

# PLANNING COMMISSION

## AGENDA

### APRIL 26, 2018



#### Commission Members

David Culbertson  
Joe Foley  
Bill Mansfield  
David McFadden  
Mark McKechnie  
E. J. McManus  
Patrick Miranda  
Alex Poythress  
Jared Pulver

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

Public Hearing

April 26, 2018

5:30 PM

Council Chambers, City Hall, Room 300  
411 West Eighth Street, Medford, Oregon

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10. Roll Call

20. Consent Calendar/Written Communications (voice vote)

20.1 ZC-18-018 Final Order for a request for a zone change of a 0.88-acre parcel located at 2131 W Main Street from Community Commercial (C-C) to Heavy Commercial (C-H) (372W26DA TL 400). (Marigold Enterprises, LLC, Applicant; Rogue Planning & Development Services, Agent; Dustin Severs, Planner)

20.2 LDP-18-015 Final Order for a request for tentative plat approval of a proposed three-lot partition on a 0.45-acre parcel located at 403 North Ross Lane within the SFR-6 (Single-Family Residential – 4 to 6 dwelling units per gross acre) zoning district (372W26AA 3900). (Craig Horton, Applicant; Richard Stevens & Associates, Agent; Steffen Roennfeldt, Planner)

30. Minutes

30.1 Consideration for approval of minutes from the April 12, 2018, hearing.

40. Oral and Written Requests and Communications

Comments will be limited to 3 minutes per individual or 5 minutes if representing an 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.**

**New Business**

50.1 LDP-18-023 Consideration of a request for tentative plat approval of a proposed three-lot partition on a 42.4-acre parcel located at 3202 Cheltenham Way within the SFR-6 (Single-Family Residential, six dwelling units per gross acre) and the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning districts (371W081101); Applicant, Delta Waters Properties, LLC, Agent; CSA Planning Ltd.; Planner, Dustin Severs.

50.2 LDP-17-165 /  
E-17-164 Consideration of a request for tentative plat approval for a proposed three lot partition with an Exception to standard street improvements on 1.73 acres located at the southeasterly corner of South Riverside Avenue and Earhart Street within the C-H (Heavy Commercial) zoning district

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Meeting locations are generally accessible to persons with disabilities. To request interpreters for hearing impaired or other accommodations for persons with disabilities, please contact the ADA Coordinator at (541) 774-2074 or [ada@cityofmedford.org](mailto:ada@cityofmedford.org) at least three business days prior to the meeting to ensure availability. For TTY, dial 711 or (800) 735-1232.

(371W30DB TL 8800). Applicant, Hamlin Properties, LLC, Agent; Polaris Land Surveying, LLC; Planner, Liz Conner.

- 50.3 **CUP-18-026** Consideration for a revision of an existing CUP to allow for a firewood ministry accessory use of Westminster Presbyterian Church located at 2000 Oakwood Drive on the southeast corner of Oakwood Drive and South Barneburg Drive within a SFR-4 (Single Family Residential – four dwelling units per gross acre) zoning district (371W29BD TL 3700). Applicant, Westminster Presbyterian Church, Barnabas Sprinkle; Planner, Liz Conner.

**60. Reports**

60.1 Site Plan and Architectural Commission

60.2 Joint Transportation Subcommittee

60.3 Planning Department

**70. Messages and Papers from the Chair**

**80. Remarks from the City Attorney**

**90. Propositions and Remarks from the Commission**

**100. Adjournment**



Exhibit "B"

FORM NO. 223-BARGAIN AND SALE DEED (Use 223-B for Copying) 5.00  
14 92-09165 BARGAIN AND SALE DEED 16.00  
Lorraine C. Lofgren

KNOW ALL MEN BY THESE PRESENTS, That Lorraine C. Lofgren  
hereinafter called grantor, does hereby grant, bargain, sell and convey unto Robert D. Lofgren  
hereinafter called grantee, and unto grantee's heirs, successors and assigns all of that certain real property with the  
tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County  
of Jackson State of Oregon, described as follows, to wit:

Commencing at the Quarter corner between Sections 25 and 26 in Township 37 South, Range 2 West, of  
the Willamette Meridian, Jackson County, Oregon; thence South, 56.43 feet and thence South 89° 30'  
West, 260.6 feet to the true point of beginning; thence South 89° 30' West, 52.0 feet; thence South 367.55  
feet, thence East 52.0 feet; and thence North 368.0 feet to the true point of beginning. ALSO,  
Commencing at the Quarter corner between Sections 25 and 26 in Township 37 South, Range 2 West, of  
the Willamette Meridian, Jackson County, Oregon; thence South 56.43 feet, and thence South 89° 30' West  
312.6 feet to the true point of beginning; thence South 89° 30' West 52.0 feet; thence South 367.10 feet,  
thence East 52.0 feet, thence North 367.55 feet to the true point of beginning.

Jackson County, Oregon  
Recorded  
OFFICIAL RECORDS

1:10 APR 2 1992 P.M.

KATHLEEN S. BECKETT  
CLERK and RECORDER

*Kathleen Beckett*

IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE  
To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.  
The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ - 0 -  
However, the actual consideration consists of or includes other property or value given or promised which is  
the whole consideration (indicate which). (The sentence between the symbols @, if not applicable, should be deleted. See ONS 93 010.)  
In construing this deed and where the context so requires, the singular includes the plural and all grammatical  
changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.  
In Witness Whereof, the grantor has executed this instrument this 1st day of April, 1992  
if a corporate grantor, it has caused its name to be signed and its seal affixed by an officer or other person duly author-  
ized to do so by order of its board of directors.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DE-  
SCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND  
USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING  
THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE  
PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR  
COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

*Lorraine C. Lofgren*  
Lorraine C. Lofgren



STATE OF OREGON, County of Jackson  
This instrument was acknowledged before me on April 1, 1992,  
by Lorraine C. Lofgren  
This instrument was acknowledged before me on \_\_\_\_\_, 19\_\_\_\_.

*Kay W. Ungler*  
Notary Public for Oregon  
My commission expires 4/23/94

Lofgren  
Grantee's Name and Address  
Lofgren  
Grantee's Name and Address  
After recording return to (Name, Address, Zip):  
Crater Title Insurance Co.,  
604 W. Main  
Medford, OR 97501  
Unit requested otherwise send all fee statements to (Name, Address, Zip):  
same as at present

STATE OF OREGON,  
County of \_\_\_\_\_ } ss  
I certify that the within instru-  
ment was received for record on the  
day of \_\_\_\_\_, 19\_\_\_\_,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and recorded  
in book/reel/volume No. \_\_\_\_\_ on  
page \_\_\_\_\_ or as fee/file/instru-  
ment/microfilm/reception No. \_\_\_\_\_  
Record of Deeds of said County.  
Witness my hand and seal of  
County affixed.  
NAME TITLE  
By \_\_\_\_\_ Deputy

CITY OF MEDFORD  
EXHIBIT #  
File # 7C-18 18

RECEIVED  
FEB 15 2 10  
PLANNING DEPT

BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF TENTATIVE PLAT APPROVAL FOR )  
CRAIG HORTON ) [LDP-18-015] )

ORDER

ORDER granting approval of a request for tentative plat approval of File No. LDP-18-015, as follows:

Tentative plat approval of a proposed three-lot partition on a 0.45-acre parcel located at 403 North Ross Lane within the SFR-6 (Single-Family Residential – 4 to 6 dwelling units per gross acre) zoning district (372W26AA 3900).

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Sections 10.265 through 10.267; and
2. The Medford Planning Commission has duly held a public hearing on the request for consideration of tentative plat approval described above, with a public hearing a matter of record of the Planning Commission on April 12, 2018; and
3. At the public hearing on said tentative plat, evidence and recommendations were received and presented by the developer and Planning Department Staff; and
4. At the conclusion of said hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded granted tentative plat approval and directed staff to prepare a final order with all conditions and findings set forth for the granting of the tentative plat approval.

THEREFORE LET IT BE HEREBY ORDERED that the tentative plat for Craig Horton, stands approved per the Staff Report dated April 3, 2018, and subject to compliance with all conditions contained therein.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this request for tentative plat approval is hereafter supported by the findings referenced in the Staff Report dated April 3, 2018.

BASED UPON THE ABOVE, the Planning Commission determined that the tentative plat is in conformity with the provisions of law and Section 10.270 Land Division Criteria of the Land Development Code of the City of Medford.

Accepted and approved this 26th day of April, 2018.

CITY OF MEDFORD PLANNING COMMISSION

\_\_\_\_\_  
Planning Commission Chair

ATTEST:

\_\_\_\_\_  
Planning Department Representative



## Planning Commission

# Minutes

From Public Hearing on **April 12, 2018**

The regular meeting of the Planning Commission was called to order at 5:30 PM in the City Hall Council Chambers on the above date with the following members and staff in attendance:

### Commissioners Present

Patrick Miranda, Chair  
David McFadden, Vice Chair  
David Culbertson  
Joe Foley  
Bill Mansfield  
Mark McKechnie  
E.J. McManus  
Alex Poythress  
Jared Pulver

### Staff Present

Kelly Akin, Assistant Planning Director  
Eric Mitton, Deputy City Attorney  
Carla Paladino, Principal Planner  
Terri Rozzana, Recording Secretary  
Dustin Severs, Planner III  
Steffen Roennfeldt, Planner III

### 10. Roll Call

### 20. Consent Calendar/Written Communications.

**20.1 ZC-17-168** Final Order of a zone change from SFR-00 (Single Family Residential – one dwelling unit per existing lot) to C-C (Community Commercial) on an 8.00 acre lot located northeast of the intersection of North Phoenix Road and East Barnett Road in southeast Medford (371W27 1605) The application also includes a request to modify a condition of approval in the matter of File No. ZC-15-041 limiting traffic generation for 955 North Phoenix Road (371W34 501). (North Phoenix Enterprises LLC, Applicant; CSA Planning, Agent; Steffen Roennfeldt, Planner).

**20.2 ZC-18-008** Final Order of a zone change on 1.06 acre parcel located south of East Barnett Road, approximately 530 feet east of Ellendale Drive from MFR-20 (Multi Family Residential – 15 to 20 dwelling units per gross acre) to MFR-30 (Multi-Family Residential – 20 to 30 dwelling units per gross acre) (371W32AB500). (Stylus Development LLC, Applicant; ORW Architecture, Agent; Steffen Roennfeldt, Planner).

**20.3 LDS-17-113 / ZC-17-112** Consideration of request for the approval for a minor modification to add an additional lot to the approved tentative plat for a tentative plat for Phases 23-29 plus Reserve Acreage, totaling 168 residential lots on approximately 42 acres in the Southeast Overlay with a combination of SFR-4, SFR-10 and MFR-20 zoning districts, located between E Barnett Road and Cherry Lane at the terminus of Shamrock Drive. (Crystal Springs Development Group, Applicant; Neathamer Surveying, Inc., Agent; Liz Conner, Planner).

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

Moved by: Vice Chair McFadden

Seconded by: Commissioner Foley

Voice Vote: Motion passed, 9–0.

30. Minutes

30.1. The minutes for March 22, 2018, were approved as submitted.

40. Oral and Written Requests and Communications. None.

Eric Mitton, Deputy City Attorney, read the Quasi-Judicial Statement.

50. Public Hearings – New Business

50.1 **ZC-18-018** Consideration of a request for a zone change of a 0.88-acre parcel located at 2131 W Main Street from Community Commercial (C-C) to Heavy Commercial (C-H) (372W26DA TL 400). (Marigold Enterprises, LLC, Applicant; Rogue Planning & Development Services, Agent; Dustin Severs, Planner).

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

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

Dustin Severs, Planner III, stated that the zone change criteria can be found in the Medford Land Development Code Section 10.227. The applicable criteria were addressed in the staff report, property owner notices and hard copies are available at the entrance of Council Chambers for those in attendance. Mr. Severs gave a staff report.

Vice Chair McFadden referenced page 72 of the agenda packet in the applicant's findings. He does not find a reference to the compliance of residential properties from the back fence line. Would staff want them to rewrite their findings? Mr. Severs reported that he cited something different in that section. He is asking the Planning Commission to adopt staff's findings.

The Public Hearing was opened.

a. Amy Gunter, Rogue Planning & Development Services, 33 N. Central Avenue, Suite 213, Medford, Oregon 97501. Ms. Gunter reported that the proposal complies with all the criteria from the Medford Land Development Code. It does not create any

nonconforming structures or lot layout situations. The uses of the adjacent properties are consistent with heavy commercial.

The findings talk about at least 50% of the subject property's boundaries about zones that at expressly allowed under the criteria in (1) (c) or (1) (d) on page 72 of the agenda packet.

Vice Chair McFadden asked, the applicant is not concerned with the interaction over the fence lines between residential properties and this property as far as security. Ms. Gunter stated that a significant portion of the buffer yard criteria is a wall along the back property line. It is evidenced on the landscape plan. Currently the property is fenced. With the fencing and concrete wall there is not a concern about trespassing any more than what is already happening on the property.

Ms. Gunter reserved rebuttal time.

Commissioner McManus asked, when the zone changes to Heavy Commercial does it allow marijuana processing and production? Mr. Severs reported that Heavy Commercial has the potential that allows more marijuana uses. It allows wholesale, processing and production. It is not allowed in Community Commercial.

The Public Hearing was closed.

Motion: The Planning Commission adopted the findings as recommended by staff and directs staff to prepare the Final Order for approval of ZC-18-018 per the staff report dated April 5, 2018, including Exhibits A through G.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Foley

Commissioner McKechnie will vote against the motion. He is not a fan of spot zoning. This is a poor use of a change of zone. This is an older narrower lot. It is right for redevelopment. It is appropriate to be zoned commercial. The only other two Heavy Commercial properties in the area are the Hispanic grocery store across the street and around the corner JB Steel Construction yard. When this area gets redeveloped there will be a piece of Heavy Commercial zoning that they will have to redo. He does not see a public benefit. It is a problem creating a nonconforming intersection with the apartments behind it.

Vice Chair McFadden asked, does Mr. Mitton agreed with that analysis? Mr. Mitton stated that it is more of a policy consideration. In terms of how the Code reads there are facts for approval consistent with the Code. Whether or not to do it is a discretionary determination of the Planning Commission. It is legally defensible either way.

Mr. Mitton reviewed when that criteria are satisfied and the Planning Commission “shall” grant it or “may” grant it. If it is “may” grant it the Planning Commission can vote no because they believe it is a bad situation. If it states “shall” grant if the elements are met it would be arguably legal error to vote no. The Code reads: “...the approving authority “shall” approve a quasi – judicial zone change.” To make a legally defensible no vote there needs to be argument that one of the criteria is not satisfied.

Commissioner Poythress has concerns with the proximity to the neighborhood behind it. It would be an arguably criteria point but could nullify the requirement to approve the application. He does not think a barrier with a fence and planters will soften the impact to the community behind it.

Commissioner Pulver believes the criteria is met. He appreciates Commissioner McKechnie’s and Commissioner Poythress’ comments. He will vote yes because the criteria has been met.

Roll Call Vote: Motion passed, 6-3, with Commissioner McKechnie, Commissioner Poythress and Vice Chair McFadden voting no.

**50.2 LDP-18-015** Consideration of a request for tentative plat approval of a proposed three-lot partition on a 0.45-acre parcel located at 403 North Ross Lane within the SFR-6 (Single-Family Residential – 4 to 6 dwelling units per gross acre) zoning district (372W26AA 3900). (Craig Horton, Applicant; Richard Stevens & Associates, Agent; Steffen Roennfeldt, Planner).

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

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

Steffen Roennfeldt, Planner III, stated that the land division criteria can be found in the Medford Land Development Code Section 10.270. The applicable criteria were addressed in the staff report, property owner notices and hard copies are available at the entrance of Council Chambers for those in attendance. Mr. Roennfeldt gave a staff report.

Commissioner Foley asked, is the setback from the road the issue or is it the easement that goes through the porch? Mr. Roennfeldt stated that the porch would be on the easement.

Commissioner McKechnie asked, for parcel 3 where is the driveway going to be located? Mr. Roennfeldt deferred the question to the applicant.

Commissioner McKechnie asked, what is the reason for the jog on parcel 2? Mr. Roennfeldt stated it is to meet the minimum outside requirement of 6,000 square feet for a duplex.

Commissioner McKechnie asked, is the applicant putting a duplex on parcel 1 and another duplex on parcel 2? Mr. Roennfeldt reported that it is a shared duplex, half on parcel 1 and half on parcel 2.

Commissioner Pulver asked, does access get approved at partition or does the Planning Director approve it later? Mr. Roennfeldt stated that it gets determined at the time of building permit.

The Public Hearing was opened.

a. Clark Stevens, Richard Stevens & Associates, P. O. Box 4368, Medford, Oregon 97501-0168. Mr. Stevens reported that the property is located at the northwest corner of North Ross Lane and West McAndrews Road. The applicant is agreeable to the side yard setbacks along North Ross Lane.

Commissioner McKechnie asked, is the existing driveway going to be mostly in parcel 2 or will it be moved? Mr. Stevens stated that it will be moved to the western boundary of parcel 3.

Commissioner Pulver stated that the existing residence driveway is on the west side of parcel 3. Where will the duplex will be serviced? Mr. Stevens reported along the common boundary between parcels 1 and 2.

Mr. Stevens reserved rebuttal time.

Commissioner Pulver wanted clarification that McAndrews Road is a standard residential street after it passes Ross. Mr. Roennfeldt stated, that is correct. On page 104 of the agenda packet it reads: "*West McAndrews Road shall be improved to Standard Residential street standards, along the frontage of the development...*"

The Public Hearing was closed.

Motion: The Planning Commission adopts the findings as recommended by staff and directs staff to prepare a Final Order for approval of LDP-18-015 per the staff report dated April 3, 2018, including Exhibits A through N.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Foley

Roll Call Vote: Motion passed, 9-0.

**50.3 DCA-16-072 / CP-17-114 / ZC-17-115** The proposal is a four part project that includes the following land use applications: **1) A General Land Use Plan Map Amendment** to update the Comprehensive Plan Map by converting existing parks from their current GLUP designation to the Parks and Schools GLUP designation and make corrections to two other properties that are privately owned located on Merriman Road and Dillon Way; **2) A Major Zoning Map Amendment** to create a new Public Parks (P-1) zoning district and convert existing publicly owned park properties from their current zoning designation of residential, commercial, or industrial to the new zoning designation; **3) A Land Development Code Amendment** to amend various sections of Chapter 10 of the Municipal Code to add regulations, uses, and procedures associated with the new Public Parks (P-1) zoning district; and **4) A Minor Comprehensive Plan Amendment** to update two elements of the Comprehensive Plan to reflect the new Public Parks (P-1) zoning district.

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

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

Carla Paladino, Principal Planner, stated that the code amendments and major zoning map amendments criteria can be found in the Medford Land Development Code Section 10.184 (2) & (3). The applicable criteria were included in the staff report, property owner notices and hard copies are available at the entrance of Council Chambers for those in attendance. Ms. Paladino gave a staff report.

Vice Chair McFadden stated that the properties that are State and County owned look like they have been committed for long term buildable lots. He assumes the State or County will not sell them leaving a vacant area in the middle of everything else. Ms. Paladino reported that staff received information from the County that they had no issues with the rezone. The County properties are along the Greenway so there is no change. Staff received comments back regarding the Oregon Department of Transportation (ODOT) properties in the exhibits provided today. They are not in favor of changing the ten properties. Those properties should not be noted as tax lots and should be noted as right-of-way. Staff submitted that information to the County yesterday. The County came back today and stated they have updated their assessor maps to show that. Staff's recommendation is to take those ten properties that are ODOT owned out.

Ms. Paladino continued with her staff report.

Exhibits M through R were emailed to the Planning Commission earlier today.

- Exhibit M: Parks Department email from Haley Cox

- Exhibit N: Parks Department suggested revisions to code amendments
- Exhibit O: Revised code language with Park Department edits and changes discussed with Parks Staff
- Exhibit P: Jackson County email
- Exhibit Q, Q-1, Q-2: Oregon Department of Transportation email and attachments
- Exhibit R – Engineering Department email comments

Commissioner Foley asked, what is the approving process today versus with the new zone? Ms. Paladino reported that the criteria will be different. It would be specific to Parks, consistent with the Leisure Services Plan, mitigation, etc. It mirrors the Conditional Use Permit process. Staff did not think it appropriate for a zone that calls out what the use is that an applicant would have to request special approval conditionally to get that use.

Commissioner McKechnie asked, are schools put in with Parks? Ms. Paladino stated that staff wanted to create a broad public district that would include government facilities, parks, schools, utilities and that was too much. The Planning Commission at the time noted that the proposal needed to be slimmed down. The focus now is just on parks. The zoning will not change for school designations that have the parks and school General Land Use Plan designation.

Commissioner McKechnie asked, if a building or school is in a park does that come to the Planning Commission or to the Site Plan and Architectural Commission for review? Ms. Paladino stated that the permitted use table identifies where it would go. Schools would go to the Site Plan and Architectural Commission for review. A park building would go before the Planning Commission.

Commissioner Mansfield stated the Ms. Paladino mentioned restaurants being a use in a park. He does not understand that. Why allow restaurants to be built in parks? Ms. Paladino stated there are those types of uses in other parks.

Chair Miranda did not understand police stations and fire departments on parkland. Ms. Paladino stated that Fire Station #3 is on parkland. Staff did not want to make anything nonconforming.

Vice Chair McFadden stated that on page 146 of the agenda packet he does not know the definition of a linear park. Ms. Paladino reported the example noted in the Leisure Services Plan of a linear park is the trail along Biddle Road.

Vice Chair McFadden had concerns that under permitted uses does the City see any need to specify renting out a park or provide sole use of a park other than the normal permit process? On the sports court and noise the 50 feet is too small. Under caretaker provision

with a caretaker residence within the park, what are the setbacks? He was surprised that signs and lighted signs were included in parks.

Commissioner Pulver requested clarification of Exhibit O versus Exhibit E. Ms. Paladino clarified the revised code language beginning on page 5 of the new exhibits distributed earlier today.

Commissioner Pulver does Medford have a lot of City owned facilities leased to private parties such as an aquatic facility with a café. It is not the primary use of the building it would be part of the aquatic center. Ms. Paladino reported that is correct. It would be an accessory. A lot of the permitted uses could potentially be accessory. Police station or fire department would be a primary use.

Commissioner Pulver also is confused on schools. The intent is just for parks but for approved uses the schools are listed. Ms. Paladino gave an example why. The West Howard Park that is in the County may potentially become part of the City. There is a charter school approved on that site.

The Public Hearing was opened.

a. Raul Woerner, CSA Planning Ltd., 4497 Brownridge Terrace, Suite 101, Medford, Oregon, 97504. Mr. Woerner shared his thoughts. He has done a lot of work in jurisdictions throughout the states and many that have special protection, school and park zones. At times it complicates projects that may have been easy like a property line adjustment, land exchange or sale of excess property. Is there an alternative to approach the objective by taking the special permitting and making it clear that parks can be allowed as a permitted specialty use in all the zones they previously were rather than creating a zoning district? If you need to know where parks are put a note on the map. There are long term consequences requiring it to be in a zoning district. Streamline the permitting standard for parks. Zone changes always come with the issue of what to do with traffic. There are properties that are already commercially designated. How many of those have pipeline trips or trips credited in the transportation model that assume they are commercial because they are going to be down zoned? He suggested to bank those trips and get credits when dealing with ODOT in the future on facility projects. Maybe put it up for auction. He has a lot of other issues. What is good for the goose is good for the gander. If you have something for public parks have something for private parks.

Ms. Paladino followed up stating that staff talked to the Public Works Department about the issue of zone changes and whether or not to add it to the locational criteria. Mr. Woerner is correct about the ITE manual that talks about trips per uses would be less than residential or commercial. Their thought was since there is a lesser traffic impact there would not be any requirement for locational standards for the zone change.

In terms of allowance for parks on other zones staff is not changing that part of the permitted use table. For publically owned land staff would like to match parks and schools GLUP map designation and match that with the appropriate park zone. Staff is not going to rezone properties that are potentially private.

Commissioner McKechnie asked, when two parcels next to each other that are differently zoned and the zone runs on the property line, if a property line adjustment is done, does the zone automatically move with it? Ms. Paladino reported that the criteria for property line adjustment does not allow it to be a split zone. It would not move. There would have to be a zone change.

The Public Hearing was closed.

Motion: The Planning Commission, based on the findings and conclusions that all of the approval criteria are met or are not applicable, initiates the amendment, and forwards a favorable recommendation for approval of DCA-16-072, CP-17-114, to the City Council, and the Planning Commission approves ZC-17-115 without forwarding it to the City Council (see note below), including Exhibits M through R with the following changes:

Modify header on report

Modify number of properties from 144 to 132 & update table

Remove 10 ODOT properties from proposal

Use Exhibit O in place of Exhibit E

Move criteria language in 10.295 (A) (5) to more suitable location

**NOTE:** The proposed zone change is a Major Zone Change (Class A procedure) which provides for a Planning Commission recommendation and City Council approval. The Planning Commission does not have final approval authority on Class A applications. The ZC-17-115 application will be forwarded to City Council for approval.

Moved by: Vice Chair McFadden

Seconded by: Commissioner McKechnie

Commissioner Pulver commented that reading the minutes from previous study sessions he echoes some of Mr. Woerner's comments. He is not sure this is necessary or appropriate and has reservations as to the why. He appreciates staff's work. As far as permitted uses he struggles with some of the items on the list. He thinks they are too broad.

Roll Call Vote: Motion passed, 8-1, with Commissioner Pulver voting no.

60. Reports

**60.1** Site Plan and Architectural Commission.

Commissioner Culbertson reported that the Site Plan and Architectural Commission met Friday, April 6, 2018. They heard and approved a proposal for the construction of an approximately 21,000 square foot, two-story, general office building on 1.39 acres in the Navigators Landing Planned Unit Development located west of the Medford International Airport on the corner of O'Hare Parkway and National Drive. They also heard and approved construction of a 20,423 square foot freight terminal on one parcel totaling 8.6 acres located northwest of the intersection of Bierson Way and Bateman Drive.

#### **60.2 Report of the Joint Transportation Subcommittee.**

Commissioner Pulver reported that the Joint Transportation Subcommittee had a study session the last week of March. Discussion was an update on the Transportation System Plan. They also met Wednesday, March 28, 2018. The Planning Commission and the City Council has a joint study session on Thursday, March 29, 2018. He believes the Planning Commission is up to date of the discussion regarding the project list, budget, and what projects to incorporate as being financially constrained.

A local cycle group presented a publication that discussed the stress of riding a bicycle on the roads and different solutions. A question put before the group was, is this something to include in the Transportation System Plan update? That will be discussed at the next meeting. It is difficult to create a situation where bicycles and cars can coexist on a road with the speed and amount of traffic. How do you solve it? Possibly off road paths.

Chair Miranda added that was the same group that spoke to the Planning Commission in January under Oral Communication. They were put on the agenda for the Joint Transportation Subcommittee for March.

#### **60.3 Planning Department**

Kelly Akin, Assistant Planning Director, reported that Carla Paladino, Principal Planner, had sent an email regarding the Housing Advisory Committee. Commissioner Culbertson volunteered to be on that Committee. If anyone else is interested please let Carla know tomorrow. It is a two to three month obligation.

Ms. Paladino stated that she does not have the specific dates or times. She just sent the Request for Qualification. They want to get the consultant hired by the end of May. She is estimating starting the middle of June. Chair Miranda tentatively volunteered depending on date and time.

The next Planning Commission study session is scheduled for Monday, April 23, 2018. Discussion will be on Transitional Housing and Warming and Cooling Shelters.

The Planning Commission has business scheduled for Thursday, April 26, 2018, Thursday, May 10, 2018, Thursday, May 24, 2018 and Thursday June 14, 2018.

The City Council did not have a quorum at their last meeting.

At their next meeting the City Council will hear items carried over and new items on housing.

May is National Historic Preservation month. There will be a proclamation and block grant update to the community action plan for CBDG.

Commissioner Culbertson mentioned Old Dominion Freight development not far from the airport. This is a big expansion. The site is approximately 8 acres and has 40 loading bay doors. Heartland Express picked up where Gordon Trucking was on Sage and adding a building. Gordon Trucking submitted an application to construct a new facility at the intersection of Table Rock and Biddle.

70. Messages and Papers from the Chair.

70.1 Chair Miranda commented that it was nice to see all Planning Commissioners present. It adds a lot to the discussion.

80. Remarks from the City Attorney. None.

90. Propositions and Remarks from the Commission.

90.1 Commissioner Pulver stated that buffer yards between commercial and residential might be an item for discussion. It is a valid point.

90.2 Commissioner Culbertson commented about the joint City Council and Planning Commission study session stating that it was semi productive because it was hard to start. They did not have any specific topic. Having a quarterly or some sort of joint meeting between the City Council and Planning Commission with limited time, specific topic and only discuss the topic bears a lot of merit. It gets both on the same page. The Planning Commission approves items complying with the Code and the City Council passes policy items. If they are in conjunction the City Council would not over rule or remand an item for an irrelevant reason and the Planning Commission would not be passing an item that will be denied by the City Council.

100. Adjournment

The meeting was adjourned at 7:15 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:

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Terri L. Rozzana  
Recording Secretary

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Patrick Miranda  
Planning Commission Chair

Approved: April 26, 2018



# Planning Department

*Working with the community to shape a vibrant and exceptional city*

## STAFF REPORT

for a type-C quasi-judicial decision: Land Division – Partition

PROJECT Delta Waters Properties - Partition  
Applicant: Delta Waters Properties, LLC.  
Agent: CSA Planning Ltd.

FILE NO. LDP-18-023

TO Planning Commission

*for April 26, 2018 hearing*

FROM Dustin Severs, Planner III

REVIEWER Kelly Akin, Assistant Planning Director *KA*

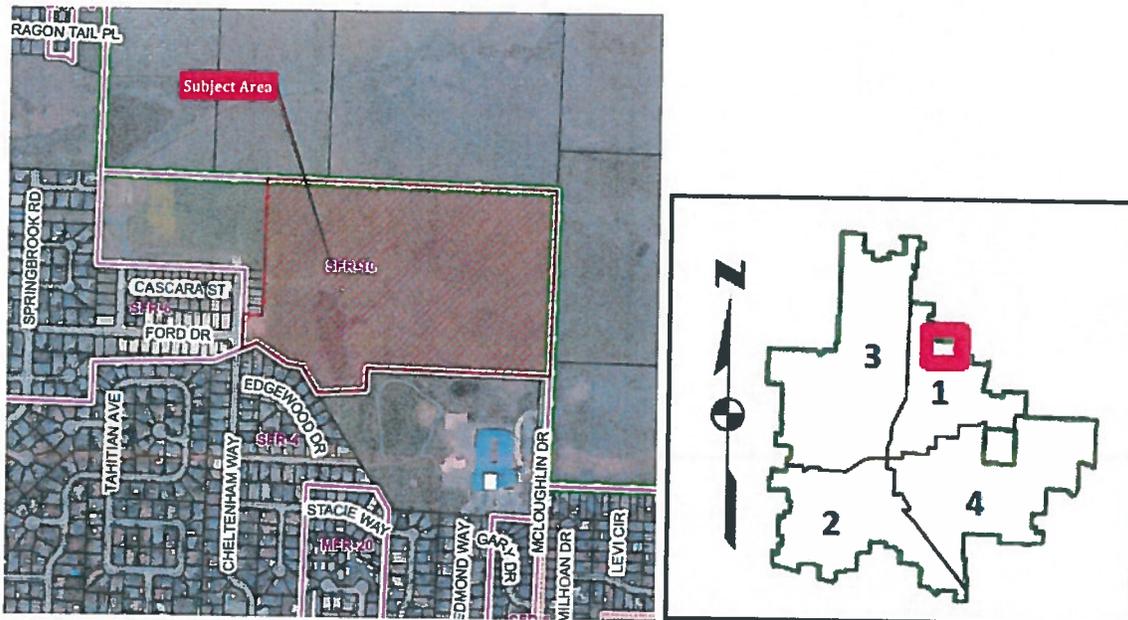
DATE April 19, 2018

### BACKGROUND

#### Proposal

Consideration of a request for tentative plat approval of a proposed three-lot partition on a 42.4-acre parcel located at 3202 Cheltenham Way within the SFR-6 (Single-Family Residential, six dwelling units per gross acre) and the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning districts (371W081101).

#### Vicinity Map



Subject Site Characteristics

Zoning: SFR-10 (Single-Family Residential, ten dwelling units per gross acre) and SFR-6 (Single-Family Residential, six dwelling units per gross acre).  
GLUP: UR (Urban Residential)  
Overlay(s): AC (Airport Area of Concern) and RZ (Restricted Zoning)  
Use(s): Vacant

Surrounding Site Characteristics

*North* Zone: Jackson County EFU (Exclusive Farm Use)  
Use(s): Single-family residence/low intensity agriculture  
*South* Zone: SFR-4 (Single-Family Residential, four dwelling units per gross acre)  
Use(s): Edgewood Estates subdivision, Abraham Lincoln Elementary School  
*East* Zone: Jackson County EFU (Exclusive Farm Use)  
Use(s): Single-family residence/low intensity agriculture  
*West* Zone: SFR-6  
Use(s): Delta Estates Subdivision Phases 1-3

Applicable Criteria

**MLDC 10.270: 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.*

Corporate Names

Delta Waters Properties, LLC, is the owner of this property. The Oregon State Business Registry list their principal place of business as located at 1501 E. McAndrews Road, and James M. Root as its Registered Agent.

**ISSUES AND ANALYSIS**

Site History

**SITE HISTORY**

<b>FILE #</b>	<b>DATE</b>	<b>DESCRIPTION</b>
ZC-10-078	February 10, 2011	Zone change from SFR-00 to SFR-10
LDP-13-086	September 15, 2014	Final plat approval for a 3-lot partition on 65.55-acres, including the subject 42.4-acre property.
LDP-13-086	February 5, 2016	Final plat approval for Delta Estates – Phase 1
LDS-16-090 ZC-16-089	November 10, 2016	Tentative plat approval for Delta Estates – Phases 3-5, a 93-lot residential subdivision, and a zone change from SFR-10 to SFR-6.
PLA-17-072	August 21, 2017	Property line adjustment altering the boundaries of property and separating the subject 42.4-acre property from the approved Delta Estates – Phases 1-3.
LDP-13-086	March 1, 2018	Final plat approval for Delta Estates – Phase 2 & 3

The subject 42.4-acre parcel is a part of the larger Delta Estates subdivision (65.5 acres), which was first platted as a 3-lot partition (with oversized reserve parcels) in 2014 (LDP-13-086) with the subject 42.4-acre site then split between parcels 3 and 4 and identified as “Residual Parcels” on the final plat (Exhibit K).

Delta Estates – Phase I, identified as Parcel 1 on the 2014 partition plat, received final plat approval on February 5, 2016 (Exhibit L). The remaining area of the original 65.5-acre Delta

Estates site received tentative plat approval on November 10, 2016 (LDS-16-090, Exhibit M) for a 93-lot subdivision, which included future phases 3-5.

The tentative plat of Delta Estates – Phases 3-5 included the westerly 10.41-acre portion of the subject site identified as Parcel I on the tentative plat for the subject application (Exhibit B), and identified as future Phases 4 and 5 on the approved tentative plat from November 10, 2016 (LDS-16-090, Exhibit M). Delta Estates – Phase 2, received final plat approval on March 1, 2018 (Exhibit O). Delta Estates – 4 and 5, identified as the westerly 10.41-acre Parcel I on the subject tentative plat (Exhibit B), has yet to receive final plat approval.

The approval of the subject request will not terminate the previous tentative plat approval of Parcel I - tentatively approved as future Phases 4-5 (LDP-16-090); rather, the subject partition will simply establish a property line boundary around these tentatively approved future phases (the tentative plat approval of Phases 4-5 are set to expire in 2021).

A Property Line Adjustment was approved on August 21, 2017 (PLA-17-072), which adjusted the east/west boundary line of the site and created the subject 42.4-acre parcel as it is currently configured (Exhibit N).

#### Current Proposal

The applicant is now requesting to create a 3-lot partition on the remaining 42.4-acre parcel of the Delta Estates subdivision. The three resulting parcels identified on the submitted tentative plat (Exhibit B) will consist of a 10.41-acre parcel identified as Parcel I, a 12.23-acre parcel identified as Parcel II, and a 19.76-acre parcel identified as Parcel III. The applicant's submitted *Findings of Fact and Conclusions of Law* (Exhibit C) state the purpose of the partition is for business and estate planning purposes and no development will result from approval of this application. The applicant's findings further state that the intended land use for the subject site – in the short-term – is to seek final plat approval for Parcel I, which has already received tentative plat approval for Delta Estates - Phases 4 and 5 (LDS-16-090), and to develop the remaining Parcels 2 and 3 in the future as a phased residential development.

#### Reserve Acreage

All three parcels identified on the submitted tentative plat exceed the maximum lot area range allowed for the site's underlying SFR-10 and SFR-6 zoning districts, as found in MLDC 10.710. The applicant's submitted *Findings of Fact and Conclusions of Law* (Exhibit C) state that the applicant will stipulate that no new dwelling units may be constructed on the resulting lots unless and until a subsequent plan authorization is issued by the City that will result in dwelling unit counts that are between the minimum and maximum under the applicable zoning district standard. The applicant's findings go on to state that if said stipulation is unacceptable to the City, then the applicant would opt to designate the parcels as Reserve Acreage, pursuant to MLDC 10.708(A)(3)(a). At the Land Development meeting held on March 28, 2018, it was staff's recommendation to the applicant that simply designating all three parcels as Reserve Acreage – allowing the area to be removed from the density calculation at the developer's discretion and developed at later time – would be the most expeditious approach. The applicant agreed to said stipulation.

While the construction of public improvements along all abutting rights-of-way are required of subdivisions prior to final plat approval, designating the parcels as Reserve Acreage will allow the applicant to delay the construction of the public improvements until the time at which the properties are developed, pursuant to MLDC 10.708(A)(3)(a).

As a condition of approval, the applicant will be required to submit a revised tentative plat identifying all three parcels as reserve acreage, prior to final plat approval.

#### Restricted Zoning (RZ) Overlay

At the time of zone change approval (ZC-10-078), the subject property was analyzed for transportation facility adequacy, which resulted in the applicant stipulating to a trip cap on the property based on the projected number of dwelling units constructed on the site in the future. The subject partition application will have no impact on the trip cap stipulated on the property; however, the applicant will be required to coordinate with the City as the site is further subdivided in the future to assure compliance with the trip cap.

Per MLDC 10.413, titled *Restricted Zoning Administrative Mapping Category, RZ*, the Restricted Zoning Administrative Mapping overlay will be removed from the property upon satisfaction of the conditions of approval or stipulations of the zone change approval.

#### Agricultural Buffering

Per MLDC 10.801, land proposed for urban development which abuts and has a common lot line with other land which is zoned EFU requires agricultural buffering. The subject property shares a common lot line along both its easterly and northerly border with land located outside of both the City and the Urban Growth Boundary (UGB), and zoned EFU. The applicant submitted an Agricultural Impact Assessment as part of their tentative plat approval in 2016 (LDS-16-090), which determined that the abutting EFU lands are used primarily for passive agriculture. Required mitigation for passive agriculture includes: a 6-foot fence or wall, a deed declaration regarding the adjoining passive agriculture, and measures to mitigate adverse impact of periodic natural run off and agricultural irrigation run off. These mitigation measures will be required to be completed prior to the issuance of building permits for vertical construction, and the subject application is not germane to the future implementation of these measures.

#### Facility Adequacy

Per the agency comments submitted to staff (Exhibits H-I), it can be found that there are adequate facilities to serve the future development of the site.

#### Committee Comments

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

## FINDINGS AND CONCLUSIONS

Staff finds the partition plat consistent with the Comprehensive Plan and all applicable design standards set forth in Articles IV and V. Furthermore, the partition will not prevent development of the remainder of the property under the same ownership or of adjoining land; Criteria 4 and 5 are not applicable to the subject development; and the partition will not cause an unmitigated land use conflict, as the applicant has already submitted an Agricultural Impact Assessment identifying future measures to be undertaken by the applicant in order to minimize or mitigate the adverse potential impacts associated with the proximity of urban and agricultural land uses. Staff recommends that the Commission adopt staff's Findings of Fact as presented.

## RECOMMENDED ACTION

Adopt the findings as recommended by staff and direct staff to prepare a Final Order for approval of LDP-18-023 per the staff report dated April 19, 2018, including Exhibits A through O.

## EXHIBITS

- A Conditions of Approval, dated April 19, 2018.
- B Tentative Plat, received February 28, 2018.
- C Applicant's Findings of Fact, received February 28, 2018.
- D Accessor's Map, received February 28, 2018.
- E Adopted North Medford Circulation Plan, received February 28, 2018.
- F General Land Use Map, received February 28, 2018.
- G Zoning Map, received February 28, 2018.
- H Public Works Staff Report, received March 28, 2018
- I Medford Water Commission memo, received March 28, 2018.
- J Oregon Department of Aviation (ODA) email, received March 21, 2018.
- K Final plat for Delta Waters Properties 3-lot Partition, dated September 15, 2014.
- L Final plat for Delta Estates – Phase 1, dated February 5, 2016.
- M Tentative plat for Delta Waters - Phases 3-5, dated November 10, 2016.
- N Final plat – Property Line Adjustment, dated August 21, 2017.
- O Final plat – Delta Estates Phase 2 & 3, dated March 1, 2018.  
Vicinity map

**PLANNING COMMISSION AGENDA:**

**APRIL 26, 2018**

**EXHIBIT A**

Delta Waters Properties - Partition  
LDP-18-023  
Conditions of Approval  
April 19, 2018

**DISCRETIONARY CONDITIONS**

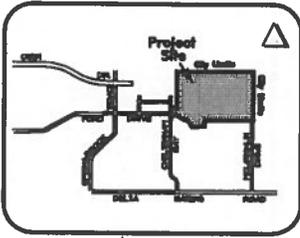
1. The Commission accepts the applicant's stipulations as stated in the submitted *Findings of Fact and Conclusions of Law* (Exhibit C), and applies them as conditions except as modified.

**CODE REQUIRED CONDITIONS**

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

2. Comply with all requirements of the Medford Public Works Department (Exhibit H)
3. Comply with all conditions stipulated by the Medford Water Commission (Exhibit I).
4. Submit a revised tentative plat identifying all three parcels as Reserve Acreage, pursuant to MLDC 10.708(A)(3)(a).

**VICINITY MAP**



**LAND PARTITION  
TENTATIVE PLAT**

Located in:  
In the S.E. 1/4 of Section 8 (8D)  
Township 37S., R1W., W.M.,  
City of Medford  
Jackson County, Oregon  
3202 Cheltenham Way  
Tax Lot 1101

SCHOOL DISTRICT: 548C (MEDFORD)  
SANITATION DISTRICT: R.R.V.J.D.  
CITY OF MEDFORD  
AREA: GROSS = 42.84 ACS-USABLE = 42.40 ACS  
ZONING: SFR-1/2Z - SFR-10/2Z  
EXISTING USE: VACANT  
PROPOSED USE: RESIDENTIAL



**OWNER/APPLICANT**

DELTA WATERS PROPERTIES, LLC  
P.O. Box 430  
Medford, Oregon 97501

**AGENT**

Beverly Thruston—CSA Planning  
4497 Brownridge Terrace #101  
Medford, Oregon 97504  
541-779-0569

**SURVEYING**

Hoffbuhr & Associates  
680 Golf View Dr., Suite 201  
Medford, Oregon 97504  
541-779-4641

**ENGINEERING**

CEC Engineering  
132 West Main  
Medford, Oregon 97501  
541-779-5268

February 20, 2018

TAX LOT 2600  
371W09  
CANNON  
RYAN ET AL

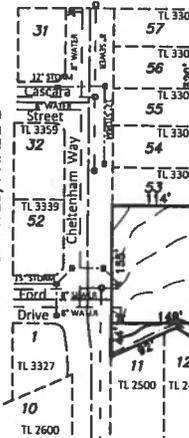
TAX LOT 1400  
371W08B  
JACKSON COUNTY  
SCHOOL DISTRICT 549-C

**ADJOINERS**

- 371W08DB TL 1800 BOYLE DANIEL J
- 371W08DB TL 1900 PEARSON BRENT TRUSTEE ET AL
- 371W08DB TL 2000 MYERS JOSHUA/MELISSA
- 371W08DB TL 2100 SURGEON SCOTT/IRACY
- 371W08DB TL 2200 GREER LINDA S
- 371W08DB TL 2300 ANNETTE TRUSTEE ET AL
- DB
- 371W08B DELTA WATERS PROPERTIES LLC
- DB
- LERIE TRUSTEE ET AL
- DB
- MILY LIVING TRUST
- DB
- VS ALAN L
- DB
- SERALD/SHARON
- 371W08DB TL 3301 RIPPUNGER CRYSTAL LYNN
- 371W08DB TL 3302 MAHON BARBARA/ARCHIE
- 371W08DB TL 3303 DURANT MARY ANGELA
- 371W08DB TL 3304 TUBO
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- 371W08DB TL 3399
- 371W08DB TL 3400

DELTA ESTATES,  
PHASE 3  
(Under Construction)

DELTA ESTATES, PHASE 1



TAX LOT 900  
371W08B  
CARPENTER  
DUNBAR S

TAX LOT 1000  
371W08B  
SKINNER  
STEVEN W

CITY LIMITS

1677'

PARCEL 1  
10.41 ACS.

PARCEL 2  
12.23 ACS.

PARCEL 3  
19.76 ACS.

POND  
WATER LEVEL  
1388.4'

TAX LOT 1400  
371W08B  
JACKSON COUNTY  
SCHOOL DISTRICT 549-C

CITY LIMITS

RECEIVED  
FEB 28 2018  
PLANNING DEPT

Page 26

EXPIRES 12/31/18

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

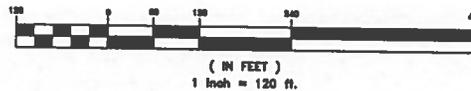
ELECTRONIC SIGNATURE

OREGON  
DAVID L. MINNECI  
2549

EXPIRES 12/31/18

375 1W 08 TL 11101

GRAPHIC SCALE



BY: DAVID MINNECI	DATE: 18 2328
PROJECT NO.	FEBRUARY 20, 2018
DRAWING FILE NO.	18-527
SCALE:	1" = 120'
DATE OF SURVEY:	
DATE OF BEARING:	
DRAWN BY:	
CHECKED BY:	
DATE:	
PROJECT 1 OF 1	

RECEIVED

FEB 28 2018

PLANNING DEPT.

BEFORE THE PLANNING COMMISSION

FOR THE CITY OF MEDFORD

JACKSON COUNTY, OREGON

IN THE MATTER OF AN )  
APPLICATION FOR TENTATIVE )  
PLAT TO DIVIDE A TRACT OF LAND )  
HAVING 42.40 ACRES INTO THREE )  
PARCELS HAVING 10.41, 12.23 AND )  
19.76 ACRES RESPECTIVELY AND )  
SEEKING FOR A TRACT OF LAND )  
LOCATED WITHIN THE )  
CORPORATE LIMITS OF THE CITY )  
OF MEDFORD, OREGON )

FINDINGS OF FACT AND  
CONCLUSIONS OF LAW

*Applicant's Exhibit 2*

Owner/Applicant: )  
Delta Waters Properties, LLC )  
Agent: CSA Planning, LTD )

I

SUMMARY AND SCOPE OF APPLICATION

Applicant Delta Waters Properties, LLC seeks approval for a Land Division to three parcels from a single 42.40-acre tract. The resulting three parcels will have 10.41, 12.23, and 19.76 acres. The purpose of the partition is for business and estate planning purposes and no development will result from approval of this application. A portion of this property already has tentative plan approval for subdivision for one of the resulting parcels, see Planning File No. LDS-16-090, Phases 4 and 5. In the short-term future, Applicant intends to submit plans for development of the properties.



I

II

**EVIDENCE SUBMITTED WITH APPLICATION**

Applicant herewith submits the following evidence with its application for land division:

- Exhibit 1.** Completed Land Division application forms and agent authorizations from the record owners of the subject property
- Exhibit 2.** The proposed Findings of Fact and Conclusions of Law (this document) demonstrating how the land division application complies with the applicable substantive criteria of the MLDC
- Exhibit 3.** Jackson County Assessor plat map 37-1W-08, which contains and depicts the subject property
- Exhibit 4.** Current City of Medford Zoning Map on Aerial
- Exhibit 5.** City of Medford GLUP Map
- Exhibit 6.** Tentative Partition Plat, *January 22, 2018*
- Exhibit 7.** Tentative Subdivision Plat, LDS-16-090, *Approved November 10, 2016*
- Exhibit 8.** Adopted North Medford Circulation Plan

III

**RELEVANT SUBSTANTIVE APPROVAL CRITERIA**

The criteria under which the application for Land Division must be approved are in Section 10.270, of the Medford Land Development Code (MLDC). The approval criteria are recited verbatim below and again in Section V, where each are followed by the conclusions of law:

**City of Medford Approval Criteria**

***LAND DIVISION – Tentative Subdivision Plat***

**MLDC 10.270 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.

#### IV

#### **FINDINGS OF FACT**

---

The Planning Commission reaches the following facts and finds them to be true:

1. **Property Location:** The property is located at the northern termini of McLoughlin Street and the eastern termini of Ford Drive. The property is within the corporate limits of the City of Medford and its adopted and acknowledged urban growth boundary. The property's eastern and northern boundaries are coincidental with the UGB and City's eastern and northern boundary.
2. **Property Description and Acreage:** The property is identified in the records of the Jackson County Assessor as Tax Lot 1101 in Township 37 South Range 1 West in Section 08. The property consists of a single parcel that has approximately 42.40 acres.
3. **Subject Property Ownership:** The subject property is owned by Delta Waters Properties LLC which has consented in writing to this partition application. *See*, Exhibit 7 which includes a power of attorney from the LLC owner, who is also the Applicant.
4. **Comprehensive Plan Map Designation:** The property is designated Urban Residential on the Medford Comprehensive Plan Map.<sup>1</sup>
5. **Zoning Map Designation:** A portion of the property is zoned City SFR-6 and a portion of the property is zoned City SFR-10.
6. **Previous Land Use Approvals:**
  - A. **PLA-17-072 Approved July 5, 2017.** Created current configuration of Parcels 2 and 3. Subject property is the eastern parcel containing approximately 42.40 acres.

---

<sup>1</sup> Medford often refers to its comprehensive plan map as the Generalized Land Use Plan or GLUP map.

- B. **ZC-16-089/LDS-16-090/ E-16-091** *Approved November 10, 2016.* Zone change to SFR-6 and Tentative plat for Phases 2 through 5 of the Delta Estates subdivision. Parcel 1 in this application contains the areas for Phases 4 and 5.
- C. **LDP-13-086** *Approved November 14, 2013.* Three lot partition of 65.5 acre parent parcel.
7. **Existing Land Use:** The property is vacant and is in the process of being developed for urban residential uses.
8. **Intended Land Use:** Applicant herewith testifies that they intend the property to be developed as a phased residential development project, the design for which is complete for Phases 4 and 5 of Delta Estates.
9. **Topography:** The property slopes gently from the west up to the east at one to two percent grade. There is a small ridge that runs down the center of the property. Topography does not represent a significant constraint for urban utilization of the property.
10. **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 an irrigation pond and irrigation ditch that connects to the Hopkins Canal. The irrigation pond is identified as MD-W55 on Medford's Local wetlands inventory maps. The pond is not affected by this land division application; the pond has been placed entirely on one of the three parcels proposed here for creation.
11. **Surrounding Land Uses:** The GLUP map (Exhibit 5) and Zoning Map which is overlaid on an aerial photo (Exhibit 4) accurately depict the pattern of land partitioning and development in the surrounding area. The property is located on Medford's urban boundary with urban uses to the south and west and agricultural uses to the east and north. The land uses that surround the subject property are further described as follows:
- A. **East:** Lands to the east are outside the Medford Urban Growth Boundary and are planned by Jackson County Agricultural and zoned Exclusive Farm Use (EFU). The properties are owned by DCM Foothill LLC et al, and are within an Urban Reserve. The land contains some low intensity agricultural and rural uses.
- B. **South:** To the south, there are two adjacent land uses. The eastern half of the southern boundary of the subject property is adjacent to Lincoln School along McLoughlin Drive. To the south and southwest are Urban Residential lands zoned SFR-4. These lands are developed with single-family dwellings constructed in the early 1980s through the mid-1990s.
- C. **West:** To the west are Urban Residential lands zoned SFR-6. These lands are developed with recently constructed single-family dwellings. Beyond the residential lands to the west are commercial and industrial lands along Highway 62. Lands to the west also contain Owen Drive which is an urban arterial west of Crater Lake Avenue and a major collector east of Crater Lake Avenue. Owen Drive is planned to be extended across the subject property in the future.



**D. North:** Lands to the north are outside the Medford Urban Growth Boundary and are planned by Jackson County Agricultural and zoned Exclusive Farm Use (EFU). The properties are owned by Rocky Knoll LLC and are within an Urban Reserve as the County is currently reviewing Urban Reserves for the City of Medford. The lands contain some low intensity agricultural and rural uses and a small orchard.

**12. Essential (Category "A") Public Facilities:** The comprehensive plan defines Category "A" public facilities as: (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 area served by City of Medford. Existing 8-inch sanitary sewer lines are adjacent to the property at Cheltenham Way and Ford Drive. Based upon conversations with the Public Works Department, there exist some downstream deficiencies that would need to be mitigated prior to full-build out under the SFR-10 and SFR-6 zoning districts, as follows:

- a. There is a deficiency with 302 lineal feet of sewer line near the site between Ford and Springbrook if the line were to serve more than 440 single-family dwellings. Based upon the build-out of the project so far and the expected build-out of the remainder of the site, the site is not expected to create 440 dwelling units and this capacity threshold will not be reached.
- b. There is a more systemic deficiency further downstream south of the airport on a larger regional line that affects full-build out under this partition. There is approximately 4,000 feet of lineal 18 and 24 inch sanitary sewer line that will need to be upgraded to 24 inch and 30 inch line to accommodate full-build out of the partition. The Public Works Department estimates that approximately 380 units can be served with the existing facilities and that the Department has intentions of using future SDCs to pay of upgrades of this facility over the next ten years. Based upon the build-out of the project so far and the expected build-out of the remainder of the site, the site is not expected to create 380 dwelling units and this capacity threshold will not be reached.

**B. Sanitary Sewer Service (Treatment):** According to a representative of the Medford Engineering Department, sewage wastewater collected and transported by the Bear Creek Interceptor is treated at the Medford Regional Water Reclamation Plant. 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 multiple water lines that are gravity served by the Capital Hill water reservoir. A 12-inch water line is available at the terminus of McLoughlin Drive. An 8-inch water line is available at the terminus of Cheltenham Way. A 12-inch water line is available at the terminus of Ford Drive.
- 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 Commission expects present facilities will be adequate to accommodate growth until around the Year 2050.
- E. **Storm Drainage:** There is an existing 36-inch storm drainage line in Owen Drive and existing stormwater detention and treatment ponds within the project. These facilities have been engineered to accommodate all the storm drainage from the property.
- F. **Streets and Traffic:** The following facts pertain to streets and traffic as proposed in this project:
- **Street Functional Classification and Standards:** McLoughlin and Owen are identified as Major Collectors in the City Transportation System Plan. All other streets adjacent to the project are local residential streets. Further to the west, Owen Drive becomes a major arterial. Crater Lake Avenue is a major collector. Delta Waters Road is a major arterial. Highway 62 (Crater Lake Highway) is classified as a State of Oregon Highway.
  - **Traffic Restrictions:** At the time of zone change, the subject properties were analyzed for transportation facility adequacy. There are additional restrictions that would apply at the levels of 246 dwellings, 320 dwellings, 346 dwellings and 470 dwellings. Based upon the build-out of the project to-date and preliminary design work for the remainder of the project only the 246 dwelling restriction will be impacted by the project. Applicant expects to work with the

City over the next six months to address this traffic restriction, although additional residential development approvals are still possible prior to reaching this threshold.

- **Access:** Ultimate and full build-out of the project will eventually have five access points, Owen Drive, Sharman Way, Ford Drive, Cheltenham Way, and McLoughlin Drive. Each resulting individual lot will have frontage and access from a City street.

**G. Police and Fire Protection:** The property is served by the Medford Fire Department from its Fire Station 5. Emergency fire response is estimated to be approximately 3 minutes. Police protection is from the City of Medford Police Department.

V

**CONCLUSIONS OF LAW  
LAND DIVISION**

Based upon the evidence in enumerated in Section II and summarized in the Section IV Findings of Fact, the Planning Commission reaches the following Conclusions of Law with respect to this matter:

**LAND DIVISION – Tentative Subdivision Plat**

**MLDC 10.270 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:

**Land Division Criterion 1**

- (1) Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, and all applicable design standards set forth in Article IV and V;

**Conclusions of Law; Consistency with the Comprehensive Plan:** In *Bennett vs. City of Dallas* 17 Or LUBA 450, aff'd 96 Or App 645 (1989), the Oregon Court of Appeals held that quasi-judicial land use criteria that require compliance with a comprehensive plan do not automatically transform all plan Goals, Policies and Implementation Strategies into decisional criteria; only the Goals, Policies and Implementation Strategies that contain language that, read in context, were intended to function as decisional criteria are in fact criteria. Based upon its review of the Comprehensive Plan, the Planning Commission holds that the Comprehensive Plan contains no goals or policies that by their language and context were intended to function as approval standards for the subject land division application.

**Conclusions of Law; Applicable Specific Plans:** The subject property is covered by a Neighborhood Circulation Plan — the adopted and acknowledged *North Medford Circulation Plan* which contemplates the extension of Owen Drive west along the north boundary of the subject property. A copy of the Adopted North Medford Circulation Plan is shown at Exhibit 8.

**Conclusion of Law; Consistency with MLDC Articles IV and V:** MLDC Article IV governs public improvements by establishing standards for their construction. As this application involves a land division which does not require the extension of streets or other public facilities and services, MLDC Article IV contains no standards or other provisions that apply to this application.

MLDC Article V establishes standards for site development, including standards for lot size and density. MLDC 10.702 prescribes the Lot Area and Dimension Requirements, as follows:

**10.702 Lot Area and Dimensions**

Each lot shall have an area, width, frontage, and depth consistent with that prescribed in this Article for the housing type, or commercial or industrial district in which the development, or the portion thereof, is situated, except in the following situations:

- (1) Within a planned unit development, a condominium project, as defined by ORS 100.005, or a pad lot development, as defined herein, the approving authority (Planning Commission) may permit tax lots



and common areas to be of an area, width, frontage, or depth different from such prescribed minimum or maximum lot area or dimensions.

- (2) For a condominium project, as defined by ORS 100.005, the minimum lot area and dimensions shall apply to the parent parcel only.
- (3) A new residential lot may exceed the maximum lot area only under the following circumstances:
  - (a) When an existing residence and associated yard area, containing improvements and established landscaping, occupy a larger area; or,
  - (b) When a portion of the lot is unbuildable for a reason beyond the control of the developer (i.e., due to creeks, oversized easements, etc.), the additional acreage, or fraction thereof, may not exceed the amount of unbuildable area.

The central question related to lot area is found in the introductory language of 10.702 which specifies that the lot area is prescribed by the housing type in which the development or portion thereof is situated. The particular application for partition is not a development unto itself. The purpose of the division is to make the property development ready, thus there is no particular lot area that is properly applied to the subject partition provided that the division does not create a circumstance where the configuration would violate land division Criterion #2. Land Division Criterion #2 is specifically formulated to assure future urban development of all resulting parcels can feasibly meet urban development standards of the City of Medford.

One might assert, that 10.702(3) is problematic for this interpretation. However, such a reading is out of context with the Article in its entirety which should properly be applied pursuant to the overarching introductory language in 10.702 which specifically references the Article V in its entirety. Maximum lot sizes only apply to single family residential lots as is plainly stated in the tables depicted in MLDC 10.710 to 10.714 and therefore 10.702(3) is only properly applied to a development proposing single family residential uses. This partition application does not prescribe a particular housing type one way or the other because the purpose of the partition is to ready this large property for development. However, the subject property is zoned SFR-10 and SFR-6. These zoning districts permit many housing types, including multi-family. Multi-family projects have no maximum lot size. Therefore, the subject partitioned parcels are not properly constrained through imposition of maximum lots size that applies to one particular use that may or may not be sought in the future and is not the subject of this partition.

In MLDC 10.710 the minimum and maximum density factor for single family dwellings in an SFR-10 zone is 6 to 10 units per acre and 4 to 6 acres in the SFR-6 zone portion. Applicant argues in the first instance that the partition is not subject to the residential density calculation and even if the Planning Commission concludes that it is subject to MLDC 10.708, that the below cited MLDC 10.708(A)(3) contemplates the establishment of non-development areas in land divisions that can be removed *at the discretion of the developer* and there is no limitation on the extent of these non-development areas where the resulting lots otherwise comply with MLDC 10.270(2). MLDC 10.708 provides as follows:

**10.708 Residential Density** (non-pertinent provisions omitted)

The minimum and maximum number of dwelling units permitted shall be determined by multiplying the project's gross acreage, less non-development areas (NDAs), by the zoning district minimum and maximum density factor, consistent with A, B, and C below.

A. Definitions.



When used in this Chapter in reference to the residential density calculations, the following terms shall have the meaning as herein assigned:

(3) *Non-Development Areas (NDAs)*. Those areas that may be removed from the density calculation, at the discretion of the developer.

(a) *Reserve acreage*. That portion of the project site which is not intended to be part of the development and can be separately developed at a later time.

(b) *Natural Unbuildable Areas*. Those natural areas unsuitable for building [e.g., wetlands, slopes over 30 percent, and creeks (from top-of-bank to top-of-bank)]. Does not include man-made non-buildable areas such as setbacks.

(c) *Oversize Residential Lots*. Lots with an existing house and yard, that exceed the maximum lot area as allowed in Section 10.702(3)(a).

(d) *Stormwater Detention and Treatment Facilities*, including access to the facility.

The applicant argues in the first instance that 10.708 does not apply because the subject application does not permit any new dwelling units, minimum or maximum. Applicant will stipulate that no new dwelling units may be constructed on the resulting lots unless and until a subsequent plan authorization is issued by the City of Medford that will result in dwelling unit counts that are between the minimum and maximum under the applicable zoning district standard.

If the Planning Commission concludes that MLDC 10.708 must be applied to the subject application notwithstanding that no new residential development is permitted as a result of the partition, Applicant argues that such application may still reasonably be permitted because MLDC 10.708(A)(3) lists Non-Development Areas (NDAs) that may be removed from the calculation *at the discretion of the developer*. If the Planning Commission concludes that MLDC 10.708 must be applied then the Applicant herewith declares the resulting three parcels to be reserve acreage. Under this declaration, the gross acreage for the residential project is zero acres and when multiplied by the minimum and maximum density the project is consistent with the density calculation because it will permit no new dwellings and the same is equal to the maximum and minimum resulting calculation of zero permitted dwellings.

\*\*\*\*\*

### **Land Division Criterion 2**

(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;

**Conclusions of Law:** Based upon Exhibit 6 and the Findings of Fact in Section IV, the Planning Commission concludes the application contemplates the creation of three large blocks of land for business and estate planning purposes. The proposed division, in and of itself, contemplates no particular development whatsoever. All resulting lots are sufficiently sized and located to support urban levels of development of the remainder of the subject property tract consistent with the SFR-10 and SFR-6 zoning districts. Applicant owns no other adjacent or nearby lands. This land division will also not prevent the development of any other adjoining land or of access thereto because this land division does not contemplate the extension of any existing street nor the creation of any new street. As such, this



application does not conflict with, and is therefore consistent with the requirements of Land Division Criterion 2.

\*\*\*\*\*

**Land Division Criterion 3**

- (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;

**Conclusions of Law:** The Planning Commission concludes that this tentative plat is a minor land division which involves no street creation and has no name. Therefore, this application is deemed to be consistent with Land Division Criterion 3.

\*\*\*\*\*

**Land Division Criterion 4**

- (4) Includes the creation of streets, that such streets are laid out to conform, within the limits of the City of Medford and its Urban Growth Boundary, to 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;

**Conclusions of Law:** The Planning Commission concludes that this land division does not include the creation of any public or private street. Therefore, this application is consistent with Land Division Criterion 4 by reason of inapplicability.

\*\*\*\*\*

**Land Division Criterion 5**

- (5) If it has streets 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;

**Conclusions of Law:** As noted in the conclusions of law for Land Division Criterion 4, this application does to involve the extension or creation of any public or private street. Therefore, the Planning Commission concludes that this criterion is met by reason of inapplicability.

\*\*\*\*\*

**Land Division Criterion 6**

- (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.

**Conclusions of Law:** The evidence shows that lands located to the north and east of the subject property are under Jackson County jurisdiction and zoned Exclusive Farm Use (EFU). However, while future development plans will need to address whether (and the extent to which) future development of the subject property will produce unmitigated land use conflicts with farm lands zoned EFU, this minor land division will not result in development of any



kind, it simply creates three large blocks of land for business and estate planning purposes. The mitigation of potential conflicts between existing farm uses and future urban development is required to be dealt with under the terms of the MLDC and its requirements for farmland buffering. As such, this land division will not cause an unmitigated land use conflict between the land division and adjoining agricultural lands within the EFU (Exclusive Farm Use) zoning district in compliance with Land Division Criterion 6.

**VI**

**ULTIMATE CONCLUSIONS**

Based upon the evidence in Section II and the Findings of Fact in Section IV, the Planning Commission concludes that the case for Land Division is consistent with all of the relevant criteria in the Medford Land Development Code (MLDC) 10.270 as hereinabove enumerated and addressed.

**VII**

**STIPULATIONS OFFERED BY APPLICANTS**

If made a condition attached to the approval of either of these land use applications, Applicant herewith agrees to stipulate:

1. **Future Development.** There shall be no residential development upon the three parcels herewith created by the approval of this application unless and until future urban development of one or more of the three parcels is approved by the City of Medford as a Planned Unit Development and/or Subdivision. Applicant observes that the same has already been approved for Phases 4 and 5 of Delta Waters Estates.

Respectfully submitted on behalf of Applicant Delta Waters Properties LLC:

CSA Planning, Ltd.

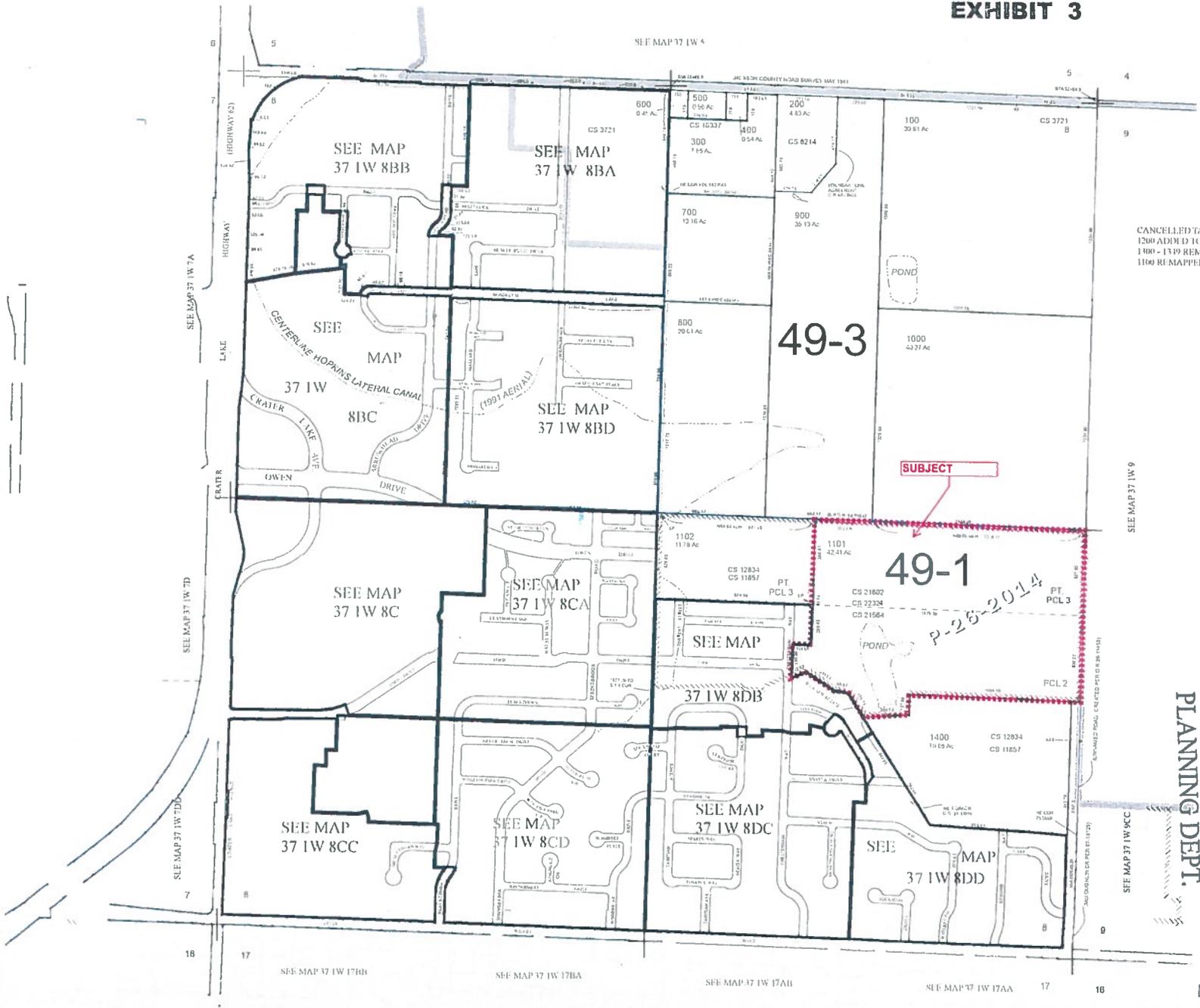


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Jay Harland  
President

**Dated: February 26, 2018**

EXHIBIT 3



CANCELLED TAX LOT NUMBERS  
1200 ADDED TO 1300  
1300 - 1319 REMAPPED  
1100 REMAPPED TO 371W8DD

PLANNING DEPT.

FEB 28 2018

RECEIVED

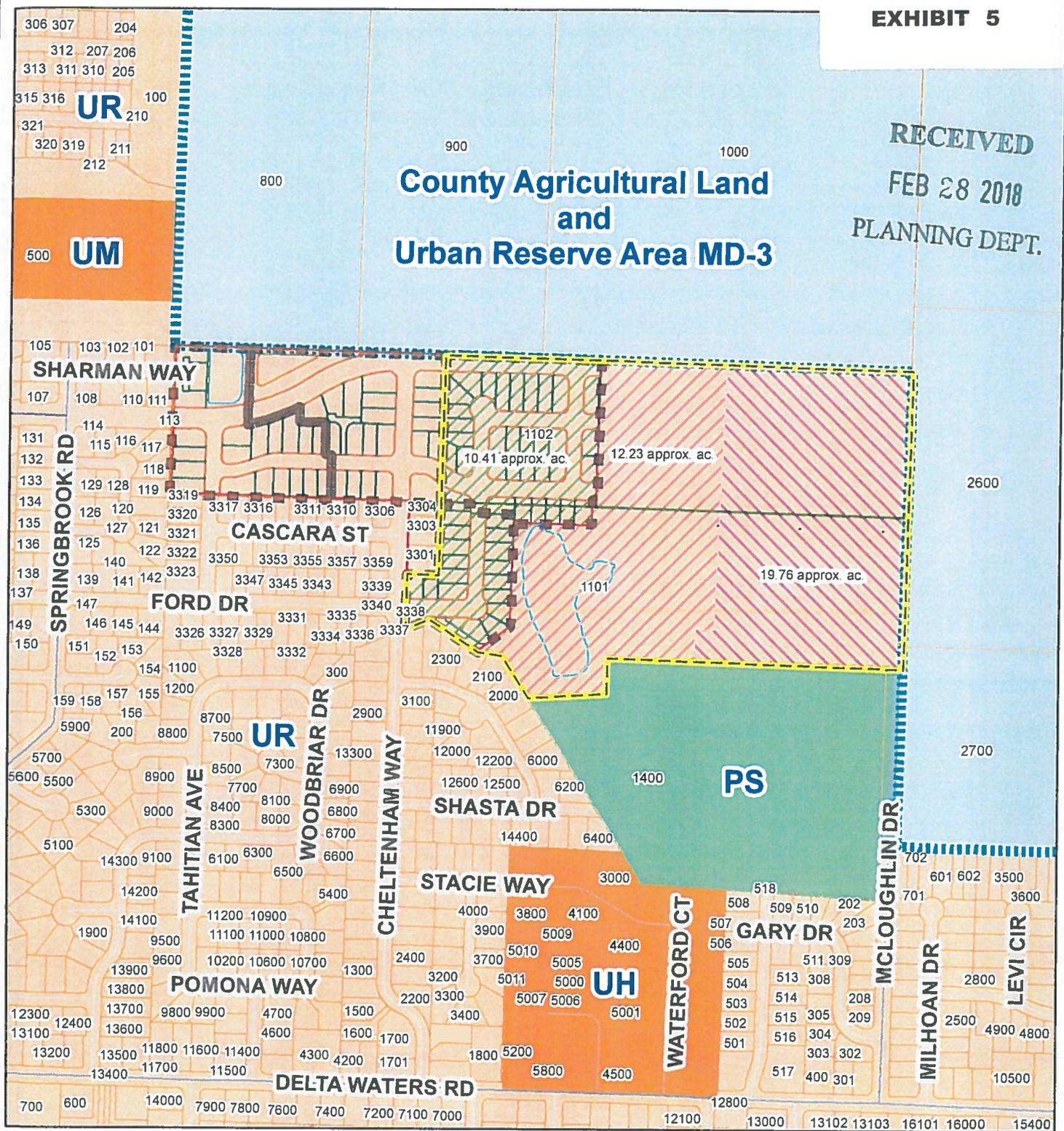
371W8  
MEDFORD

NEW MAP November 4, 1992  
REV December R, 2017



RECEIVED  
FEB 28 2018  
PLANNING DEPT.

# County Agricultural Land and Urban Reserve Area MD-3



Subject 37-1W-08-1101 Approved PLA-17-072

Delta Estates Phases 2 through 5 Approved

Tentative Plat LDS-16-090

Urban Growth Boundary

Tax Lots

Medford GLUP    Subject Lots Proposed Configuration

PS	1
UH	2
UM	3
UR	

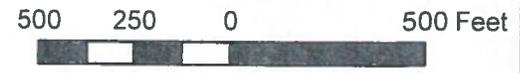
## General Land Use Plan Map

Delta Waters Properties, LLC  
Partition  
37-1W-08 tax lot 1101

**CITY OF MEDFORD**  
**EXHIBIT # F**  
**File # LDP-18-023**

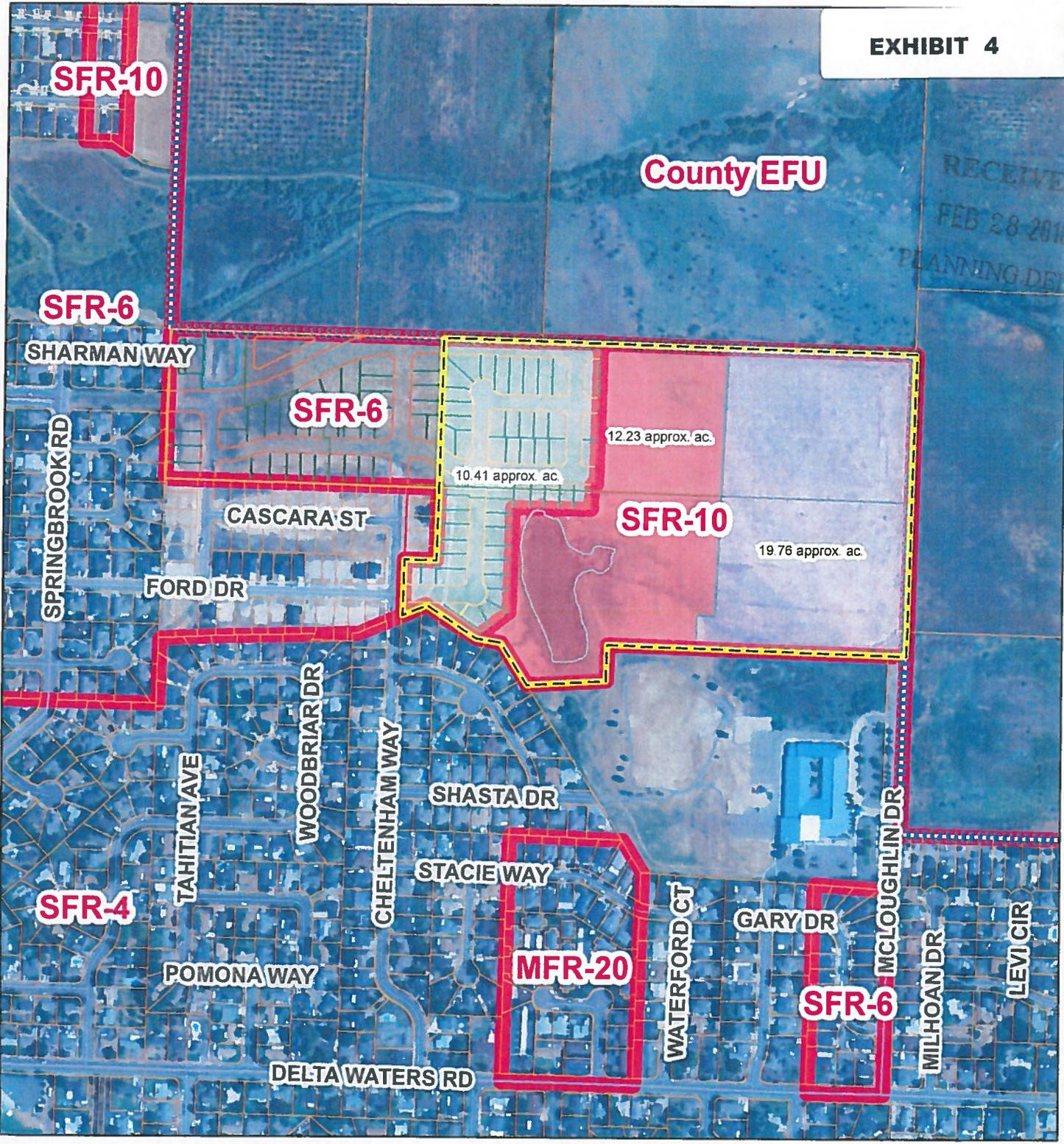


CSA Planning LTD



10

RECEIVED  
FEB 28 2018  
PLANNING DEPT



Subject 37-1W-08-1101 Approved PLA-17-072  
 Urban Growth Boundary  
 Tax Lots  
 Medford Zoning  
**Subject Lots Proposed Configuration**  
 1  
 2  
 3

**Zoning Map** 2016 Aerial  
 Delta Waters Properties, LLC  
 Partition  
 37-1W-08 tax lot 1101

**CITY OF MEDFORD**  
**EXHIBIT # 6**  
**File # LDP-18-023**

500 250 0 500 Feet





Medford – A fantastic place to live, work and play

**CITY OF MEDFORD**

LD Date: 3/28/2018  
File Number: LDP-18-023

**PUBLIC WORKS DEPARTMENT STAFF REPORT  
3-Lot Land Partition – Delta Estates  
TL 1101**

**Project:** Consideration of a request for tentative plat approval of a proposed three-lot partition on a 42.4-acre parcel.

**Location:** Located at 3202 Cheltenham Way within the SFR-6 (Single-Family Residential, six dwelling units per gross acre) and the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning districts (371W081101).

**Applicant:** Applicant, Delta Waters Properties, LLC; Agent, CSA Planning Ltd.; Planner, Dustin Severs.

**Applicability:** The City of Medford Planning Commission and Public Works Department’s conditions of Approval for LDP-13-086 and ZC-10-078 were adopted by Order of the Medford Planning Commission on November 14, 2013 and February 10, 2011 respectively. In addition, ZC-16-089/LDS-16-090/E-16-091 were all adopted by Order of the Medford Planning Commission on November 10, 2016. The adopted conditions by each of these actions shall remain in full force as originally adopted except as previously amended or as amended or added to below.

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**A. STREETS**

**1. Dedications**

Right-of-way shall be dedicated to provide access to Parcel 2. Public Works recommends that right-of-way for Owen Drive through Parcel 1 be dedicated for this purpose.

The Developer will receive SSDC (Street System Development Charge) credits for the public right-of-way dedication on **Owen Road**, per the methodology established by the MLDC 3.815. **Should the Developer elect to have the value of the land be determined by an appraisal, a letter to that effect must be submitted to the City Engineer within sixty (60) calendar days**

**of the date of the Final Order of the Planning Commission. The City will then select an appraiser, and a cash deposit will be required as stated in Section 3.815.**

**a. Easements**

Any existing and/or proposed easements shall be shown on the tentative and the final plat.

**B. SURVEY MONUMENTATION**

All survey monumentation shall be in place, field-checked, and approved by the City Surveyor prior to approval of the final plat.

Prepared 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:** LDP-18-023

**PARCEL ID:** 371W30AC TL 2500

**PROJECT:** Consideration of a request for tentative plat approval of a proposed three-lot partition on a 42.4-acre parcel located at 3202 Cheltenham Way within the SFR-6 (Single-Family Residential, six dwelling units per gross acre) and the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning districts (371W081101); Applicant, Delta Waters Properties, LLC; Agent, CSA Planning Ltd.; Planner, Dustin Severs.

**DATE:** March 28, 2018

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

**CONDITIONS**

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. Applicants civil engineer shall coordinate with MWC Engineering Staff for waterline layout within the proposed 3-lot partition.
3. If a well is located on this parcel it will be required to be abandoned per state regulations or the installation of approved backflow prevention devices will be required to be installed behind the proposed water meters to protect the public water system from potential contamination.

**COMMENTS**

1. Off-site water line installation will be required. The connection to the existing 12-inch water line in McLoughlin Drive is approximately 170-feet south of the southern property line.
2. On-site water facility construction will be required with future Subdivision phases.
3. MWC-metered water service does not exist to this property.
4. Access to MWC water lines is available. There is an 8-inch water line stubbed for extension at the east end of Ford Drive, and a 12-inch water line approximately 170-feet south of the south property line in McLoughlin Drive.

**CITY OF MEDFORD**  
**EXHIBIT # I**  
**File # LDP-18-023**  
Page 1 of 1



Page 46



0 62.5 125 250 Feet

Scale: 1"=250'

**Water Facility Map  
for  
LDP-18-023**

March 28, 2018

**Legend**

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

**Water Meters:**

- ⊙ Active Meter
- On Well
- Unknown
- Vacant

**Water Valves:**

- ⊙ Butterfly Valve
- ⊙ Gate Valve
- ⊙ Tapping Valve

**Water Mains:**

- Active Main
- - - Abandoned Main
- Reservoir Drain Pipe
- Pressure Zone Line

**Boundaries:**

- ▭ Urban Growth Boundary
- ▭ City Limits
- ▭ Tax Lots

**MWC Facilities:**

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



This map is based on a digital dataset supplied by Bedford Water Commission from a variety of sources. Bedford Water Commission is not liable for errors or omissions, or for any consequences arising from the use of this map. Date: 03/28/18 File: G:\MAD\Projects\MWC Map - MWC BDE - 1.cad LS - Feb 21 2018.mxd

**Dustin J. Severs**

---

**From:** CAINES Jeff <Jeff.CAINES@aviation.state.or.us>  
**Sent:** Wednesday, March 21, 2018 12:31 PM  
**To:** Dustin J. Severs  
**Subject:** File # LDP-18-023 - ODA Comments

Dustin:

Thank you for allowing ODA to comment on the proposed 3-lot partition located at 3202 Cheltenham Way. ODA has reviewed the proposal and have the following comments: The site is approximately 1.4 miles west of the Rogue Valley Int'l airport. However due to the existing development and a highway between the site and the airport ODA finds that this project will not pose a hazard to air navigation. Therefore, no FAA form 7460-1 will be required.

Thank you again, please feel free to contact me if you or the applicant have any questions.

Jeff

**JEFF CAINES, AICP**  
**OREGON DEPARTMENT OF AVIATION**  
AVIATION PLANNER / SCIP COORDINATOR



OFFICE 503-378-2529  
CELL/TEXT 503-507-6965  
EMAIL [jeff.caines@aviation.state.or.us](mailto:jeff.caines@aviation.state.or.us)  
WEBSITE [www.oregon.gov/aviation](http://www.oregon.gov/aviation)  
3040 25th Street SE, Salem, OR 97302

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PARTITION PLAT No. P-26-2014

located in the  
SOUTHEAST QUARTER OF SECTION 08,  
TOWNSHIP 37 SOUTH, RANGE 1 WEST,  
WILLAMETTE MERIDIAN, IN THE CITY OF MEDFORD,  
JACKSON COUNTY, OREGON

for  
**DELTA WATERS PROPERTIES, LLC**

PO BOX 430  
MEDFORD, OREGON 97501

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

**Purpose:** This survey was conducted to fulfill the conditions of approval for this partition as outlined by the City of Medford in File No LDP-13-086 and the laws of the state.

**Procedure:** The monuments shown as found hereon were tied for this survey by this office with Trimble GPS and Robotic Instruments. The basis of bearing for this plat is True North derived from GPS observations. The dimensions between found monuments reflect the true north basis of bearing and the appropriate record is shown. The west boundary was established per record S/N 11875 a retracement survey of S/N 601, both performed by the same office. The areas where original monuments have been lost were re-established as follows. The boundary defined by courses L2, L3 and L4 was re-established by holding the positions of the found monuments on each end of the adjusted line and then using the broken boundary solution of doing a compass adjustment to the record monuments. The course L7 and L8 were intersected by a bearing-bearing intersection from the courses between found monuments on each side of the missing corner. The new boundaries were established per the approved tentative plan as shown hereon.

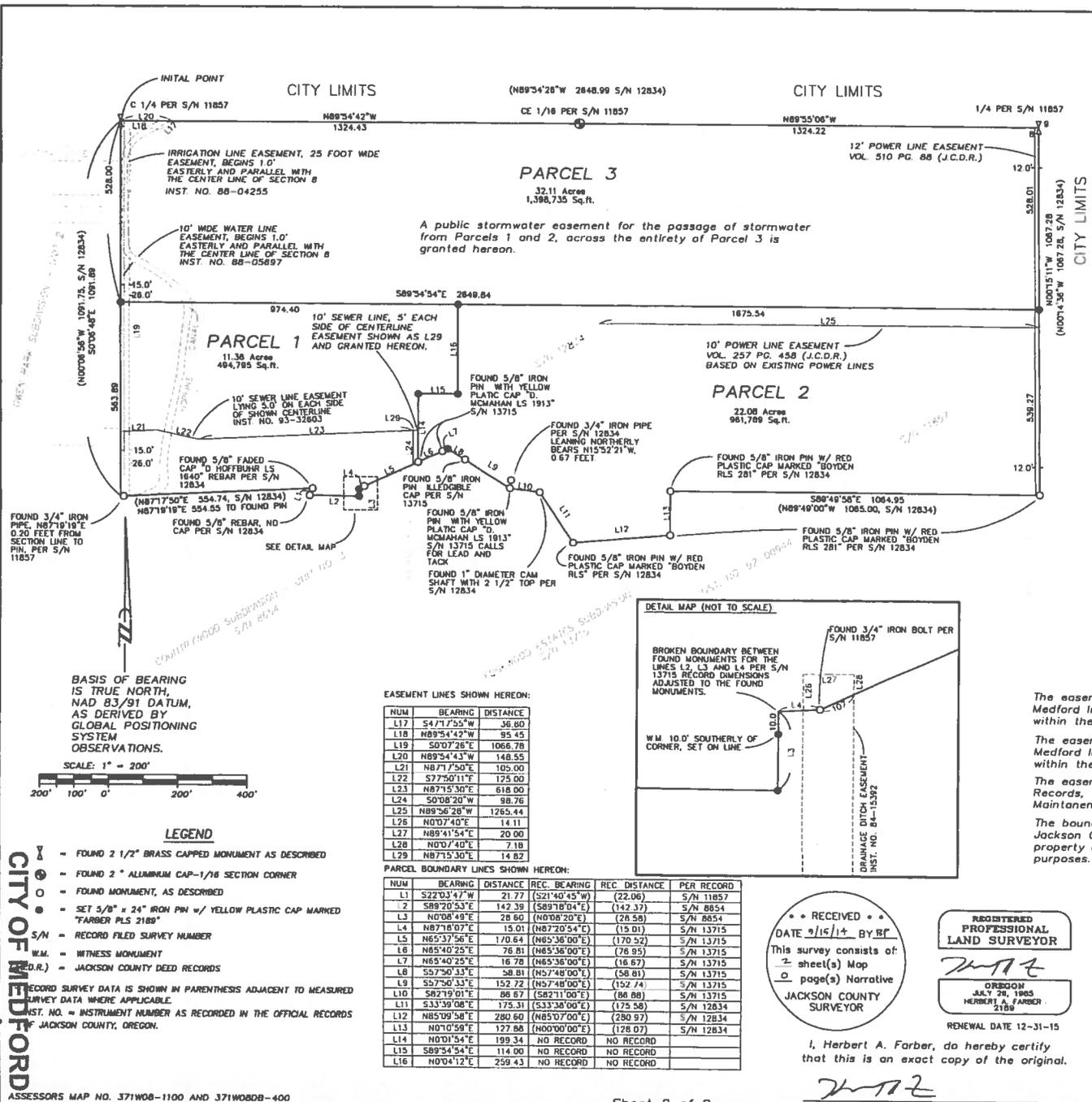
**EASEMENT NOTES:**

The easement recorded as Volume 252 Page 557 in favor of the The Medford Irrigation District for a right-of-way for irrigation does not fall within the boundaries of this plat.

The easement recorded as Volume 256 Page 551 in favor of the The Medford Irrigation District for a right-of-way for irrigation does not fall within the boundaries of this plat.

The easement recorded as Inst. No. B4-15393 of the Jackson County Deed Records, Oregon in favor of the City of Medford, Oregon for Sanitary Sewer Maintenance does not fall within the boundaries of this plat.

The boundary line agreement recorded as Inst. No. 88-05547 of the Jackson County Deed Records, Oregon is no longer applicable to this property due to the fact that the property is not used for orchard purposes.



Page 48

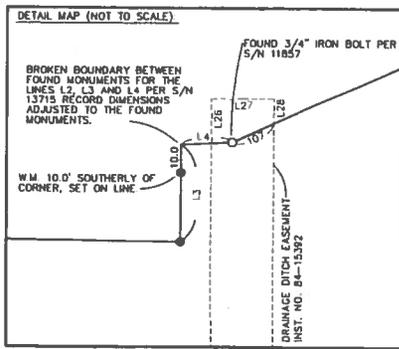
EXHIBIT # K  
CITY OF MEDFORD  
File # LDP-18-023

**EASEMENT LINES SHOWN HEREON:**

NUM	BEARING	DISTANCE
L17	S47°17'55\"	36.80
L18	N89°54'42\"	95.45
L19	S00°07'26\"	1066.78
L20	N89°54'43\"	148.55
L21	N87°15'50\"	105.00
L22	S77°50'11\"	125.00
L23	N87°15'30\"	618.00
L24	S08°02'0\"	98.76
L25	N89°56'28\"	1265.44
L26	N07°40'0\"	14.11
L27	N89°41'54\"	20.00
L28	N07°40'0\"	7.18
L29	N87°15'30\"	14.82

**PARCEL BOUNDARY LINES SHOWN HEREON:**

NUM	BEARING	DISTANCE	REC. BEARING	REC. DISTANCE	PER RECORD
L1	S22°03'47\"	21.77	(S21°40'45\"W)	(22.06)	S/N 11857
L2	S89°20'53\"E	142.39	(S89°18'04\"E)	(142.37)	S/N 8854
L3	N08°48'49\"E	28.60	(N08°20\"E)	(28.58)	S/N 8854
L4	N87°18'07\"E	15.01	(N87°20'54\"E)	(15.01)	S/N 13715
L5	N85°37'56\"E	170.64	(N85°36'00\"E)	(170.52)	S/N 13715
L6	N85°40'25\"E	76.81	(N85°36'00\"E)	(76.85)	S/N 13715
L7	N85°40'25\"E	16.78	(N85°36'00\"E)	(16.87)	S/N 13715
L8	S57°50'33\"E	58.81	(N57°48'00\"E)	(58.81)	S/N 13715
L9	S57°50'33\"E	152.72	(N57°48'00\"E)	(152.74)	S/N 13715
L10	S82°19'01\"E	86.67	(S82°11'00\"E)	(86.88)	S/N 13715
L11	S33°39'08\"E	175.31	(S33°36'00\"E)	(175.58)	S/N 12834
L12	N85°09'58\"E	280.60	(N85°07'00\"E)	(280.97)	S/N 12834
L13	N07°05\"E	127.88	(N08°00'00\"E)	(128.07)	S/N 12834
L14	N07°05\"E	199.34	NO RECORD	NO RECORD	
L15	S89°54'54\"E	114.00	NO RECORD	NO RECORD	
L16	N04°12'12\"E	259.43	NO RECORD	NO RECORD	



RECEIVED  
DATE 3/15/14 BY R.F.  
This survey consists of:  
2 sheet(s) Map  
0 page(s) Narrative  
JACKSON COUNTY SURVEYOR

REGISTERED PROFESSIONAL LAND SURVEYOR  
*Herbert A. Farber*  
OREGON  
JULY 28, 1985  
HERBERT A. FARBER  
2189  
RENEWAL DATE 12-31-15

I, Herbert A. Farber, do hereby certify that this is an exact copy of the original.

*Herbert A. Farber*

Surveyed by:  
**FARBER & SONS, INC. dba**  
**FARBER SURVEYING**  
PO BOX 5286  
431 OAK STREET  
CENTRAL POINT, OREGON 97502  
(541) 664-5599

DATE: March 10, 2014  
JOB NO.: 2051-13  
DRAWING FILE: JOBS\Medford\_NE\Delta Waters\delta water prop llc\  
MicroSurvey\Final Plate Surveys\FINAL PLAT WITH MONS.DWG  
DRAWN BY: LSH ORIG. DATE: 03/28/2014 REVISED BY: LSH DATE: 03/28/14

TABLE OF CURVES

FLAG	Δ	R	A	T	CHORD
①	89°58'29"	15.00'	23.56'	14.99'	N 45°06'11" W - 21.21'
②	89°50'35"	15.00'	23.52'	14.96'	N 44°59'17" W - 21.18'
③	90°01'31"	15.00'	23.57'	15.01'	N 44°53'49" W - 21.22'
④	90°09'25"	15.00'	23.60'	15.04'	N 45°00'43" W - 21.24'
⑤	82°38'53"	15.00'	21.63'	13.19'	N 48°46'23" W - 10.81'
⑥	2°48'29"	231.50'	11.35'	5.67'	N 08°51'35" W - 11.35'
⑦	10°24'45"	168.50'	30.62'	15.33'	N 05°03'27" W - 30.58'
⑧	10°19'49"	200.00'	36.04'	18.08'	N 05°03'55" W - 36.01'
⑨	10°24'45"	200.00'	36.35'	18.22'	N 05°03'27" W - 36.30'

RECEIVED  
Date 1/21/16 By PB  
This survey consists of 2 sheet(s) Map 0 page(s) Narrative  
JACKSON COUNTY SURVEYOR



DELTA ESTATES, PHASE I

LOCATED AT  
3210 Cheltenham Way  
Medford, Oregon  
LYING SITUATE WITHIN  
SOUTHEAST QUARTER OF SECTION 8,  
TOWNSHIP 37 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN  
IN THE CITY OF MEDFORD, JACKSON COUNTY, OREGON

FOR  
HH Medford One, LLC

2464 SW Glacier Place, Suite 110  
Redmond, Oregon 97756

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

*Shawn Kampmann*  
SURVEYOR

- LEGEND**
- BRASS CAP w/ PUNCH MARK IN CONCRETE STAMPED "LS 1913" PER SN 16711 & 17530 (RECOVERED)
  - 5/8" IRON PIN w/ YELLOW PLASTIC CAP STAMPED "D. HOFFMEIER LS 1649" PER SN 8654 (RECOVERED)
  - 5/8" IRON PIN w/ YELLOW PLASTIC CAP STAMPED "D. McMAHAN LS 1913" PER SN 13151 OR 13713 (RECOVERED)
  - 5/8" IRON PIN w/ YELLOW PLASTIC CAP STAMPED "KAMMANN PLS 2189" PER SN 21564 (RECOVERED)
  - 3/4" IRON PIPE PER SN 11857, 21564 & 21802 (RECOVERED)
  - 1" SQUARE IRON WOLT PER SN 11857, 21564 & 21802 (RECOVERED)
  - 5/8" x 30" IRON PIN w/ 2" BRONZE CAP CAP STAMPED "PLS 2883" PER MONUMENT DETAIL (ESTABLISHED)
  - 5/8" x 30" IRON PIN w/ ORANGE PLASTIC CAP STAMPED "KAMMANN PLS 2883" (ESTABLISHED)
  - 5/8" x 24" IRON PIN w/ ORANGE PLASTIC CAP STAMPED "KAMMANN PLS 2883" (ESTABLISHED)
  - 5/8" IRON PIN DRIVEN TO POINT OF REFUSAL (LENGTH AS NOTED) w/ ORANGE PLASTIC CAP STAMPED "KAMMANN PLS 2883" (ESTABLISHED)
  - PROPERTY BOUNDARY LINE
  - NEW LOT LINE
  - BOUNDARY LINE
  - CENTRAL LINE
  - EASEMENT LINE
  - R.O. OFFICIAL RECORDS, JACKSON COUNTY RECORDER
  - S/N SURVEY FILE NUMBER, JACKSON COUNTY SURVEYOR
  - W.C. WITNESS CORNER MONUMENT, AS DISCLOSED
  - P.U.I. PUBLIC UTILITY EASEMENT BY THIS PLAT
  - P.S.D.E. PRIVATE STORM DRAIN EASEMENT BY THIS PLAT
  - ( ) SURVEY RECORD DATA PER SN 11857 & 12834
  - ( ) SURVEY RECORD DATA PER SN 13151 & 13713
  - ( ) SURVEY RECORD DATA PER SN 21564

BASIS OF BEARING

THE BASIS OF BEARING FOR THIS SURVEY IS THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 37 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON, HAVING A RECORD PLAT BEARING OF NORTH 00°06'56" WEST, AS REFERENCED ON FILE AS SURVEY NO. 21802 IN THE OFFICE OF THE JACKSON COUNTY SURVEYOR.

MONUMENT DETAIL

2" BRONZE CAP ON  
5/8" x 30" IRON PIN

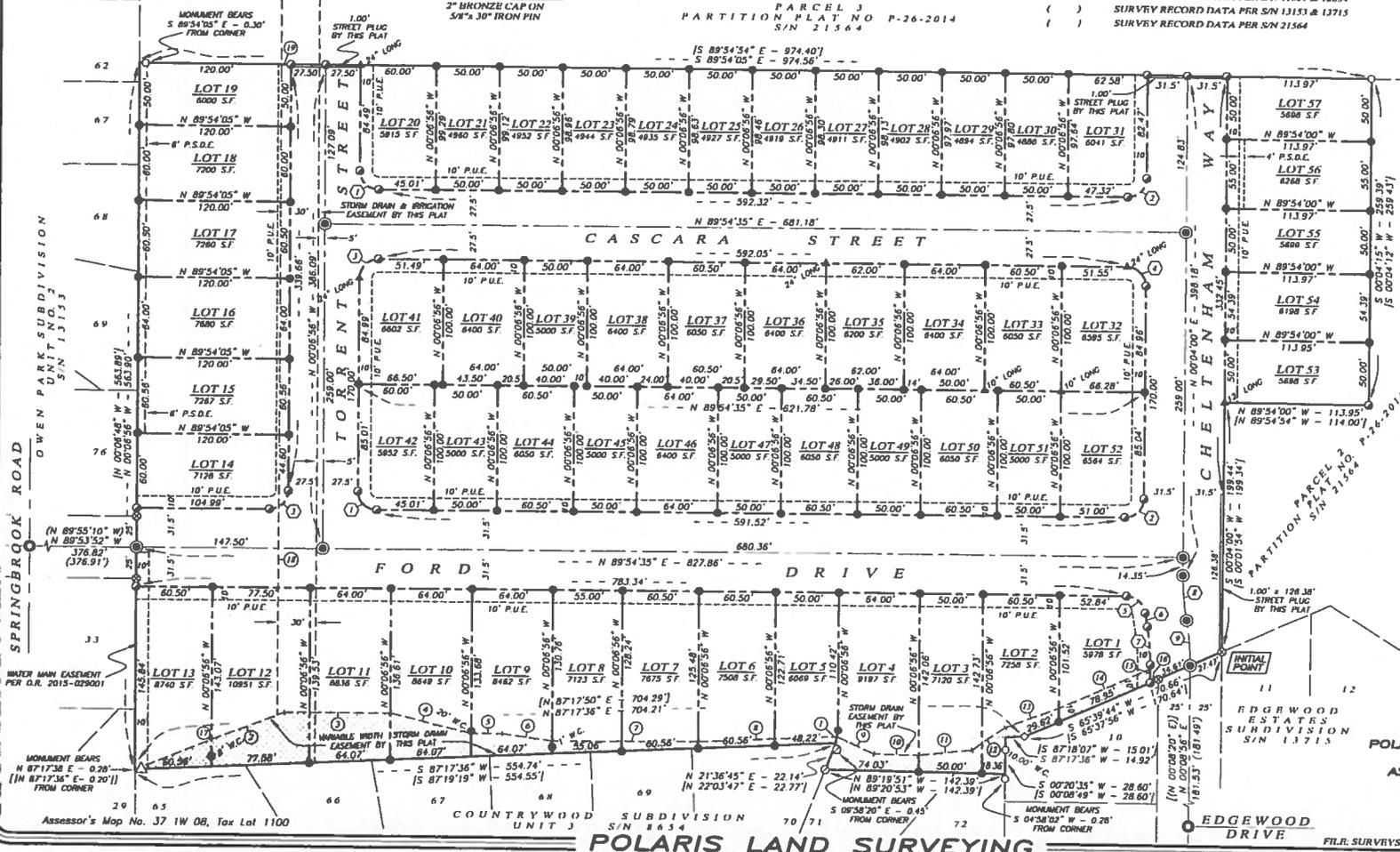
SCALE: 1" = 60'

**TABLE OF COURSES**

FLAG	BEARING	DISTANCE
①	N 10°08'45" E	10.26'
②	N 68°36'45" E	126.80'
③	N 89°52'32" E	83.84'
④	S 76°09'51" E	65.94'
⑤	N 89°53'12" E	24.43'
⑥	S 82°03'01" E	39.96'
⑦	N 89°34'10" E	115.50'
⑧	N 87°17'36" E	109.70'
⑨	S 66°03'05" E	32.26'
⑩	S 89°19'51" E	35.45'
⑪	N 83°54'37" E	42.47'
⑫	N 54°57'49" E	31.68'
⑬	N 69°16'24" E	45.18'
⑭	N 65°39'44" E	79.01'
⑮	N 00°08'56" E	14.35'
⑯	N 65°39'44" E	7.14'
⑰	N 68°16'45" E	120.72'
⑱	N 00°06'56" W	519.64'
⑲	S 89°54'05" E	7.50'

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EXHIBIT # L  
File # LDP-18-023



REGISTERED PROFESSIONAL LAND SURVEYOR  
*Shawn Kampmann*  
OREGON  
JULY 14, 1988  
SHAWN KAMMANN  
2883 LS  
RENEWAL DATE: 6/30/2017

SURVEYED BY  
POLARIS LAND SURVEYING LLC  
P.O. BOX 459  
ASHLAND, OREGON 97520  
(541) 482-5008

DATE: DECEMBER 10, 2015  
PROJECT NO. 974-15

POLARIS LAND SURVEYING

FLR SURVEY 51974-15-DLTA ESTATES I DWG SHEET 2 OF 2

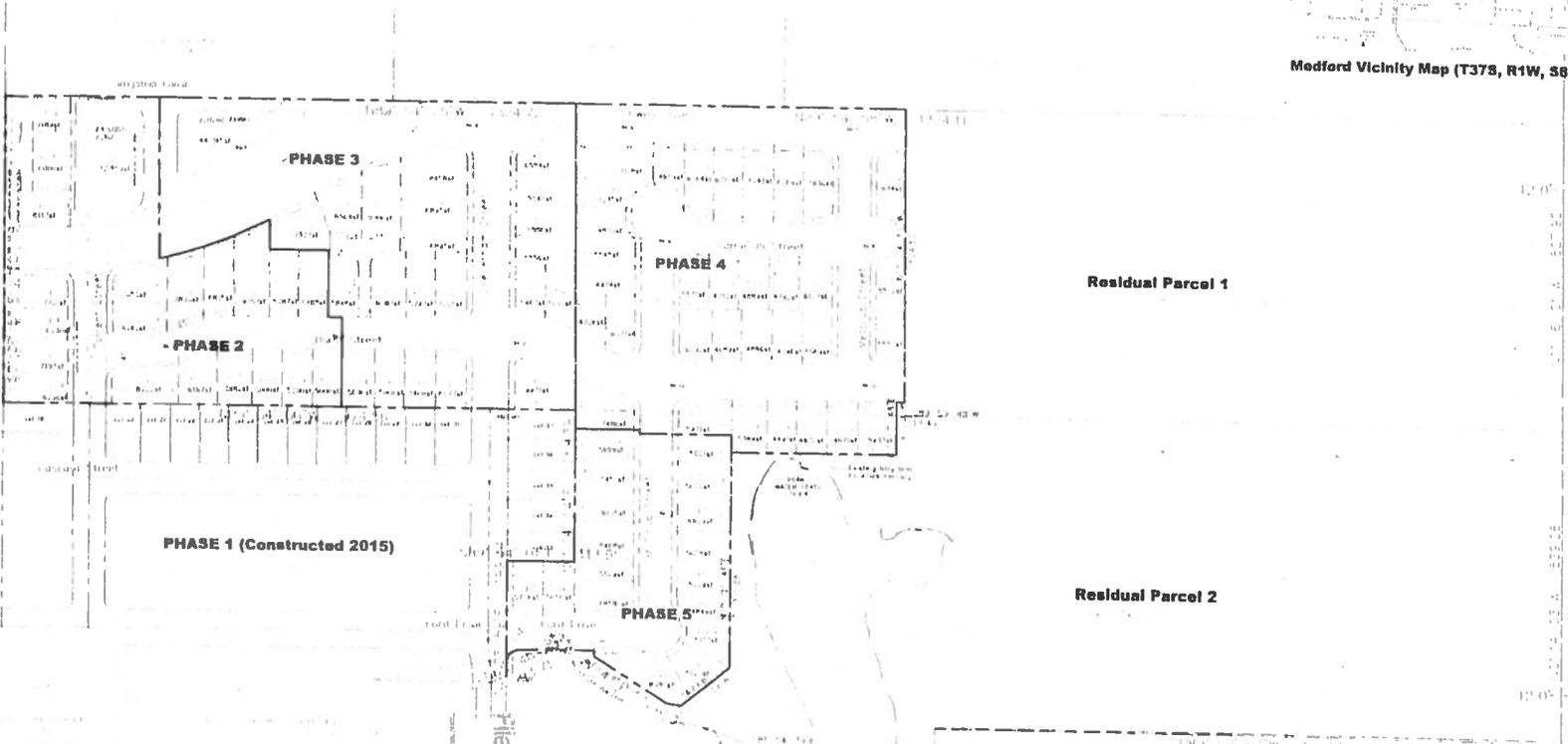


# TENTATIVE PLAT - OVERALL SITE

SE1/4 Section 8, T37S, R1W, W.M.  
City of Medford, Jackson County, OR



Medford Vicinity Map (T37S, R1W, S8)



Residual Parcel 1

Residual Parcel 2

file #  
EXHIBIT #  
CITY OF MEDFORD

EXHIBIT 11a

Della Estates - Overall Site Plan

Pariani Land Surveying

10958 Crater Lake Hwy, Suite 101  
Tangle Point, Oregon  
541-890-1141



RECEIVED

SEP 27 2016

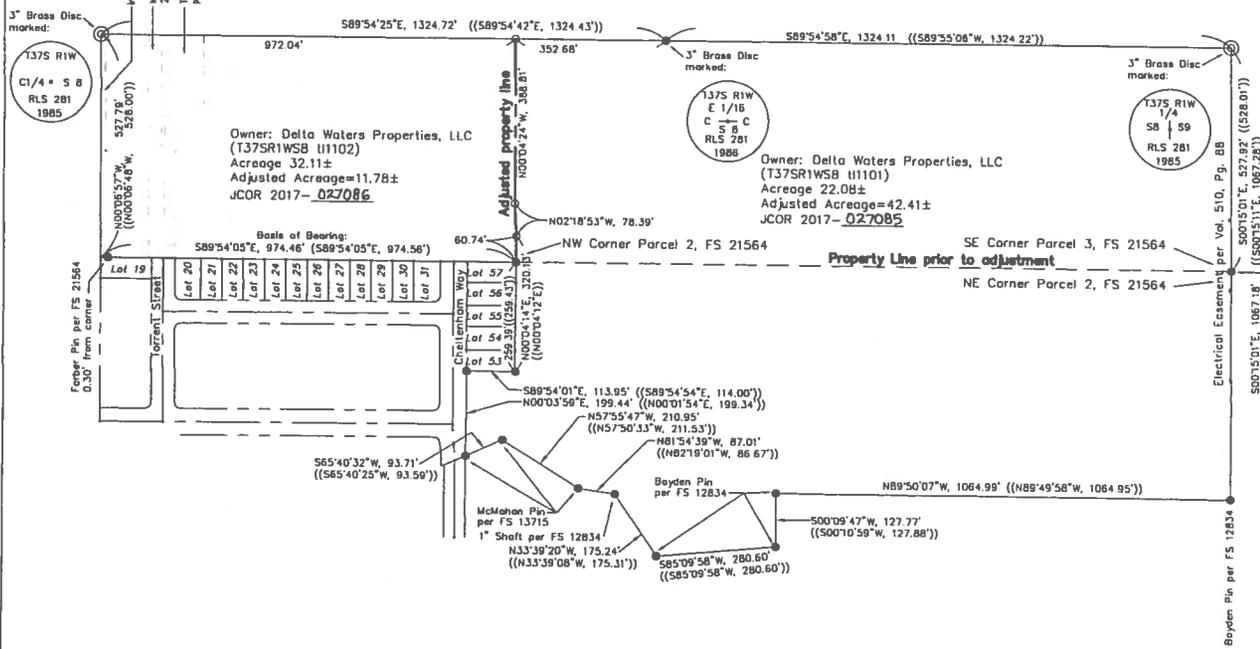
PLANNING DEPT.

18'  
47'  
CITY OF MEDFORD  
EXHIBIT #  
File # LDP-18-023

# Map of Survey Property Line Adjustment

Located in:  
SE1/4 Section 8, T37S, R1W, W.M.  
City of Medford, Jackson County, OR

RECEIVED  
DATE 0-21-17 BY BP  
This survey consists of  
1 sheet(s) Map  
0 page(s) Narrative  
JACKSON COUNTY  
SURVEYOR



### SURVEY NARRATIVE:

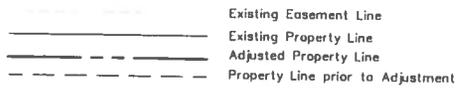
**PURPOSE:**  
The purpose of this survey is to adjust the line in common between these parcels of land, in preparation for a proposed phase(s) of a planned subdivision, Delta Estates, Phase 2-4.

**PROCEDURE:**  
Utilizing filed survey 21884, Delta Estates, Phase 1 as the basis of bearings and Parcel 2 and 3 of filed survey 21564 as the outbounds for this property line adjustment, the common line between said Parcel 2 and 3 was adjustment per my client's request and as depicted on the face of this map.

Equipment used: Trimble: S6, Robotic Total Station  
Field work was performed in June, 2017.

### Legend:

- FS Jackson County Surveyor's Office Filed Survey No.
- ( ) Record Data per FS 21884
- (( )) Record Data per FS 21564
- JCOR Jackson County Official Records
- JACO Jackson County
- Set 5/8"x30" Rebar With Plastic Cop Marked "PARIANI LS 51382"
- Found Monument per FS 21884 Unless Noted Otherwise
- ⊙ Found Monument per JACO Surveyor Re-Estab Notes



### City of Medford Approvals:

Planning File No. PLA 17-072  
Examined approved this  day of AUGUST, 2017  
By: MB  
Planning Director  
Examined approved this  day of Aug, 2017  
By: [Signature]  
City Surveyor

**Survey By:**  
Pariani Land Surveying  
10558 Hwy 62, Suite B-1  
Eagle Point, OR 97524

**Survey For:**  
Hayden Homes, LLC  
2464 SW Glacier Place, Suite 110  
Redmond, OR 97756

**Owner:**  
Delta Water Properties, LLC  
PO Box 430  
Medford, OR 97501

**Basis of Bearing:**  
Filed Survey 21884, Delta Estates - Phase 1

N  
W E  
S  
0 100 200  
**REGISTERED PROFESSIONAL LAND SURVEYOR**  
[Signature]  
OREGON  
JUL 13, 1988  
JOHN R. PARIANI  
#51382  
Renews: December 31, 2018

Property Line Adjustment  
**Pariani Land Surveying**  
10558 Crater Lake Hwy, Suite B-1  
Eagle Point, Oregon  
541-890-1131  
Date: Aug. 2, 2017 Scale: 1" = 200' Job No.: 2015-261 Sheet: 1 of 1

Page 51

CITY OF MEDFORD  
EXHIBIT # N  
File # LDP-18-023

T37S, R1W, S8 TL1101/1102

# Delta Estates Phase 2 and 3

Located In: SE1/4, Section 8, Township 37 South, Range 1 West, W.M. in the City of Medford, Jackson County, Oregon

I hereby certify that this is an exact duplicate of the original plan.  
*John R. Pariani*  
Surveyor

REGISTERED PROFESSIONAL LAND SURVEYOR

*John R. Pariani*  
OREGON  
JOHN R. PARIANI  
#51382

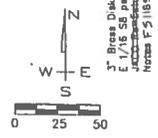
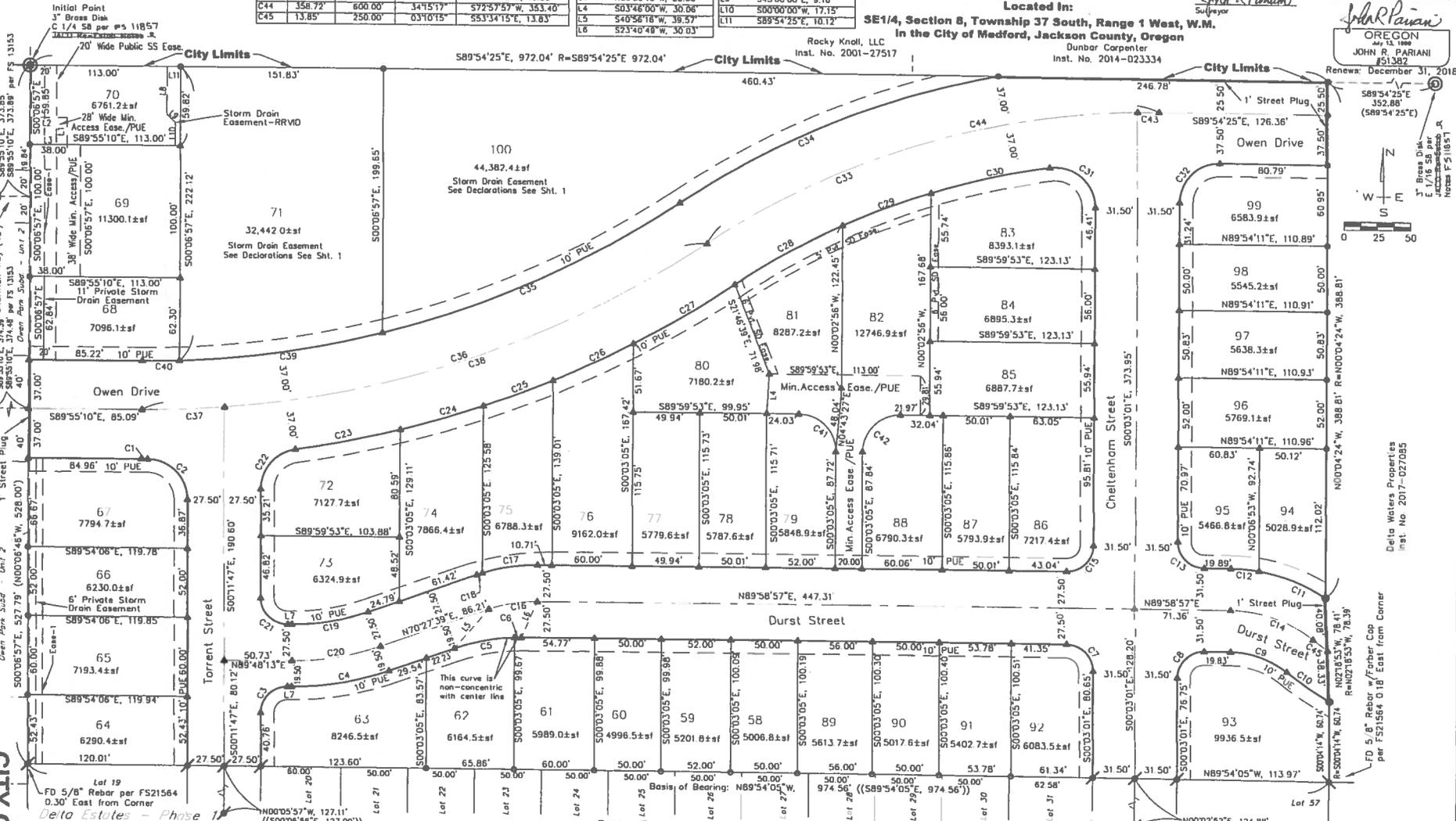
Renews: December 31, 2018

Ease-1-Existing 10' Perm. Eas. to the City of Medford for Water Line per Inst. #68-09294.

Curve Table:	Length	Radius	Delta	Long Chord
C41	43.98'	28.00'	89°58'48"	54501'29"E, 39.58'
C42	44.01'	28.00'	90°03'12"	54458'31"W, 39.62'
C43	16.00'	600.00'	0°13'38"	589°19'45"W, 16.00'
C44	358.72'	600.00'	34°15'17"	572°57'57"W, 353.40'
C45	13.85'	250.00'	0°37'05"	553°34'15"E, 13.83'

Line Table:	No.	Course/Distance
L1	500°08'57"E, 20.18'	
L2	589°55'10"E, 28.00'	
L3	589°55'10"W, 28.00'	
L4	503°46'00"W, 30.06'	
L5	540°58'16"W, 39.57'	
L6	523°40'48"W, 30.03'	

Line Table:	No.	Course/Distance
L7	N89°48'13"E, 3.23'	
L8	S00°08'09"E, 36.21'	
L9	S45°00'00"E, 6.16'	
L10	S00°00'00"W, 17.15'	
L11	S89°54'25"E, 10.12'	



Delta Waters Properties  
Inst. No. 2017-027085

No.	Length	Radius	Delta	Long Chord
C1	4.69'	787.00'	09°20'28"	N89°54'36"E, 4.69'
C2	47.18'	30.00'	90°03'51"	S45°13'43"E, 42.45'
C3	31.42'	20.00'	90°00'00"	N44°48'13"E, 28.28'
C4	74.10'	219.50'	19°20'34"	N80°07'56"E, 73.75'
C5	45.88'	150.00'	12°31'25"	N79°13'21"E, 45.70'
C6	5.23'	150.00'	01°59'54"	N88°59'01"E, 5.23'
C7	31.40'	20.00'	89°58'02"	S45°02'02"E, 28.28'
C8	31.43'	20.00'	90°01'58"	N44°52'58"E, 28.29'
C9	45.47'	68.50'	38°01'55"	S71°00'05"E, 44.64'
C10	38.75'	281.50'	07°33'17"	S55°55'47"E, 38.72'

No.	Length	Radius	Delta	Long Chord
C11	54.01'	131.50'	23°31'57"	S69°02'14"E, 53.63'
C12	21.15'	131.50'	09°12'50"	S85°24'37"E, 21.12'
C13	31.40'	20.00'	89°58'02"	S45°02'02"E, 28.28'
C14	66.38'	100.00'	38°01'55"	S71°00'05"E, 65.17'
C15	31.43'	20.00'	90°01'58"	N44°52'58"E, 28.29'
C16	39.87'	108.50'	19°31'19"	N80°07'56"E, 36.79'
C17	42.00'	136.00'	17°41'37"	N81°08'09"E, 41.83'
C18	4.34'	136.00'	01°49'41"	N71°22'29"E, 4.34'
C19	58.23'	172.50'	19°20'34"	N80°57'56"E, 57.96'
C20	67.52'	200.00'	19°20'34"	N80°07'56"E, 67.20'

No.	Length	Radius	Delta	Long Chord
C21	31.42'	20.00'	90°00'00"	S45°11'47"E, 28.28'
C22	42.85'	30.00'	81°50'12"	N40°43'19"E, 36.30'
C23	79.86'	787.00'	05°48'51"	N78°44'00"E, 79.83'
C24	64.69'	787.00'	04°42'34"	N73°28'17"E, 64.67'
C25	55.71'	787.00'	04°03'22"	N69°05'19"E, 55.70'
C26	66.39'	787.00'	04°50'00"	N64°38'39"E, 66.37'
C27	87.825'	787.00'	06°23'38"	N59°01'50"E, 87.78'
C28	92.675'	563.00'	09°25'53"	N60°32'57"E, 92.57'
C29	70.78'	563.00'	07°12'13"	N68°52'00"E, 70.74'
C30	91.23'	563.00'	09°17'03"	N77°06'38"E, 91.13'

No.	Length	Radius	Delta	Long Chord
C31	51.42'	30.00'	98°11'50"	S49°08'56"E, 45.35'
C32	47.20'	30.00'	90°08'36"	N45°01'17"E, 42.48'
C33	342.72'	600.00'	32°43'38"	S72°12'07"W, 338.08'
C34	259.61'	637.00'	23°21'04"	S67°30'50"W, 257.82'
C35	244.63'	713.00'	19°39'28"	S85°40'02"W, 243.43'
C36	448.23'	750.00'	29°29'53"	S72°57'34"W, 441.59'
C37	62.08'	750.00'	04°44'39"	S87°42'31"W, 62.08'
C38	386.13'	750.00'	34°14'32"	S70°35'15"W, 381.88'
C39	153.69'	713.00'	12°21'02"	S81°48'20"W, 153.40'
C40	27.79'	713.00'	02°13'58"	S88°57'51"W, 27.79'

T37S, R1W, S8 TL1102

Date: Feb 16, 2018 Scale: 1" = 50' Job No: 2015-261 Sheet: 2 of 2

Page 52

EXHIBIT # 0  
File # LDP-18-023



Project Name:

**Delta Waters Properties LLC  
Land Partition**

Map/Taxlot:

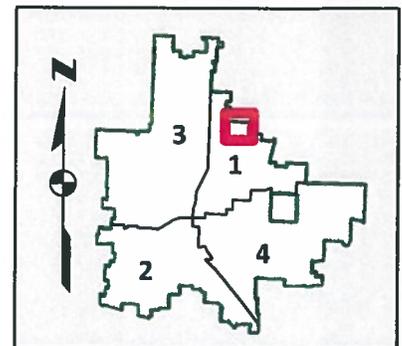
**371W08 TL 1101**



03/14/2018

**Legend**

-  Subject Area
-  Medford Zoning
-  Tax Lots





## STAFF REPORT

for a Type-C quasi-judicial decision: **Land Division, Exception**

Project Hamlin Partition  
Applicant: Hamlin Properties; Agent: Polaris Land Surveying, LLC

File no. LDP-17-165/ E-17-164

To Planning Commission *for April 26, 2018 hearing*

From Liz Conner, Planner II

Reviewer Kelly Akin, Assistant Planning Director *ka*

Date April 19, 2018

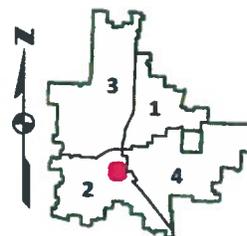
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### BACKGROUND

#### Proposal

Consideration of a request for tentative plat approval for Hamlin Properties, a proposed three lot partition on 1.73 acres with an Exception to standard street improvements, located at the southeasterly corner of South Riverside Avenue and Earhart Street within a C-H (Heavy Commercial) zoning district (371W30DB TL 8800).

#### Vicinity Map



Subject Site Characteristics

Zoning	C-H	Heavy Commercial
GLUP	CM	Commercial
Use	Funeral Directors, Professional Credit Service, Spectrum, Party Gallery office space	

Surrounding Site Characteristics

*North*      Zone:      C-H  
                  Use:      Car Wash

*South*      Zone:      C-H  
                  Use:      Vacant

*East*        Zone:      C-H  
                  Use:      Mini Storage

*West*        Zone:      C-H  
                  Use:      Restaurant, Motel

Related Projects

PLA-07-198 Property Line Adjustment

AC-97-003 Commercial Building

Applicable Criteria

**MLDC 10.270: 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.

#### **MLDC 10.253: CRITERIA FOR AN EXCEPTION**

No exception, in the strict application of the provisions of this chapter, shall be granted by the approving authority having jurisdiction over the plan authorization unless it finds that all of the following criteria and standards are satisfied. The power to authorize an exception from the terms of this code shall be sparingly exercised. Findings must indicate that:

- (1) The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. The approving authority shall have the authority to impose conditions to assure that this criterion is met.
- (2) The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located.
- (3) There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere in the City, and that the strict application of the standard(s) for which an exception is being requested would result in peculiar, exceptional, and undue hardship on the owner.
- (4) The need for the exception is not the result of an illegal act nor can it be established on this basis by one who purchases the land or building with or without knowledge of the standards of this code. It must result from the application of this chapter, and it must be suffered directly by the property in question. It is not sufficient proof in granting an exception to show that greater profit would result.

### Corporate Names

Hamlin Properties I LLC, Henry C Breithaupt is the registered agent on record.

## **ISSUES AND ANALYSIS**

### Project Summary

The subject parcel has three existing single story commercial buildings that will remain on each proposed Parcel 1, Parcel 2 and Parcel 3 of the partition. The property has frontage along South Riverside Avenue and Earhart Street. Both street are public streets with curb, gutter and sidewalk improvements along the entire frontages. South Riverside Avenue is a Major Arterial with 64 feet of right of way and Earhart Street is designated at a Commercial Street with 60 feet of right of way.

### Proposed Configuration

The proposed configuration of the tentative plat (Exhibit B) meets the development standards for Heavy Commercial per the MLDC Section 10.721 Commercial and Industrial Site Development Standards.

### Facility Adequacy

Per the agency comments submitted to staff, (Exhibits F-J), it can be found that there are adequate facilities to serve the site.

### Exception Request

The Public Works report requires a sufficient right-of-way dedication to accommodate a 10 foot planter strip and a five foot sidewalks. The Applicant's surveyor is to determine the needed right-of-way dimension. The tentative plat (Exhibit B) proposes to dedicate a strip of land two feet in width along the South Riverside frontage which matches the adjoining right-of-way line and a 15 foot wide Public Utility Easement to match the existing Public Utility Easements. Per the applicant's findings (Exhibit C and D) the current right-of-way width along South Riverside Avenue does not meet the standards of Major Arterial widths, and is requesting an Exception to the dedication requirements for MLDC Section 10.428 and Section 10.495 for street lighting standards.

The granting of this exception is harmonious with the general intent of the regulations of the code, and will not permit a use that is not permitted in the zoning district. Criterion one and two have been met.

The unique and unusual circumstance of this partition is that the frontages along South Riverside Avenue and Earhart Street are fully improved with curb, gutter, and sidewalk, but does not have the required 100 feet of right-of-way width and the strict enforcement

of the code would cause an undue hardship on the owner. Therefore criterion three has been met.

The exception request is not a direct result of an illegal act, and no greater profit would result because of the request being approved. Criterion four has been met.

#### **FINDINGS AND CONCLUSIONS**

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

#### **RECOMMENDED ACTION**

Adopt the findings as recommended by staff and direct staff to prepare the final order for approval of LDP-17-165 and E-17-164 per the staff report dated April 19, 2018, including Exhibits A through J.

#### **EXHIBITS**

- A** Conditions of Approval, dated April 19, 2018
- B** Tentative Plat received December 7, 2017
- C** Assessor Map received December 7, 2017
- D** Applicants findings and conclusions for Land Partition Received December 7, 2017
- E** Applicants findings and conclusions for Exception Received December 7, 2017
- F** City of Medford Public Works Staff report received January 10, 2018
- G** City of Medford Fire Department Staff report received January 10, 2018
- H** City of Medford Building Department memo received January 10, 2018
- I** Medford Water Commission meme received January 10, 2018
- J** Jackson County Roads Department letter received January 3, 2018  
Vicinity map

**PLANNING COMMISSION AGENDA:**

***APRIL 26, 2018***

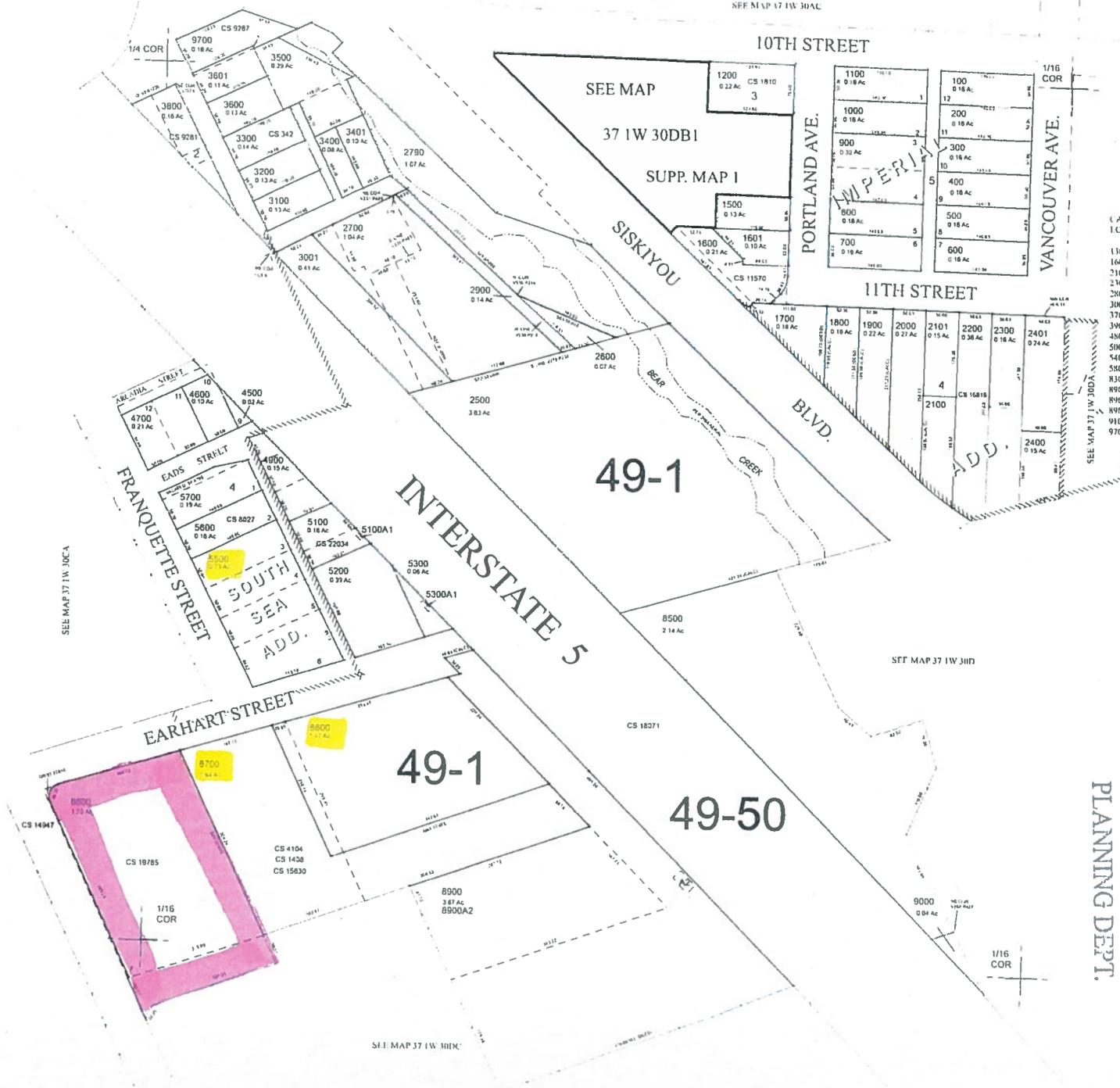
**EXHIBIT A**

**Hamlin Properties Partition  
LDP-17-165 E -17-164  
Conditions of Approval  
April 19, 2018**

**CODE CONDITIONS**

1. The applicant shall:
  - a. Comply with the Public Works Staff Report received January 10, 2018 (Exhibit F).
  - b. Comply with the Fire Department Report, received December 6, 2017 (Exhibit G).
  - c. Comply with the Building Department Report, received December 6, 2017 (Exhibit H).
  - d. Comply with the Medford Water Commission Staff Memo dated December 6, 2017 (Exhibit I).





CANCELLED TAX LOT NUMBERS

- 1100 REMAPPED TO 90000
- 1600
- 2102
- 2301
- 2800
- 3000
- 3700
- 3900-4400 REMAPPED TO 371W30CA
- 4500
- 5000 ADDED TO 5100
- 5400
- 5800-8100 REMAPPED TO 371W30CA
- 8301
- 8900A1
- 8901
- 8902
- 9100-9600 REMAPPED TO 371W30CA
- 9701

RECEIVED  
DEC 07 2017  
PLANNING DEPT.

37 1W 30DB  
MEDFORD  
NEW MAP MAR7(03) 2010  
REV AUGUST 32, 2016

CITY OF MEDFORD  
EXHIBIT #  
100-17165/E-17-164

RECEIVED

DEC 07 2017

PLANNING DEPT.

## FINDINGS OF FACT

**APPLICATION:** Request for approval of a three (3) parcel Land Partition on a 1.73 acre tract located at the southeasterly corner of South Riverside Avenue and Earhart Street, within the City of Medford C-H (Commercial - Heavy) zoning district.

**APPLICANT:** Hamlin Properties I LLC

**OWNER:** Hamlin Properties I LLC

**AGENT:** Polaris Land Surveying LLC  
P.O. Box 459  
Ashland, OR 97520

### BACKGROUND INFORMATION

The subject parcel has existing single-story, commercial use buildings located on the subject property that will remain on each proposed Parcel 1, Parcel 2 and Parcel 3 of the Partition.

The subject parcel has approximately 360 feet of frontage along South Riverside Avenue, designated as a Major Arterial street and approximately 190 feet of frontage along Earhart Street. Access is served by South Riverside Avenue and Earhart Street, both are public streets, which are adjacent to the northerly and westerly property lines.

The existing parcel is adequately served with all City and private utilities including sanitary sewer, storm drainage, water, gas, phone, power and communication services.

### PROJECT OVERVIEW

The applicant proposes to subdivide the subject property into three parcels. The northerly portion is developed with a commercial use building a portion currently occupied by Professional Credit Services with the remainder vacant and parking lot, the central portion is developed with commercial use buildings currently occupied by Spectrum, Party Gallery and parking lot, the southerly portion is developed with a commercial use building currently occupied by Conger Morris and parking lot. The partition lines are proposed to divide the developed parcel.

### SUBMITTALS

- Land Division Application Form
- Application Fee of \$ 1,110.00
- Tentative Partition Map (Full Size & Reduced)
- Findings of Fact
- Existing Grading Plan (shown on Tentative Map)
- Existing Stormwater Facility Plan (shown on Tentative Map)
- Medford Zoning Map

Findings of Fact and Conclusions of Law  
Hamlin Land Partition

Page 1 of 7

- Assessor's Map
- Mailing Labels
- Current Property Deed
- Owner's Agent Authorization

## APPROVAL CRITERIA

### MEDFORD LAND DEVELOPMENT CODE

#### LAND DIVISION CRITERIA – SECTION 10.270

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.*

## FINDINGS OF FACT

The Planning Commission has considered the following facts that are pertinent to the application request:

### MEDFORD LAND DEVELOPMENT CODE - SECTION 10.270

#### LAND DIVISION CRITERIA

#### CRITERION NO. 1

- 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;*

## FINDINGS OF FACT

### Comprehensive Plan

Medford's Comprehensive Plan provides the general goals and policies that guide the many land use decisions that the City will need to make. The goals and policies are implemented by the specific standards and requirements of the City's Land Development Code. The design standards for a land division are found in Article IV and V of the Code.

There are no Goals or Policies within Medford's Comprehensive Plan that by their language serve as relevant approval criteria.

### Neighborhood Circulation Plan

The proposed Land Partition is not located within one the area of one of Medford's adopted street circulation plans and is not applicable for this proposed Land Partition.

### Local Wetland and Riparian Inventory

Medford's Local Wetland and Riparian Inventory Maps indicate that there are no wetlands or riparian corridors located on the subject property.

### Slope

Medford's Slope Map indicates that there are no slopes on the subject parcel that exceed 15 percent, which has been verified by the applicant's surveyor as reflected on the proposed Tentative Partition Map.

There are no other adopted plans that apply to the subject property.

**Design Standards**

**Lot Size Standards**

<b>Code Standards</b>		<b>Proposed Parcels</b>		
	<b>Minimum Standards</b>	<b>Parcel No. 1</b>	<b>Parcel No. 2</b>	<b>Parcel No. 3</b>
Lot Area	7,000 Sq. Ft.	17,402 sq. ft.	33,798 sq. ft.	24,107 sq. ft.
Lot Width	70 feet	83.2 ft.	160.5 ft.	124.5 ft.
Lot Depth	100 feet	210.6 ft.	210.6 ft.	210.6 ft.
Lot Frontage	70 feet	76.0 ft.	160.5 ft.	125.3 ft.
Maximum Lot Area	none	N/A	N/A	N/A
Lot Coverage	60% (max.)	22%	2%	12%

The proposed tentative map meets all lot standards of the Land Development Code.

**Street Dedication and Improvements**

South Riverside Avenue is designated as a Major Arterial Street on Medford's Street Functional Classification Plan. A strip of land, 2 feet wide along the South Riverside Avenue frontage of the subject parcel, will be dedicated to match with adjoining right-of way line and a 15 foot wide Public Utility Easement to match with existing Public Utility Easements.

**CONCLUSION OF LAW**

The Planning Commission concludes that the proposed tentative map is consistent with all of Medford's applicable adopted plans, including the Comprehensive Plan. The tentative plat also conforms with all of the applicable design standards of Articles IV and V, including density, lot size standards, street dedication.

**CRITERION NO. 2**

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;*

FINDINGS OF FACT

The subject property exists as a single tax lot, and none of the adjacent properties are under the same ownership. The access to adjoining parcels will be able to be accessed directly from South Riverside Avenue, Earhart Street or Commercial Court.

CONCLUSION OF LAW

The Planning Commission concludes that the tentative map will not prevent development of or the access to adjoining land, since all adjoining land will be able take its access from various points of ingress and egress.

**CRITERION NO. 3**

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 subject application is for a three parcel land partition that is not officially recognized by name and a name is not required or proposed.

CONCLUSION OF LAW

The Planning Commission concludes that because the partition has no name, this criterion does not apply to the subject application.

**CRITERION NO. 4**

- 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

There are no public or private streets or alleys that will be created by the platting of the proposed land partition.

CONCLUSION OF LAW

The Planning Commission concludes that because no streets or alleys will be created, this criterion does not apply to the subject application.

**CRITERION NO. 5**

- 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;*

FINDINGS OF FACT

There are no private streets or alleys that will be created by the platting of the proposed land partition.

CONCLUSION OF LAW

The Planning Commission concludes that because no private streets or alleys are proposed, this criterion does not apply to the subject application.

**CRITERION NO. 6**

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 property adjoins lands to the south and east with C-H zoning. The abutting parcels to the north across Earhart Street and the west across South Riverside Avenue are with C-H zoning.

CONCLUSION OF LAW

The Planning Commission concludes as there are no adjoining lands that are zoned EFU, this criterion does not apply to the subject application.

**CONCLUSION**

Based upon the above Findings of Fact and Conclusions of Law, the Planning Commission concludes that the application for the tentative partition map for a two parcel land partition is consistent with the relevant decisional criteria found in Section 10.270 of Medford's Land Development Code.

Respectively Submitted,

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Shawn Kampmann PLS, Agent

Polaris Land Surveying LLC  
P.O. Box 459  
Ashland, Oregon 97520  
(541) 482-5009 (Office)  
(541) 488-0797 (Fax)

Date: September 29, 2017

RECEIVED

DEC 07 2017

PLANNING DEPT.

## FINDINGS OF FACT

**APPLICATION:** Request for an Exception to standard street improvements for a three (3) parcel Land Partition on a 1.73 acre tract located at southeasterly corner of South Riverside Avenue and Earhart Street, within the City of Medford C-H (Commercial-Heavy) zoning district.

**APPLICANT/OWNER:** Hamlin Properties I LLC

**AGENT:** Polaris Land Surveying LLC  
P.O. Box 459  
Ashland, OR 97520

### BACKGROUND INFORMATION & NARRATIVE

The subject parcel has three existing single-story, commercial use buildings located on the subject property that will remain on each proposed Parcel 1, Parcel 2 and Parcel 3 of the Partition.

The subject parcel has approximately 360 feet of frontage along South Riverside Avenue, designated as a Major Arterial street and approximately 190 feet of frontage along Earhart Street. Access is served by South Riverside Avenue and Earhart Street, both are public streets, which are adjacent to the northerly and westerly property lines.

The subject parcel proposed to be partitioned is bounded along the entire westerly side fronting on South Riverside Avenue, designated as a Major Arterial Street (100' wide) and along the entire northerly side by Earhart Street, designated as a Commercial Street (63' wide) definition per MLC Article IV, Section 10.430(B). Currently on either side of the subject parcel along South Riverside Avenue, the right-of-way width is 64 feet and on Earhart Street the right-of-way width is 60 feet. Access is currently served by South Riverside Avenue and Earhart Street. Existing street improvements consist of sidewalk, curb, gutter and pavement on South Riverside Avenue and Earhart Street, which is consistent throughout the area.

The existing parcel is adequately served with all public and private utilities including water, sanitary sewer, storm drainage, water, gas, phone, power and communication services.

### SUBMITTALS

- Exception Application Form
- Application Fee of \$700.00
- Reduced Tentative Partition Map (full size included in Land Partition application)
- Findings of Fact
- Assessor's Maps with site highlighted (8½"x 11")
- Medford Street Functional Classification Plan
- Owner's Agent Authorization

8

**APPLICABLE SECTION FROM THE LAND DEVELOPMENT CODE RELATING TO SECTION 10.251 APPLICATION, EXCEPTION TO APPROVAL CRITERIA**

MEDFORD LAND DEVELOPMENT CODE

LAND DIVISION CRITERIA – SECTION 10.270

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; (Street Dedication and Improvements)***

**FINDINGS OF FACT**

The Planning Commission has considered the following facts that are pertinent to the Exception application request for exception of street improvements per Article IV, Sections 10.428(1) and 10.429(1):

**MEDFORD LAND DEVELOPMENT CODE - SECTION 10.251**

**APPLICATION EXCEPTION**

The purpose of Sections 10.251 to 10.253 is to empower the approving authority to vary or adapt the strict application of the public improvement and site development standards as contained in as Articles IV of this chapter. Exceptions may be appropriate for reasons of exceptional narrowness or shape of a parcel; for reasons of exceptional topographic conditions, extraordinary and exceptional building restrictions on a piece of property; or if strict applications of the public improvement or site development standards in the above-referenced Articles would result in peculiar, exceptional, and undue hardship on the owner.

**APPROVAL CRITERIA**

**SECTION 10.253, CRITERIA for an EXCEPTION.**

**CRITERION NO. 1**

- 1. The granting of the exception shall be in harmony with the general purpose and intent of regulations imposed by this code for the zoning district for which the exception is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety and welfare or adjacent natural resources. The approving authority shall have the authority to impose conditions to assure that this criterion is met.*

FINDINGS OF FACT

The proposed exception is harmony with and meets the general purpose and intent of the Public Improvement Standards and Criteria of MDC Article IV, Section 10.421. The entire westerly side fronting on South Riverside Avenue, designated as a Major Arterial Street (100' wide) and along the entire northerly side by Earhart Street, designated as a Commercial Street (63' wide) definition per MDC Article IV, Sections 10.428(1) and 10.429(1). Currently on either side of the subject parcel along South Riverside Avenue the right-of-way width is 64 feet and on Earhart Street the right-of-way width is 60 feet. Access is currently served by South Riverside Avenue and Earhart Street. Existing street improvements consist of sidewalk, curb, gutter and pavement on South Riverside Avenue and Earhart Street, which is consistent throughout the area. The exception will also not be injurious to the general area or detrimental to the health, safety and welfare and adjacent natural resources, but in fact be more harmonious with the general area by retaining consistency with the current street improvements, as well as maintaining nine onsite parking spaces which would be lost.

CONCLUSION OF LAW

The Planning Commission concludes that the proposed exception request is consistent with Medford's applicable Exception standards within MDC Article IV, Section 10.253.

**CRITERION NO. 2**

- 2. The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located.*

FINDINGS OF FACT

The granting of this exception will not permit the establishment of a use not permitted in the zoning district and is not applicable nor will have any effect by this exception request.

CONCLUSION OF LAW

The Planning Commission concludes that the granting of this exception will not permit the establishment of a use not permitted in the zoning district.

### CRITERION NO. 3

- 3. There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere in the City, and that the strict application of the standard(s) for which an exception is being requested would result in a peculiar, exceptional, and undue hardship on the owner;*

#### FINDINGS OF FACT

Much of the Findings for addressing Criteria No. 1 also apply for this criterion regarding the unique and unusual circumstances of the right-of-way width of the Public Improvement Standards and Criteria of MDC Article IV, Section 10.421. There would also be an undue hardship on the owner because of the loss of significant parking area and landscaping, including short term parking in front of the middle building for short term customer visits which is the main public entrance to said building.

#### CONCLUSION OF LAW

The Planning Commission concludes that there are unique and unusual circumstances that apply to this site which do not typically occur elsewhere in the City, and that the strict application of the standard(s) for which an exception is being requested would result in a peculiar, exceptional, and undue hardship on the owner.

### CRITERION NO. 4

- 4. The need for the exception is not the result of an illegal act nor can it be established on this basis by one who purchases the land or building with or without knowledge of the standards of this code. It must be the result from the application of this chapter, and it must be suffered directly by the property in question. It is not sufficient proof in granting an exception to show that greater profit would result.*

#### FINDINGS OF FACT

This exception request is a direct result from the application of this chapter and suffered directly by the property in question. No greater profit would result because the perpetual agreement in favor of a future LID will run with the land, which consequently is likely to actually diminish the value of the land as an encumbrance until at which time the street improvements are constructed either by the owner or as a full block street improvement project.

#### CONCLUSION OF LAW

The Planning Commission concludes that the need for the exception is not the result of an illegal act nor can it be established on this basis by one who purchased the land or building with or without knowledge of the standards of this code. It is the result from the application of this chapter, and suffered directly by the property in question.

"E"

## CONCLUSION

Based upon the above Findings of Fact and Conclusions of Law, the Planning Commission concludes that the application for the exception to defer the street improvements at this time for a three parcel land partition is consistent with the relevant decisional criteria found in Section 10.251 of Medford's Land Development Code.

Respectively Submitted,

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Shawn Kampmann PLS, Agent

Polaris Land Surveying LLC  
P.O. Box 459  
Ashland, Oregon 97520  
(541) 482-5009 (Office)  
(541) 488-0797 (Fax)

Date: October 5, 2017

"E"



Medford – A fantastic place to live, work and play

**CITY OF MEDFORD**

LD Date: 1/10/2018  
File Numbers: LDP-17-165/E-17-164

**PUBLIC WORKS DEPARTMENT STAFF REPORT**  
**Hamlin Properties – 3- Lot Partition**  
**South Riverside Avenue (TL 8800)**

**Project:** Consideration of a request for tentative plat approval for Hamlin Properties, a proposed three lot partition on 1.73 acre parcel with an exception to standard street improvements.

**Location:** Located at the southeasterly corner of South Riverside Avenue and Earhart Street within a C-H (Heavy Commercial) zoning district (371W30DB TL 8800).

**Applicant:** Applicant, Hamlin Properties, LLC; Agent, Polaris Surveying, LLC.; Liz Conner, Planner.

**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)

**A. STREETS**

**1. Dedications**

**South Riverside Avenue** is classified as a Major Arterial street. The developer shall dedicate for public right-of-way, sufficient width of land along the frontage of this development to accommodate a 5-foot wide sidewalk with a 10-foot wide planter strip, in accordance with Medford Land Development Code (MLDC), Section 10.428. **The Developer’s surveyor shall verify the amount of additional right-of-way required.**

The Developer will receive SSDC (Street System Development Charge) credits for the public right-of-way dedication on **South Riverside Avenue**, per the methodology established by the MLDC 3.815. **Should the Developer elect to have the value of the land be determined by an appraisal, a letter to that effect must be submitted to the City Engineer within sixty (60)**

**calendar days of the date of the Final Order of the governing Commission. The City will then select an appraiser, and a cash deposit will be required as stated in Section 3.815.**

**Earhart Street** is classified as a Commercial street, in accordance with MLDC Section 10.429. 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 sidewalks. **No additional right-of-way will be required with this Partition.**

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

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**

**South Riverside 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 sidewalks. **No additional public improvements are required.**

**Earhart Street** – As noted above, 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 sidewalks. **No additional public improvements are required.**

### **b. Street Lights and Signing**

**The Applicant has requested an Exception for the elimination of the standard street improvements on South Riverside Avenue and Earhart Street.** If approved as requested, then no streetlights would be provided with this development. Otherwise, street lights will be required as noted below.

The developer shall provide and install in compliance with Section 10.495 of the Medford Municipal Code (MMC). Based on the preliminary plan submitted, the following number of street lights and signage will be required:

#### Street Lighting – Developer Provided & Installed:

- A. 1 – Type A-400
- B. 1 – Type R-150

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

"F"  
2/7  
04

A. 1 – Base Mounted Cabinet (BMC)

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

The Developer shall pay for City installed signage required by the development. City installed signs include, but are not limited to, street name signs, stop signs, speed signs, school signs, dead end signs, and dead end barricades. Sign design and placement shall be per the Manual on Uniform Traffic Control Devices (MUTCD). All signs shall be shown on the public improvement plans and labeled as City installed.

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 are no pavement cutting moratoriums currently in effect along this frontage to South Riverside Avenue or Earhart Street.

d. Access to Public Street System

The Developer shall submit evidence of or provide cross-access easement(s) to/from all newly created parcels in accordance with MLDC 10.550 as part of the Final Plat approval.

e. Easements

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.

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*

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*exaction will not result in a taking of private property for public use, or*

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

**1. Nexus to a legitimate government purpose**

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

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

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

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

**South Riverside Avenue:**

The additional right-of-way on South Riverside Avenue will provide the needed width for a future planter strip. South Riverside Avenue is a 35 mile per hour facility, which currently carries approximately 14,600 vehicles per day. The 10-foot planter strip moves pedestrians a safe distance from the edge of the roadway on South Riverside Avenue. South Riverside Avenue will also be the primary route for pedestrians traveling to and from this future development.

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

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

The City assesses System Development Charges (SDCs) to help pay for acquisition of right-of-

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

## **B. SANITARY SEWERS**

The proposed development is situated within the Medford Sewer service area. The Developer shall provide one separate service lateral to each Parcel prior to approval of the Final Plat.

## **C. STORM DRAINAGE**

### **1. Drainage Plan**

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

### **2. Mains and Laterals**

Unless a shared private storm drain system is being used, a storm drain lateral shall be constructed to each parcel prior to approval of the Final Plat. Easements shall be shown on the Final Plat for storm drain laterals crossing property other than the one being served by the lateral. If a private storm drain system is being used to drain this site, the applicant shall provide a joint use maintenance agreement.

## **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. Design Requirements and Construction Drawings**

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

### **2. Construction Plans**

Construction drawings for any public improvements for this project shall be prepared by a professional engineer currently licensed in the State of Oregon, and submitted to the Engineering Division of Medford Public Works Department for approval. Construction drawings for public improvements shall be submitted only for the improvements to be constructed with each phase. Approval shall be obtained prior to beginning construction. Only a complete set of construction drawings (3 copies) shall be accepted for review, including plans and profiles for all streets,

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

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

### **3. Construction and Inspection**

The Developer or Developer's contractor shall obtain appropriate right-of-way permits from the Department of Public Works prior to commencing any work within the public right-of-way that is not included within the scope of work described within approved public improvement plans. Pre-qualification is required of all contractors prior to application for any permit to work in the public right-of-way.

### **4. Permits**

Building Permit applications shall not be accepted by the Building Department until the Final Plat has been recorded, and a "walk through" inspection has been conducted and approval of all public improvements as required by the Planning Commission has been obtained for this development.

### **5. System Development Charges (SDC)**

Future buildings in this development are subject to street and sanitary sewer treatment SDCs. These SDC shall be paid at the time individual building permits are taken out.

Prepared by: Doug Burroughs

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# SUMMARY CONDITIONS OF APPROVAL

Hamlin Properties – 3- Lot Partition  
South Riverside Avenue (TL 8800)

LDP-17-164/E-17-165

## A. Streets

### 1. Street Dedications to the Public:

- South Riverside Avenue – Dedicate additional right-of-way.
- Earhart Street – No additional right-of-way required.
- Dedicate 10-foot Public Utility Easement (PUE) along the South Riverside Avenue frontage.

### 2. Improvements:

#### a. Public Streets

- South Riverside Avenue – No additional improvements are required.
- Earhart Street – No additional improvements are required.

#### b. Lighting and Signing

- Developer supplies and installs all street lights at own expense. Unless the exception is approved.
- City installs traffic signs and devices at Developer's expense.

#### c. Access to Public Street System

- Provide cross-access easements.

#### d. Other

- There is no pavement cutting moratorium currently in effect on South Riverside Avenue or Earhart Street.

## B. Sanitary Sewer:

- Ensure or construct separate individual sanitary sewer connection.

## C. Storm Drainage:

- Provide joint use maintenance agreement.

## D. Survey Monumentation

- Provide all survey monumentation.

## E. General Conditions

- Provide public improvement plans if exception is not granted.

- = 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.

P:\Staff Reports\LDP\2017\LDP-17-165\_E-17-164 S Riverside Avenue 3-Lot Partition (Hamlin Properties I LLC)\LDP-17-164\_E-17-165 Staff Report-LD.docx Page 7

PUBLIC WORKS DEPARTMENT  
ENGINEERING & DEVELOPMENT DIVISION

200 S. IVY STREET  
MEDFORD, OREGON 97501  
[www.ci.medford.or.us](http://www.ci.medford.or.us)

TELEPHONE (541) 774-2100  
FAX (541) 774-2552

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# Medford Fire Department

200 S. Ivy Street, Room #180  
Medford, OR 97501  
Phone: 774-2300; Fax: 541-774-2514;  
E-mail [www.fire@ci.medford.or.us](mailto:www.fire@ci.medford.or.us)

## LAND DEVELOPMENT REPORT - PLANNING

To: Liz Conner

LD Meeting Date: 01/10/2018

From: Fire Marshal Kleinberg

Report Prepared: 12/29/2017

File #: LDP - 17 - 165

Associated File #'s: E - 17 - 164

### Site Name/Description:

Consideration of a request for tentative plat approval for Hamlin Properties, a proposed three lot partition on 1.73 acre parcel with an exception to standard street improvements, located at the southeasterly corner of South Riverside Avenue and Earhart Street within a C-H (Heavy Commercial) zoning district (371W30DB TL 8800). Applicant, Hamlin Properties, LLC; Agent, Polaris Surveying, LLC.; Liz Conner, 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 prior to the time of construction. The approved water supply for fire protection (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 the information provided only.

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

CITY OF MEDFORD  
EXHIBIT # 9  
File # LDP-17-165/E-17-164

# Memo



**To:** Elizabeth Conner, Planning Department  
**From:** Chad Wiltout, Building Department  
**CC:** Hamlin Properties, LLC, Applicant; Polaris Land Surveying, LLC, Agent  
**Date:** January 10, 2018  
**Re:** LDP-17-165/E-17-164

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***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 commercial plans examiner to determine if there are any other requirements for this occupancy type.***

***Fees are based on valuation. Please contact the front counter for estimated fees.***

1. For list of applicable Building Codes, please visit the City of Medford website: [www.ci.medford.or.us](http://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](http://www.ci.medford.or.us) Click on "City Departments" at top of screen; click on "Building"; click on "Electronic Plan Review (ePlans)" for information.

**General Comments**

1. One of the parking spaces must be Van Accessible in accordance with section 1106.7 of the 2014 OSSC, including figures referenced (see Building Codes Division for 2014 OSSC Errata which included these figures, dated October 16, 2014).
2. Based on our information, all buildings appear to be VB construction.
3. A separate demolition permit will be required for demolition of the existing structure.
4. Per 2014 OSSC Table 602 – Fire separation distance of 10'<x<30' in all occupancy groups except H, no fire resistance ratings are required for the exterior walls. Buildings appear to meet minimum code requirements for the new property lines.



BOARD OF WATER COMMISSIONERS

**Staff Memo**

**TO:** Planning Department, City of Medford

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

**SUBJECT:** LDP-17-165 & E-17-164

**PARCEL ID:** 371W30DB TL 8800

**PROJECT:** Consideration of a request for tentative plat approval for Hamlin Properties, a proposed three lot partition on 1.73 acre parcel with an exception to standard street improvements, located at the southeasterly corner of South Riverside Avenue and Earhart Street within a C-H (Heavy Commercial) zoning district (371W30DB TL 8800). Applicant, Hamlin Properties, LLC; Agent, Polaris Surveying, LLC.; Liz Conner, Planner.

**DATE:** January 10, 2018

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

**CONDITIONS**

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.
3. The existing three (3) water meters shall be protected in place, and are required to continue to serve the three (3) existing buildings. If the City of Medford requires right-of-way dedication along S Riverside Avenue, the existing water meter serving Parcel 3 (at 767 S Riverside Ave) will be required to be relocated to a MWC approved location. Applicant shall coordinate with City of Medford, and Medford Water Commission on this possible conflict.
4. Static water pressure is expected to be near 90 psi. Installation of Pressure Reducing Valves is required. See attached document from the City of Medford Building Department on "Policy on Installation of Pressure Reducing Valves".
5. Installation of an Oregon Health Authority approved backflow device is required for all commercial, industrial, municipal, and multi-family developments. New backflow devices shall be tested by an Oregon certified backflow assembly tester. See MWC website for list of certified testers at the following web link <http://www.medfordwater.org/Page.asp?NavID=35>.

*Continued to Next Page*



BOARD OF WATER COMMISSIONERS  
**Staff Memo**

*Continued from Previous Page*

6. A private water service line easement is required on Lot 1 over the existing water service line which serves Parcel 2. This easement will provide for future maintenance on the water service line if repairs are ever needed.

**COMMENTS**

1. Off-site water line installation is not required.
2. On-site water facility construction is not required.
3. Static water pressure is expected to be around 90 psi. (See Condition 4 above)
4. MWC-metered water service does exist to this property. A 1-inch water meter serves the existing building tenant spaces located at 709 & 713. A 1.5-inch water meter serves the existing building tenant space at 765 S Riverside Avenue. (See Condition 3 above)
5. Access to MWC water lines is available. There is an existing 8-inch water line in S Riverside Avenue, and a 10-inch water main in Earhart Street.

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# JACKSON COUNTY

## Roads

### Roads Engineering

Kevin Christiansen  
Construction Manager

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

www.jacksoncounty.org

January 3, 2018

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

RE: Consideration of a tentative plat approval for proposed three-lot partition and an exception to standard street improvements South Riverside Avenue – an ODOT maintained road.  
Planning File: LDP-17-165 & E-17-164

Dear Elizabeth:

Thank you for the opportunity to comment on the consideration of a request for tentative plat approval for Hamlin Properties, a proposed three-lot partition on 1.73 acre parcel with an exception to standard street improvements, located at the southeasterly corner of South Riverside Avenue and Earhart Street within the Heavy Commercial (H-R) zoning district (37-1W-30DB TL 8800). Please contact the Oregon Department of Transportation for their concerns. Jackson County Roads has no comment.

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

Sincerely,

*Kevin Christiansen by  
Nancy Coats*

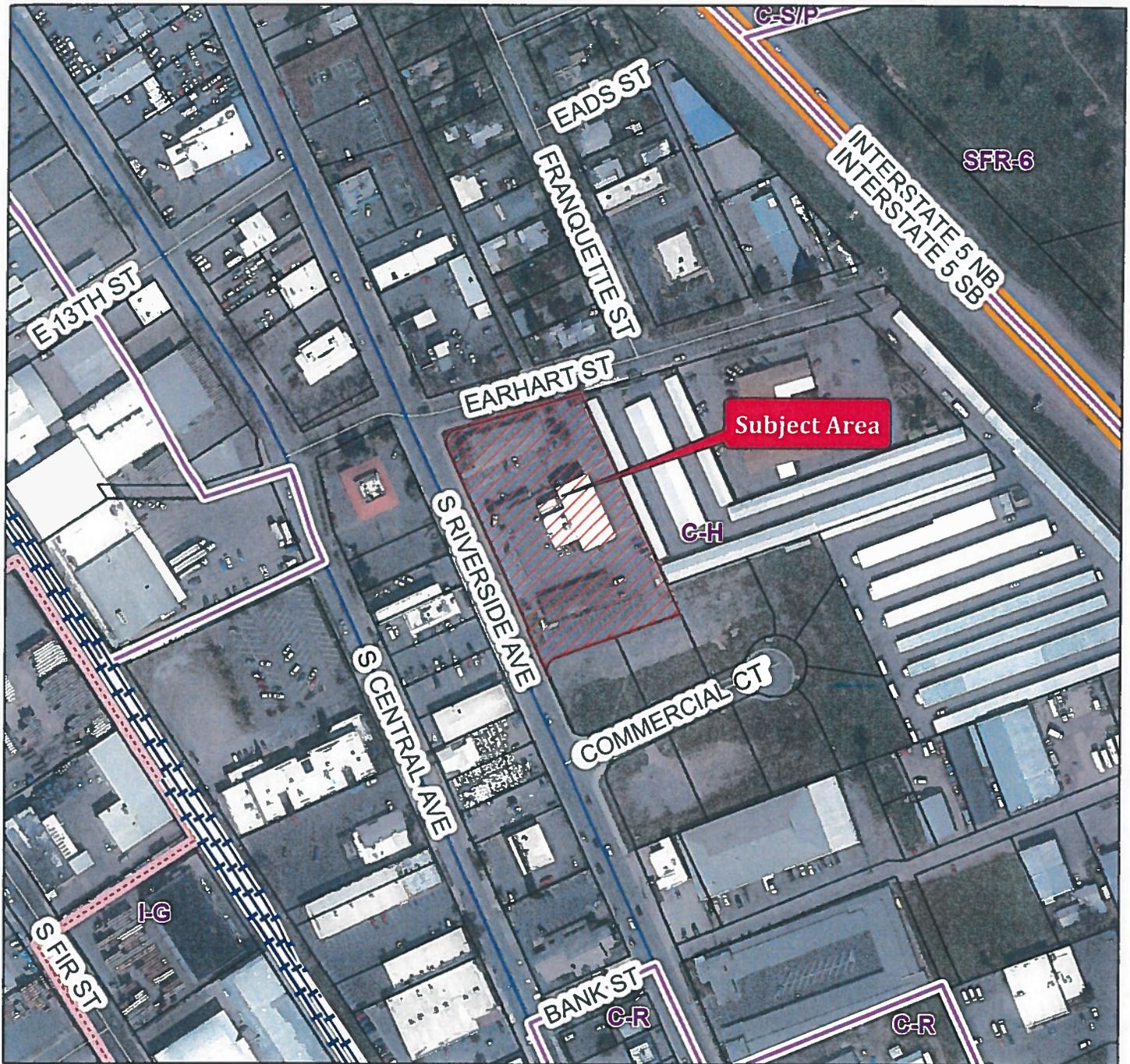
Kevin Christiansen  
Construction Manager



City of Medford  
**Planning Department**

Vicinity  
 Map

File Number:  
**LDP-17-165**  
**E-17-164**

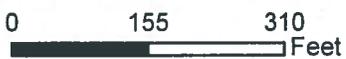


Project Name:

**Hamlin Partition**

Map/Taxlot:

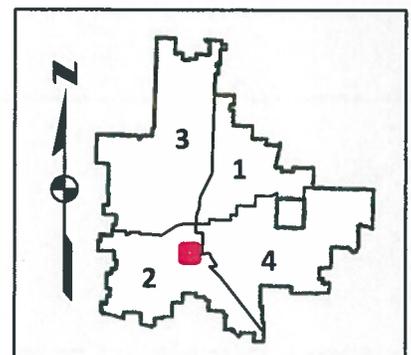
**371W30DB TL 8800**



12/19/2017

**Legend**

-  Subject Area
-  Medford Zoning
-  Tax Lots





## STAFF REPORT

for a Type-C quasi-judicial decision: **Conditional Use Permit**

Project Westminster Presbyterian Church – Project Warm  
Applicant: Barnabus Sprinkle

File no. CUP-18-026

To Planning Commission *for April 26, 2018 hearing*

From Liz Conner, Planner II

Reviewer Kelly Akin, Assistant Planning Director *ka.*

Date April 19, 2018

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### BACKGROUND

#### Proposal

Consideration for a revision of an existing CUP to allow for a firewood ministry accessory use of Westminster Presbyterian Church located at 2000 Oakwood Drive on the southeast corner of Oakwood Drive and South Barneburg Drive within a SFR-4 (Single Family Residential – four dwelling units per gross acre) zoning district (371W29BD TL 3700).

#### Vicinity Map



Subject Site Characteristics

Zoning	SFR-4	Single-family residential (4 dwelling units per gross acre)
GLUP	UR	Urban Residential
Use	Church	

Surrounding Site Characteristics

<i>North</i>	Zone:	SFR-4
	Use:	Single family dwellings
<i>South</i>	Zone:	SFR-4
	Use:	Single family dwellings
<i>East</i>	Zone:	SFR-4
	Use:	Single family dwellings
<i>West</i>	Zone:	SFR-4
	Use:	Single family dwellings

Related Projects

CUP-72-116 Church Parking Area  
CUP-78-293 YMCA of Medford Children Center  
CUP-80-346 Sanctuary Addition  
CUP-95-005 Parking Lot Expansion

Applicable Criteria

**Medford Municipal Code §10.248 Conditional Use Permit Criteria.**

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

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

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

- (1) Limit the manner in which the use is conducted, including restricting the time an activity may take place, and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.

- (2) Establish a special yard or other open space or lot area or dimension requirement.
- (3) Limit the height, size, or location of a building or other structure.
- (4) Designate the size, number, location, or nature of vehicle access points.
- (5) Increase the amount of street dedication, roadway width, or improvements within the street right-of-way.
- (6) Designate the size, location, screening, drainage, surfacing, or other improvement of parking or truck loading area.
- (7) Limit or otherwise designate the number, size, location, height, or lighting of signs.
- (8) Limit the location and intensity of outdoor lighting, or require its shielding.
- (9) Require screening, landscaping, or other facilities to protect adjacent or nearby property, and designate standards for installation or maintenance thereof.
- (10) Designate the size, height, location, or materials for a fence.
- (11) Protect existing trees, vegetation, water resources, wildlife habitat, or other significant natural resources.

#### **10.249 Conditional Use Permits, Mitigation of Impacts.**

Development requiring the mitigation of impacts under Section 10.248(2), Conditional Use Permit Criteria, must do one of the following:

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

#### **ISSUES AND ANALYSIS**

##### Background

Westminster Presbyterian Church is located on the block surrounded by Oakwood Drive, S Groveland Avenue, Woodlawn Drive and S Barneburg Road in east Medford. It is within a residential area with detached single family residences fully developed to SFR-4 density. As it is surrounded by streets there are no abutting residential properties.

Westminster Presbyterian Church was established in the Rogue Valley in 1958. As listed above, a number of Conditional Use Permits have been approved for the site, dating back to 1972 when the parking lot was built. The Church has a variety of ministries that provide

service to the community including Project Warm, which is a ministry that distributes free firewood to low-income households for home heating. Activities related to Project Warm are the subject of this application.

On October 31, 2017, City of Medford Code Enforcement received a complaint from a neighbor that raised concerns about the wood stockpile, specifically rodents and compatibility with the neighborhood and suitability with the zoning. (Exhibit I)

Churches are conditional uses in the residential zoning districts. In Medford Land Development Code (MLDC) Section 10.246:

*A development classified as a conditional use shall be given special review via this process in order to assure the appropriateness for the site and allow for adjustment to be made to assure its compatibility with adjacent land uses.*

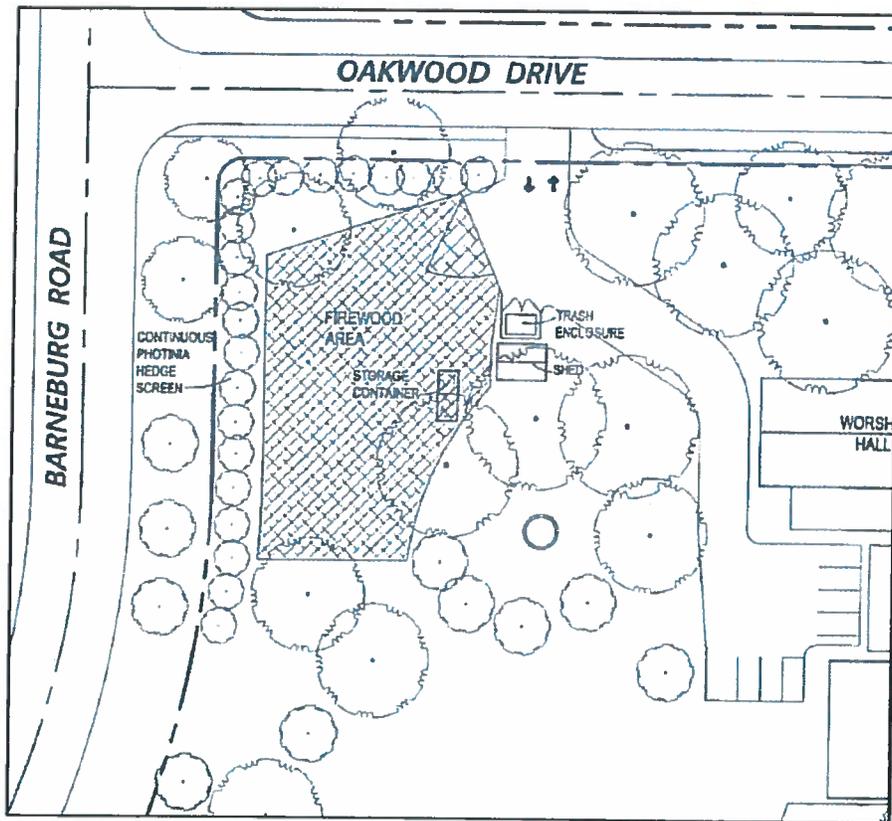
Processing wood products is not a permissible use in any residential zone; however, staff found this particular ministry to be akin to a food bank which is commonly associated with religious institutions. The applicant applied for the modification to the existing CUP based on this determination.

#### *Project Warm*

The Applicant's findings (Exhibit C) state that the Project Warm ministry has been operational for the past 38 years. Activities occur within daylight hours Monday through Saturday, usually only a few days per week. It is operated entirely by volunteers.

Project Warm activities are limited to the northwesterly corner of the 5.76 acre site and consume approximately one-half acre (Exhibit B, excerpt below). A red-tip Photinia hedge of varying height is located along S Barneburg Road and Oakwood Drive between the driveway and Barneburg. The hedge has not yet reached its mature height of roughly nine to twelve feet tall. There is a chain link fence and gate with slats between the trash enclosure and Oakwood Drive and an additional non-view obscuring gate, but the area is not otherwise fenced or screened.

Exhibit B Excerpt



The City of Medford aerial photos below show the area where the wood is processed and stored. Photos were taken during various times of the year in 2007, 2010, 2013 and 2016.



2007 City of Medford Aerial Photo



2010 City of Medford Aerial Photo



2013 City of Medford Aerial Photo



2016 City of Medford Aerial Photo

Logs and downed trees are donated by various sources and delivered to the site where the wood is processed. (There are typically two to six volunteers on site at a time, but there could be as many as 12.) The volunteers process the whole logs and trees into split firewood and stack it for it to become seasoned, or dried. The seasoning process reduces the smoke while it is being burned.

Last year the ministry delivered over 250 truck or trailer loads of firewood – roughly 150 cords – to residents within the community. (A cord measures 4 feet by 4 feet by 8 feet, or 128 cubic feet.) Project Warm has delivered approximately 100 cords from October 2017 till the present. This year their delivery total is approximately 170 cords.

#### Neighborhood Impacts

Staff has identified four impacts; each is discussed below. The Planning Commission has authority to mitigate adverse impacts in MLDC 10.248(2) as listed above. Staff has proposed mitigation for each identified impact and included said measures as conditions of approval on Exhibit A.

#### *Aesthetics and Visibility*

The wood stored on site is in varying states of being processed, from large logs and trees to firewood to piles of chips. Staff approximates that the piles of wood were approximately 6 feet in height at the site visit of April 17, 2018. The Applicant's findings (Exhibit C) state that once the logs are processed they are stacked on pallets and allowed to season for use the next winter.

As noted above and shown in the photos (Exhibit J), the site is partially screened with a Photinia hedge. The living screen is attractive and can be effective; however, living screens require maintenance and die over time. Combinations of wood fencing and landscape screens are common in the surrounding area.

Proposed Mitigation – Aesthetics and Visibility:

Staff recommends that the processing area shown on the site plan be enclosed with a view-obscuring fence placed behind the Photinia hedge. The material may be wood or masonry and a minimum of six feet in height. Chain link with or without slats is not an acceptable screening material. Additionally, the Photinia hedge (or a similar species) and fence/wall screening should be maintained in good condition as long as Project Warm is active.

Staff recommends limiting the height of the stacked wood so that it does not exceed the height of the surrounding screening.

*Rodent Control*

One of the complaints issued regarding Project Warm is a proliferation of rats. The Church maintains a contract with a professional exterminator to prevent rodent nesting. A letter confirming the existing contract has been provided as Exhibit C.

Proposed Mitigation – Rodent Control:

Staff recommends that the Church retain a contract with a professional exterminator as long as Project Warm is active.

*Noise*

Project Warm's primary source of processing equipment is small scale power tools such as chain saws and wood splitters. The ministry's hours of operation are between 8:00 a.m. and 6:00 p.m. as stated in the Applicant's findings (Exhibit C).

Proposed Mitigation - Noise:

A condition of approval has been included to refrain from violating the noise ordinance contained in Medford Municipal Code Section 5.225.

No other issues were identified by staff.

**FINDINGS AND CONCLUSIONS**

Staff has reviewed the applicant's findings and conclusions (Exhibit C) and recommends the Commission adopt the findings with the following modifications:

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

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

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

**10.249 Conditional Use Permits, Mitigation of Impacts.**

*Development requiring the mitigation of impacts under Section 10.248(2), Conditional Use Permit Criteria, must do one of the following:*

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

Conclusion:

The Planning Commission can find that Project Warm is a service that is in the public interest as it provides heating assistance to low income households. Wood storage and processing do cause adverse impacts as described in the staff report and applicant's

findings (Exhibit C). The Planning Commission can find that the conditions of approval in Exhibit A are authorized in MLDC 10.248(2)(1), (9) and (10) above and necessary to mitigate the identified adverse impacts. Further, as required in MLDC 10.249, the Planning Commission can find that the Westminster Presbyterian Church provides Project Warm as a public nonprofit service to the community.

### **RECOMMENDED ACTION**

Adopt the findings as modified by staff, find that the proposal meets the criterion at MLDC 10.248(2) and direct staff to prepare the final order for approval of CUP-18-026 per the staff report dated April 19, 2018, including Exhibits A through I.

### **EXHIBITS**

- A** Conditions of Approval dated April 19, 2018
- B** Maps received March 02, 2018
  - a. Site Plan received March 02, 2018
  - b. Zoning Map received March 02, 2018
  - c. Assessors Map received March 02, 2018
- C** Applicants findings and conclusions received March 02, 2018
- D** Letter from Clarence Newhall received April 10, 2018
- E** City of Medford Public Works memo received April 4, 2018
- F** City of Medford Fire Department Memo received April 4, 2018
- G** City of Medford Building Department Memo received April 4, 2018
- H** Medford Water Commission Memo received April 4, 2018
- I** Email from Deputy City Attorney dated March 22, 2018
- J** Site photos taken April 17, 2018
  - Vicinity map

**PLANNING COMMISSION AGENDA:**

**APRIL 26, 2018**

**EXHIBIT A**  
**Conditions of Approval**

CUP-18-026  
Westminster Presbyterian Church Project Warm  
April 19, 2016

**DISCRETIONARY CONDITIONS**

1. The processing area shown on the site plan shall be fully enclosed with a view-obscuring fence. The fence shall be placed behind the Photinia hedge along the street frontages. The material may be wood or masonry and shall be a minimum of six feet in height. Chain link with or without slats is not an acceptable screening material.
2. The Photinia hedge (or a similar species) along the street frontages and fence/wall screening shall be maintained in good condition as long as Project Warm is active.
3. The height of the stacked wood shall not exceed the height of the required screening.
4. The applicant shall remain in contract with a professional exterminator as long as Project Warm is active.

**CODE-REQUIRED CONDITION**

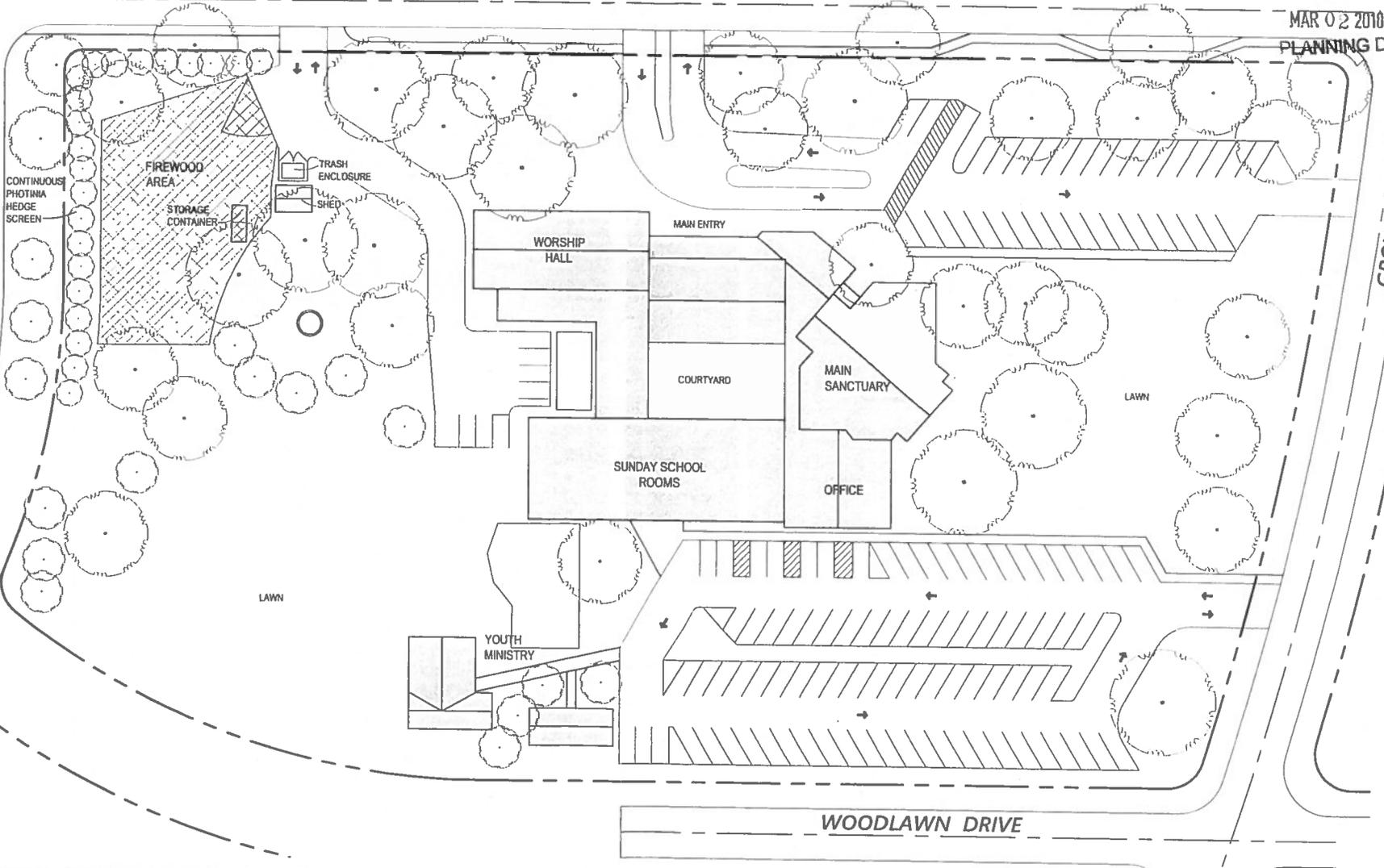
5. The applicant shall refrain from violating the noise ordinance contained in Medford Municipal Code Section 5.225.

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OAKWOOD DRIVE

BARNEBURG ROAD

GROVELAND AVE



WOODLAWN DRIVE

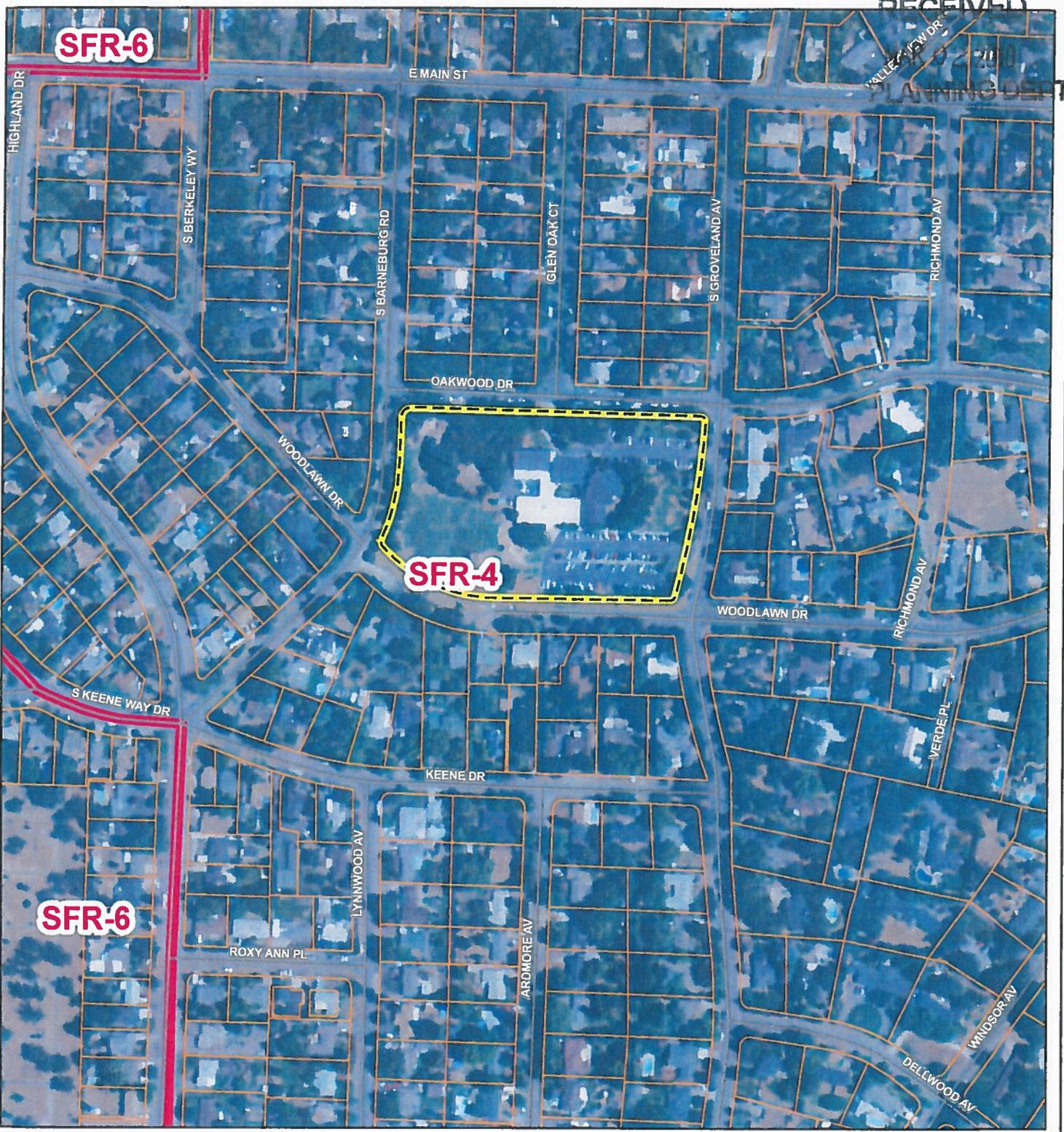
**WESTMINSTER PRESBYTERIAN CHURCH - FIREWOOD ACTIVITY CUP**

7000 OAKWOOD DRIVE MEDFORD, OR 39 1W 29BD TL 3700

CITY OF MEDFORD - 0"  
EXHIBIT # 2010  
DATE 3/2/2010  
File # CUP-18-026

RECEIVED

PLANNING DEPT



 Subject  
 Tax Lots  
 Medford Zoning

**Zoning Map** 2016 Aerial

Westminster Presbyterian Church  
 37-1W-29BD tax lot 3700





300 150 0 150 300 Feet



**CITY OF MEDFORD**  
**EXHIBIT # B(5)**  
**FILE # CUP-18-026**

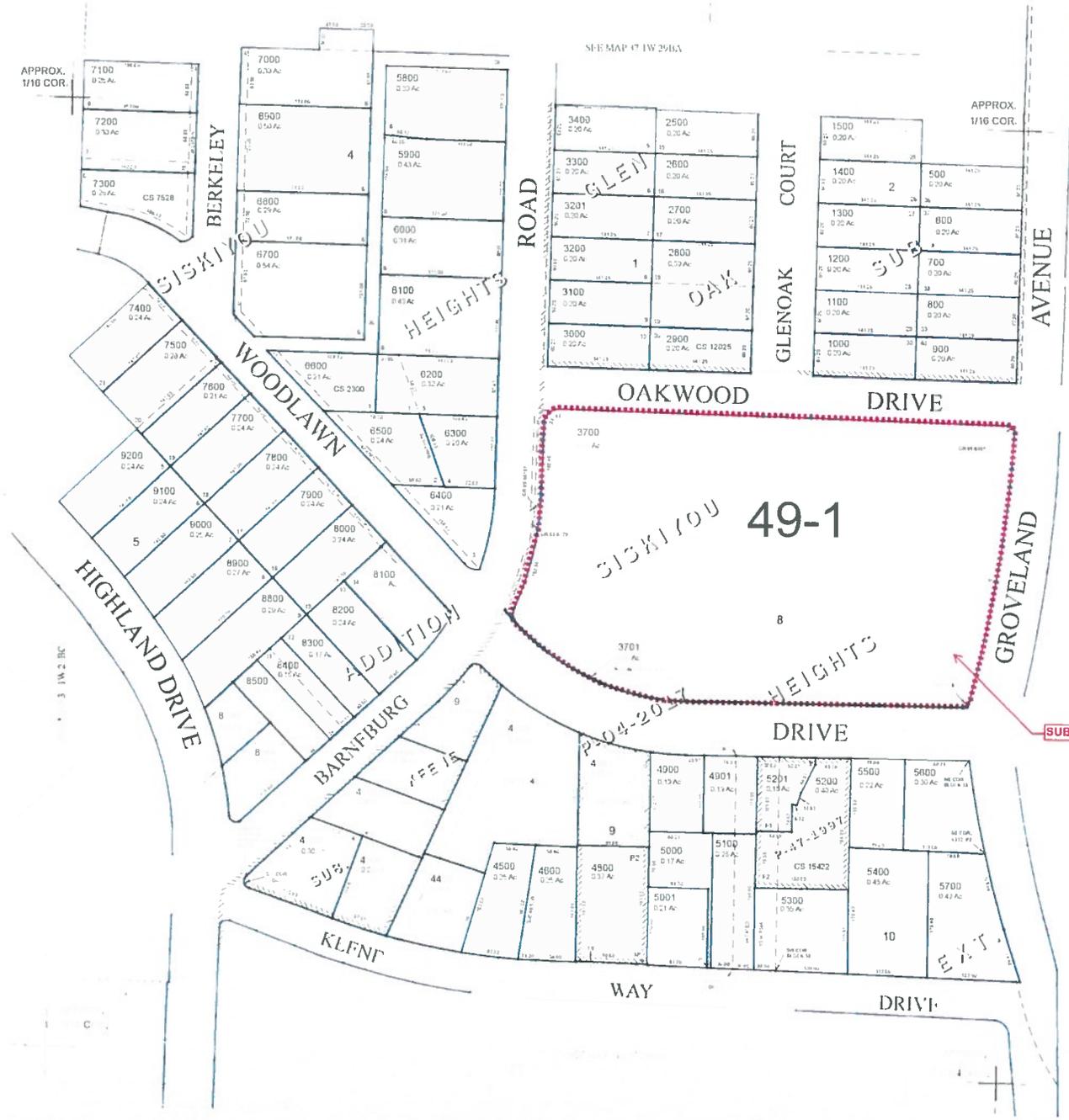
CSA Planning LTD

12

FOR ASSESSMENT AND  
TAXATION ONLY

S.E. 1/4, N.W. 1/4, SEC. 29, T. 37S., R. 1W., W.M.  
JACKSON COUNTY  
1" = 100'

37 1W 29BD  
MEDFORD



CANCELLED TAX  
LOT NUMBERS

- 100-400 REMAPPED TO 371W29HA
- 1600-1800 REMAPPED TO 371W29HA
- 1900 REMAPPED TO 371W29HA
- 2000 REMAPPED TO 371W29HA
- 2200 REMAPPED TO 371W29HA
- 2400
- 2400 REMAPPED TO 371W29HA
- 1500-1601 REMAPPED TO 371W29HA

SEE MAP 37 1W 29AC

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MAR 02 2018  
PLANNING DEPT

NEW MEDFORD, OREGON  
REV. FEBRUARY 06 2017

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
BEFORE THE MEDFORD PLANNING COMMISSION

IN THE MATTER OF AN AMENDMENT )  
TO THE CONDITIONAL USE PERMIT )  
FOR WESTMINSTER PRESBYTERIAN )  
CHURCH TO ALLOW FIREWOOD )  
MINISTRY AS AN ACCESSORY USE ON )  
PROPERTY LOCATED AT 2000 )  
OAKWOOD DRIVE, IN THE CITY OF )  
MEDFORD OREGON )

APPLICANT'S EXHIBIT 1

**APPLICATION:** Request to amend a previously approved Conditional Use approved for Westminster Presbyterian Church to allow an accessory use for the operation of a firewood ministry located at 2000 Oakwood Drive on the southeast corner of Oakwood Drive and S Barneburg Drive within a SFR-4 (residential - 4 units per acre) district.

**APPLICANT:** Westminster Presbyterian Church  
2000 Oakwood Drive  
Medford, OR 97504

**A. BACKGROUND INFORMATION**

Westminster Presbyterian Church has served the Rogue Valley since 1958 and in this location for over 50 years. Westminster has a variety of ministries of service including a food pantry, youth programs, counseling center, and firewood ministry.

The firewood ministry, "Project Warm," has operated for the past 38 years to assist low-income households with free firewood for home heating. It takes place in the northwest corner of the church property. Donated logs are received, cut, split, and stacked for seasoning, then delivered to households requesting assistance.

This ministry has operated for decades without complaint, until recently. The city notified us that distributing wood is not covered within our current Conditional Use Permits for the church and preschool. Therefore, the church has filed this amendment to allow this accessory firewood ministry to continue.

The subject property is identified as Tax Lot 3700 on Jackson County Tax Assessor's Map 37 1W 29BD.

## **B. PROPOSAL AND SCOPE OF APPLICATION**

The applicant proposes to continue operating a firewood ministry on the northwest corner of the property.

This revision would allow the "Project Warm" firewood ministry to continue offering free firewood to low-income residents for home heating. Last year, the ministry delivered over 250 truck or trailer loads (roughly 150 cords) of firewood to residents in need. Since October this year, they have delivered 170 loads (roughly 100 cords).

The ministry operates entirely by volunteers. Logs and downed trees are donated to the ministry from various sources, including neighbors, other property owners, Oregon Department of Transportation, and the City of Medford Parks and Recreation Department. Volunteers cut these logs into "rounds" of reasonable length, and then split the rounds into firewood. The split firewood is stacked neatly on pallets to "season" (dry out) for up to a year. Sometimes tarps are used to keep the seasoning wood from getting wet during the rainy season. This seasoning greatly reduces smoke when the firewood is burned. During cold weather, seasoned wood is distributed to needy homes throughout the Rogue Valley for home heating. People request wood by leaving a telephone message, and then volunteers bring a pickup load (between 1/3-1/2 of a cord) to them. Recipients do not pick up their own wood. All operations happen within daylight hours.

Operations occur within daylight hours Monday through Saturday, usually a few days per week. Roughly 8-12 volunteers conduct this ministry, usually 2-6 volunteers at a time. This is a small percentage of the people who visit the church and preschool on a daily basis. The machinery used is a gas-powered wood splitter and 3 to 5 chainsaws. All machinery is operated between the hours of 8am and 6pm; typically the machinery is operated 4-6 hours per week.

This ministry has operated for decades without complaint. Westminster does have a board of elders who will listen to any neighborhood concerns or complaints and respond accordingly.

## **C. Findings of Fact**

The Medford Planning Commission has considered the following facts that are pertinent to the application requesting approval of a revision to a Conditional Use Permit. The following section discusses individual elements of the firewood ministry and operation that have the potential to cause impacts that could be considered to be adverse. A discussion of each of these elements has been included to show how the applicant has considered each of those potential factors together with the mitigation measures that have been included so that there is a balance between the public interest of the firewood ministry and the interests of the adjacent properties. As a note, in the past 38 years there have been no complaints from any neighbors.

### Traffic

Oakwood Drive is not a Major Collector Street. All vehicular trips to and from the site will take place during daylight hours, well before the p.m. peak hour period of trip generation. This use

will generate minimal traffic on the order of less than 10 trips per day at a peak time with an average approaching 3 trips per day.

#### Access

Vehicular access is from Oakwood Drive from a paved driveway, ending in a small paved parking lot of six spaces near the site. As the site is typically served by 2-4 volunteers at a time, this driveway provides adequate access. This is the only driveway on this block of Oakwood Drive between Glen Oak Court and Barneburg Drive, so the ministry's traffic does not impede other drivers. This block of Oakwood Drive does have a sidewalk for pedestrian access; Barneburg does not have a sidewalk.

#### Parking

The driveway ends in a small parking lot of 6 spaces. In addition, the church property has two other parking lots totaling nearly 100 spaces, including spaces marked for disabled parking with ADA access. On-street parking is also allowed on Oakwood Drive.

#### Aesthetics and Neighbor Visibility

The firewood lot is screened with a hedge of red-tip photinia with a mature height between 9 and 12 feet high. The hedge is between 15 and 25 feet from the street in all directions. Inside the hedge, logs are piled for splitting. Once split, the firewood is piled for stacking, and then neatly stacked on pallets to allow air penetration for seasoning, until it is distributed. The church property overall has a landscape plan including trees, shrubs, open lawns and a waterfall feature utilized by neighbors as a local park. The property is an attractive asset to the neighborhood.

#### Rodent Control

The church maintains a contract with a professional exterminator company to prevent rodent nesting. The church building is closest to the firewood site, and has not experienced rodent incursion.

#### Noise (equipment usage)

The primary source of noise from the firewood ministry is power equipment, including saws and a splitter. These operate a few hours per week. As stated earlier the applicant stipulates that all outdoor activities will start no earlier than 8:00 a.m. and cease by 6:00 p.m. at the latest.

#### Lighting/Glare

The wood lot does not have outdoor lighting, and operates only during daylight hours.

### Site Elements

This large subject parcel is approximately 5.76 acres or 251,000 square feet. It is surrounded by smaller lots of single family homes. Though used for a church for more than 50 years, it retains SFR-4 zoning.

The wood ministry occurs on the northwest corner of the church property. The area used for the firewood ministry is a slightly irregular shape roughly 100 feet by 150 feet, approximately one third of acre, adjacent to Oakwood Drive and S Barneburg Road. This area is screened by photinia hedge that was installed about 7 years ago; this hedge will reach a mature height of 9-12 feet and is currently 5-8 feet tall. Additional screening is supplied by numerous oak and pine trees. The hedge is set back from the street by 15 feet or more in every direction, and the wood itself is set back by at least 20 feet. Inside the wood lot are piles of logs, rounds, and split wood, and neat stacks of firewood for seasoning. There is a small storage unit for equipment. A fire extinguisher is kept in the equipment shed, and the doors to the shed are open during equipment usage.

### Adjacent Uses

- North – Single-family residences in an SFR-4 zoning district, these residences were generally constructed in the 1940s, 50s and 60s with some other decades mixed in on lots of approximately .2 acres.
- East – Single-family residences in an SFR-4 zoning district, these residences were generally constructed in the 1940s, 50s and 60s with some other decades mixed in on lots of approximately .2 acres up to half an acre.
- West – Single-family residences in an SFR-4 zoning district, these residences were generally constructed in the 1940s, 50s and 60s with some other decades mixed in on lots of approximately .3 acres up to half an acre.
- South – Single-family residences in an SFR-4 zoning district, these residences were generally constructed in the 1940s, 50s and 60s with some other decades mixed in on lots of approximately .2 acres up to  $\frac{3}{4}$  of an acre.

### Previous Land Use Approvals:

The subject site has been home to Westminster Presbyterian Church for many years. During that time, multiple conditional use permit authorizations have occurred on the site. Planning File No. CUP-80-346 approved an 8,270 square foot sanctuary addition. Planning File CUP-94-5 approved an expansion of an existing parking lot and a 1,524 square feet of church expansion; the site plan from this CUP serves as the site plan base from which the site plan for this CUP was created.

### Potential Impacts to Livability, Value and Appropriate Development:

Applicant herewith provides the following testimony with respect to impacts on livability, value and appropriate development when compared to other uses not classified as conditional.

Livability: Applicant believes there is minimal potential for impacts to livability from the firewood ministry. In the first instance, this ministry has existed for many years (the church did not realize a CUP amendment was required) and only in the very recent history has any complaint been lodged against the use. This history alone is excellent evidence that the use will not cause adverse impacts on livability of the area. Moreover, the hours of the operation are during normal daylight midday hours and even single family houses often operate light power equipment that are equivalent to lawnmower and a few chainsaws during typical weeks. Nevertheless, this land use action did prompt the church to evaluate the use to further identify opportunities to be good neighbors. Specifically, the Church intends to limit wood pile/wood stack height to the mature height of the photinia which is nine feet and to install a new more "residential in nature" cedar fence gate to the firewood ministry area. Additional measures to assure livability include two-onsite fire extinguishers and open quarterly contract with an exterminator that has been in place for many years to assure the firewood ministry is not vermin nuisance.

Value: There is no reason to expect running of an occasional running of power equipment and the stacking of wood in a screened area will adversely affect the value of property in the area. Especially, in light of the fact that this use is an accessory use to the broader church use that presents a relatively low intensity use with a very attractive grounds with significant open space for the neighborhood to enjoy.

Appropriate Development: Applicant believes there is nothing about the firewood ministry on a third of an acre that will prevent, in any way, the development and use approve of property consistent with the SFR-4 zoning in the area.

Public Benefits that Accrue from the Firewood Ministry: There clear benefits to the community from the accessory Firewood Ministry use, such as the following:

- a. Free fuel sources for economically disadvantaged people throughout Jackson County.
- b. Central location to dispose of large diameter tree waste near that does not require long hauls outside the City and where the waste is but to beneficial use.

#### **D. APPLICANT'S SUBMITTALS**

- Exhibit 1 Findings of Fact and Conclusions of Law
- Exhibit 2 Assessor's Map showing Subject Site
- Exhibit 3 Zoning Map
- Exhibit 4 Site Plan showing wood lot
- Exhibit 5 Photographs of the site
- Exhibit 6 Letter from A-One Exterminators
- Exhibit 7 Sample of letters of gratitude from ministry recipients
- Exhibit 8 Unsolicited letter of support from a neighbor

**E. RELEVANT APPROVAL CRITERIA**

Section 10.246 of the Land Development Code states that a development that is classified as a conditional use shall be reviewed by the Conditional Use Permit process in order to assure its appropriateness for the site and allow for adjustments to be made to assure compatibility with adjacent land uses.

**CONDITIONAL USE PERMIT CRITERIA - SECTION 10.248**

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

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

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

**MITIGATION OF IMPACTS - SECTION 10.249**

*A development requiring the mitigation of impacts under Section 10.248, Conditional Use Permit Criteria, must do one of the following:*

*(1) Preserve unique assets of interest to the community.*

*(2) Provide a public facility or public nonprofit service to the immediate area or community.*

*(3) Otherwise provide for a development that is consistent with the overall needs of the community in a location that is reasonable suitable for the purpose.*

**F. CONCLUSIONS OF LAW**

**MEDFORD LAND DEVELOPMENT CODE**

**1. APPLICATION FORM, CONDITIONAL USE PERMIT - SECTION 10.247**

*An application for a conditional use permit shall contain the following:*

*(1) Vicinity map drawn at a scale of 1"=1,000' identifying the location.*

*(2) Assessor's map with subject site identified.*

(3) Site plan drawn to scale on an eighteen inch by twenty-four inch (18"x24") sheet Site plan shall identify all existing and proposed buildings, parking, drives, vegetation or landscaping, and adjacent development.

(4) Property owner's (and agent's) names, addresses, and map and tax lot numbers within 200 feet of the subject site, typed on mailing labels.

(5) Findings prepared by the applicant or his/her representative addressing the criteria set forth in Section 10.248, Conditional Use Permit Criteria.

Submittal Conclusions: The Planning Commission has considered the following facts that are pertinent to the application form requirements. The submitted application consists of the following:

1. Vicinity maps showing the location of the site of the church and Firewood Ministry accessory use area.
2. A Jackson County Assessor's map identifying the property.
3. Mailing labels consisting of the property owner's names, addresses, and map and tax lot numbers, for all parcels within 200 feet of the site.
4. Findings of Fact and Conclusions of Law prepared by the applicant which address the Conditional Use Permit criteria found in Section 10.248.

#### Conclusion of Law

The Planning Commission concludes that all of the submittal requirements of Section 10.247 have been met.

#### 2. CONDITIONAL USE PERMIT CRITERIA - SECTION 10.248

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

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

#### Conclusion of Law

Based upon the findings of fact above and Applicant's testimony, the Planning Commission concludes the Firewood Ministry will not cause significant adverse impact on livability, value or appropriate development of abutting property or the surrounding area for the following reasons:

- The nature of the use is during daylight hours and will not appreciably increase noise in the area beyond what a collection of other single family dwellings might be

- expected to generate. Applicant will accept a condition of approval requiring Firewood Ministry activities be limited to 8am to 6pm on weekdays and Saturdays.
- With the restriction on pile height limited to nine feet (height of screening Photinia at maturity) and the installation of a new cedar fence gate, the aesthetic from the street will not be substantially different than any number of residential yards in this part of the east Medford area.
  - Other sources of potential livability impact such vermin or fire risk are controlled through on-site management practices and the Applicant will accept conditions of approval that require these practices to continue.
  - There is nothing about the Firewood Ministry that would reasonably be expected to adversely impact value of abutting properties or the surrounding area.
  - There is nothing about the Firewood Ministry that would reasonably be expected to prevent appropriate development of abutting properties or the surrounding area as allowed in the SFR-4 zoning disitric..

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

#### Conclusion of Law

In the event, the Planning Commission, for any reason, cannot conclude there will be no significant adverse impacts the Applicant contends that the Planning Could impose reasonable conditions to address issues raised during the hearing process to balance conflicting interest of the abutting properties or surrounding area and the Applicant expects to work with the Planning Commission and staff through the process to identify any appropriate conditions of approval.

#### MITIGATION OF IMPACTS - SECTION 10.249

*A development requiring the mitigation of impacts under Section 10.248, Conditional Use Permit Criteria, must do one of the following:*

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

#### Conclusion of Law

In the event, the Planning Commission concludes it must approve the application under MLDC 10.248(2) the Planning Commission herewith concludes that the Firewood Ministry Accessory Use is operated by a public non-profit (Westminster Presbyterian Church) and the activity provide a beneficial service to both the immediate area and the community by providing a

centrally located drop-off for large tree waste and providing fuel for disadvantages households in our community, pursuant to MLDC 10.249(2).

#### **F. ULTIMATE CONCLUSION**

The Planning Commission concludes that, based upon the above Findings of Fact and Conclusions of Law above, the application for amendment to Westminster Presbyterian Church's previously approved Conditional Use Permit for firewood ministry is consistent with the relevant decisional criteria found in Section 10.248(2) of Medford's Land Development Code, in that the firewood ministry will not cause adverse impacts and it is also in the public interest and is consistent with the overall needs of the community and the immediate area in a location that is reasonably suitable.

APPLICANT'S EXHIBIT 5

Photographs of the Site

Photographs include views from each of the properties adjoining the firewood ministry site:

- A. View of site from 48 Barneburg Road (near the corner of Oakwood Drive)
- B. View of site from 56 Barneburg Road (south of 48 Barneburg Road)
- C. View of site across Oakwood Drive from 45 S Barneburg Road
- D. View of site across Oakwood Drive from 40 S Glen Oak Court
  - a. The fire hydrant on Oakwood Drive is visible in this image.
  - b. Some photinia died, causing gaps in the hedge. These gaps will be filled by new plants, probably before the planning commission sees this application.

**CITY OF MEDFORD**  
**EXHIBIT #**  
**File # CUP-18-026**



View of site from 48 Barneburg Road (near the corner of Oakwood Drive)

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**MAR 02 2018**

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**EXHIBIT #** \_\_\_\_\_  
**File # CUP-18-026**



B. View of site from 56 Barneburg Road (south of 48 Barneburg Road)

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**EXHIBIT #**  
**File # CUP-18-026**



C. View of site across Oakwood Drive from 45 S Barneburg Road

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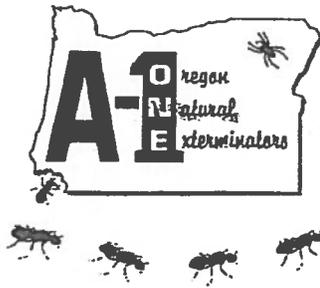


- D. View of site across Oakwood Drive from 40 S Glen Oak Court
- a. The fire hydrant on Oakwood Drive is visible in this image.
  - b. Some photinia died, causing gaps in the hedge. These gaps will be filled by new plants, probably before the planning commission sees this application.

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APPLICANT'S EXHIBIT 6



## A-ONE EXTERMINATORS

A Division of A-ONE, INC  
CCB# 128199  
712 N.E. 7th Street  
Grants Pass, OR 97526  
G.P. (541) 472-1094  
Med. (541) 779-5208  
Rsbg. (541) 957-8807  
1-800-505-3342  
Fax (541) 472-1096

02/21/18

A-One Exterminators provides quarterly exterior service to Westminster Presbyterian Church for general pests, including rodents. This region of Medford has perennial rodent issues, and we are doing what we can to mitigate rodents at this location. We place 6 bait boxes around the campus, which contain rodent poison and prevent access by pets or children. We check them quarterly, and refill them as needed. We have found that they effectively create a preventive barrier to reduce rodents in the church building, and in the local area. Rodents have not entered the customer's building, so at this time we feel that these boxes have been effective. No rodent control system is perfect, but we feel we are doing what we can. We appreciate your business and look forward to continuing all services.

Thank You:

  
Lisa  
A-One Exterminators

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APPLICANT'S EXHIBIT 7

Sample of letters of gratitude from ministry recipients.

While most firewood recipients are reasonably close, these letters show the breadth of the ministry's reach in the Rogue Valley.

Elizabeth A. Eckoff-Lake  
315 W. Evans Creek Road, Unit 76, Rogue River OR 97537

Brian McCarty  
714 2<sup>nd</sup> Avenue, Gold Hill OR 97525

Sandra O'Brien  
706 Pennsylvania Avenue, Medford OR 97501

Lori Woodrow  
14550 Upper Applegate Road, Jacksonville, OR 97503

a

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MAR 02 2018  
PLANNING DEPT

February 5, 2018  
Rogue River, OR

To Whom It May Concern:

I am writing this letter to comment on the Firewood Program run by the Westminister Presbyterterian Church. I have had personal experience with this program and I have some basic ideas about the benefit it brings to society, the community and the outlying areas.

In regard to my personal experience, I cannot be more pleased with their service. I am an older person who lives with an extremely small budget. During the winter months my electric bill doubles and I have great trouble paying it and still meet my other needs. Last winter and again this winter, this program has come to my rescue, allowing me to pay for other necessities, such as medical bills. I really don't know what I would do without their help by providing wood for my woodstove.

This program helps a great many low income people throughout the region. The help is given regardless of religious beliefs. In fact, a person does not need to practice any certain belief to get help. Because Wesminister Presbyterterian Church is located in Medford it makes Medford look good. Also because the church helps others, people are then encouraged to help others wherever and in whatever way possible.

Even those with very little money can volunteer or perhaps just smile and greet others and make the day brighter. I mentioned I am a older person, when I was younger, I noticed more concern for others in the general public; however now it seems many people have lost consideration for others. The Firewood Program is an example of people helping people, a step in the right direction.

When speaking on the phone, or having wood delivered, I have always been treated with respect and consideration. The people from Westminister Presbyterterian Church are very accommodating and caring. I believe they can work with anyone to make any situation acceptable for everyone concerned.

*Elizabeth A. Eckhoff-Lake*

Elizabeth A. Eckhoff-Lake  
Rogue River  
541-582-0665

**Ms. Elizabeth A. Eckhoff-Lake**  
315 W. Evans Creek Rd., Unit 76  
Rogue River, OR 97537-9632

Brian McCarty  
704 2nd Ave.  
Gold Hill, OR 97525

Feb. 12, 2018

RECEIVED  
MAR. 02 2018  
PLANNING DEP.

To All Concerned,

I would first like to thank everyone involved in the Project Warm program. Without this kind service, many folks in Jackson county would experience a much colder winter.

I'm a senior citizen and a disabled veteran, together my wife and I are living on a small fixed income. If it were not for this Fire-wood program from the Westminster Church our situation would be difficult.

In regards to the current issue with Medford and or Jackson county, I believe that a simple solution can be found that will make everyone happy.

Thank you Page 118

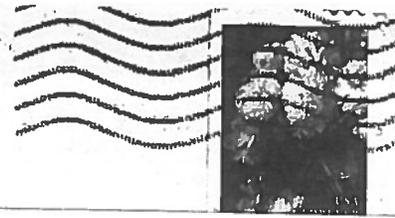
Brian McCarty

CITY OF MEDFORD  
EXHIBIT #  
File # CUP-18-026

Sandra O'Brien  
06 Pennsylvania Ave  
Medford OR 97501

MEDFORD OR 975

22 FEB 2018 PM 2 T



2/22/18

In the first few days of  
January 2018 I received  
such a blessing from your  
ministry. I am so truly  
grateful to you all for the  
load of dry, milled hard  
...straight from my heart.

and soft wood. I was  
at my wit's end because  
I didn't have any money  
to buy wood. Wood heat  
is my only source of heat.  
I had only enough for  
another 3-4 days.

Thank you so much, and  
Bless you for the kindness  
and ~~generosity~~ generosity. You  
truly are a blessing.

Sincerely  
Sandra O'Brien

Thank You!

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MAR 02 2018

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MAR. 02 2010  
PLANNING DEPT

Dear Zoning commission,

I support the approval of a conditional use permit for Westminster Presbyterian Church to continue their firewood ministry, Project Warm.

Although I do not live close to the church I have driven by their grounds and was impressed with the cleanliness of their wood storage areas as well as their respectful hours of operation.

Since my husband lost his leg 2 years ago, Project Warm is a Godsend for us. Living on a limited income restricts our ability to run our heater, or buy firewood for warmth. Without the help from this project, we would be very, very cold.

Please allow them to continue blessing the people of our area.

Lori Woodrow  
14550 Upper Applegate Road  
Jacksonville, OR 97530

February 17, 2018

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APPLICANT'S EXHIBIT 8

Unsolicited letter of support from a neighbor

When the Medford Tribune ran an article about this application process, a neighbor asked how she could help, and was willing to write a letter of support for this application. Her home is less than a block from the Project Warm location.

Janet Jamieson  
13 Glen Oak Court, Medford OR 97504



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MAR 02 2010  
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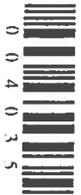
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ch

Dear Zoning Commissioner,  
I wholeheartedly support the approval of a Conditional Use Permit for Westminster Presbyterian Church to continue their wonderful firewood ministry. I live very close to the church and have, over the past 35 years, watched the project assist many, many people in need. The volunteers work hard to provide a source of heat for families unable to afford to pay for it. The program is operated in an organized, well structured manner. I am impressed by this program and am very much in favor of their permit request.

Sincerely,  
Janet Jamieson

RECEIVED  
APR 09 2018  
PLANNING DEPT.



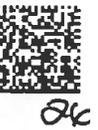
Clarence H. Newhall  
1821 Woodlawn Dr.  
Medford OR 97504-7652

DEAR MISS LIZ CONNER

I WRITE YOU REGARDING FILE NO CUP-18-024  
I AM AWARE OF THE 04/26 MEETING  
BUT UNABLE TO ATTEND DUE TO  
POST HERPETIC NEURALGIC PAIN FROM  
SHINGLES.

I WISH TO STATE THOUGH THAT I  
STRONGLY SUPPORT "PROJECT WARM"  
AT WESTMINISTER CHURCH. IT IS A  
VERY GOOD THING FOR OUR  
COMMUNITY. AND, THEY ARE TAKING  
CARE OF THE RODENT PROBLEM.  
ALSO THEY HAVE PUT TREES IN AS  
A NOISE BARRIER.

Yours Truly  
Clarence Newhall  
541-734-8547



CITY OF MEDFORD  
EXHIBIT # D  
File # CUP-18-026

ROAD TO THE 200000 RADAR 28GTC 3414 666140 04035 1-8 56



*Medford – A fantastic place to live, work and play*

## CITY OF MEDFORD

LD Date: 4/4/2018  
File Number: CUP-18-026

### **PUBLIC WORKS DEPARTMENT STAFF REPORT 2000 Oakwood Drive – Westminster Presbyterian Church Firewood Ministry – “Project Warm”**

**Project:** Consideration for a revision of an existing CUP to allow for a firewood ministry accessory use of Westminster Presbyterian Church.

**Location:** Located at 2000 Oakwood Drive on the southeast corner of Oakwood Drive and South Barneburg Drive within a SFR-4 (Single Family Residential – four dwelling units per gross acre) zoning district (371W29BD TL 3700).

**Applicant:** Westminster Presbyterian Church, Barnabas Sprinkle; Planner, Liz Conner.

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**Public Works has no comments on the proposed Conditional Use Permit application.**

Prepared by: Doug Burroughs



## Medford Fire-Rescue Land Development Report

### Review/Project Information

**Reviewed By:** Kleinberg, Greg

**Review Date:** 4/2/2018  
**Meeting Date:** 4/4/2018

**LD #:** CUP18026

**Planner:** Liz Conner

**Applicant:** Applicant: Westminster Presbyterian Church, Barnabas Sprinkle

**Project Location:** 2000 Oakwood Drive on the southeast corner of Oakwood Drive and South Barneburg Drive

**ProjectDescription:** Consideration for a revision of an existing CUP to allow for a firewood ministry accessory use of Westminster Presbyterian Church located at 2000 Oakwood Drive on the southeast corner of Oakwood Drive and South Barneburg Drive within a SFR-4 (Single Family Residential – four dwelling units per gross acre) zoning district (371W29BD TL 3700). Applicant: Westminster Presbyterian Church, Barnabas Sprinkle; Planner, Liz Conner.

### Specific Requirements for Access & Water Supply

Reference	Description	Conditions
Approved	Approved as submitted	

### 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](http://www.medfordfirerescue.org)

**CITY OF MEDFORD**  
**EXHIBIT # F**  
**File # CUP-18-026**

# Memo



**To:** Elizabeth Conner, Planning Department  
**From:** Chad Wiltout, Building Department (541) 774-2363  
**CC:** Westminster Presbyterian Church, Barnabas Sprinkle, Applicant  
**Date:** April 4, 2018  
**Re:** April 4, 2018 LDC Meeting: Item #2 – CUP-18-026

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***Please Note:***

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

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

***For questions related to the Conditions or Comments, please contact me, Chad Wiltout, directly at (541) 774-2363 or [chad.wiltout@cityofmedford.org](mailto:chad.wiltout@cityofmedford.org).***

**General Comments:**

1. For list of applicable Building Codes, please visit the City of Medford website: [www.ci.medford.or.us](http://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](http://www.ci.medford.or.us) Click on "City Departments" at top of screen; click on "Building"; click on "Electronic Plan Review (ePlans)" for information.
3. A site excavation and grading permit will be required if more than 50 cubic yards is disturbed.
4. A separate demolition permit will be required for demolition of any structures not shown on the plot plan.

**Comments:**

5. Building Department has no comments at this time. Outdoor storage is regulated by the Fire Code.

**CITY OF MEDFORD  
EXHIBIT # 6  
File # CUP-18-026**



BOARD OF WATER COMMISSIONERS

**Staff Memo**

**TO:** Planning Department, City of Medford

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

**SUBJECT:** CUP-18-026

**PARCEL ID:** 371W29BD TL 3700

**PROJECT:** Consideration for a revision of an existing CUP to allow for a firewood ministry accessory use of Westminster Presbyterian Church located at 2000 Oakwood Drive on the southeast corner of Oakwood Drive and South Barneburg Drive within a SFR-4 (Single Family Residential – four dwelling units per gross acre) zoning district (371W29BD TL 3700). Applicant: Westminster Presbyterian Church, Barnabas Sprinkle; Planner, Liz Conner.

**DATE:** April 4, 2018

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

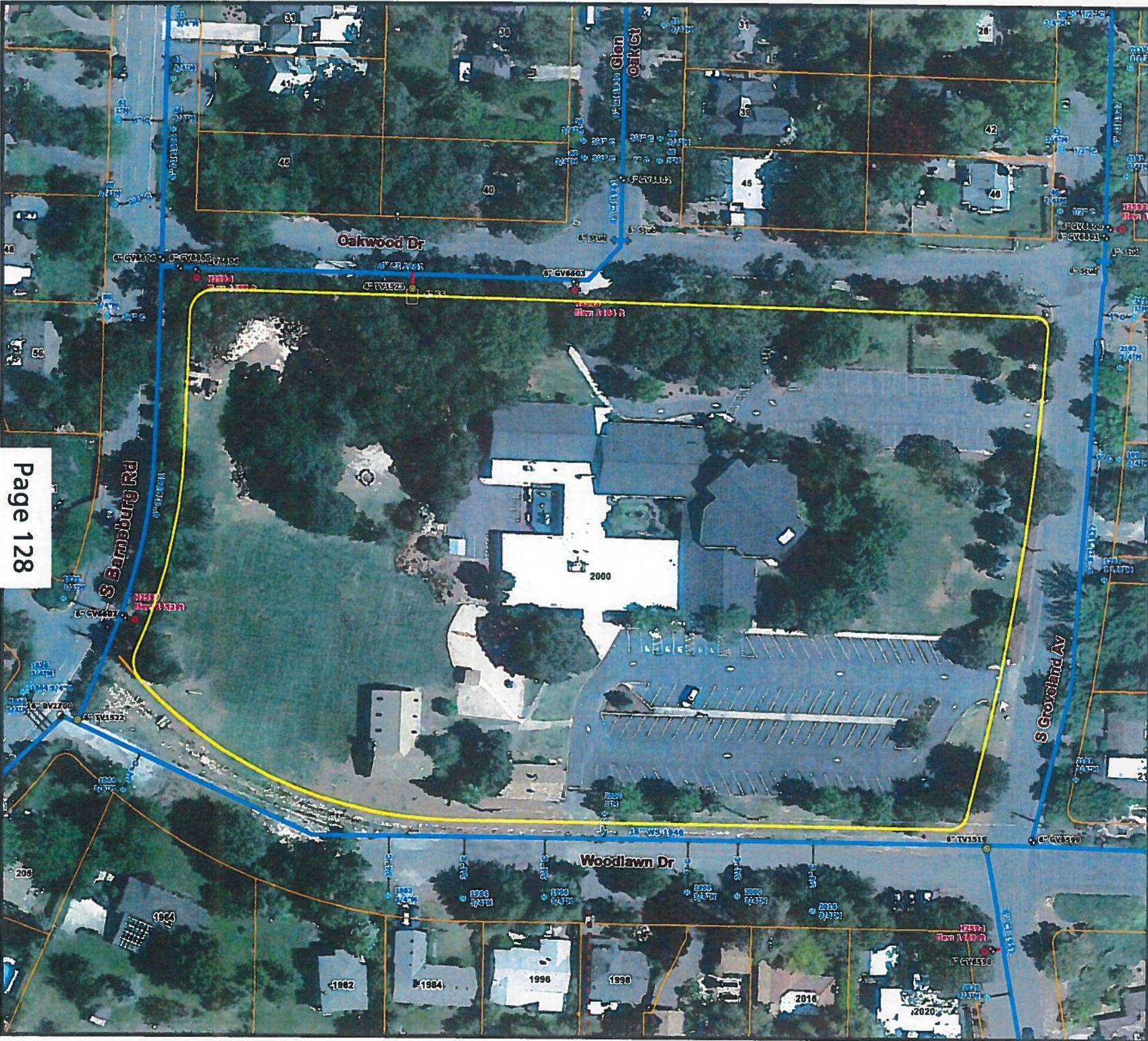
**CONDITIONS**

1. No Conditions.

**COMMENTS**

1. MWC-metered water service does exist to this property. There is an existing 2-inch domestic water meter located on the north side of Woodlawn Drive that serves the existing Church.
2. Static water pressure ranges between 55-60 psi.
3. Access to MWC water lines is available. There is an existing 16-inch water line in Woodlawn Drive, a 6-inch water line in S Barneburg Road, and 6-inch water line is located in Oakwood Drive between S Barneburg Road and Glen Oak Court.

**CITY OF MEDFORD**  
**EXHIBIT #   H**  
**File # CUP-18-026**



Page 128



0 25 50 100 Feet

Scale: 1"=100'

**Water Facility Map for CUP-18-026**

April 4, 2018

**Legend**

- w Air Valve
- Sample Station
- Fire Service
- ◆ Hydrant
- ▲ Reducer
- Blow Off
- + Plugs-Caps

**Water Meters:**

- Active Meter
- On Well
- Unknown
- Vacant

**Water Valves:**

- Butterfly Valve
- Gate Valve
- Tapping Valve

**Water Mains:**

- Active Main
- - - Abandoned Main
- Reservoir Drain Pipe
- Pressure Zone Line

**Boundaries:**

- ▭ Urban Growth Boundary
- ▭ City Limits
- ▭ Tax Lots

**MWC Facilities:**

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



This map is based on a digital database supplied by Medford Water Commission from a variety of sources. Medford Water Commission assumes no responsibility for errors, omissions, or outdated information. There are no warranties, expressed or implied.

Liz A. Conner

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**From:** Eric B. Mitton  
**Sent:** Thursday, March 22, 2018 7:55 PM  
**To:** Liz A. Conner  
**Cc:** Cassie J. Neahr  
**Subject:** Response to CUP-18-026 packet

Liz,

Please feel free to include this email in the materials for CUP-18-026.

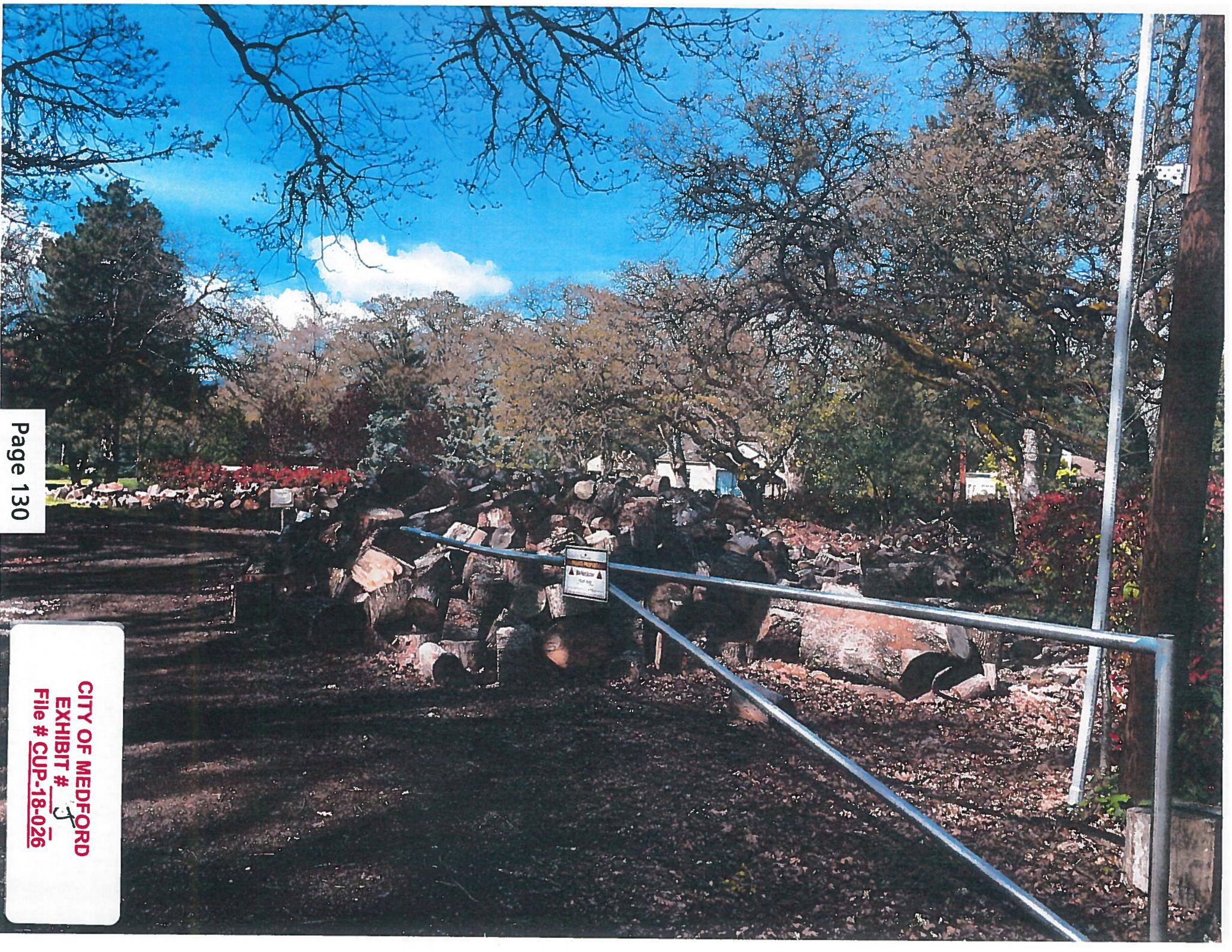
The materials received from applicant make the statement "This ministry has operated for decades without complaint, until recently. The city notified us that distributing wood is not covered within our current Conditional Use Permits for the church and preschool." The materials go on to state that "This ministry has operated for decades without complaint. Westminster does have a board of elders who will listen to any neighborhood concerns or complaints and respond accordingly." These statements could be read as suggesting that no neighbor has ever complained about Project Warm, and instead that City staff suddenly chose to take unilateral action against Project Warm in 2017. This would not be a correct conclusion. To clarify, the City's inquiry into this matter was triggered by a neighbor complaint about whether this use was appropriate for the zone and whether it was compatible with a residential neighborhood (as well as other concerns about the firewood operation).

On October 31, 2017, City of Medford Code Enforcement received a complaint from a neighbor of Applicant raising concerns about the wood stockpile at 2000 Oakwood drive, specifically rodents, compatibility with the neighborhood, and suitability with the zoning. That citizen complaint to City of Medford Code Enforcement is what triggered the City's investigation into the land use issues related to Project Warm operating in an SFR-4 zone.

Furthermore, although City staff determined that the use was not permissible without a CUP modification, City staff has done everything possible to address the land use issue without causing even a temporary interruption to Applicant's charitable services. In a December 5, 2017 letter, the City Attorney's Office explained to Applicant that while the current use was inconsistent with the SFR-4 zoning and the existing CUPs, no formal action would be taken during the winter months, and instead the City wished to "discuss this further in a collaborative, roundtable format so that we can identify a way to bring the firewood operation into compliance with the Medford Land Development Code without causing interruption to the Church's charitable activities." Since then, City staff, including Legal, Code Enforcement, and Planning staff, have devoted considerable time to attending several such roundtable meetings with Applicant.

Thank you,

Eric B. Mitton  
Deputy City Attorney  
City of Medford  
(541) 774-2020



CITY OF MEDFORD  
EXHIBIT # 5  
File # CUP-18-026



















City of Medford  
Planning Department

Vicinity  
Map

File Number:  
**CUP-18-026**



Project Name:  
**Project Warm  
Firewood Ministry**

Map/Taxlot:  
**371W29BD TL 3700**



03/16/2018

**Legend**

-  Subject Area
-  Medford Zoning
-  Tax Lots

