to request an adjustment from the Development Standards for a Cottage Cluster Development, as provided for in MLDC Section 10.818A.
- (12) Restricting the height, directional orientation and intensity of exterior lighting.

(G) Expiration of a Site Plan and Architectural Review Approval.

- (1) Approval of a Site Plan and Architectural ~~Commission Review~~ application shall

take effect on the date the final order for approval is signed, or for SPAR – Type II Reviews when the Planning Director has signed the staff report, unless appealed and shall expire two years from the effective date. Within two years following the effective date, issuance of building permit for vertical construction must have occurred or an extension of the approval will be necessary. If a request for an extension is filed with the Planning Department within two years from approval of the final order, the ~~Site Plan and Architectural Commission~~ approving authority shall grant an extension not to exceed one additional year. Extensions shall be based on findings that the facts upon which the Site Plan and Architectural ~~Commission~~ Review application was first approved have not changed to an extent sufficient to warrant re-filing of the application.

(2) When it is the developer's intent to complete an approved project in phases, the approving authority may authorize a time schedule for the issuance of building permits for a period exceeding one year, but in no case shall the total time period for the issuance of building permits be greater than five years without having to resubmit a new application for Site Plan and Architectural ~~Commission~~ Review. Phases developed after the passage of one year from approval of the Site Plan and Architectural ~~Commission~~ Review application will be required to modify the plans as necessary to avoid conflicts with changes in the Comprehensive Plan or this chapter.

(H) Modifications of an Approved Site Plan and Architectural Review.

(1) Major Modification. Any modification that is not a minor modification is a major modification. When a modification to an approved plan is determined to be a Major Modification, the modifications to the plan shall be processed as identified below. The Planning Director may waive submittal requirements deemed unnecessary or inapplicable to the proposal.

(a) Major modifications to SPAR – Type III land use reviews shall be processed as a Type II land use review and submitted to the Planning Director, or designee, for review and decision. application for Site Plan and Architectural Review. The Planning Director may waive submittal requirements deemed unnecessary or inapplicable to the proposal.

(b) Major modifications to SPAC – Type III land use reviews shall be processed as Type III land use review and submitted to the Site Plan and Architectural Commission for review and decision.

(2) Minor Modification. A minor modification to an approved plan may be made by the Planning Director provided the Planning Director can make the determination that the modification does not constitute a major modification. A minor modification shall meet all of the following standards:

- (a) Meets the exemption standards of Subsection (C) above.
- (b) No increase in the number of dwelling units.
- (c) The amount of open space or landscaping is decreased by no more than 10% of the previously approved area, provided the resulting area does not drop below the minimum standards as required by the code.
- (d) No relocation of vehicle access points and parking areas where the change will generate an impact that would adversely affect off-site or on-site traffic circulation.

(e) No reduction or elimination of any project amenities such as recreational facilities, significant natural resources (streams, creeks, landforms), fencing and other screening material.

(f) Modifications to facilities and utilities conform to the adopted facility plans.

(g) Modifications to any other components of the plan conform to standards of the Code.

(h) No modification to any condition of approval.

(3) Modifications to an Approved SPAR – Type II. The criteria in 10.200(H)(1-2) shall be used in determining whether a modification to a SPAR – Type II is major or minor. Modifications to a SPAR – Type II approval shall be reviewed and approved by the Planning Director. At the Planning Director’s discretion, major modifications to a SPAR – Type II approval may be referred directly to the Site Plan and Architectural Commission for review as a Type III land use decision.

(I) Issuance of Building Permits, Consistent with Site Plan and Architectural Review Approval.

All applications for a building permit, wherein Site Plan and Architectural Review has been required, shall be consistent with the plans as approved and all conditions of approval imposed thereon and shall be accompanied by an accurate and correct site plan.

(1) Security for Completion of Public Improvements. If all required public improvements, as specified in the conditions of site plan and architectural review approval, have not been satisfactorily completed before issuance of a building permit, the developer shall enter into a written agreement (provided by the City) to secure full and faithful performance thereof, according to Sections 10.666 and 10.667(A) respectively.

(2) Agreement for Completion of Private Improvements (for projects with signed agreements prior to January 1, 2015). The following regulations shall apply to all Building Site Improvement Agreements (BSIA) signed prior to January 1, 2015. After said date, the provisions of Building Site Improvement Agreements (BSIA) shall no longer be used as a means to ensure the completion of private improvements. If all required private improvements, as specified in the conditions of site plan and architectural review approval, have not been satisfactorily completed before issuance of a building permit, the permit shall not be issued unless the owner and all other parties having an interest in the property enter into a written and recorded agreement, called a Building Site Improvement Agreement (BSIA), (provided by the City) with the City. The agreement shall be in a form acceptable to the City Attorney and shall specify that, within six months after signing the agreement or such longer time period as specified by the Site Plan and Architectural Commission approving authority, all improvement work shall be completed according to the approved plans. The Planning Director or other person designated by the City Manager shall sign the agreement on behalf of the City.

(a) Extension. If a request for an extension of a Building Site Improvement Agreement is filed with the Planning Department within six months after signing the agreement, the Planning Director may grant an extension not to exceed six additional months. Extensions shall be based on findings that the extension is necessary for good cause, such as:

circumstances beyond the developer's control that are causing delay in completing private improvements (i.e., ODOT work, weather-related delays, building permit delays), so long as no applicable development standards have changed.

(b) Procedure and Enforcement. The agreement shall be recorded in the Official Records of Jackson County, and once recorded the burdens of the agreement shall run with the title of the affected property. The property affected by the agreement shall be the property depicted on the approved site plan. The agreement shall provide that, if the work is not completed in accordance with its terms within the allotted time, the property may not thereafter be occupied or used until all deficiencies are corrected. The agreement shall provide for enforcement by the City through a civil suit for injunction and provide that the prevailing party shall be awarded costs and reasonable attorney's fees. When made in substantial compliance with this section, such an agreement shall be enforceable according to its terms, regardless of whether it would be enforceable as a covenant at common law.

(c) Satisfaction. Once improvements have been satisfactorily completed according to the approved plans, a Satisfaction of Building Site Improvement Agreement shall be signed by the Planning Director or other person designated by the City Manager. The agreement shall be recorded in the Official Records of Jackson County.

(J) Site Plan and Architectural Review Application Form

The application for Site Plan and Architectural Review (~~SPAR~~) shall contain the following plans, submitted in the quantity and sizes specified on the Site Plan and Architectural Review application form, including legible reduced copies of all plan documents.

- (1) Landscape Plan meeting the specifications and requirements in Section 10.780.
- (2) Building Construction Plans: A site plan and architectural plan which are clearly and legibly drawn to scale shall be provided. Building construction plans shall include north arrow, orientation of building elevations indicating full dimensions and providing the following information:

(a) Site Plan:

- (i) Lot dimensions.
- (ii) All proposed and existing buildings and structures: location, size, height, proposed use.
- (iii) Public and private yards and open space between buildings.
- (iv) Walls and fences: location, height and material.
- (v) Existing and proposed off-street parking: location, number, type and dimensions of spaces, parking area, internal circulation pattern.
- (vi) Access: pedestrian, vehicular, service, points of ingress and egress.
- (vii) Loading: location, dimension, number of spaces, type of space (A or B), internal circulation.
- (viii) Lighting: location and general nature, hooding devices.
- (ix) Street dedication and improvements.
- (x) Drainage plan.
- (xi) Location of existing public improvements including streets,

curbs, sidewalks, street trees, utility poles, light fixtures, traffic signs and signals, and such other data as may be required to permit the Site Plan and Architectural Commission to make the required findings.

(xii) Location and screening of mechanical equipment.

(xiii) Location and screening of outdoor trash bins.

(b) Architectural Plans:

(i) Roof plan.

(ii) Floor plan.

(iii) Architectural elevations.

(iv) Materials and Colors.

(c) A conceptual stormwater facility plan with associated landscape plan, if applicable, pursuant to Sections 10.486(B) or 10.729(B).

* * *

ARTICLE III - ZONING DISTRICTS

* * *

10.358 Central Business, C-B.

* * *

(2) **Residential Development Standards.** All residential development standards contained in Article III, Zoning Districts, and Article V, Site Development Standards, shall be waived in lieu of the following:

(a) Off-street parking and loading. All residential development shall be subject to the parking requirements of 10.741, Off-Street Parking and Loading Requirements, through 10.746, General Design Requirements for Parking and Sections 10.747, Bicycle Parking and Storage Regulations, General Provisions, through 10.751, Exceptions to Bicycle Parking Standards.

(b) New residential development on vacant parcels. New residential development on vacant parcels shall conform to the provisions of Article III, Section 10.306, Residential Land Use Classification, through 10.314, Residential Uses, and to the site development standards ~~for the MFR-30 zoning district contained in Article V, Section 10.713, Duplex, through 10.715, Apartment contained in Article V, Section 10.721. The multi-family development standards contained in Sections 10.715A through 10.719 shall apply for residential development within the C-B Overlay.~~

(c) Residential development which results from conversion or remodel of existing structures, or new residential construction which exceeds the residential density standard of the MFR-30 zone. ~~Such residential development shall be subject only to the off-street parking and loading requirements as provided in (a) above and shall be allowed only as a conditional use pursuant to Article II, Section 10.184.~~

(d) Lot coverage. When within the C-B Overlay, the maximum lot coverage of the underlying zoning district need not apply and may be one-hundred percent (100%).

(3) **Streetscape Standards.** All new or reconstructed streets and streetscapes within the C-B District shall be developed according to the following standards and as identified in the Street Materials Standards List.

* * *

10.714 Multiple-Family Dwellings.

The following standards apply to the development of multiple-family dwellings within the various residential districts. See Article III, Sections 10.308 through 10.312 for detailed descriptions of each residential zoning district and density factors, and Section 10.314 for conditional, special, and permitted uses.

MULTIPLE-FAMILY DWELLINGS				
Three or more attached dwelling units.				
Development Standards	SFR-10	MFR-15	MFR-20	MFR-30
Special Standards	<i>See sections 10.715A – 10.719 for Multiple-Family Dwelling Special Development Standards Multiple-family dwellings in SFR-10 are permitted ONLY if the units can be individually owned</i>			
Minimum and Maximum Density Factor Range (See 10.708)	6.0 to 10.0 dwelling units per gross acre	10.0 to 15.0 dwelling units per gross acre	15.0 to 20.0 dwelling units per gross acre	20.0 to 30.0 dwelling units per gross acre
Minimum Lot Area (Square Feet)	15,000	9,000	8,000	
Maximum Coverage Factor (See 10.707)	50%			50%
Minimum Interior Lot Width	80 feet			
Minimum Corner Lot Width	90 feet			
Minimum Lot Depth	120 feet	100 feet		
Minimum Lot Frontage	30 feet			
Minimum Front Yard Setback	20 feet EXCEPT 15 feet IF vehicular access to the garage is parallel to the street			
Minimum Street Side Yard Setback	15 feet EXCEPT 20 feet for vehicular entrances to garages or carports	10 feet EXCEPT 20 feet for vehicular entrances to garages or carports		
Minimum Side Yard Setback	10 feet	4 feet PLUS 1/2 foot for each foot in building height over 15 feet		
Minimum Rear Yard Setback	20 feet	4 feet PLUS 1/2 foot for each foot in building height over 15 feet EXCEPT 10 feet IF the rear property line abuts a collector or arterial street		

Maximum Height (See 10.705)	35 feet
Bufferyard Setback	8 feet from bufferyard to any doors on a dwelling unit
<i>The terms used herein, such as lot width, lot depth, front yard, etc., are defined in Article I, Section 10.012.</i>	

* * *

ARTICLE V - ZONING DISTRICTS

* * *

10.717 Multiple-Family Dwellings, Special Development Standards.

* * *

F. Vehicle Circulation and Parking.

(1) In order to strengthen the presence of buildings on the street, no parking spaces shall be located within any required front yard area, and no automobile circulation or parking areas shall be located between buildings and the street. Any proposed deviation from this standard shall be subject to a request for an Exception as outlined in Section 10.186, except when within the C-B Zoning Overlay. Applicants electing to deviate from this standard when within the C-B Zoning Overlay shall be subject to Section 10.719, Optional Adjustments of Special Development Standards, Review Criteria.

* * *

10.719 Optional Adjustment of Special Development Standards, Review Criteria.

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

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

(b) The requested adjustment will allow the project to achieve an equivalent or higher quality design than would otherwise result through strict adherence to the standards through an overall site design that promotes safety, security, and privacy, and reduces visual, noise, and lighting impacts of the development on adjacent properties.

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

10.715A through 10.717 either, the ~~Site Plan and Architectural Commission~~ approving authority shall make such findings on the record.

* * *

10.790 Bufferyards.

* * *

E. Bufferyard Standards.

(1) This Subsection provides the width of the bufferyard, type of wall required, and the required planting scheme to provide effective screening between adjacent properties having dissimilar land use. For an administratively approved bufferyard, the Standard Planting Scheme as required by 10.790 (E)(1)(a) shall be used unless the applicant wishes to submit a Site Plan and Architectural Review application to have the ~~Commission~~ approving authority consider modifying the requirement.

(a) Planting Scheme: In addition to compliance with other landscaping provisions in this chapter, bufferyards shall include a variety of plant sizes and shapes and provide effective visual screening between the adjacent properties having dissimilar land uses. The bufferyard shall be planted with trees and shrubs of the appropriate size, shape and spacing to provide a continuous canopy between the top of the wall and a height of 20 feet within ten (10) years. A minimum of 60 percent of the trees used to provide visual screening shall be non-deciduous species. The planting plan shall take into account the nature of the impacts specific to the two sites, particularly building height and locations of windows and lighting.

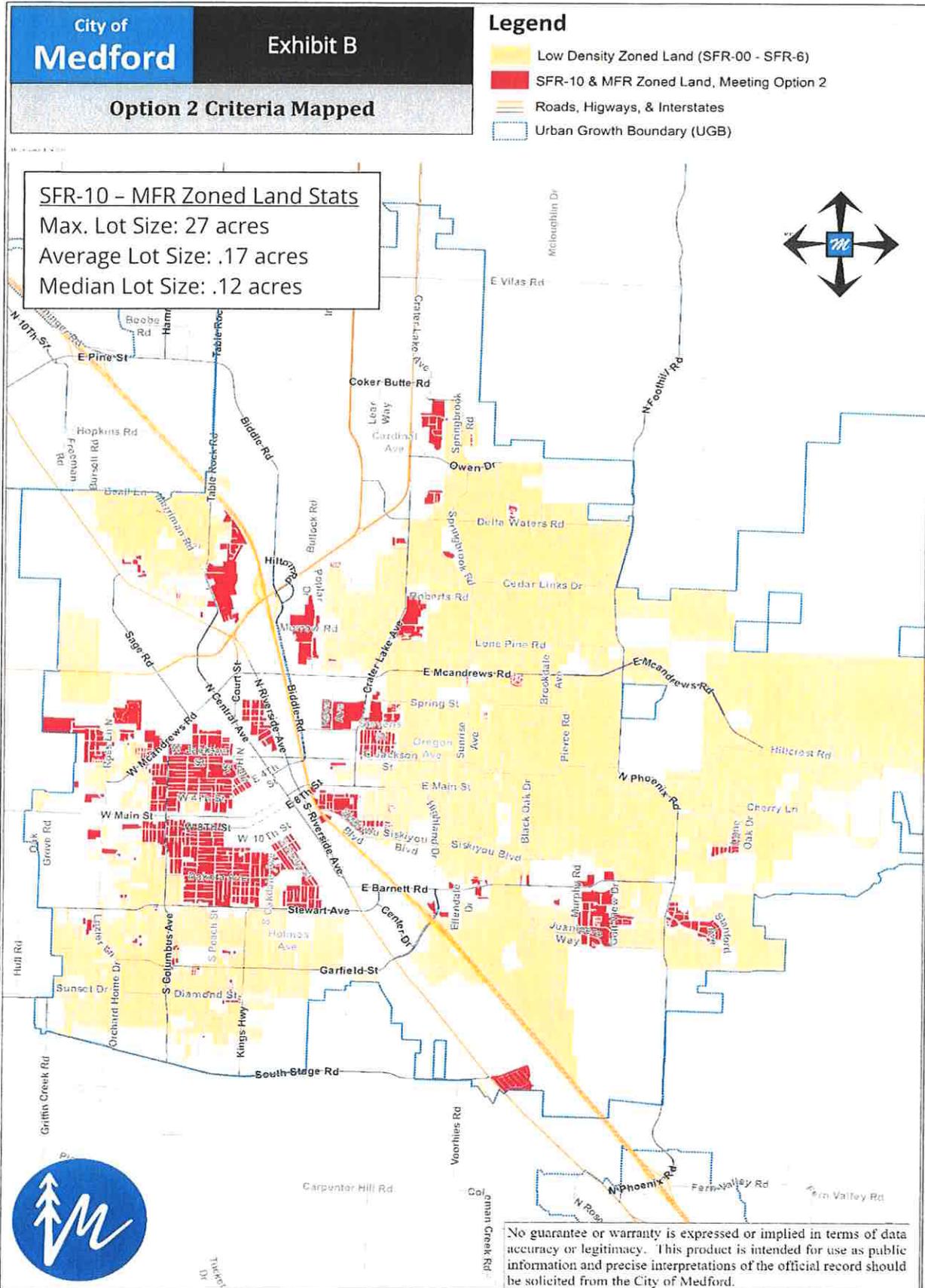


Exhibit C

Housing Advisory Commission Meeting Minutes – October 9, 2019

DRAFT - EXCERPT

October 9, 2019

12:00 P.M. – 1:30 P.M.

Lausmann Annex, Room 151

200 S. Ivy Street, Medford, Oregon

10. Roll Call

The meeting of the Housing Advisory Commission (HAC) was called to order at 12:02 P.M. in Room 151, Lausmann Annex, Medford on the above date with the following members and staff in attendance:

Commissioners Present

Jason Elzy, Vice Chair
Randell Embertson
Steven Erb
Randy Jones
Debra Lee

Staff Present

Clay Bearson, City Council Liaison
Matt Brinkley, Staff Liaison- arrived at 12:05 PM
Angela Durant, Staff Liaison
Aleia Fletcher, Staff Liaison
Kyle Kearns, Staff Liaison
Carla Paladino, Staff Liaison
Madison Simmons, Legal Staff Liaison
Harry Weiss, Staff Liaison

Commissioners Absent

Jeffrey Bender, Chair
Paul Tanner
Matt Stranahan

Guests Present

Cindy Dyer, Housing Director for Columbia Care
Eddie Wallace, Communications Director for OnTrack

20. Public Comments

Commissioners welcomed guests, Cindy Dyer, Housing Director from ColumbiaCare and Eddie Wallace, Communications Director from OnTrack.

30. Approval of Minutes (R) – 3/13/2019, 7/17/2019, 8/14/2019, 9/11/2019

Minutes approved as submitted.

40. Code Amendments – Multi-Family Residential (MFR) Housing Review

Staff liaison Kyle Kearns requested guidance and feedback regarding the creation of a new land use review process for multi-family housing in the City. In 2017, The Housing Advisory Committee developed recommendations for regulatory changes and economic incentive strategies, which City Council then adopted as an ordinance,

to help improve market-rate and affordable housing throughout Medford. Kyle reviewed regulatory changes that have already occurred including: the creation of a new type of housing called cottage housing, allowance of duplexes in low-density zones (previously not allowed), creation of the Construction Excise Tax (CET), and creation of the System Development Charges (SDC) deferral program.

The 2017 recommendation from the Housing Advisory Committee discussed administrative and procedural reforms, including streamlining the review process of local development ordinances. Mr. Kearns discussed a proposed shift in the review of multi-family housing to be reviewed administratively versus going to public hearing (which adds time to the development process) due to clear and prescriptive multi-family housing design standards for development in terms of 3 or more attached units, special use regulations for various forms of development, and zoning overlays.

Mr. Kearns reviewed Medford's multi-family housing review process in comparison to other cities. Staff is proposing to create a new Type II land use review, which would continue to provide notice to the public, notice to surrounding property owners, but would be considered a Site Plan and Architectural Review that would not require going to a commission. This would allow for any multi-family unit with 30 units or less on one acre or less to be reviewed administratively with the Planning Director as the decision maker. Affordable housing developments at 60% Area Median Income (AMI) or below must also be reviewed administratively, per state law. Townhouses, four-plexes, cottage housing, and affordable housing would be included in this proposal. Housing not included would be: any housing over 30 units and/or over one acre, multi-family housing in the historic overlay, and properties over one acre.

Other changes include: updating standards used for downtown development, removing the conditional use permit for downtown apartments, and the removal of SFR-10 apartment ownership requirement.

Staff sought direction on the maximum units and acreage for a multi-family administrative review, along with whether adjacent zoning should be factored into the review process for multi-family housing development. Staff clarified that, if there were any exceptions or variances, the review would go to public hearing, along with any proposals the Planning Director sees fit, or if appealed. Commission provided general direction to include multi-family housing options in administrative review process and incorporate flexible development standards, in order to avoid Type III exception for minor deviations, to encourage multi-family and affordable housing development within the community.

Exhibit D

Planning Commission Study Session Minutes – October 28, 2019

The regular meeting of the Planning Commission was called to order at 12:00 noon in the Medford Lausmann Annex, Room 151, 200 S. Ivy Street, Medford, Oregon on the above date with the following members and staff in attendance:

Commissioners Present

Mark McKechnie, Chair
Joe Foley, Vice Chair
David Culbertson
Bill Mansfield
David McFadden
E.J. McManus
Jared Pulver
Jeff Thomas

Staff Present

Kelly Evans, Assistant Planning Director
Eric Mitton, Deputy City Attorney
Kyle Kearns, Planner II

20. Subject

20.1 DCA-19-002 Residential Administrative Review

Kelly Evans, Assistant Planning Director reported that Carla Paladino, Principal Planner was out today so they would discuss the Liberty Park Plan at their next study session.

Kyle Kearns, Planner II reported that this amendment is creating a residential review process as an administrative review as opposed to a Site Plan and Architectural Commission review. City Council adopted regulatory strategies which were recommended by the Housing Advisory Commission that included both economic incentive and regulatory strategies such as: 1) Cottage Housing; 2) Allow duplex in low-density zones; 3) Construction Excise Tax; and 4) SDC Deferral Program.

A suggested regulatory reform is to "...streamline the review process and still achieve the intended objectives of local development ordinances." Local ordinances include: 1) Special Use Regulations; 2) Multi-Family Design Standards; and 3) Zoning Overlay.

The Housing Advisory Commission met on October 9, 2019 and direction provided:

- Increase multi-family types reviewed administratively – Provide options for consideration
- Incorporate “flexible” development standards – Avoid Type III exception for minor deviations
- Staff to go back to the Housing Advisory Commission on November 13, 2019 for recommendation.

Commissioner Pulver asked, what is an example of a special use regulation? Mr. Kearns responded temporary shelters and food trucks.

Commissioner Pulver asked, is Type I administrative review with no noticing requirements and Type II administrative review is with noticing requirements? Mr. Kearns responded that is correct and is similar to Type III review. Ms. Evans reported that Type II is property owner noticing but no sign posted. Type III is noticing, signs posted and a public hearing. Mr. Kearns stated staff is proposing for the administrative Type II review for multi-family housing signs be posted.

Staff is proposing a new Type II land use review for Site Plan and Architectural Review now called (SPAR). Currently, all multi-family development must go to a public hearing before seeking building permits. Only housing reviewed administratively, currently, is affordable housing at 60% area median income. Housing included in the proposal is townhouses, 4-plex, affordable housing, cottage housing and 3-plex. 30+ units over one acre. Housing in the Historic overlay, PUD, subdivisions would require a Type III review.

Option criteria for administrative review:

Option 1 – All multi-family / cottage cluster development

Options 2 and 3 – When surrounded by and adjacent / abutting SFR-6 – MFR-30 and Commercial / Industrial zones.

Option 2 – Multi-family / cottage cluster 3 net acres or less

Option 3 – Multi-family / cottage cluster 5 net acres or less

Commissioner McFadden asked, is the acreage number arbitrary? Mr. Kearns replied yes.

Commissioner Mansfield favors reducing the number of public hearings because it costs the public money. On the other hand he noticed a lot of language in the materials about flexible that is the opposite from the concept of rule of law. He thought when he was City Attorney for Medford they had to do some redoing of some ordinances because there were not sufficient standards established for administrative determinations. He favors Option 1. He is concerned about flexible standards on design. Does that mean staff can allow any design they want? Eric Mitton, City Attorney pointed out that the term flexible appears in titles and purpose statements. It is never the operative standard that staff would apply through these code provisions.

Mr. Kearns stated that flexible development standards are intended to provide a deviation from development standards without a Type III Exception that includes: Setbacks, lot dimension and area, lot coverage, off-street parking and building height. The permitted deviations under established criteria only includes: Environmental constraints, historic character (e.g. "old-Medford" setbacks), housing development and proximity to transit, bicycle facilities. Ability to require an exception is at the discretion of the Director.

Additional changes in the code include:

- Updating standards used for downtown development
- Removing conditional use permit for downtown apartments
- Removal of SFR-10 apartment ownership requirement

Which of the "Options" is the Planning Commission supportive of? Language clarity is found on page 18 of the agenda packet.

Commissioner McFadden asked, are these options when administrative review and approval kicks in? Mr. Kearns responded that is correct. Type III review would not be considered. The normal avenues would be used.

Chair McKechnie asked, is SPAR a new review commission that staff is proposing to review housing only? Mr. Mitton stated that SPAR is a different Type II review. It is a substantive type of review. Certain types of housing would go to the Planning Director for administrative review. It is not a new commission.

Chair McKechnie stated that he does not know that the current system inhibits development and it is not all that different from any of the other cities that staff has demonstrated. If staff wants to encourage better design, get rid of the exception process and make it free instead of the outrageous fee. To him that would encourage enough development. Mr. Kearns does not follow

Chair McKechnie's point. Chair McKechnie stated that for anything more than a duplex an applicant has to submit for Site Plan and Architectural review that carries a fee. If they need to vary from the standards there is a fee for the exception. That is an expensive fee especially doing three units. He thinks if the applicant has a better idea, submit it with the logic and let the Site Plan and Architectural Commission make a decision but do not change the applicant.

Mr. Kearns reported that the flexible design standards and this are two separate things. The flexible design standards applies to all land development in Article V. This is a new Type II land use review. Does the Planning Commission support the addition of the flexible development standards in DCA-19-002 or should they be separated into their own project?

That makes sense to Chair McKechnie but he is still confused by "separated into their own project." Ms. Evans reported it would be a separate text amendment process.

Commissioner Pulver is in support of them being separate projects.

The question Commissioner Pulver has on the flexible design standards is that it is like a PUD in the idea that an applicant asks for an exception or flexible design standards not meeting the code standard. Mr. Mitton reported that is exactly what was intended when worked on previously. Senate Bill 1051 requires objective standards. Staff built in a provision if deviating the overall effect would be equal or greater to the objective standards. It is subjective. Commissioner Pulver asked, if the Planning Director is uncomfortable making that decision it goes to the Site Plan and Architectural Commission, is that correct? Mr. Kearns stated it would be a Type III exception.

Commissioner McFadden visions this more the flexibility design because it is supposed to be the fast track downgraded from the State requirement.

Vice Chair Foley echoes Chair McKechnie and Commissioner Pulver's comments of keeping the exceptions a separate project. Two separate projects make sense to him.

That direction is clear to Mr. Kearns to separate them and come back to the Planning Commission.

Chair McKechnie responded that the issues holding back housing is not the administrative reviews. The bulk of the housing is single family or duplex. The part that kills it is basically the cost. No matter what the question is it is always money. Permit fees in Medford are high.

Commissioner Pulver thinks the cost of construction is hindering a lot of development. He feels the Housing Advisory Commission is pushing an agenda on the basis of affordable housing. New construction is not going to be affordable unless it is subsidized. As far as the options he is comfortable with surrounded by like development. It is hard to swallow a letter from a citizen pleading his case reviewed by one person versus a body.

Vice Chair Foley agrees with several items Commissioner Pulver stated. He wants to make sure the ones that are controversial does not eliminate the ability for the public to show up and talk. It is a very important function. He is nervous about cottages because they are relatively new. SFR-6 is too small especially when trying to get the overall thing at six. Pretty soon that will be everything with zero restriction. Maybe SFR-10 is okay but definitely 15 and above for sure. He does not have a good concept on the acreage size.

Mr. Kearns reported that staff is not proposing, at the moment, but things will change when staff implements it with House Bill 2001 and over the next few years staff will be coming back with similar projects. It may be worth being proactive. This will not change the way zoning code works. It still does not allow multi-family in SFR-6. It is changing how they are reviewed.

Vice Chair Foley asked, why is SFR-6 in this? Mr. Kearns responded that the idea is that if a subject property is multi-family zoning surrounded by SFR-0, SFR-4 and SFR-6 it can still be reviewed at a public hearing.

Commissioner Culbertson thinks the MFR-15, MFR-20 and MFR-30 are the ones that cause the most headache that the public wants to weigh in on. SFR-6 on a three acre parcel is less headache for the neighbors. It should be an administrative review.

Mr. Kearns reported this is a proactive attempt to become more in line with the rest of the State. Phoenix, Ashland and Central Point do administrative review for more housing types than Medford. They have seen more development for multi-family housing over the past twenty years.

Vice Chair Foley asked Commissioner Culbertson where he would see the limit for administrative review based on what he sees at the Site Plan and

Architectural Commission. Commissioner Culbertson responded that he is with Chair McKechnie that likes the way it sits now. He appreciates administrative review but it may be opening up for scrutiny, At the Housing Advisory Commission he objected to the Opticos Plan. The Plan had the term “missing middle housing” that he looked up. The Chairman and CEO of Opticos coined the term “missing middle housing” who is in Berkeley, California. The term would imply there is missing housing opportunities within our code. He does not think there is. Medford is unique and needs to maintain some sort of sense that there is a difference. Mr. Kearns responded that “missing middle housing” has been around for over a hundred years. Daniel Perolek is promoting infill housing strategies for cities to use. Commissioner Culbertson asked, why not use the term “infill housing”? Mr. Kearns stated that staff has not used the term “missing middle housing” until Commissioner Culbertson brought it up. Commissioner Culbertson commented that Sarah Sousa had it all through her report. Mr. Kearns replied fair enough. Staff will find a more appropriate way to get that message across. Commissioner Culbertson responded that infill housing is a terminology that more people can readily understand.

Mr. Kearns summarized what he has heard today was flexible design standards is its own project. He does not have a clear direction on the options.

Commissioner Pulver would not be opposed to nothing but he came to this meeting thinking one acre perimeter is hard to do something huge. There is a lot of pressure coming from all points of the State to allow for various types of housing regardless of the zoning. He could tolerate one acre. Chair McKechnie paraphrased that Commissioner Pulver’s option would be Option 2 with one net acre or less. Commissioner Pulver replied yes.

Commissioner McFadden is fine with three acres.

Chair McKechnie thinks the point Commissioner Pulver is trying to get at is multi-family with less number of units. Commissioner McFadden asked, does the definition need to be changed to units instead of acreage? Mr. Kearns responded that originally proposed was unit limitation. A multi-family thirty units per acre on an acre of land is permitted.

Commissioner McKechnie thinks the reason things are supposed to go to the Site Plan and Architectural Commission is to fare out eye sores and not degrade the rest of the neighborhood. Thirty units is a big enough project that should have a secondary look at it.

Commissioner Mansfield commented that they are sitting around talking about design and questions whether it is even a function of the City to determine good design. He thinks they are talking about more than design. The resistance he sees from people is that they do not want more people living near them. He thinks they are talking about density. He sees a constant resistance to density. He does not believe the American public understands that we cannot afford non-density anymore.

Commissioner McManus asked, with Option 2 & 3 would the Commission entertain having two different versions for discussion at the next meeting? One version is by unit limit and the other version by acreage and how it plans out what an application would have to go through. How does that get impacted by both versions? Ms. Evans responded that the code does not change. It is all about the process. It is a question of do they have a hearing or not. The code standards are the same, still send out property owner notices and for SPAC post the signs. The question is at what point should there be a public hearing.

Commissioner McFadden agrees with Chair McKechnie's comment that somewhere in all this is the thought of reducing the cost of housing so people can afford it better. He does not see it happening.

Mr. Kearns reported that with the removal of the public hearing, it shaves two weeks off the timeline. A public hearing could stretch out for months. The possibility is there for time and cost savings.

Commissioner Pulver responded that people that are directly impacted by projects, whether their voice matters or not, they are the ones most impacted by these projects. They know them better than the Planning Director. They can raise issues that they are concerned about and then the body can evaluate. There is a reason these bodies exist. If they want streamline the whole thing then get rid of all of them. What is the point? Mr. Kearns directed the Commission to page 17 of the agenda packet reading: "*Site Plan and Architectural Review – Type II land use actions may be referred to the Site Plan and Architectural Review Commission for review through a Type III land use action.*" That discretion remains.

Commissioner Mansfield agrees with Commissioner Pulver's comment that a public hearing is necessary as irrational as some of the objections are.

Vice Chair Foley commented that draws the issue of where to set the limit. Where does the Planning Commission feel comfortable on a day-in / day-out basis requiring a public hearing versus not? He echoes Commissioner Pulver and Commissioner Mansfield the public hearing piece is very important because people get to say something as opposed to it just happening and they knew nothing about it. He does not know where to draw the line. He says no to Option 1.

Chair McKechnie thinks it would be helpful to take the last year and how many projects of three to five were submitted, how many were five to ten, how many ten to twenty and how many were more than twenty. Mr. Kearns reported staff did that for the past three years and multi-family projects were low. That is not going to give the information Chair McKechnie is requesting. Chair McKechnie thinks it is worthwhile knowing how many projects were three to five or three to ten in the last three years. He imagines the ones over twenty units could be counted on one hand. Ms. Evans commented probably and the same with the others.

Commissioner Thomas asked, how many acres was the project on Cedar Links for the 120 units? Mr. Kearns replied that would not meet this criteria because it was a PUD. Ms. Evans replied she thinks it is about seven acres.

Mr. Kearns stated that if someone builds 60% area medium income or lower and dedicate those units to that income it has to be reviewed as an administrative review. If they are going to use that same criteria for what is perceived to be the worst possible multi-family project from the neighborhood why not apply this to all housing types? Why treat affordable housing different than treating the market rate? Commissioner Pulver does not think they chose to do that they are required to do that. He thinks a lot of this is getting shoved down their throats.

Mr. Kearns is hearing SFR-10 for sure on Options 2 & 3. The Housing Advisory Commission also wanted options. Maybe they should proceed forward with options and dealing with it in a hearing and making seven different amendments since there is not a clear consensus.

Commissioner Thomas thinks it comes down to whether they value public input regardless of whether or not that input can change and the trust the public should have with the community and the City or whether they don't. That is the biggest issue talking about a three acre parcel and what is going to be developed there that it is important the public can come speak about it. Mr. Kearns replied that there still is a window for public comment.

Commissioner Thomas thinks it helps relationships between the developer, neighbors and the City. When they lose that they do not trust their city or people. It is irrational but important.

Vice Chair Foley reported that the Planning Commission has seen cases where public input has had an impact on the developer.

Commissioner McFadden suggested neighborhood meetings.

Commissioner Culbertson thinks the public hearings are important because applicants have requested a continuance in the middle of the hearing citing they need to work things out and coming back with a community oriented plan that solved whatever the concerns were. Table reviews do not get that.

Commissioner McFadden commented that if a neighborhood meeting could be held prior to an administrative review may help a lot.

Chair McKechnie stated that a public hearing is helpful opposed to a neighborhood meeting. It provides valuable feedback. He does not think there is a need to streamline the process.

Mr. Kearns commented that it sounds like the Planning Commission prefers another study session on this.

Commissioner Pulver is not hearing that SPAC has applications they prefer to have reviewed as an administrative review. Mr. Kearns responded that SPAC is supportive of this.

Commissioner McFadden would be interested to know before the Planning Commission meeting on December 12, 2019 what the Housing Advisory Commission on November 13, 2019 thinks about the comments from this study. Their recommendation was to bring them options and to remove any unit number limitations. Some of them supported all multi-family housing reviewed administratively.

100. Adjournment

101. The meeting was adjourned at approximately 1:09 p.m.

Submitted by:



Terri L. Richards

Recording Secretary

Exhibit E

Housing Advisory Commission Meeting Minutes – November 13, 2019

DRAFT - EXCERPT

November 13, 2019

12:00 P.M. – 1:30 P.M.

Lausmann Annex, Room 151

200 S. Ivy Street, Medford, Oregon

10. Roll Call

The regular meeting of the Housing Advisory Commission (HAC) was called to order at 12:09 PM in the Lausmann Annex Room 151. 200 S. Ivy Street, Medford, Oregon on the above date with the following members and staff in attendance:

Commissioners Present

Jason Elzy, Vice Chair

Randell Embertson

Debra Lee

Matthew Stranahan

Paul Tanner

Commissioners Absent

Steven Erb

Randy Jones

Staff Present

Clay Bearnson, City Council Liaison

Matt Brinkley, Staff Liaison

Angela Durant, Staff Liaison

Aleia Fletcher, Staff Liaison

Kyle Kearns, Staff Liaison

Carla Paladino, Staff Liaison

Madison Simmons, Legal Staff Liaison

Harry Weiss, Staff Liaison

50. Code Amendments – Multi-Family Residential (MFR) Housing Review

Planner II Kyle Kearns presented, seeking a formal recommendation from the HAC regarding proposed code amendments for a Multi-Family Residential (MFR) housing administrative review process. The proposed changes are planned to be presented to the Planning Commission for public hearing on December 12, 2019. Mr. Kearns provided an overview of what was previously discussed in the HAC meeting held on October 9, 2019; prior HAC direction provided included increasing administrative review to include multi-family housing options and incorporating flexible development standards in order to avoid Type III exception for minor deviations. Mr. Kearns provided HAC's feedback to the Planning Commission on October 28, 2019 through a study session, at which time Planning Commission directed limiting the multi-family housing types reviewed administratively. Planning Commission recommendation included the removal of the allowance for cottage housing (as it is

a new development type), reviewing flexible development standards as its own project, and favoring limits such as 3 net acres or 3-5 units for administrative review.

Based on this, staff's proposal included creating a new Type II land use review process. Currently all multi-family development must go to a public hearing through the Site Plan Architectural Commission (SPAC) before seeking building permits.

The following options for criteria for an administrative review presented were (with examples discussed):

- **Option 1** – All multi-family reviewed as Type II
- **Option 2** - All multi-family reviewed as Type II, except when abutting SFR-00, SFR-2, SFR-4 and SFR-6 zones
- **Option 3** – All multi-family housing when up to three net acres

Planning Director Matt Brinkley clarified that, if any of the above options are implemented, if a multi-family housing project needs to be reviewed by SPAC, he is able to recommend this to SPAC for review.

Other proposed changes included clarifying standards used for Central Business (CB) Overlay for housing, removing conditional use permit for downtown apartments, and removal of the SFR-10 apartment ownership requirement.

Commission sought staff recommendation; staff recommended option 3 with 3 net acres (or more) due to clear, prescriptive standards for design of multi-family housing and in order to be more aligned/competitive with other cities, as discussed.

Commissioners discussed options presented, and in effort to attain more flexibility and to assist with the removal of barriers to multi-family development, commissioners moved on Option 1 below.

Motion: I would like to move with Option 1: All multi-family reviewed as Type II.

Moved by: Debra Lee

Seconded by: Randell Embertson

Voice Vote: Motion passed 5-0

Exhibit F

Site Plan and Architectural Commission Study Session Minutes – June 15, 2018

From Study Session on June 15, 2018

The study session of the Site Plan and Architectural Commission was called to order at approximately 1:30 p.m. in City Hall Medford Room 330 on the above date with the following members and staff in attendance:

Commissioners Present

Bill Chmelir, Vice Chair
Jeff Bender
Jim Catt
Bob Neathamer
Marcy Pierce
Rick Whitlock
Dick Gordon, City Council Liaison

Staff Present

Kelly Akin, Assistant Planning Director
Katie Zerkel, Senior Assistant City Attorney
Carla Paladino, Principal Planner
Seth Adams, Planner III

Commissioners Absent

Jim Quinn, Chair, excused absence
Dave Culbertson, excused absence

Subjects:

1. Senate Bill 1051 – Housing Design Standards

Seth Adams, Planner III, gave a PowerPoint presentation of the Memorandum, dated June 6, 2018, Interim Multi-Family Residential Design Standards. Staff is asking this Commission for direction in identifying any necessary changes to the proposed interim design standards.

Commissioner Pierce asked if these rules would apply to multi-family dwellings that are in a commercial setting or would they be more geared toward growth that's happening within the downtown core. Mr. Adams answered these rules are applicable city-wide.

Commissioner Pierce wanted to know if the goal was to have design standards for everything that's being built in the city and if there are current design standards for commercial. Mr. Adams responded that the City does not have commercial design standards currently. Commissioner Pierce commented that a lot of them seem to come from a commercial background.

Commissioner Bender said he agreed that they come from that angle and the Commission had discussed, in the past, the need for the City to have even more clear and objective commercial design criteria city-wide. He said the only criteria that applies right now is the compatibility issue, which is so vague as to be unmanageable.

It was pointed out that there are commercial design standards for Big Box but not general commercial.

Mr. Adams stated that the City had received a grant to hire a consultant to help formulate more extensive residential design guidelines but City Council felt it would take time so they wanted some interim design standards.

Commissioner Bender commented he was generally in favor of standards of this type.

Commissioner Whitlock asked if there would be a special exception process for these interim design standards or would the current exception standards be used? Mr. Adams explained staff doesn't have an exception process yet. He said the Planning Commission felt there should be some kind of exception route available if the interim standards were adopted but staff would need to look at the format it would take and whether it would be part of this code or whether it could fit under the existing exceptions process. Realistically the only potential route would be that if someone wanted to deviate from the standards they would have to go through SPAC and get each one approved. It then becomes very subjective.

Commissioner Whitlock asked about the SPAC criteria for multi-family residential projects and what that would look like. Typically staff makes the initial determination of whether they comply with the objective standards. With the interim standards would this Commission still be seeing those or would they be considered staff approvals that would be appealed to SPAC if someone disagreed with staff's determination or interpretation of it, and how it should be applied?

Ms. Akin replied staff hadn't talked about that but suggested maybe there could be a special provision for downtown.

Commissioner Whitlock wanted to know what the criteria would look like going forward and would there be different criteria for different applications? Mr. Adams replied that one of the challenges of trying to get these standards done in a short amount of time is that staff would need to create some specific multi-family criteria because the two that currently exist don't really apply. Commissioner Whitlock suggested that maybe SPAC just doesn't see them anymore except in the event of an appeal.

Mr. Adams stated one alternative he heard from the Commission was that if the applicant meets these standards, unless they are requesting an exception, they would be approved by staff and heard only by SPAC if the project was denied by staff as not meeting the criteria; and that staff needs to develop some criteria that would then be applied by SPAC. Commissioner Whitlock said that was what he was feeling at this point; that exceptions or appeals would be the only things this Commission would handle in multi-family

residential projects. Staff would have primary responsibility for determining whether this list of clear and objective standards is met or not.

Commissioner Bender stated he wasn't that particular but felt the projects didn't need to go before SPAC unless it was for an exception or appeal. He said he doesn't know if he's necessarily there in terms of seeing that happen but he couldn't deny the sort of logic in the construction of it.

Commissioner Whitlock mentioned there would be a public participation component that would be missing if the projects did not come before SPAC.

Commissioner Catt agreed in that the process would be simplified if SPAC only heard the exceptions or appeals.

Commissioner Bender noted that if SPAC only heard the exceptions and appeals, it would streamline the process.

Commissioner Pierce also agreed that it made sense to have SPAC hear only exceptions and appeals to resolve issues.

Regarding the building mass and façade on buildings three stories or greater, Commissioner Bender stated he thought it would be helpful if the language articulated what was said earlier that sometimes when it's a three story building the base could either be one or two stories, then there's a top portion and there may, or may not, be a middle because a literal interpretation of this kind of means that you end up with tiers and what tends to happen it doesn't really read all that well from an architectural standpoint.

Commissioner Whitlock clarified that the language already does articulate that as it talks about the base, or top, being one or two floors.

Mr. Adams asked if the Commission thought the "three" stories part should be another number. Commissioner Bender said he thought it should be greater than three stories and gave his reasons. He said he favors language that is a little looser that allows for expression that sometimes isn't necessarily and easily delineated into three parts.

Commissioner Whitlock stated he was comfortable with the language of three stories or greater. He said one of the fears he has is massive siding and odd paint colors and prefers articulation on three stories or greater so anything above two stories.

There was discussion on the base of the building to be "anchored" to the ground through use of plinth treatment between 1-3 feet in height.

Commissioner Bender felt that when a standard of this type is used it's almost always in relation to breaking up ground floor, pedestrian-type storefronts and further division at the street level. He said he wasn't sure this standard would do much for most buildings. He added it's an element that could get thrown in that doesn't read through very well.

Commissioner Whitlock commented he doesn't see the value one way or the other. He said it doesn't seem like it would be used on every type of structure for multi-family housing.

Commissioner Pierce said it made more sense on a commercial downtown setting. Commissioner Bender concurred.

Mr. Adams suggested that maybe the language needs to say that it only applies to the downtown core area.

Commissioner Whitlock noted that with sidewalk type development the use of plinth treatment might make some sense but if there's any landscaping between the sidewalk and the building, he didn't feel it would add anything.

With respect to the base, middle, and top horizontally articulated with a "cap" treatment proposal, Commissioner Bender said he found that sometimes this is misused more often than not. He noted that in general he would agree that if there is some horizontal articulation that's happening over the course of the building vertically, some delineation of that change is good. How that happens and what does that bears some thought.

On the street-facing facades requirement of windows covering a minimum of 25% on each floor level, Commissioner Bender commented that there's also a code maximum for glazing and openings in a façade given prescriptive path for energy code. He said there's a great amount of emphasis to reduce glazing from an energy and cost standpoint. That 25% number is probably a little high. Commissioner Bender added that the buildings he designs are usually around 30-40% glazing. He noted that in a more conventional design that 25% might be bumping up against a couple of other things and said he would be in favor but be aware that there's competing interests.

Commissioner Whitlock stated he wasn't opposed to the 25% window covering and it seemed to be a very pleasing look yet it struck him that it may not have enough glass in it to comply with the 25% requirement. He wondered if 25% was the right number or not.

Commissioner Bender thought the 25% probably does have enough glazing.

There was some discussion about changing the language to clarify that the required 25% glazing counts towards the overall mixed material requirement.

The Commission discussed building articulation regarding horizontal and vertical surfaces. They talked about cap treatment and Commissioner Bender suggested that there be a discernible break between two materials.

Commissioner Pierce thought maybe the language "repeated at intervals" could be deleted from the horizontal and vertical surfaces or just say "to be repeated at intervals" but not specify a length.

Commissioner Bender felt that maybe there's a way to state the language so that it meets both.

Mr. Adams commented he wouldn't want a design to have to go through an extra hurdle if they're clearly meeting the intent, but because they're not hitting that number they would then have to go through SPAC for an exception.

There was some discussion regarding the difference between an exception and something discretionary. Ms. Akin stated there would be some purpose, intent or other language in there where the special criteria would come in regarding housing. That would be one approach.

Commissioner Bender strongly suggested that there be no material changes on outside corners. Mr. Adams agreed and said it hadn't gotten into the agenda packet.

Regarding building materials, Mr. Adams cited that SPAC had suggested adding transparent glass (including the 25% minimum on street-facing facades) to the list.

Mr. Adams said staff proposed the language "vertical changes in wall cladding materials shall take place on inside corners. Horizontal changes in wall cladding materials shall take place at cornices, belt courses, and other such horizontal elements."

Commissioner Bender commented he thought there was a definite difference between corrugated metal panels and metal composite panels. He felt flat metal composite panels should be on the primary list of accepted materials.

It was suggested that the building material "sheet pressboard" is not necessary and could be removed from the 35% list.

On the prohibited fencing materials list, Commission Catt noted that some of the high-quality vinyl fencing is better than wood fencing. Mr. Adams suggested that maybe this could go through SPAC, taking the exception route.

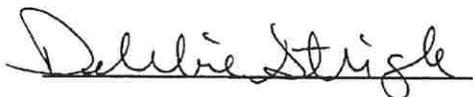
Commissioner Whitlock asked when the interim design standards were going to go to City Council. Mr. Adams replied that it will be going to the Planning Commission on July 12th and City Council on August 16th.

2. LHPC/SPAC Duties

The subject was tabled due to time constraints. A new study session date and time will be scheduled.

The meeting was adjourned at approximately 3:00 p.m.

Submitted by:



Debbie Strigle
Recording Secretary

Exhibit G

Site Plan and Architectural Commission Meeting Minutes – November 15, 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

Jeff Bender, Acting Chair
David Culbertson
Bob Neathamer
Marcy Pierce
Milo Smith
Rick Whitlock

Staff Present

Matt Brinkley, Planning Director
Kelly Evans, Assistant Planning Director
Carla Paladino, Principal Planner
Katie Zerkel, Senior Assistant City Attorney
Debbie Strigle, Recording Secretary

Commissioners Absent

Jim Quinn, Chair, excused
Bill Chmelir, Vice Chair,
excused
Jim Catt, excused

10. **Roll Call**

* * *

80. **New Business**

80.1 Discussion of Type II review for multi-family housing types. (Type II reviews are administrative review with property owner noticing – no public hearing.)

Ms. Evans wanted to know, in general, if this commission wanted to see projects that meet the clear and objective standards for multi-family development.

After discussion and input from Matt Brinkley, the majority of the commission felt that it seemed appropriate they not be involved in those decisions where the commission does not have any discretion. City Council would be the best fit to make those determinations.

Motion: Recommend to City Council that the Site Plan & Architectural Commission not be involved in multi-family development proposals where there is no SPAC discretion that can be exercised.

Moved by: Commissioner Whitlock Seconded by: Commissioner Smith

Commissioner Whitlock commented he felt the acreage issue was not that important. He said he would be comfortable doing anything for City Council they would like to have this commission look at. He reiterated that City Council would be the better body to make determinations; however, if this commission did have the final decision on some of the applications and they got appealed to LUBA (Land Use Board of Appeals), it might save City Council some grief where they don't have any discretion either. He added he really would like to see the whole proposal before he voted for or against it on all the various aspects.

Mr. Brinkley stated that after talking with City Council staff will write everything up to reflect City Council's feelings about the appeal issue. They will also add the 300 foot noticing to it and whatever else comes out of the meetings with City Council. Staff will bring it all back to this commission for review and feedback.

Voice Vote: Motion passed, 5-1, with Commissioner Neathamer voting "nay."

Commissioner Neathamer explained he was not in favor of a recommendation because he felt the commission didn't have enough information to make a motion. He said he wished a motion had not been made.

90. Report from the Planning Department

90.1 Ms. Evans stated there would be business for the December 6th meeting but no business is scheduled for the December 20th meeting.

90.2 Ms. Evans reported that on November 7th City Council had approved emergency shelters, a street vacation in Cedar Landing, and the Housing Opportunity Fund (HOF) recommendation.

90.3 On November 21st City Council will be considering an annexation on Table Rock Road, just south of Airport, and funding priorities for Homeless System Action Plan implementation.

90.4 Ms. Evans reported the number of multi-family units that have run through this commission was over 250 in 2017, 38 in 2018, and 26 so far in 2019.

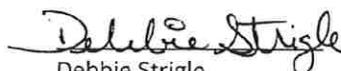
100. Messages and Papers from the Chair None.

110. Propositions and Remarks from the Commission None.

120. Adjournment

120.1 The meeting was adjourned at approximately 12:45 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: December 6, 2019

Exhibit H

Public Comment – CSA Planning, Ltd. via Raul Woerner

From: [Raul Woerner](#)
To: [Kyle W. Kearns](#)
Subject: RE: Seeking Input, Medford Code Amendment - Creation of Administrative Review for Multi-Family Housing
Date: Friday, November 8, 2019 12:16:33 PM

<EXTERNAL EMAIL ****Be cautious with links and attachments****>

Kyle – Just wanted to get the design standard concerns on the radar. There are problems with those and the City should revisit them as a separate matter.

With regard to limited land use decisions (which is solely a procedural matter), the fundamental question is being missed. The fundamental question is not whether the City wants to use the limited land use procedure, it is whether it must use it.

The answer to the question will not be based on how many more or less days it would take relative to the City's existing or proposed procedure. This is a question that the Planning Department should not just dive a little deeper into in its report. It should examine the question fully with the City attorney fully explain in its reports to the advisory committees and City Council so the final decision is properly informed.

The state has defined by statute what is a limited land use decision – and what procedural rights and requirements are tied to those. If the city is processing applications for developments that are defined by the state to be limited land use decisions, how may the city simply call those something else and adopt a process that is not accordance with the statute? Here is the definition of a limited land use decision as established under ORS 197.015:

(12) “Limited land use decision”:

(a) Means a final decision or determination made by a local government pertaining to a site within an urban growth boundary that concerns:

(A) The approval or denial of a tentative subdivision or partition plan, as described in ORS

92.040 (1).

(B) The approval or denial of an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright, including but not limited to site review and design review.

(b) Does not mean a final decision made by a local government pertaining to a subdivision or partition plat or that determines whether a final subdivision or partition plat substantially conforms to the tentative subdivision or partition plan.

Tentative subdivision and partition plans within UGBs (including the entire city and the remaining unincorporated area) are limited land use decisions. So are design reviews for any use that is permitted outright. Housing in residential zones is an outright permitted use – the needed housing statute makes that perfectly clear. MF-housing in MF and commercial zones is also an outright permitted use in Medford’s code subject to review for design standards only.

Note also that ORS 197.015(10) – in defining “land use decision” – expressly provides under subsection (b)(C) that a land use decision does not include a decision of a local government that is a limited land use decision (which is then defined at ORS 197.015(12)). They are mutually exclusive.

Given that the City is now trying to craft a different procedure than the one it has been using (i.e., which has been to process limited land use decisions as regular land use decisions), it seems timely to point out that the state has already written the procedural requirements and options that cities (and counties) may use. The City of Medford at the very least should be aware of that in these proceedings and should provide some finding as to whether MF housing reviews are or are not limited land use decisions as defined by the state. If they are, then the city should determine if the proposed procedure complies with the statutory requirements. If not, then identify how it does not and layout the various options available that local governments have under the statute (e.g., hearing or no hearing, on the record or de novo, etc...).

In the alternative, perhaps the City could find that the limited land use procedure is only available if a city elects to use it. Ask for a legal opinion – I am just raising the question. If it is optional, the City should explain that in its findings – and the advisory committees and the City Council should be advised that the procedure is available (and what that might look like) so they can make fully informed recommendations and decisions on this matter. If there is an option to use something other than the statutory limited land use procedure, I have no preference. But you asked for input and I would give the same advice to any client. Determine if it is a fatal flaw earlier rather than later so as to focus time and resources on only options that are viable.

Please enjoy your weekend! Very truly yours,

CSA Planning, Ltd.
Raul Woerner
(541) 779-0569

From: Kyle W. Kearns <Kyle.Kearns@cityofmedford.org>

Sent: Friday, November 8, 2019 10:19 AM

To: Raul Woerner <raul@csaplanning.net>

Subject: RE: Seeking Input, Medford Code Amendment - Creation of Administrative Review for Multi-Family Housing

Hi Raul,

These will be incorporated into the record, thank you.

In talking this through and thinking about your comments more we wanted to ensure we are all on the same page.

First, we'd like to address the limited land use decision criteria, in regards to MFR. The difference in applying this as opposed to our current process is somewhere around five days. We will need to dive a bit deeper for the staff report, but we don't see this as providing much of a difference. Additionally, applying an administrative review to small-scale commercial, or other non-residential uses, is outside of the scope of this project. Moving the City to a more form-based code is on the radar for us, and with this would come additional administrative reviews. However, at the moment, this is not in the scope of DCA-19-002.

Second, in regards to your comment that you "...strayed into standards rather than just process." Yes, as you admitted, you are getting into standards and DCA-19-002 is about process. The intent of the MFR design standards in Article V is that they are to be interim. When adopted, the understanding of Council was we would get some "test" projects under our review and then revisit the standards to make them permanent.

Your comments would be more applicable then; we understand that they aren't perfect and we will be revisiting them in a subsequent project. These comments are valid and will provide additional support for updating the standards to be permanent and to aid in addressing form for the City in future updated to the MLDC.

Our goal with DCA-19-002 is streamline the review of MFR. We had previously included in DCA-19-002 the addition of "Flexible Design Standards" to allow deviations from the code without a Type III Exception. However, Planning Commission recommended we separate those into their own project. Then could also be an appropriate time to revisit your standards comments.

If you want to keep this conversation going, feel free to call my direct line below.

Best,

Kyle Kearns, AICP | *Planner II*

City of Medford, Oregon | Planning
Department 200 S. Ivy Street,
Medford, OR 97501
Ph: 541-774-2375

From: Raul Woerner [<mailto:raul@csaplanning.net>]
Sent: Wednesday, November 6, 2019 7:53 PM
To: Kyle W. Kearns <Kyle.Kearns@cityofmedford.org>
Subject: RE: Seeking Input, Medford Code Amendment - Creation of Administrative Review for Multi-Family Housing

<EXTERNAL EMAIL **Be cautious with links and attachments**>

Kyle:

The standard of review for the optional track is extremely value-laden and subjective such that the review authority would have incredible latitude in finding that proposed alternatives are not of an equivalent or higher design. I can imagine cases where the review authority will spend a great deal of time commiserating on exactly how many adjustments are being requested, tally them up and then just decide the applicant hasn't tried hard enough to meet them all in the applicant's attempt to seek approval for "innovative and unconventional residential designs that may not precisely satisfy the clear and objective design standards..." (MLDC 10.718). That last part makes no sense, by the way. If someone is seeking approval of innovative and/or unconventional residential designs, one would expect that the proposed design would differ greatly from the adopted standards rather than to just "not precisely" meet the standards. The implication is that "innovative and unconventional design" will be entertained – so long as it isn't TOO innovative or unconventional (so much for innovation). Also, there are many traditional and conventional multi-family designs prototypes that do not meet the recently adopted MF special development standards – and those are particularly the focus of my request that neighborhood compatibility be restored as an alternative means of approval.

I am not recommending that the city remove the "equivalent or higher (relative to the clear and objective standards) provision as a separate basis for approval, but to consider adding back an alternative in effect for many years that allows comparison of the proposed design to the context of the actual neighborhood form that exists. If the only option is to compare proposed adjustments to the "clear and objective" design standards, a perfectly compatible and appropriate project to the neighborhood would be extremely susceptible to denial by those who seem to believe that the city has created perfection in its code writing efforts and are simply offended that an applicant would even propose something else.

The Eastridge Village project on McAndrews and Modoc is a good example of an attractive housing project approved prior to the current standards. I understand that is a PUD, but let's say a neighboring property owner proposes to build a multi-family project of similar design to that next door or across McAndrews. Although handsomely landscaped with an attractive well maintained fence along that major arterial frontage, the vinyl fencing material offends

the current code (even though it is far more attractive than an allowable cedar fence) and there are no front doors facing McAndrews Road. McAndrews has no on-street parking and vehicles travel at a high rate of speed along that corridor. Why would anyone – especially anyone with small children as frequently reside in apartment buildings – want their front door facing that high-traffic roadway and have to live next to the noise and fumes produced from all that traffic? Instead – and very appropriately - the front entries are oriented to a private internal street system. The current standards specifically require that buildings be oriented to public streets. So that would violate the code. The design of the Eastridge Village project is certainly NOT flat or lifeless, but the review authority under the current alternative option does not get to compare directly with that project. He or she or they can simply find that the proposed adjustments to standards to allow something similar to that project will not result in an equivalent or higher design to the current MF standards. The well maintained vinyl fencing that has withstood more than twenty years there is prohibited by the current clear and objective standards – I wouldn't expect any argument that using the same on an adjacent project would be found to be an "equivalent or higher" design adjustment. Instead, the applicant would need to propose fencing that meets or "exceeds" the "clear and objective" standard that fencing materials be "durable, maintainable, and attractive." That clearly is anything but a clear and objective standard, by the way. Chain link fencing with dark vinyl coating would doubly violate the code by utilizing two prohibited materials. But chain link fencing with dark green or black vinyl coating is frequently specified as the preferable option for maintaining views of adjacent natural areas, such as a creek corridor. That is because the fencing is barely visible against the background view. There is an example of a clear and object standard to prohibit the very best option in such cases.

If the purpose of adopting the MF standards in the first place was to comply with state requirements that clear and objective standards be available for residential development, I would point out that the needed housing statute provides that the standards/conditions/procedures also may not discourage development of needed housing. ORS 197.307(4) states

(4) Except as provided in subsection (6) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing. The standards, conditions and procedures:

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

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

Needed housing is defined at ORS 197.303 to mean more than just multifamily housing:

197.303 "Needed housing" defined. (1) As used in ORS 197.307, "needed housing" means all housing on land zoned for residential use or mixed residential

and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, as those terms are defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a. “Needed housing” includes the following housing types:

- (a) Attached and detached single-family housing and multiple family housing for both owner and renter occupancy;
- (b) Government assisted housing;
- (c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490;
- (d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions; and
- (e) Housing for farmworkers.

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

- (a) A city with a population of less than 2,500.
- (b) A county with a population of less than 15,000.

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

The City of Medford has adopted special development standards which apply to all multiple-family dwellings consisting of three or more attached dwelling units (10.716(A)) – but that don’t apply to any other type of needed housing. I think it is patently unfair and an unreasonable burden on multi-family housing developments which generally are needed to provide affordable housing for those with lower incomes. If the city is so concerned with the exact building materials to be used or prohibited (10.717(D)(1-2, 4)), fencing materials (10.717(D)(5)), and strengthening “the presence of buildings on the street” by prohibiting parking spaces and automobile circulation (by the way, that would mean driveways as strictly read) and parking areas between “buildings” and the street (note: the code simply states buildings – not just buildings closest to the street) – then apply standards uniformly rather than just to multi-family, or otherwise allow an alternative standard of review that is not directed at the “safe harbor” standards themselves but rather to the neighborhood context. We seem to have a lot of nice multi-family projects in Medford that were approved under that criterion. It wasn’t clear and objective, but it didn’t have to go away entirely as an alternative review track to the clear and objective standards. A traditional and common way to insulate the residents of apartment complexes along high-traffic arterials is to provide extensive landscape treatments along the frontage and set the buildings back from the road with well screened parking in between. It’s a good use of space and provides distance from the noise and fumes of the road. It also helps in some cases to blend in with other nearby single family neighborhoods, schools, churches, residential care and assisted living facilities, etc... I very much think that the comfort and safety

of the residents should be given more weight in such situations – and that the city should provide that as an option.

Except for transit routes and TOD/mixed use designated area in the city, every other type of development (offices, institutional, SFR, etc... etc... etc...) is allowed to site parking between buildings and the street – subject to the parking being beyond the required front yard and is properly landscaped. The standard prohibiting the same for multi-family housing is not reasonably related to the impacts or appropriateness of that housing type in the community given that the City allows parking between streets and almost every other type of building. As such, I think the standard has the effect of discouraging needed MF housing through unreasonable cost and delay and itself offends ORS 197.307(4)(b). Combine that with restrictions on building length that do not apply comparable building types, there will be projects could otherwise yield more housing units.

If there is a compelling need to “strengthen the presence of buildings on the street”, then apply that standard generally to all development city-wide as the current standards now require of just MF housing, or direct it to particular corridors where all other development is held to that same requirement. It doesn’t make sense that only multi-family housing, which the state has directed local governments to facilitate as needed housing, is made subject to so many more requirements in Medford than other buildings of comparable mass and scale. Consider also ADA parking. If the front entries have to face the street and no parking is allowed between the buildings and the street, facilitating accessibility becomes that much more challenging.

I understand that I have strayed into standards rather than just procedures, but the current standards also need to be revisited to include prototypical standards for a wider variety of multi-family housing types. There are also text corrections needed to more precisely state what is meant (e.g., can there be parking between buildings at the back of the property and the street? The code as written says no parking between buildings and the street. How is building length measured?

Does the 150-foot building length restriction apply to the building width as well? The code doesn’t state that – but it would seem more important to length when the City requires the building to be placed along the street. Otherwise, the building width could be several hundred feet without a break.). I understand that there was considerable effort in passing it, but now that it has actually been applied to real world cases it is worth revisiting to consider some adjustments.

Please pass my comments on to the Planning Commission and City Council as part of the record in your proceedings.

Very truly yours,

CSA Planning, Ltd.
Raul Woerner
(541) 779-0569

From: Kyle W. Kearns <Kyle.Kearns@cityofmedford.org>
Sent: Wednesday, November 6, 2019 4:12 PM
To: Raul Woerner <raul@csaplanning.net>
Subject: RE: Seeking Input, Medford Code Amendment - Creation of Administrative Review for Multi-Family Housing

Raul,

In response to your comments.

1. I will need to review this more. Additional insight is welcome in the meantime.
2. We are using net acreage in the proposed option and it would carry forward as such if selected.
3. Could you clarify what standards you are referring to? We respectively disagree with your interpretation of what the standards will “force” in terms of development. The standards are meant to avoid flat, lifeless design but do not require that you develop a Concord style development in applying the standards.

Best,

Kyle Kearns, AICP | *Planner II*
City of Medford, Oregon | Planning
Department 200 S. Ivy Street,
Medford, OR 97501
Ph: 541-774-2380

From: Raul Woerner [mailto:raul@csaplanning.net]
Sent: Wednesday, November 6, 2019 3:16 PM
To: Kyle W. Kearns <Kyle.Kearns@cityofmedford.org>
Subject: RE: Seeking Input, Medford Code Amendment - Creation of Administrative Review for Multi-Family Housing

<EXTERNAL EMAIL **Be cautious with links and attachments**>

Kyle:

1. I didn't see in the report whether utilizing the state's Limited Land Use Decision process was discussed as an option by the HAC or others. Consider identifying multi-family development applications, where zoning allows MF use outright, as qualifying for approval as limited land use decisions – and establish procedures consistent with ORS

197.195 for the same. This would have the effect of requiring an advance notice to nearby property owners and any recognized neighborhood or community organization before a decision is made, provide the same a 14-day period submit written comments prior to the decision, and allows the city provide for a hearing on appeal that may be limited to the record or may allow introduction of additional testimony or evidence (the latter option requires that he hearing comply with the requirements of ORS 197.763). The city could as additional updates in the future identify other types of development that would be appropriately reviewed as limited land decisions (e.g., small office buildings, etc...).

2. If an acreage threshold is to be adopted, please specify whether that is to the net acreage of the lot (or portion thereof if only part of the lot or tract is to be used) – or whether gross acreage is to be used. The latter is used to calculate residential densities. However, smaller lots adjacent to unusually wide rights-of-way (e.g., bounded on multiple sides by streets or simply being adjacent to I-5) may then be excluded from using the new procedure even though the buildable area is small.

3. The City’s adopted Multiple-Family “Standards” that have already been adopted at MLDC Sections 10.715A – 10.719 seem more appropriate to apartment buildings in an urban core or Transit Oriented Development areas and do not mesh well with many traditional forms of multi-family housing, such as attached rowhomes and more campus style apartments that are common an d perfectly appropriate outside downtown areas. Yet the review criteria that apply if the procedure for requesting optional adjustment of those standards is used, one must demonstrate that the requested adjustment(s) will allow the project to achieve an “equivalent or higher quality design than would result through strict adherence to these standards.” Previously, one could demonstrate that the proposed project design was compatible and in harmony with uses on the adjacent properties. In many cases the new standards would require new development to be the odd duck out in the existing neighborhood. If a proposed development is consistent and in harmony with the established uses nearby in the neighborhood, why not allow an alternative “optional adjustment standard” based on neighborhood compatibility? I recommend that be added to the Section 10.719 procedure. One would actually have a better sense of how to design to “neighborhood compatibility” rather than to anticipate what very value-laden design alternatives the approving authority might deem to achieve “an equivalent or higher quality design”.

Thanks for reaching out.
Very truly yours,

CSA Planning, Ltd.
Raul Woerner
(541) 779-0569

From: Kyle W. Kearns <Kyle.Kearns@cityofmedford.org>

Sent: Wednesday, November 6, 2019 11:43 AM

Subject: Seeking Input, Medford Code Amendment - Creation of Administrative Review for Multi- Family Housing

Good morning,

Attached you'll find a memorandum summarizing the proposed code amendment (DCA-19-002) to create a new land use process for the City of Medford. The new process is to create an Administrative Review (Type II) process for multi-family developments in Medford. The new review process would allow for certain multi-family projects to be reviewed administratively, without a public hearing, as proposed. There are three options proposed for the criteria, which are addressed in the memo.

The Housing Advisory Commission is reviewing this and recommending an option on November 13. The public hearing schedule currently proposed is Planning Commission on December 12 and January 16 for City Council.

We are seeking comment from you on the proposal and the appropriate criteria in determining when to use the new process. Please don't hesitate to reach out if you have any questions. Your time in reviewing this proposal is much appreciated.

Best,

Kyle Kearns, AICP | *Planner II*
City of Medford, Oregon | Planning
Department 200 S. Ivy Street, Medford,
OR 97501
Ph: 541-774-2380

Exhibit I

Medford Fire-Rescue Department



Medford Fire-Rescue Land Development Report

Review/Project Information

Reviewed By: Kleinberg, Greg

Review Date: 8/28/2019
Meeting Date: 9/4/2019

LD File #: DCA190000
2

Planner: Kyle Kearns

Applicant: City of Medford

Site Name: N/A

Project Location: N/A

Project Description: An amendment to portions of Chapter 10, the Medford Land Development Code (MLDC), creating a Type II administrative review land use process for certain multi-family residential developments

Specific Development Requirements for Access & Water Supply

Reference	Description	Conditions
Approved	Approved as submitted with no additional conditions or requirements.	

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

Exhibit J

Medford Water Commission Comment



BOARD OF WATER COMMISSIONERS
Staff Memo

TO: Planning Department, City of Medford
FROM: Rodney Grehn P.E., Water Commission Staff Engineer
SUBJECT: DCA-19-00002
PARCEL ID: NA
PROJECT: Request: An amendment to portions of Chapter 10, the Medford Land Development Code (MLDC), creating a Type II administrative review land use process for certain multi-family residential developments. Planner, Kyle Kearns.
DATE: September 4, 2019

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

CONDITIONS

1. No Conditions

COMMENTS

1. No Comments

Exhibit K

Medford Public Works Department Comment



LD DATE: 9/4/2019
File Number: DCA-19-00002

PUBLIC WORKS DEPARTMENT STAFF REPORT

Type II Administrative Review Process – MFR Housing City of Medford (*Code Amendment – Chapter 10*)

Project: Request for an amendment to portions of Chapter 10, the Medford Land Development Code (MLDC), creating a Type II administrative review land use process for certain multi-family residential developments.

Applicant: City of Medford

Planner: Kyle Kearns, Planner II – Long Range Division

Public Works has no comments on the proposed amendment.

Prepared by: Jodi K Cope
Reviewed by: Doug Burroughs



Exhibit L

Medford Building Department Comment



MEMORANDUM

To: Kyle Kearns, Planning Department
From: Mary Montague, Building Department
CC: None
Date: September 4, 2019
Subject: DCA-19-00002_Chapter 10 Amendment

BUILDING DEPARTMENT:

Please Note: This is not a plan review. These are general notes based on general information provided. Plans need to be submitted and will be reviewed by a residential plans examiner to determine if there are any other requirements for this occupancy type. Please contact the front counter for fees.

General Comments:

1. No apparent conflicts foreseen with the building codes. No comments at this time.

7

Exhibit M

Department of Land Conservation and Development (DLCD) Comment

From: [Matt H. Brinkley](#)
To: kevin.young@state.or.us; [LeBombard, Josh](#)
Cc: [Kyle W. Kearns](#)
Subject: RE: Local file DCA-19-0002; DLCD file 019-19
Date: Tuesday, October 1, 2019 11:08:15 AM

Kevin,

Kyle is out of the office this week, so I'll do my best to respond to your comment.

First, I should probably clarify that the text to which you are referring is not being amended. Aside from replacing references to the Site Plan and Architectural Commission with the phrase "approving authority", the language is no different than it has been for the last year since we developed clear and objective standards of review for multifamily residential development.

I understand your concern about the vagueness of the language, but I don't think that it opens the City to the liability of appeals. As I mentioned above, Medford adopted clear and objective review standards for multifamily development about a year ago. The current proposal should be seen in that context. And while the process may not be perfect, and "clear and objective" standards will be interpreted and argued by those with different interests, Medford is moving in the direction of greater housing opportunity for all of our residents. If your perception is different, I'd appreciate hearing those comments.

Matt Brinkley, AICP CFM
Planning Director
City of Medford
Lausmann Annex
200 South Ivy Street
Medford, Oregon
97501
Direct: 541-774-2381

From: LeBombard, Josh [mailto:josh.lebombard@state.or.us]
Sent: Wednesday, September 25, 2019 9:28 AM
To: Kyle W. Kearns <Kyle.Kearns@cityofmedford.org> **Cc:**
Matt H. Brinkley <Matt.Brinkley@cityofmedford.org>
Subject: Local file DCA-19-0002; DLCD file 019-19

<EXTERNAL EMAIL>

Kyle,

Please see the comments from Kevin Young of our Department on your proposed amendments. I would appreciate it if you could take a look and respond to Kevin and cc: me.

Cheers,

Josh

Josh LeBombard

Southern Oregon Regional Representative | Community Services Division

Cell: (541) 414-7932

josh.lebombard@state.or.us | www.oregon.gov/LCD

From: Young, Kevin
Sent: Wednesday, September 25, 2019 7:55 AM
To: LeBombard, Josh <jlebombard@dlcd.state.or.us>
Cc: Howard, Gordon <ghoward@dlcd.state.or.us>
Subject: RE: Medford PAPA

Hi Josh,

It's hard to say, based on the information provided. Their changes to 10.200(E)(2) do not include the discretionary compatibility criteria in section (1) that apply to commercial and industrial projects, but the criteria that are applicable to residential development are not well defined: "complies with the applicable provisions of all city ordinances..."(?) I hope that for the sake of public review they provide those applicable regulations in their notices, because this is about as vague as it gets. I guess the question back to them is if they believe all applicable ordinances would contain only clear and objective standards in every instance relating to residential development, then it would comply. That seems like a tall order, but if challenged, the burden of proof will be on them to defend the argument that "all applicable ordinances" are clear and objective.

Kevin Young, AICP

Senior Urban Planner | Community Services Division

Direct: 503-934-0030 | Cell: 503-602-0238

kevin.young@state.or.us | www.oregon.gov/LCD

From: LeBombard, Josh
Sent: Thursday, September 12, 2019 12:20 PM
To: Young, Kevin <kyoung@dlcd.state.or.us>
Subject: Medford PAPA

Kevin,

I don't think you responded to my journal entry on this. Can you look at Medford's proposed amendment and let me know if there's anything of concern?

https://db.lcd.state.or.us/PAPA_PR/Amendments/Amendment/Get/26634

Thanks,
Josh

Josh LeBombard

Southern Oregon Regional Representative | Community Services Division
Oregon Department of Land Conservation and Development
37 N. Central Avenue | Medford, OR 97501
Cell: (541) 414-7932
josh.lebombard@state.or.us | www.oregon.gov/LCD

Exhibit N

Public Comment – Builders Association of Southern Oregon via Brad Bennington

From: Brad Bennington
To: Kyle W. Kearns
Cc: Tim@alvarezrestoration.com; melw@parr.com
Subject: RE: Creation of Administrative Review for Multi-Family Housing / Thank you
Date: Thursday, December 12, 2019 3:04:40 PM

<EXTERNAL EMAIL **Be cautious with links and attachments**>

Hello Kyle,

We are grateful for the opportunity to have reviewed and comment on the proposed amendment. Our Board appreciates the consideration extended and the Planning Departments willingness to receive comments.

None of our Board Members had negative comments but do urge that we are cautious of unintended consequences.

Any time substantial code amendments are engaged there is always the possibility of unforeseen difficulties.

All of us appreciate the goal of making multi family projects more efficient to engage. To the extent that the amendment accomplishes efficiency and better service we completely support it.

We look forward to seeing how this amendment moves through Planning Commission and its Commissioners this evening.

Thank you again for your outreach to our Association.

Best to you,

Brad Bennington, Executive Officer
Builders Association of Southern
Oregon 1006 East Jackson St.,
Medford OR 97504 Office: 541 773
2872
Cell: 541 941 0901

NAHB Member Discounts

From: Kyle W. Kearns <Kyle.Kearns@cityofmedford.org>
Sent: Wednesday, November 6, 2019 11:43 AM
Subject: Seeking Input, Medford Code Amendment - Creation of Administrative Review for Multi- Family Housing

Good morning,

Attached you'll find a memorandum summarizing the proposed code amendment (DCA-19-002) to create a new land use process for the City of Medford. The new process is to create an Administrative Review (Type II) process for multi-family developments in Medford. The new review process would allow for certain multi-family projects to be reviewed administratively, without a public hearing, as proposed. There are three options proposed for the criteria, which are addressed in the memo.

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We are seeking comment from you on the proposal and the appropriate criteria in determining when to use the new process. Please don't hesitate to reach out if you have any questions. Your time in reviewing this proposal is much appreciated.

Best,

Kyle Kearns, AICP | *Planner II*
City of Medford, Oregon | Planning
Department 200 S. Ivy Street, Medford,
OR 97501
Ph: 541-774-2380