

PLANNING COMMISSION

AGENDA

JULY 27, 2017



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

July 27, 2017

5:30 PM

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

-
10. Roll Call
20. Consent Calendar/Written Communications (voice vote)
- 20.1 ZC-17-017 / LDP-17-027 / Final Orders of a request for a change of zone from MFR-20 (Multiple-Family, 20 dwelling units per gross acre) to MFR-30 (Multiple-Family, 30 dwelling units per gross acre) and a partition to create two lots on approximately 4.5 acres located at 2180 Poplar Drive (371W18C TL 1362); (Weatherly Inn Medford, LLC, Applicant; RJ Development, LLC., Agent; Dustin Servers, Planner III)
- 20.2 ZC-17-034 Final Order of a request to rezone the westerly 2.20 acres of an existing 7.7 acre parcel located at the southeast corner of Hillcrest Road and N Phoenix Road, plus 0.94 acres of adjacent right-of-way, from MFR-20 (Multiple-Family, 20 dwelling units per gross acre) to C-C (Community Commercial) (371W28A TL 3300). Cogswell Limited Partnership, Applicant; CSA Planning Ltd., Agent; Dustin Severs, Planner III)
30. Minutes
- 30.1 Consideration for approval of minutes from the July 13, 2017, 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.**
- Continuance Request**
- 50.1 SV-17-039 Consideration of a request to vacate a portion of Belknap Road, located south of the intersection of Garfield Street and Center Drive. (C.A. Galpin, Applicant/Agent; Sarah Sousa, Planner IV). **Staff requests this item be continued to the August 24, 2017, Planning Commission meeting.**
- 50.2 LDS-17-050 Consideration of a request for tentative plat approval for Jam Industrial Park, a proposed 9- lot industrial Pad Lot Development on a 17.13 acre lot located at 301 Ehrman Way, In the General Industrial (I-G) zoning district (372W14 TL 1400). (Fjarli Merlin, Applicant; Richard Stevens & Associates, Inc., Agent; Dustin Severs, Planner III). **The applicant has requested this item be continued to the August 10, 2017, Planning Commission meeting.**

Old Business

- 50.3 **PUD-17-023** Consideration of a Preliminary PUD Plan for Coker Butte Business Park, a proposed development consisting of office and light industrial uses to be located on a 14.5-acre site composed of five contiguous lots bounded generally by Crater Lake Highway 62, Coker Butte Road, and Crater Lake Avenue, within the Light Industrial (I-L) zoning district. (371W05 1000, 1001, 1002, 1003, and 1100). (Coker Butte Properties, LLC and Table Rock Holdings LLC, Applicants; CSA Planning Ltd., Agent; Dustin Severs, Planner III).

New Business

- 50.4 **DCA-15-088 / CP-17-063** Consideration of a Land Development Code Amendment to reorganize Article II (Sections 10.100 – 10.297). (City of Medford, Applicant; Kyle Kearns, Planner II)

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**

BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF TENTATIVE PLAT APPROVAL FOR

WEATHERLY INN MEDFORD LLC [LDP-17-027]

)
)
)

ORDER

ORDER granting approval of a request for tentative plat approval of File No. LDP-17-027 described as follows:

Create two lots, and a request for a change of zone from MFR-20 (Multiple-Family, 20 dwelling units per gross acre) to MFR-30 (Multiple-Family, 30 dwelling units per gross acre), on a 4.5 acre parcel located at 2180 Poplar Drive within the MFR-20 zoning district (371W18C TL 1362).

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 as described above, with a public hearing a matter of record of the Planning Commission on April 13, 2017; 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 adopted the 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 Weatherly Inn Medford LLC, stands approved per the Planning Commission Report dated April 13, 2017, 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 Planning Commission Report dated April 13, 2017.

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 27th day of July, 2017.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative

**BEFORE THE MEDFORD PLANNING COMMISSION
STATE OF OREGON, CITY OF MEDFORD**

IN THE MATTER OF PLANNING COMMISSION FILE ZC-17-017)
APPLICATION FOR A ZONE CHANGE SUBMITTED BY) **ORDER**
WEATHERLY INN MEDFORD LLC)

ORDER granting approval with conditions of a request for a partition to create two lots, and a request for a change of zone from MFR-20 (Multiple-Family, 20 dwelling units per gross acre) to MFR-30 (Multiple-Family, 30 dwelling units per gross acre), on a 4.5 acre parcel located at 2180 Poplar Drive within the MFR-20 zoning district (371W18C TL 1362).

WHEREAS, the City Planning Commission in the public interest has given consideration to changing the zoning of real property described below from MFR-20 (Multiple-Family, 20 dwelling units per gross acre) to MFR-30 (Multiple-Family, 30 dwelling units per gross acre), on a 4.5 acre parcel located at 2180 Poplar Drive within the MFR-20 zoning district (371W18C TL 1362), within corporate limits of the City of Medford; and

WHEREAS, the City Planning Commission has given notice of, and held a public hearing, and, after considering all the evidence presented, finds that the zone change is supported by, and hereby adopts the Commission Report dated April 13, 2016, and the Findings contained therein – Exhibit “A,” and Legal Description – Exhibit “B” attached hereto and hereby incorporated by reference; now, therefore,

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

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

37 1W 18C Tax Lot 1362

is hereby changed from MFR-20 (Multiple-Family, 20 dwelling units per gross acre) to MFR-30 (Multiple-Family, 30 dwelling units per gross acre) zoning district.

Accepted and approved this 27th day of July, 2017.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative



Planning Department

Working with the community to shape a vibrant and exceptional city

PLANNING COMMISSION REPORT

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

PROJECT Weatherly Inn Medford
Applicant: Weatherly Inn Medford, LLC.
Agent: RJ Development, LLC.

FILE NO. LDP-17-027 / ZC-17-017

DATE April 13, 2017

BACKGROUND

Proposal

Consideration of a request for a partition to create two lots, and a request for a change of zone from MFR-20 (Multiple-Family, 20 dwelling units per gross acre) to MFR-30 (Multiple-Family, 30 dwelling units per gross acre), on a 4.5 acre parcel located at 2180 Poplar Drive within the MFR-20 zoning district (371W18C TL 1362).

Subject Site Characteristics

Zoning: MFR-20
GLUP: UH (Urban High Density Residential)
Use: Weatherly Inn Independent Living Community

Surrounding Site Characteristics

North Zone: MFR-20
Use(s): Ivy Club Apartments

South Zone: MFR-20
Use(s): Fountain Plaza Retirement

East Zone: SFR-6 (Single-Family Residential, 6 dwelling units per gross acre)
Use(s): Single-family homes

West Zone: MFR-20
Use(s): Apartments

Applicable Criteria

MLDC 10.227: Zone Change Approval Criteria

The zone change criteria that are not relevant to this particular application are hereby omitted from the following citation and noted by ***.

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

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

- (2) It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in the MLDC and Goal 3, Policy 1 of the Comprehensive Plan "Public Facilities Element."*
 - (a) Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.*
 - (b) Adequate streets and street capacity must be provided in one of the following ways:
 - (i) Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity; or*
 - (ii) Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or*
 - (iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one proposed or anticipated development, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one of the following occurs:**

- (a) *the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or*
- (b) *when an applicant funds the improvement through a reimbursement district pursuant to the MLDC. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.*
- (iv) *When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.*
- (c) *In determining the adequacy of Category A facilities, the approving authority (Planning Commission) may evaluate potential impacts based upon the imposition of special development conditions attached to the zone change request. Special development conditions shall be established by deed restriction of covenant, which must be recorded with proof of recordation returned to the Planning Department, and may include, but are not limited to the following:*
 - (i) *Restriction of uses by type or intensity; however, in cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development, on the subject property or adjacent parcels. In no case shall residential densities be approved which do not meet minimum density standards,*
 - (ii) *Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule,*
 - (iii) *Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.*

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.

Project Summary

The subject site is the location of the Weatherly Inn Medford Independent Living Community, a residential care facility. The applicant has submitted an application for site plan approval to the Site Plan & Architectural Commission (SPAC) for the construction of a second Residential Care Facility to be located on the vacant land to the north of the existing Weatherly Inn facility. The new residential care facility is proposed to be a three story building consisting of a first floor providing 30 memory care units, and second and third floors providing 48 units of assisted living.

In conjunction with their SPAC application, the applicant is requesting to partition the portion of the lot proposed to contain the new facility, thereby creating two distinct communities with a campus-type appearance. Additionally, the applicant is requesting to rezone the existing parcel from MFR-20 to MFR-30, allowing greater lot coverage for the new facility, and allowing a higher density to permit additional dwelling units.

ISSUES AND ANALYSIS

Land Division – Partition

Density

The density range for the MFR-30 zone is between 20 and 30 dwelling units per gross acre. The permitted density range for the subject 1.54 gross acre (plus fronting half street) northerly parcel, proposed to be created with the approval of the partition request, is between 31 and 46 dwelling units.

Street Dedications & Public Improvements

The subject site is fronted by Poplar Drive – classified as a major collector street – and currently measures at a width of 50 feet, containing curb and gutter and sidewalk. Per MLDC 10.428(3), major collector streets require a right-of-way width of 74 feet. Per the report provided by Public Works (Exhibit H), the applicant will be required to dedicate for public right-of-way sufficient width of land to comply with the 37 foot half-width of right-of-way. In order to comply with the half width of right-of-way required per the code, the applicant will need to dedicate 12 feet along the property's frontage of Poplar Drive. As a condition of approval, the applicant's final plat will be required to show a dedication of 12 feet along the property's frontage of Poplar Drive.

Zone Change

GLUP Consistency

The General Land Use Plan (GLUP) designation for the subject site is UH (Urban High Density Residential). According to the General Land Use Plan Element of the *Comprehensive Plan*, the MFR-30 zone district is a permitted zone in the UH designation.

Locational Criteria

MLDC 10.227(1) identifies additional locational criteria required for various zone changes; however, the Code requires no additional locational criteria for a zone change to any multi-family zone.

Traffic Impact Analysis (TIA)

MLDC 10.461(3) requires a Traffic Impact Analysis (TIA) to be conducted to evaluate development impacts to the transportation system if a proposed application has the potential

of generating more than 250 net average daily trips (ADT) or the Public Works Department has concerns due to operations or accident history.

A TIA was included with the application submittal, prepared by Southern Oregon Transportation Engineering, LLC. The TIA found that the site is estimated to generate a total of 958 average daily trips (ADT), which will add 48 net new trips to the transportation system which is shown to impact one intersection (Morrow Road & Poplar Drive) involving collectors and arterials with 25 or more peak hour trips.

The findings of the TIA concluded that the proposed zone change can be accommodated on the existing transportation system without creating adverse impacts. Intersection operations and safety were evaluated to address development impacts to the surrounding area. The results of the analysis were as follows:

1. All study area intersections operate acceptably under existing year 2017 and design year 2019 no-build and build conditions during the p.m. peak hour.
2. There were no safety concerns as a result of 95th percentile queue lengths or crash histories.
3. Sight distance is shown to be adequate form existing development driveways.
4. Left and right turn lane criterion is not shown to be met on Poplar Drive at either development driveway.

Traffic Engineering has reviewed and recommends approval of the applicant's submitted TIA, concluding that the trip generation for the full potential zone change can be supported by the transportation system without mitigation (Exhibit P).

Facility Adequacy

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

Other Agency Comments

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

Committee Comments

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

DECISION

The Planning Commission approved the request unanimously while adding one Exhibit, and, at the request of staff, striking one condition of approval. During the presentation, staff included an email received from Deputy Chief- Fire Marshal Greg Kleinberg into the record. In the email, Mr. Kleinberg explained that the submitted Fire Department report (Exhibit K)

had been based on the applicant's site plan which included the future proposed building on the site; therefore, the cited conditions were inapplicable to the applicant's requests for a zone change and land partition. At the request of staff, the Commission included the email into the record as Exhibit Q, and struck condition #4 stating that the applicant is required to comply with all requirements of the Medford Fire Department.

FINDINGS AND CONCLUSIONS

Partition

Staff finds the partition plat consistent with the Comprehensive Plan and all applicable design standards set forth in Article 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 3 through 6 are not applicable to the subject development. Staff recommends that the Commission adopt the Applicant's Findings of Fact (Exhibits F) as presented.

Zone Change

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

- Criterion 1: There is adequate evidence in the record to demonstrate that the proposal is consistent with the UH General Land Use Plan Map designation and the Transportation System Plan, and that there are no additional locational criteria for a change of zone to MFR-30. The Commission can find that this criterion is satisfied.
- Criterion 2: The agency comments included as Exhibits H-K demonstrate that there is adequate Category A facilities available to serve the subject site. The Commission can find that this criterion is satisfied.

ACTION TAKEN

Adopted the findings as recommended by staff and directed staff to prepare a Final Order for approval of LDP-17-027 & ZC-17-017 per the Planning Commission report dated April 13, 2017, including Exhibits A through Q.

EXHIBITS

- A-1 Revised Conditions of Approval, dated April 13, 2017.
- B Tentative Plat, received March 20, 2017.
- C Preliminary Drainage + Grading Plan, received February 21, 2017.
- D Landscape Plan, received February 21, 2017.
- E Assessors Map, received February 21, 2017.
- F Applicant's Findings of Fact (LDP-17-027), received February 21, 2017.
- G Applicant's Findings of Fact (ZC-17-017), received February 6, 2017.
- H Public Works Staff Report (LDP-17-027) dated March 22, 2017.

- I Public Works Staff Report (ZC-17-017) dated March 22, 2017.
- J Medford Water Commission memo, dated March 22, 2017.
- K Medford Fire Department Report, dated March 22, 2017.
- L Rogue Valley-Medford International Airport email, received March 9, 2017.
- M Oregon Department of Aviation email, received March 14, 2017.
- N Preliminary Drainage Study, received February 21, 2017.
- O Traffic Impact Analysis (only Executive Summary included due to size of document), received January 30, 2017.
- P Traffic Engineering email, received February 6, 2017.
Vicinity map
- Q Email received from the Fire Department, received April 13, 2017.

MEDFORD PLANNING COMMISSION



Patrick Miranda, Chair

EXHIBIT A-1

Weatherly Inn Medford
LDP-17-027 / ZC-17-017
Conditions of Approval
April 13, 2017

CODE REQUIRED CONDITIONS

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

1. Comply with all land division conditions stipulated by Medford Public Works Department (Exhibit H)
2. Comply with all zone change conditions stipulated by Medford Public Works Department (Exhibit I)
3. Comply with all conditions stipulated by the Medford Water Commission (Exhibit J).
4. Submit a revised tentative plat showing the dedication of 12 feet along the property's frontage of Poplar Drive.

Dustin J. Severs

From: Greg G. Kleinberg
Sent: Thursday, April 13, 2017 2:03 PM
To: Dustin J. Severs
Cc: 'Caleb Perkins'
Subject: Re: LDP-17-027; ZC-17-017

Dustin,

While my report originally placed conditions on this application to give the applicant information based upon the site plan showing a specific building position, there are no Fire Department conditions required for either the land partition or the zone change.

Thank You,

Greg Kleinberg
Deputy Chief - Fire Marshal
Medford Fire-Rescue
541-774-2317

Exhibit "B"

Legal Description of Area to be Rezoned

RECEIVED
FEB 06 2017
PLANNING DEPT

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

Commencing at the Southeast corner of DONATION LAND CLAIM NO. 39 in Township 37 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon; thence along the South boundary of said Claim, North 89° 54' 40" West 615.26 feet to the Southeast corner of that tract described in Document No. 2008-044480, Official Records of said Jackson County, Oregon, (Record North 89° 55' 30" West 615.10 feet) for the POINT OF BEGINNING; thence, along the boundary of said tract as follows: North 0° 01' 40" East 516.64 feet; thence North 89° 54' 40" West 431.93 feet (Record North 89° 55' 30" West 432.19 feet, more or less); thence, along the arc of a 1587.55 foot radius curve to the left (the chord of which arc bears South 14° 18' 25" East (Record South 14° 19' 07" East 77.11 feet), 77.12 feet; thence, along the arc of a 1637.55 foot radius curve to the right (the long chord bears South 07° 52' 06" East, Record South 07° 52' 48" East 446.19 feet) 447.58 feet; thence South 00° 02' 18" East (Record South 0° 03' 00" East) 0.06 feet to the South Claim boundary; thence along said South boundary, South 89° 54' 40" East 351.54 feet (Record South 89° 55' 30" East 351.70 feet) to the Point of Beginning.

9

**BEFORE THE MEDFORD PLANNING COMMISSION
STATE OF OREGON, CITY OF MEDFORD**

IN THE MATTER OF PLANNING COMMISSION FILE ZC-17-034)
APPLICATION FOR A ZONE CHANGE SUBMITTED BY) **ORDER**
COGSWELL LIMITED PARTNERSHIP)

ORDER granting approval with conditions of a request to rezone the westerly 2.20 acres of an existing 7.7 acre parcel located at the southeast corner of Hillcrest Road and N. Phoenix Road, plus 0.94 acres of adjacent right-of-way, from MFR-20 (Multiple-Family, 20 dwelling units per gross acre) to C-C (Community Commercial).

WHEREAS, the City Planning Commission in the public interest has given consideration to changing the zoning of real property described below to rezone the westerly 2.20 acres of an existing 7.7 acre parcel located at the southeast corner of Hillcrest Road and N. Phoenix Road, plus 0.94 acres of adjacent right-of-way, from MFR-20 (Multiple-Family, 20 dwelling units per gross acre) to C-C (Community Commercial), within corporate limits of the City of Medford; and

WHEREAS, the City Planning Commission has given notice of, and held a public hearing, and, after considering all the evidence presented, finds that the zone change is supported by, and hereby adopts the Planning Commission Report dated July 13, 2017, and the Findings contained therein – Exhibit “A,” and Legal Description – Exhibit “B” attached hereto and hereby incorporated by reference; now, therefore,

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

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

37 1W 28A Tax Lot 3300

is hereby changed from MFR-20 (Multiple-Family, 20 dwelling units per gross acre) to C-C (Community Commercial) zoning district.

Accepted and approved this 27th day of July, 2016.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative



Planning Department

Working with the community to shape a vibrant and exceptional city

PLANNING COMMISSION REPORT

for a Type-C quasi-judicial decision: Zone Change

Project Cogswell Limited Partnership - Zone Change
Applicant: Cogswell Limited Partnership; Agent: CSA Planning Ltd.
File no. ZC-17-034
Date July 13, 2017

BACKGROUND

Proposal

Consideration of a request to rezone the westerly 2.20 acres of an existing 7.7 acre parcel located at the southeast corner of Hillcrest Road and N Phoenix Road, plus 0.94 acres of adjacent right-of-way, from MFR-20 (Multiple-Family, 20 dwelling units per gross acre) to C-C (Community Commercial).

Subject Site Characteristics

Zoning MFR-20
GLUP CM (Commercial)
Use Vacant

Surrounding Site Characteristics

North Zone: Jackson County - Exclusive Farm Use (EFU)
Use(s): Hillcrest Orchard

South Zone: SFR-4 (Single Family Residential, 4 dwelling units per gross acre)
Use(s): 9-lot residential subdivision, 10th Fairway PUD, Rogue Valley Country Club

East Zone: C-S/P (Commercial – Service-Commercial/Professional office)
Use(s): Hillcrest Office Park

West Zone: SFR-4
Use(s): Single-family homes

Related Projects

CP-02-038 GLUP Amendment (UR to UH)
ZC-03-041 Zone change (SFR to MFR-20)

CPA-13-032 GLUP Amendment (UH to CM)

Applicable Criteria

Inapplicable criteria have been omitted from this report. Omitted sections are identified by ***.

Medford Land Development Code §10.227, Zone Change Criteria

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

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

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

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

(e) *For purposes of (1)(c) and (1)(d) above, a zone change may be found to be "suitable" where compliance is demonstrated with one (1) or more of the following criteria:*

(i) *The subject property has been sited on the General Land Use Plan Map with a GLUP Map designation that allows only one (1) zone;*

(ii) *At least fifty percent (50%) of the subject property's boundaries abut zones that are expressly allowed under the criteria in (1)(c) or (1)(d) above;*

(iii) *At least fifty percent (50%) of the subject property's boundaries abut properties that contain one(1) or more existing uses which are permitted or conditional uses in the zone sought by the applicant, regardless of whether the abutting properties are actually zoned for such existing uses;
or*

(iv) *Notwithstanding the definition of "abutting" in Section 10.012 and for purposes of determining suitability under Section (1) (e), the subject*

property is separated from the “unsuitable” zone by a public right-of-way of at least sixty (60) feet in width.

- (2) *It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in Section 10.462 and Goal 2 of the Comprehensive Plan “Public Facilities Element” and Transportation System Plan.*
- (a) *Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.*
- (b) *Adequate streets and street capacity must be provided in one (1) of the following ways:*
- (i) *Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity; or*
- (ii) *Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or*
- (iii) *If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one (1) proposed or anticipated development, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one (1) of the following occurs:*
- (a) *the project is in the City’s adopted capital improvement plan budget, or is a programmed project in the first two (2) years of the State’s current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or*
- (b) *when an applicant funds the improvement through a reimbursement district pursuant to the MLDC. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The “estimated cost” shall be 125% of a professional engineer’s estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department*

determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.

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

ISSUES AND ANALYSIS

Background

The subject 7.7-acre parcel (tax lot 3300) is currently split-zoned, with the easterly portion (not part of this application) zoned Community Commercial (C-C), while the subject 2.20-acre westerly portion is currently zoned MFR-20. The subject application seeks to consolidate the zoning of the parcel by rezoning the westerly portion to Community Commercial (CC) to match the easterly portion of the parcel.

The entire parcel was part of a minor amendment to the General Land Use Plan (GLUP) map in 2002 (CP-02-038), resulting in the subject westerly portion being re-designated to Urban High Density Residential (UH), and the easterly portion being re-designated to its current Commercial (CM) GLUP. In 2003, in response to the GLUP amendment, the property was approved for a rezone (ZC-03-041), changing the easterly portion from a single-family residential (SFR) zone to its current Community Commercial (C-C) classification, and changing the subject westerly portion from an SFR zone to its current MFR-20 classification – bringing the zoning for both portions of the property into compliance with their respective GLUP designations as established with the minor map amendment from the previous year. However,

later in 2014, the subject westerly portion was once again part of a city-wide map amendment, this time a major map amendment effecting the General Land Use Plan (GLUP) designations of 500 acres within the City (CPA-13-032), resulting in the re-designation of the subject site's GLUP from Urban High Density Residential (UH) to Commercial (CM) – consolidating the parcel under a single GLUP designation while simultaneously creating an inconsistency between its zoning and the GLUP of the subject portion of the property. Per the General Land Use Plan element of the *Comprehensive Plan*, the subject site's underlying MFR-20 zoning is incompatible with its CM GLUP designation as established with the major map amendment from 2014.

While the 2014 major map amendment consolidated the parcels under a single CM GLUP designation, the subject lot continues to be split-zoned, with the easterly portion of the lot zoned Community Commercial (C-C) – consistent with its CM GLUP designation – while the subject 2.20 acre portion of the lot has retained its underlying MFR-20 zoning. The proposed zone change will eliminate the split zone, and bring the subject property's underlying zoning into compliance with its CM GLUP designation.

Criteria Compliance

GLUP/TSP Consistency

The General Land Use Plan (GLUP) designation for the subject site is CM (Commercial). According to the General Land Use Plan Element of the *Comprehensive Plan*, the C-C zoning district is a permitted zone within its CM GLUP designation.

The Transportation System Plan (TSP) serves as a blueprint to guide transportation decisions as development occurs in the City. It identifies both existing and future needs, and includes improvements to meet those needs. The TSP Functional Classification Plan identifies N Phoenix Road as a Major Arterial higher-order street, and Hillcrest Road as a Major Collector higher-order street. The applicant's submitted *Findings of Fact and Conclusions of Law* (Exhibit B, page 8-9) concluded that the proposed zone change is indeed consistent with the TSP, stating that the proposal will not change or conflict with any existing or planned transportation facility as identified in the City's adopted Transportation Facility plan, nor will it result in an upgrade in street classification in a residential area to a higher-order street; the subject property is not located within an area for which a Neighborhood Circulation Plan has been adopted, and no new streets or site development are proposed at this time.

It is staff's view that the applicant's findings adequately demonstrate that the proposed zone change is consistent with the goals outlined in the City's TSP, and accordingly, this demonstration of consistency assures compliance with the Oregon Transportation Planning Rule.

Locational Criteria

The subject zone change proposal requires assessment of the locational criteria for the C-C zoning district. The overall area of the proposed C-C zoning district meets the locational criteria by having the following characteristics: it is more than three acres in size, and it fronts upon an arterial street.

Facility Adequacy

MLDC 10.227(2) requires demonstration that Category A facilities (storm drainage, sanitary sewer, water and streets) must already be adequate in condition, capacity and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction. The agency comments included in Exhibits N through P demonstrate that the Category A facilities are either adequate or can be made adequate to serve the site under the C-C zoning district, subject to conditions of approval.

The staff report provided by Public Works (Exhibit N) recommended that the proposed zone change be denied, or the applicant stipulate to only develop so the total sewer flows do not exceed current zoning limitations, or the developer make improvements to the downstream sanitary system to alleviate the capacity constraints. Public Works recommendation was based on the determination that the proposed zone change has the potential to increase flows to the downstream sanitary sewer system that currently has a number of capacity constraints. In response, the applicant submitted a sewer system analysis (Exhibit V) performed by a registered engineer licensed in the State of Oregon. The analysis showed that the proposed zone change will actually reduce flows to the sanitary sewer system, concluding that the sewer services that serve the property are adequate under the terms of the Medford Sanitary Sewer Master Plan.

As of this writing, the applicant's submitted sewer system analysis (Exhibit V) is still under review by Public Works. As a condition of approval, the applicant will be required to either comply with the conditions per the Public Works report (Exhibit N), or gain approval from Public Works for the submitted sewer system analysis (Exhibit V).

Traffic Impact Analysis

MLDC 10.461(3) requires a Traffic Impact Analysis (TIA) to be conducted to evaluate development impacts to the transportation system if a proposed application has the potential of generating more than 250 net average daily trips (ADT) or the Public Works Department has concerns due to operations or accident history. In their scoping letter to the applicant, Public Works determined that a change of zone to Community Commercial (CC) for the subject property would generate an increase in excess of 250 ADT; therefore, the applicant was required to submit a TIA prepared by a licensed engineer in the State of Oregon to determine project impacts to the transportation system (exhibit R). A TIA was prepared by Lancaster Engineering, and the final analysis was submitted to Public Works on June 7, 2017 (Exhibit T). Based on the results of the analysis the effected intersections are not projected to meet the minimum City of Medford intersection performance standards. Accordingly, pursuant to MLDC 10.461, the applicant has elected to stipulate to a trip cap in lieu of mitigation over the entire property of 9,397 daily trips.

The revised Analysis was found to adequately address the concerns expressed by Public Works in their initial review, and the Traffic Engineering division of the Public Works Department recommends approval of the submitted TIA (Exhibit U).

Committee Comments

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

DECISION

The Commission unanimously approved the request at the public hearing held on July 13, 2017. During the public hearing, two exhibits were added to the record: an email from public works to the planning staff regarding the review of the applicant's submitted sewer study, added to the record as Exhibit W; and a recorded access easement document along with an associated site plan map shown at the public hearing by Randy Jones of Mahar Homes during his testimony, added to the record as Exhibit X.

FINDINGS AND CONCLUSIONS

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

- With regard to Criterion 1, there is adequate evidence in the record to demonstrate that the proposal is consistent with the CM General Land Use Plan Map designation and the Transportation System Plan, and that the site meets the locational criterion for the C-C zoning district. The Commission can find that this criterion is satisfied.
- With regard to Criterion 2, the agency comments included as Exhibits N through P demonstrate that there are adequate Category A facilities available to serve the subject site, or can be made adequate through the conditions of approval contained within Exhibit A.

ACTION TAKEN

Adopted the findings as recommended by staff and directed staff to prepare a Final Order for approval of ZC-17-034 per the Planning Commission report dated July 13, 2017, including Exhibits A through X.

EXHIBITS

- A-1** Conditions of Approval, drafted July 20, 2017.
- B** Applicant's Findings of Fact and Conclusions of Law (revised), received June 27, 2017.
- C** City of Medford Map, received, March 9, 2017.
- D** Photo Key Map (3), received March 9, 2017.
- E** Topography Map, received March 9, 2017
- F** Medford GLUP Map, received March 9, 2017.
- G** Vicinity Map, received March 9, 2017.
- H** SAL Map, received March 9, 2017.
- I** Medford Zoning Map, received March 9, 2017.
- J** Proposed Zoning Map, received March 9, 2017.

- K Medford Water Facilities Map, received March 9, 2017.
- L Gross Area of Traffic Study Map, received March 9, 2017.
- M Jackson County Assessor's Map, received March 9, 2017.
- N-1 Public Works Staff Report- updated, received July 19, 2017.**
- O Medford Water Commission Staff Memo and Map dated April 7, 2017.
- P Medford Fire Department Land Development Report dated April 19, 2017.
- Q Oregon Department of Aviation email, received April 7, 2017.
- R Public Works TIA Scoping Letter dated March 29, 2016.
- S Public Works TIA report drafted March 21, 2017.
- T Traffic Impact Analysis- revised (Cover & Executive Summary only), received June 7, 2017.
- U Public Works memo approving TIA, received June 28, 2017.
- V Sewer System Analysis, received June 27, 2017.
- W Public Works email, received July 12, 2017.
- X Recorded access agreement and associated site plan map presented at public hearing by Randy Jones.
Vicinity Map

MEDFORD PLANNING COMMISSION

Patrick Miranda, Chair

PLANNING COMMISSION AGENDA:

July 13, 2017
July 27, 2017

EXHIBIT A-1

Cogswell Limited Partnership – Zone Change
ZC-17-034
Conditions of Approval
July 20, 2017

DISCRETIONARY CONDITIONS

1. Comply with all conditions stipulated by the Public Works Department - Traffic Engineering (Exhibit U).
2. Within 30-days of the Final Order of Approval, the applicant shall produce a restrictive covenant, in a form acceptable to the City Attorney, and record such covenant stipulating the number of vehicle trips will not exceed 9,397 Daily Trips over the entire 7.7 acres.
3. In compliance with the conditions stipulated by the Public Works Department (Exhibit N-1) in regards to sewer flow capacity, the applicant shall stipulate to only develop so the total sewer flows do not exceed current zoning limitations, and within 30-days of the Final Order of Approval, the applicant shall produce a restrictive covenant of said stipulation; or the developer shall make improvements to the downstream sanitary system to alleviate the capacity constraints; or the applicant gain approval from Public Works for the submitted sewer system analysis (Exhibit V).

CODE REQUIRED CONDITIONS

1. Comply with all conditions stipulated by the Medford Water Commission (Exhibit O).
2. Comply with all conditions stipulated by the Public Works Department (N-1).
3. Comply with all requirements of the Medford Fire Department (Exhibit P).

CITY OF MEDFORD
EXHIBIT # A-1
File # ZC-17-034



Continuous Improvement Customer Service

CITY OF MEDFORD

Commission Update: 7/19/2017
File Number: ZC-17-034

PUBLIC WORKS DEPARTMENT STAFF REPORT
Zone Change – Hillcrest Rd at N Phoenix Rd
(371W28A TL 3300)

Project: Consideration of a request to rezone the westerly 2.20 acres of an existing 7.7 acre parcel.

Location: Located at the southeast corner of Hillcrest Road and N Phoenix Road, plus 0.94 acres of adjacent right-of-way, from MFR-20 (Multiple-Family, 20 Dwelling units per gross acre) to C-C (Community Commercial) (371W28A TL 3300)).

Applicant: Applicant, Cogswell Limited Partnership; Agent, CSA Planning Ltd.; Planner, Dustin Severs.

The Medford Land Development Code (MLDC), Section 10.227 (2) requires a zone change application demonstrate Category 'A' urban services and facilities are available or can and will be provided to adequately serve the subject property. The Public Works Department reviews zone change applications to assure the Category 'A' urban services and facilities under its jurisdiction meet those requirements. The Category urban services and facilities the Public Works Department manages are sanitary sewers within the City's sewer service boundaries, storm drains, and the transportation system.

I. Sanitary Sewer Facilities

This site lies within the City of Medford Sewer Service area. The proposed zoning to C-C has the potential to increase flows to the sanitary sewer system. The downstream sanitary sewer system currently has a **number of capacity constraints**, and based on this information the Public Works Department recommends this zone change be denied, or the applicant stipulate to only develop so the total sewer flows do not exceed current zoning limitations, or the Developer make improvements to the downstream sanitary sewer system to alleviate the capacity constraints.

II. Storm Drainage Facilities

The City of Medford has existing storm drain facilities in the area. This site would be able to connect to these facilities at the time of development. This site will be required to provide stormwater quality and detention at time of development in accordance with MLDC, Section 10.729 and/or 10.486.

III. Transportation System

Commission Update:

Public Works received a Traffic Impact Report from Lancaster Engineering, dated February 6, 2017, and an addendum dated June 6, 2017 titled, "Cogswell Zone Change Traffic Impact Study" for the property bounded by N. Phoenix Rd, Hillcrest, and Urano Ln . The report studies the impact of a zone change from MFR-20 to C-C on 2.2 acres of the 7.7 acre site, (the remainder is already zoned C-C). The report studies facility adequacy on the surrounding street system.

The report shows that several intersections in the study area are or will be at LOS E during the study period. As a result the potential trip generation for the proposed zone change cannot be supported without mitigation. The developer has elected to stipulate to a trip cap in lieu of mitigation. The 2.2 acres of the development considered for zone change can generate 1,192 daily trips before critical intersections receive 25 P.M. peak hour trips. The existing zoning on 5.5 acres has the potential to generate 8,205 daily trips. The developer has offered to stipulate to a trip cap over the entire property of 9,397 daily trips.

Traffic Engineering recommends approval of the zone change from MFR-20 to C-C on the westerly 2.2 acres of parcel 371W28A3300 contingent upon the following conditions:

1. The developer shall stipulate to a trip cap of 9,397 daily trips over the entire 7.7 acres until such time as a traffic impact analysis is approved and showing that the transportation system can support additional trips without intersections exhibiting deficient levels of service. As development occurs, a trip accounting shall be provided by the developer for approval by the City detailing the trips expected to be generated by each use in the development.
2. Access to the site shall comply with Medford municipal code section 10.550 and shall be limited to Hillcrest Rd. Access shall not be allowed directly from the property to/from N. Phoenix Rd
3. Driveways accessing the street system shall comply with Medford code section 10.735.

At the time of future land division or development permit, Public Works may require additional right-of-way and public utility easement (PUE) dedications and will condition the developer to

improve their street frontage to the City's current standards. Improvements may include paving, drainage, and curb, gutter, street lighting, sidewalk, and planter strips.

Prepared by: Doug Burroughs
Updated by: Doug Burroughs

The above report is based on the information provided with the Zone Change Application submittal and is subject to change based on actual conditions, revised plans and documents or other conditions. A full report with additional 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 shall be provided with a Development Permit Application.

P:\Staff Reports\CP, DCA, & ZC\ZC only\2017\ZC-17-034 SE Corner Hillcrest Rd & N Phoenix Rd (TL 3300)\ZC-17-034 Staff Report-
CU docx

Page 3

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION

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

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

Dustin J. Severs

From: Douglas E. Burroughs
Sent: Wednesday, July 12, 2017 11:12 AM
To: Dustin J. Severs
Cc: Roger E. Thom; tony@cecengineering.com
Subject: RE: Cogswell sewer system analysis

Dustin,
Roger Thom has reviewed the Sanitary Sewer Study performed by Tony Bakke, P.E. with Construction Engineering Consultants, Inc., dated June 16, 2017 and has determined that our comments about the Sanitary Sewer Facilities as noted in our Staff Report dated 4/19/17 remain unchanged, including that the Applicant can stipulate to only develop so the total sewer flows do not exceed current zoning limitations.

Please contact Roger if you have any additional questions.

Thanks,
Doug Burroughs
Development Services Manager
City of Medford
Public Works/Engineering
Ph: 541-774-2100, Fx: 541-774-2552
email: doug.burroughs@cityofmedford.org
200 South Ivy Street
Medford, OR 97501
Web: www.ci.medford.or.us

From: Dustin J. Severs
Sent: Tuesday, July 11, 2017 3:27 PM
To: Douglas E. Burroughs
Subject: Cogswell sewer system analysis

Dustin Severs
Planner III
City of Medford - Planning Department
Lausmann Annex, 200 S. Ivy Street
Medford, OR 97501
(541) 774-2389

CITY OF MEDFORD
EXHIBIT # W
File # LDS-17-050

50.3

Jackson County Official Records 2007-041660
R-E
Cnt=1 Str=10 ALONZOR 08/04/2007 11:53:28 AM
\$20 00 \$5 00 \$5 00 \$11.00 Total:\$41.00



I, Kathleen S. Beckett, County Clerk for Jackson County, Oregon, certify that the instrument identified herein was recorded in the Clerk records
Kathleen S. Beckett - County Clerk

AFTER RECORDING RETURN TO:

Michael T. Mahar
815 Alder Creek Dr.
Medford, OR 97504

UNTIL CHANGED ALL TAX STATEMENTS SHOULD BE SENT TO:

Michael T. Mahar
815 Alder Creek Dr.
Medford, OR 97504

ACCESS EASEMENT

Per the conditions of approval of Application AC-06-321 by the City of Medford Site Plan and Architectural Commission whose final order was signed March 17, 2007, the following Access Easement is created.

Michael T. Mahar (Grantor) is the fee owner of that property described as TRACT A in Document No. 03-23478, Official Records of Jackson County, Oregon (Exhibit "A" attached). Grantor hereby creates the access easement on over that property described in Exhibit "B" (attached) for the benefit of that property located West of the Grantors property described as TRACT A in Document 92-19455, said Official Records (Exhibit "C" attached) subject to the following terms and conditions.

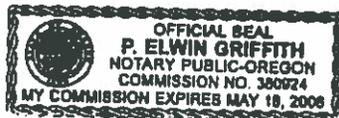
1. The use of the easement shall be limited to ingress and egress for light vehicles over the paved portions of property described in Exhibit "A". This easement does not grant any right to park on the easement or on any other portion of the property described in Exhibit "A".
2. All use of the easement shall be conducted in a manner as to avoid material interference with the operation of the property described in Exhibit "A".
3. This easement may only be quitclaimed by the mutual consent of the owners, their heirs and assigns of the properties described in Exhibits "A" & "C".

IN WITNESS WHEREOF, signed this 4 day of SEPTEMBER, 2007.

MICHAEL T. MAHAR by
Randall D. Jansen
Michael T. Mahar
his attorney in fact

STATE OF OREGON)
County of Jackson) ss.

On this the 4, day of September, 2007, personally appeared Michael T. Mahar, known to me as the person whose name is subscribed to the within instrument, and acknowledged that he executed it.

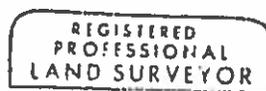


P. Elwin Griffith
Notary

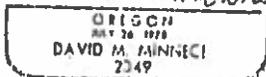
CITY OF MEDFORD
CITY OF MEDFORD
EXHIBIT # X
File # 26-17-034

EXHIBIT "B"

Commencing at the Northeast corner of Section 28, Township 37 South, Range 1 West, Willamette Meridian, Jackson County, Oregon; thence, along the Northerly line of said Section, North 89°32'30" West 480.92 feet; thence, leaving said Northerly line, South 00°27'30" West 30.00 feet to the Southerly right-of-way line of Hillcrest Road; thence, continue South 00°27'30" West 7.00 feet to the POINT OF BEGINNING; thence, along the arc of a 30.00 foot radius curve to the left (the long chord to which bears South 15°27'55" West 15.54 feet), an arc distance of 15.72 feet; thence South 00°27'30" West 42.49 feet; thence North 89°32'30" West 308.23 feet to the Westerly line of Tract A described in Document No. 03-23478, Official Records of said Jackson County; thence, along said Westerly line, North 00°58'15" East 24.00 feet, thence, leaving said Westerly line, South 89°32'30" East 247.91 feet; thence, along the arc of a 20.00 foot radius curve to the left (the long chord to which bears North 41°08'41" East 30.33 feet), an arc distance of 34.43 feet; thence, along the arc of a 30.00 foot radius curve to the left (the long chord to which bears North 18°51'23" West 11.13 feet), an arc distance of 11.19 feet to the aforesaid Southerly right-of-way line of Hillcrest Road; thence, along said Southerly line, South 89°32'30" East 48.04 feet to the Point of Beginning



David M. Minneci



David M. Minneci
L.S. 2349 - Oregon
Expires 12-31-08
Hoffbuhr and Associates, Inc.

Access Easement
06-052
August 21, 2007
(HOPacceas.doc)

2

EXHIBIT A

AN UNDIVIDED ONE-HALF (1/2) INTEREST IN AND TO THE FOLLOWING DESCRIBED PROPERTY:

TRACT A: Commencing at the northeast corner of Lot One (1) of CRESTBROOK ORCHARDS TRACT, thence West along the north line of said Lot 1, a distance of 762.5 feet; thence South 285.6 feet; thence East parallel to the north line of Lot 1, a distance of 762.5 feet to the east line of said Lot 1; thence North along the east line of Lot 1, a distance of 285.6 feet to the place of beginning. EXCEPTING THEREFROM the following: Commencing at the corner common to Sections 21, 22, 27 and 28, Township 37 South, Range 1 West, Willamette Meridian, Jackson County, Oregon; thence South 0°39'20" West, 10.00 feet; thence North 89°31'20" West, 30.00 feet to the northeast corner of that real property described in Volume 128, page 185, Deed Records of Jackson County, Oregon, said northeast corner being the true point of beginning; thence continue North 89°31'20" West, 218.50 feet; thence South 81°31'20" East, 181.00 feet to a point of curvature; thence along the arc of a 53.0 foot radius curve (the long chord which bears South 51°47'07" East, 40.92 feet) to the westerly right of way line of North Phoenix Road, thence North 0°39'20" East along said right of way line, 52.00 feet, to the true point of beginning.

(Code 49-01, Account 81-050713-B, Map 8371W28AA, Tax Lot 8100)

TRACT B: Commencing at a point on the southerly right-of-way line of Hillcrest Road, said point bears West 792.82 feet and South 23.52 feet from the section corner common to Sections 21, 22, 27 and 28 of Township 37 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon, thence South 80°59'27" West 285.60 feet to the northwest corner of tract described in Volume 439, page 374 of the Deed Records of Jackson County, Oregon for the point of beginning; thence South 89°31'55" East along the northerly line of said tract, 765.24 feet to the westerly right-of-way line of North Phoenix Road; thence South 80°23'56" West along said westerly right-of-way line, 486.51 feet; thence along the arc of a 128.18 foot radius curve to the left (the long chord to which bears South 06°14'02" East 89.99 feet) an arc distance of 90.19 feet; thence leaving said right-of-way line South 77°38'34" West 111.80 feet; thence along the arc of a 38.00 foot radius curve to the right (the long chord to which bears South 31°26'25" West 71.11 feet) an arc distance of 146.74 feet; thence South 77°38'34" West 94.38 feet; thence North 81°07'40" West 781.77 feet; thence North 38°53'57" West 117.97 feet; thence South 77°38'34" West 467.76 feet; thence North 80°59'27" East 313.63 feet to the point of beginning. EXCEPTING THEREFROM that portion lying within North Phoenix Road.

(Code 49-01, Account 81-088717-1, Map 8371W28AA, Tax Lot 8202)

Subject to:

1. The effect of said property, or any part thereof, lying within the Meiford Irrigation District, and subject to all water and irrigation rights, easements for ditches and canals, and all regulations of said District, including any and all assessments, liens and charges assessed, and to be assessed. (Affects Tract B)

R

3

02-19455
L-40717

EXHIBIT A
(Hillcrest Orchards Property)

TRACT A:

That portion of Lots One (1) and Two (2) in Crestbrook Orchard Tracts in Jackson County, Oregon, according to the official plat thereof, now of record, being more particularly described as follows: Beginning at the northwest corner of said Lot Two (2); thence South 89°31'20" East, along the north line thereof, 813.00 feet, more or less, to the northeast corner of said lot; thence continue South 89°31'20" East, along the north line of said Lot One (1) a distance of 232.50 feet; thence South 0°59'40" West, parallel with the west line thereof 644 feet, more or less, to the northeast corner of that tract described in Volume 521 page 60 of the Deed Records of Jackson County, Oregon; thence North 89°49'30" West, along the northerly line of said tract, 217.98 feet; thence South 75°04'30" West, along said northerly line, 244.59 feet, thence North 89°42'50" West, along said northerly line, 431.65 feet to the northwest corner of said tract; thence continue North 89°42'50" West, along the north line and its westerly extension of that tract described in instrument recorded as No. 67-06459 of the Official Records of Jackson County, Oregon, 159.815 feet, more or less, to a point on the west line of said Lot One (1); thence North 0°55'30" East, along said west line, to the point of beginning.

(Code 49-1, Account #1-050714-6, Map #371W28A, Tax Lot #3300)

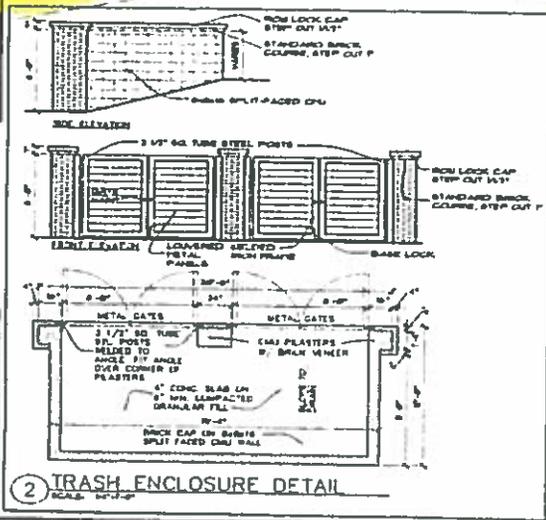
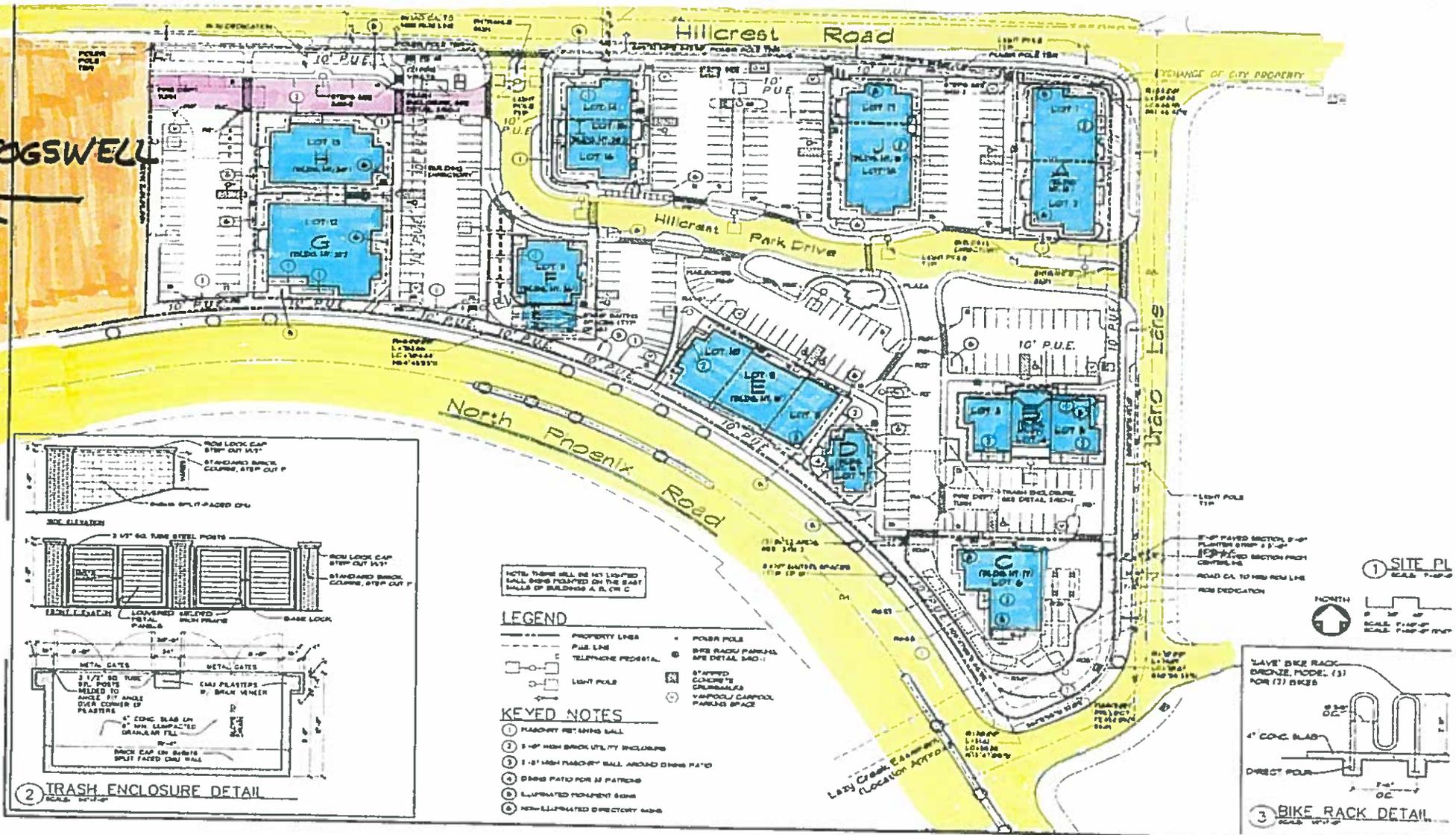
TRACT B:

Commencing at the southwest corner of Donation Land Claim No. 61, Township 37 South, Range 1 West, Willametta Meridian, Jackson County, Oregon; thence North 0°55'30" East, 60.81 feet; thence to and along the north boundary of Casperna Drive, South 89°49'30" East, 160.55 feet to the southeast corner of that tract described in instrument recorded as No. 67-06459 of the Official Records of Jackson County, Oregon, and the true point of beginning; thence continue along said Drive boundary, South 89°49'30" East, 38.42 feet; thence along said Drive boundary, along the arc of a curve right (which arc has a radius of 450.00 feet and a long chord of South 77°13'42" East 196.27 feet) 198.04 feet to the most southerly corner of that tract described in instrument recorded as No. 73-18208, said Official Records; thence North 0°10'30" East, along the east line of said tract, 12.81 feet to the northeast corner thereof, being a point on the south line of Lot 2, Crestbrook Orchard Tract, in Jackson County, Oregon, according to the official plat thereof, now of record; thence along said south line, and the south line of Lot 1, said Crestbrook Orchard Tracts, South 89°49'30" East, 560.50 feet to the most westerly corner of that tract described in instrument recorded as No. 66-04627, said Official Records; thence North 59°58'50" East, along the northwesterly line of said tract, 108.50 feet to the east line of that tract described in instrument recorded in Volume 521 page 60 of the Deed Records of Jackson County, Oregon; thence North 0°59'40" East, along said east line, 238.80 feet to the northeast corner thereof; thence North 89°49'30" West, along the northerly line of said tract, 217.98 feet; thence South 75°04'30" West, along said northerly line, 244.59 feet; thence North 89°42'50" West, along said northerly line, 431.65 feet to the northeast corner of that tract described in instrument recorded as No. 67-06459, said Official Records; thence South 0°42'50" West, along the east line of said tract, 200.49 feet to the true point of beginning.

4

COGSWELL
←

Page 35



TELEPHONE
541-772-2782



L.J. FRIAR & ASSOCIATES P.C.

CONSULTING LAND SURVEYORS

P.O. BOX 1947
PHOENIX, OR 97535

EXHIBIT 9

RECEIVED

MARCH 9 2017
FAX 541-772-2815

JAMES E. HIBBS, PLS

PLANNING DEPARTMENT
lfriar@charter.net

Exhibit "B"

LEGAL DESCRIPTION

Commencing at the Northeast corner of Section 28, Township 37 South, Range 1 West, Willamette Meridian, Jackson County, Oregon; thence along the North line of said Section 29, North 89°32'30" West, 1490.73 feet to the true point of beginning; thence South 00°27'30" West, 473.41 feet to the centerline of North Phoenix Road set forth in Document No. 02-01887, Official Records of Jackson County, Oregon; thence along said centerline the following two courses: along the arc of a 440.00 foot radius curve to the right having a central angle of 80°54'36", a distance of 621.345 feet (the long chord of which bears North 40°15'33" West, 570.99 feet); thence North 00°11'45" East (record North 01°47'35" East), 40.64 feet to the North line of said Section 28; thence along said North line, South 89°32'30" East, 372.66 feet to the true point of beginning. Containing 3.14 acres, more or less.

GROSS AREA FOR TRAFFIC STUDY
Portion of 371W28A TL3300
Hillcrest Corporation
17-103
January 18, 2017



CITY OF MEDFORD
EXHIBIT # _____
File # ZC-17-034

8



Planning Commission

Minutes

From Public Hearing on **July 13, 2017**

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

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

Staff Present

Matt Brinkley, Planning Director
Kelly Akin, Assistant Planning Director
Carla Paladino, Principal Planner
Kevin McConnell, Deputy City Attorney
Alex Georgevitch, City Engineer
Greg Kleinberg, Fire Marshal
Terri Rozzana, Recording Secretary
Sarah Sousa, Planner IV
Dustin Severs, Planner III
Seth Adams, Planner III

Commissioners Absent

Patrick Miranda, Chair, Excused Absence

10. Roll Call

20. Consent Calendar/Written Communications.

20.1 CUP-17-053 Final Order of a request for a Conditional Use Permit (CUP) to construct a new 10-12 foot wide pedestrian/bike path known as Larson Creek Trail Segment II between Black Oak Drive and Ellendale Drive within the Larson Creek Riparian Corridor. Project to include two pedestrian bridges, fence relocation and improvements spanning approximately 7.32 acres zoned SFR-4, SFR-6, MFR-20 and C-C (Single-Family Residential, 4 dwelling units per gross acre, 6 dwelling units per gross acre, Multi-Family Residential, 20 dwelling units per gross acre and Community Commercial) (371W32AA, portions of Tax Lots 200, 300, 400 and 500 and 371W32AB, portions of Tax Lots 3100, 1100 and 3000). (Medford Public Works, Applicant; Richard Stevens & Associates, Agent)

20.2 LDS-17-051 / E-17-052 Final Orders of a request for tentative plat approval for Summerfield at Southeast Park Phases 16 through 21, a 138-lot residential subdivision on approximately 96 acres located south of Cherry Lane and east of Lone Oak Drive within an SFR-4/SE (Single Family Residential-4 units per acre/Southeast Overlay) zoning district. The request includes an Exception to the standards for the permitted length of a residential lane. (Crystal Springs Development Group, Applicant; Neathamer surveying, Inc., Agent)

20.3 LDS-16-004 Request to revise the approved sidewalk alignment for Rancho McMillan, a four lot residential subdivision on a 0.95 acre parcel located on the north side of Lone Pine Road, approximately 1,100 feet west of North Foothill Road, within the SFR-4 (Single Family Residential – 4 dwelling units per gross acre) zoning district. (Michael McMillan, Applicant; Scott Sinner Consulting, Inc., Agent)

Motion: Adopt the consent calendar as submitted.

Moved by: Commissioner Foley

Seconded by: Commissioner Pulver

Voice Vote: Motion passed, 7–0-1 with Commissioner McKechnie abstaining.

30. Minutes

30.1. The minutes for June 22, 2017, were approved as submitted.

40. Oral and Written Requests and Communications. None.

Kevin McConnell, Deputy City Attorney, read the Quasi-Judicial Statement.

50. Public Hearings – Continuance Request

50.1 PUD-17-023 Consideration of a Preliminary PUD Plan for Coker Butte Business Park, a proposed development consisting of office and light industrial uses to be located on a 14.5-acre site composed of five contiguous lots bounded generally by Crater Lake Highway 62, Coker Butte Road, and Crater Lake Avenue, within the Light Industrial (I-L) zoning district. (371W05 1000, 1001, 1002, 1003, and 1100). (Coker Butte Properties, LLC and Table Rock Holdings LLC, Applicants; CSA Planning Ltd., Agent). **The applicant has requested to continue this item to the July 27, 2017, Planning Commission meeting.**

Vice Chair McFadden asked staff if they had additional information to present.

Dustin Severs, Planner III, reported that the applicant’s agent explained that there have been new developments that have occurred that they want to add to the Findings.

Motion: The Planning continued PUD-17-023, per the applicant’s request, to the Thursday, July 27, 2017, Planning Commission meeting.

Moved by: Commissioner Mansfield

Seconded by: Commissioner Foley

Roll Call Vote: Motion passed, 8-0.

New Business

50.2 SV-17-039 Consideration of a request to vacate a portion of Belknap Road, located south of the intersection of Garfield Street and Center Drive. (C.A. Galpin, Applicant/Agent)

Vice Chair McFadden inquired whether any Commissioners have a conflict of interest or ex-parte communication they would like to disclose. Commissioner Pulver disclosed that his office represents one of the adjoining properties and recused himself from this application.

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

Sarah Sousa, Planner IV, stated that the street vacation criteria can be found in the Medford Land Develop Code Section 10.202. The applicable criteria was included in the staff report, property owner notices and hard copies are available at the entrance of Council Chambers for those in attendance. Ms. Sousa gave a staff report. Ms. Sousa reported that staff received a letter at 4:00 p.m. today from Stuart Foster, Attorney at Law, representing Michael and Jennifer Kolln, owners of Tax Lot 200 of Jackson County Assessor's Map 37-1W-32C. Staff has not had time to review the letter. A copy of the letter was placed at the Commissioners seats and will be entered into the record as Exhibit K.

Commissioner McKechnie asked, how wide is the narrow part of the existing Belknap Road right-of-way that the applicant is requesting to vacate? It is clear that Center Drive would feed into Belknap Road as a public right-of-way. If that were to be improved to City standards would they require more right-of-way from either of the other two properties to make that an approved street? Ms. Sousa deferred the question to Alex Georgevitch, City Engineer.

Mr. Georgevitch reported that the most westerly side and the narrowest point appears to have a line that states L8. The table states 25.94 (approximately 26 feet) in width. The normal section east is approximately 50 feet wide.

Vice Chair McFadden asked, is Garfield at this location, a City street? Mr. Georgevitch reported that it is a State facility.

Vice Chair McFadden stated the chances of them providing additional access to the end is slim to none. Does Mr. Georgevitch agree? Mr. Georgevitch reported that if he understands correctly he believes there is access control purchased along there from the State so he does not believe there will be any access. If there was no access control they would not be providing access because this connects to a signalized location that

both the City and State have participated in its design and construction cost to build. If this section was built to be a public lower order commercial street being 63 feet in width it would need an additional 13 feet of width. The issue is on the westerly side. There would have to be some type of turnaround, a knuckle cul-de-sac or a 100 foot radius to head south if there was development along the easterly boundary where the substation exists.

Commissioner McKechnie asked, what would be the potential of having a right-in along Garfield that would go east with no access coming out? Mr. Georgevitch replied that if he were to gamble on that he would put zero dollars on that bet.

Commissioner McKechnie asked does the County own in fee some portion of this that staff has no idea what it is but they get it back if it is vacated? Does the rest of the property on the south get half and half to the north? Ms. Sousa reported not necessarily. She deferred the question to the applicant. The County Assessor determines who it goes back to. It is generally who the land originated from. She had heard that maybe the southerly 10 feet belongs to the south property but that is not in staff's review. Staff does not know until the County Assessor is finished after it is vacated. It is not necessarily split in half.

Commissioner Mansfield stated that he has a different understanding of what happens to the land that is vacated.

The Public Hearing was opened.

a. Cris Galpin, 744 Cardley Avenue #100, Medford, Oregon, 97504. Mr. Galpin stated that the remaining part of Belknap will also be vacated. The reason it was not included in this application is because in his meetings with Public Works designing an interchange best served this property instead of a dead end road. They purposely aligned that and left a portion of Belknap so that interchange could be built as a usable piece of property.

Addressing Commissioner Mansfield comment, the land goes back to the properties from which it came.

Commissioner Culbertson asked, does Mr. Galpin know where the County sections are? Mr. Galpin stated that he did not. He just found out about that today.

b. Stuart Foster, P. O. Box 1667, Medford, Oregon, 97501. Mr. Foster is the attorney for the Kollns. They are the owners of what has been described as Tax Lot 200, Assessor's Map Number 371W32C. They have the majority of the frontage on Belknap Road proposed to be vacated. It is his opinion that there is absolutely no way to get access off Garfield from this strip of land. Nobody ever talked to his clients. There are plans that shows some roads on his client's property that nobody has talked about or the

interchange that was talked about. The area to be vacated is a significant portion of frontage on the north side of his client's property. Now, it is a public road which is a benefit to them. If this is vacated they will get some of their property back, maybe half. They do not know. Nobody knows who gets what and what the County has. How can a decision be made and determine that there is no damage? There is a real defect in the Planning Commission's ability to make the determinations they are asked to under the statute. His client has more than 50% of the frontage. They object to this vacation. It may be appropriate in the future but they think it is more appropriate to consider after everybody has an idea how this property is going to be developed. It is premature. They request that the Planning Commission deny the vacation. The damage to his client's property will be substantial and the City will be liable.

Commissioner Mansfield asked, what is Mr. Foster not contesting? Mr. Foster stated that the access on the strip of land. If it is ultimately developed into a public street, which would benefit the northern side of his client's property substantially, has to be off Center Drive. There is no way that the City or State would approve access off Garfield Street on the west end. It appears on the map that Belknap Road extends to the west and adjacent to Garfield Street.

Commissioner Mansfield asked, does Mr. Foster have any information regarding the State purchasing access rites? Mr. Foster replied no. It would be on record.

Mr. McConnell reported that the Planning Commission cannot recommend approval of the vacation if more than 50% of the owners to the affected area object. Mr. Foster has made that allegation. His client owns more than 50% of the affected property.

Code Section 271.080 (2) "...The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted..."

Kelly Akin, Assistant Planning Director, reported that staff has not had the opportunity to do that kind of analysis. Staff would be pleased if the Planning Commission continued SV-17-039 to the next Planning Commission meeting.

Motion: The Planning Commission continued SV-17-039 to the July 27, 2017, Planning Commission meeting and requested that staff present further information on the question of whether more than half the property is opposed to this proposition.

Moved by: Commissioner Mansfield

Seconded by: Commissioner Foley

Roll Call Vote: Motion passed, 7-0-1, with Commissioner Pulver recusing himself.

50.3 ZC-17-034 Consideration of a request to rezone the westerly 2.20 acres of an existing 7.7 acre parcel located at the southeast corner of Hillcrest Road and N. Phoenix Road, plus 0.94 acres of adjacent right-of-way, from MFR-20 (Multiple-Family, 20 dwelling units per gross acre) to C-C (Community Commercial) (371W28A TL 3300). (Cogswell Limited Partnership, Applicant; CSA Planning Ltd., Agent)

Vice Chair McFadden inquired whether any Commissioners have a conflict of interest or ex-parte communication they would like to disclose. Commissioner Mansfield disclosed that he did not have a conflict of interest but many years ago he owned the property across the street.

Vice Chair McFadden 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, reported that staff received an email recently from Public Works concerning the sanitary sewer study that was submitted by the applicant. Public Works has determined that their comments about the Sanitary Sewer Facilities as noted in their Staff Report dated April 29, 2017, remain unchanged, including that the applicant can stipulate to only develop so the total sewer flows do not exceed current zoning limitations. The applicant agreed to that stipulation on page 12 of their Findings. The email will be submitted into the record as Exhibit W. The zone change approval criteria are found in the Medford Land Development Code Section 10.227. The applicable criteria was included 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.

The Public Hearing was opened.

a. Raul Woerner, CSA Planning Ltd., 4497 Brownridge Terrace Suite 101, Medford, Oregon, 97504-9173. Mr. Woerner reported that this property is part of the orchard originally. The Urban Growth Boundary amendment re-designated the tip of this property as Commercial. It was previously designated multifamily residential. The zone change is to match it with the rest of the property. There are no development plans at this time. It meets the locational criteria for C-C zoning.

Generally, based on the assumptions and calculations of the adopted City Facilities Master Plan, commercial generates less, on average, than multifamily. There is adequate capacity.

Several times in the presentation Hillcrest was referred to as the major arterial. It is North Phoenix Road that is the major arterial. Based on the draft Transportation System Plan it may possibly be designated as a regional arterial. Hillcrest is a major collector.

Mr. Woerner received communication from the Hillcrest Orchard Park operators and owners regarding their concern that early in the process of the realignment of North Phoenix Road there were conceptual drawings of a well-connected pedestrian friendly development that may occur in this area in the future. There is a development to the south, Signature Court. There is an access directly across the street. It is across from the portion that is zoned commercial. Someday it might be appropriate to have limited access from North Phoenix Road directly across from that. Code Section 10.550 has subsections that allows consideration if a traffic study is provided and gets approved by the City and shown to provide a public benefit that is equal or better than the normal standards. Mr. Woerner requested that standard still be available so they can coordinate with the adjacent property owner to possibly take a look at it. There are no plans by his client right now to use that. They object to the discretionary condition being imposed that does not allow consideration. The stipulation for the trip cap is being changed to the 2.2 acres rather than the entire property. The part already zoned commercial is not subject to a trip cap.

Commissioner McKechnie asked, was the study that CEC did regarding the sewer for the acreage that is being rezoned or was it for the entire parcel? Mr. Woerner reported that it was for the 2.2 acres.

Commissioner McKechnie asked, is Mr. Woerner requesting the stipulation to just apply to the western third of the parcel and not to the parcel that is already zoned C-C? Mr. Woerner stated that is a stipulation.

Vice Chair McFadden asked, is Mr. Woerner talking about the pedestrian access across the arterial? Mr. Woerner reported that there will always be pedestrian access from one street to another. He was talking about vehicular driveway accesses or potentially a City street. It may get locked up when the Transportation System Plan gets adopted. Their point is that the Code already has a standard that generally prohibits access to arterials. They do not see the necessity imposing a discretionary condition at the time of the zone change without a development proposal before the Planning Commission.

b. Randy Jones, Mahar Homes, 815 Alder Creek, Medford, Oregon, 97504. Mr. Jones stated that they worked with Cogswell Limited group many years ago on how to take this relatively rectangular piece of SFR-4 land and run a major arterial through it in a serpentine fashion. He did not bring with him tonight drawings on how a circulation plan, zoning and development might work. The result is the Hillcrest Office Park.

Mr. Jones noted in an earlier study by the Transportation Department that they considered using the entry off Hillcrest Road as the major entry into the commercial site. They did an access easement years ago that states: "1. The use of the easement shall be limited to ingress and egress for light vehicles over the paved portions of the property described in Exhibit "A". This easement does not grant any right to park on the easement or on any other portion of the property described in Exhibit "A". 2. All use of the easement shall be conducted in a manner as to avoid material interference with the operation of the property described in Exhibit "A"." This is simply a cross access easement for the commercial development that is going to the west of Hillcrest Office Park which they are highly in support of. Mr. Jones emphasized that the entry off Hillcrest Road will not accommodate large delivery trucks or anything like that.

Mr. Georgevitch apologized to the applicant as Mr. Woerner pointed out on page 155 of the agenda packet, Public Works stated that the access is a condition of approval when it should be an informational item. Typically, Public Works does not address access for a zone change. It is not part of the criteria. They are trying to do a better job of informing applicants what future conditions may look like so that it is not a surprise down the road.

Vice Chair McFadden asked, is Mr. Georgevitch planning on resubmitting a revision of the Public Works report? Mr. Georgevitch stated that it will be revised and included in the Planning Commission Report.

Mr. Georgevitch pointed out that Public Works is still asking for a stipulation to the sewer. The applicant has done a sewer study that appears that a fifth of the flow comes from MFR-20. The Code states zone changes are required to look at the potential of development. The potential development under all commercial is MFR-30. It is an increase that they could turn into an MFR-30 development under commercial. He does not think that is the intent and Public Work's Sanitary Sewer Master Plan did not include that as the intent covered under CEC's memo. He believes the applicant and utility engineer have that worked out.

Commissioner Pulver asked Mr. Georgevitch for an update on the sewer study as well as long term planning allowing development on some of the lands as well as how intersections get addressed. He does not need to discuss these now. Mr. Georgevitch gave a quick answer. They are anticipating a draft of the Sanitary Sewer Master Plan in August and a final document for staff review in September. Hopefully, to the City Council by the end of the year depending if they have study sessions or not. The completion of the Transportation System Plan will be most likely the end of the year. Depending on the City Council by the first quarter of next year.

Mr. Woerner reported that he appreciated Mr. Georgevitch's response and clarification. He was not sure regarding the trip caps if it was on the 2.2 acres or the 7.7 acres. It was noted it is on the 2.2 acres.

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 ZC-17-034 per the staff report dated July 6, 2017, including Exhibits A through W.

Moved by: Commissioner McKechnie

Seconded by: Commissioner Mansfield

Roll Call Vote: Motion passed, 8-0.

50.4 LDS-17-050 Consideration of a request for tentative plat approval for Jam Industrial Park, a proposed 9- lot industrial Pad Lot Development on a 17.13 acre lot located at 301 Ehrman Way, In a General Industrial (I-G) zoning district (372W14 TL 1400). (Fjarli Merlin, Applicant; Richard Stevens & Associates, Inc., Agent)

Vice Chair McFadden inquired whether any Commissioners have a conflict of interest or ex-parte communication they would like to disclose. Commissioner Pulver disclosed that his company does business with the Fjarli Family from time to time but he does not believe that impairs his independence on this matter. Vice Chair McFadden disclosed that he does the same. He has business relations but believes it will not affect his issues on this proposal.

Vice Chair McFadden 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, reported that the land division approval criteria are found in the Medford Land Development Code Section 10.270. The applicable criteria was included 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.

Commissioner McKechnie stated that it sounds like the owner had two options. One is to create nine lots that meet the standard subdivision ordinance and redo the streets to meet public street requirements. Or leave it as a private street and do a pad lot development. Mr. Severs reported that is correct. Ehrman Way and Ehrman Circle is considered a driveway developed as a pad lot.

Commissioner McKechnie asked, is the land to the west in the Urban Growth Boundary? Mr. Severs stated it is outside the Urban Growth Boundary. The property to the west is also owned by the applicant.

Commissioner McKechnie asked, is the potential for expansion minimal? Mr. Severs replied that is correct.

The Public Hearing was opened.

a. Joe Slaughter, Richard Stevens & Associates, P. O. Box 4368, Medford, Oregon, 97501-0168. Mr. Slaughter reported that he was present tonight representing the applicant Fjarli Merlin for a tentative plat approval for JAM Industrial Park. Mr. Slaughter further addressed Commissioner McKechnie's question regarding potential development to the west stating that the property is not in the Urban Growth Boundary and it is not in the Urban Reserve. It was intentionally left out of the Urban Reserve because it is prime agricultural land. It has very little potential in the short and long term for development.

Mr. Severs had pointed out that this application and proposed plat look substantially like the subdivision application that was denied in the past. There is one large difference between the two applications and that is dealing with existing private streets or driveways. The reason the subdivision application was denied was because of the streets. The City did not want to accept the dedication of those streets because the City was not sure if they met City standards for a public street. This application keeps the streets as common area for this pad lot development. It is no longer putting the responsibility for maintenance of those streets on the City. That is a major difference in the two applications. It is a large concession on the applicant because these streets are representing a large financial investment initially. Instead of dedicating them and no longer being the responsibility of this property owner and future property owners they now will be the sole responsibility of this development to maintain.

This application will allow for the individual sale of buildings and the proposed layout will keep existing operations running without disruption.

Code Section 10.703 B. (1) All lot-lines created within the common area shall be located along a common or exterior building wall, or within four (4) feet of an exterior building wall, unless the approving authority (Planning Commission) allows a greater distance for special purposes. There are special purposes involved that justifies the Planning Commission using the authority in granting the request as submitted.

The applicant requests approving the pad lot subdivision as proposed, remove discretionary condition 1, and allow pad lots that are in excess of 4 feet from the external walls for the special purposes for the loading docks (both existing and future), secure, fenced areas (both existing and future), access to roll-up doors, developed to be compatible with large trucks (maneuvering and access), building eaves extend 10 feet from all building walls and maintain existing operations without disruption.

Mr. McConnell added assistance to the Planning Commission in regards to the special purposes issue. The Planning Commission could allow for just a greater distance or a justifiable need. He is trying to give some meaning to the Planning Commission.

Commissioner Culbertson asked, is it the intention of the applicant to fence all the properties on the property lines? Mr. Slaughter stated no. These are leasable buildings that are built to the needs of the tenant.

Commissioner Culbertson asked, with no fences, what keeps one person in one building from parking in front of the other building? Mr. Slaughter reported the lease agreements. They have control over certain portions of the property around the building.

Commissioner Culbertson asked, does it really matter where the property lines exist? Mr. Slaughter replied yes. Common area could be created between the buildings and not allow enough space to access another building for a particular user. There could be language drafted that states the common area is not necessarily for common use. That it is actually for the use of the adjacent building. It seems to overcomplicate the situation when a property line can be drawn that delineates the extent of one person's property and the extent of another person's property instead of an agreement stating this is common area that can only be used by a particular building.

Vice Chair McFadden asked, is the applicant creating CC&R's? Mr. Slaughter stated CC&R's are going to have to be created no matter what because there are common spaces created through this application.

Vice Chair McFadden asked, is that the mechanism to avoid Commissioner Culbertson's issue? Mr. Slaughter reported it is complicated and convoluted.

Commissioner Culbertson asked, does Mr. Fjarli still own the properties that front Rossanley? Are those individually platted parcels? Mr. Slaughter replied yes.

Commissioner Culbertson stated that if he were to park on one side and walk to another building he basically invaded one person by parking there and patronizing the neighbor. No one has ever told him no. Mr. Slaughter reported that with a commercial development recorded cross access easements are a common practice. These are industrial uses. They are not retail establishments. There should not be foot traffic and daily customers coming to these sites. These are employees coming to do business, suppliers, deliveries and trucks taking the finished product away.

Commissioner McKechnie stated that there are no fences primarily because it is one platted lot and it has a number of buildings. Those buildings do not really work unless the space between the two buildings is opened. He is concerned if the applicant creates

individual lots and somebody installs a fence in between the two buildings where a property line exists that the space between the buildings will become unworkable. Having a property line four feet away from the building with an eave that is 10 feet away from the building poses unusual problems. The plan being proposed is unworkable.

Mr. Slaughter stated there is adequate space between the buildings that if split in half there is access to both buildings. On average there is 40 to 80 feet between buildings.

Vice Chair McFadden stated that the Planning Commission has been presented tonight with two versions. It is his opinion the applicant prefers his view versus staff's presentation. Is staff asking the Planning Commission to choose between those two and those two only? Mr. Severs replied no. His presentation went by the strict standards of the Code of what a pad lot would look like if those standards were followed exactly. Somewhere in the high middle would be acceptable.

Vice Chair McFadden reported that it is his opinion that the primary obligation of the Planning Commission is to evaluate the proposal based on what has been presented to the Planning Commission by the applicant and not by the City. He does not know whether that makes a difference in terms of the City's recommendation on the proposal and he is not sure whether or not the other Commissioners agree with his interpretation of that. Mr. Severs stated that the conditions state that the applicant could exceed the 4 foot limitation on the side of the loading dock. However, he has to comply with the code for the other side. It would look a little different if he were to follow what Mr. Severs presented.

Commissioner McKechnie stated that they are creating a problem for the building code because there is a piece of the building that extends over the property line with the 10 foot eave. There are four or five buildings that do not have loading docks where that would be an issue.

Ms. Akin stated that property line adjustments is an administrative decision.

Ms. Akin explained staff's position on this application. Staff's job as they review projects is to tell the Planning Commission what the code states and evaluate the project based on the code. That is what they did in their staff report. They heard additional testimony this evening from Mr. Slaughter that talked more about the Planning Commission's ability to expand the property lines. Each of the lots have frontage along the private street. They were designed to meet the standards as if it were to be dedicated. If this were a straight subdivision and they built those buildings could the buildings be constructed in their current configuration and still function? Would the applicant do that? It is her opinion they would not design a plat over existing buildings in a way that would render them not functional for their designed use. Based on the information and

evidence that Mr. Slaughter presented, the Planning Commission has a really strong basis to approve what is before them.

Mr. Slaughter reported that under the current configuration, the lease of each of these buildings require that before a fence is placed in between buildings, both property leasees agree to the placement of the fence, and that it will not interfere with access to each of the buildings. There will be recorded reciprocal cross access easements along the property lines to help combat Commissioner McKechnie's concern about a property line fence. It will likely be 20 feet wide.

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 LDS-17-050 per the staff report dated July 6, 2017, including Exhibits A through P.

Moved by: Commissioner Mansfield

Seconded by: Commissioner McKechnie

Commissioner Pulver stated that anytime there is common area there is an issue of enforceability. There is quite a bit of private drive with Ehrman Way and Ehrman Circle in addition there will be a lot of common driveways within this development that need to be protected and maintained. There is a solution from a pad lot scenario. He does not think staff's recommendation is perfect. He is not sure the applicant's is either. Addressing the 10 foot eaves would be a bare minimum to adjust. The common area would not only address Ehrman Way/Ehrman Circle but also show the cross access easements between the properties and maybe around them depending on what the applicant's intent and the needs of the tenants. He also thought the applicant highlighted a number of variations between buildings and while that may be reason to support the applicant's case it does not seem to be in the spirit of a pad lot development. It is his opinion they run a risk if they approve this that anything could be a pad lot development because it is the same as a subdivision. He thinks there is a compromise. As it stands he would probably not approve the motion on the table.

Commissioner Foley agrees with Commissioner Pulver. The applicant made good points and he appreciates his input because it was good information. His main premise was its very complicated to make all the CC&R issues and yet they are going to add those to the leases anyway. It is back and forth between the two. As the motion stands now he cannot support it. He thinks there is a solution that makes sense works for everyone. He does not know what that is.

Commissioner McKechnie agrees that the last thing they want do is redesign a project. It does not serve the applicant or the City well. Commissioner Pulver mentioned a good point that if the Planning Commission accepts this as a pad lot then what are they never

not going to accept as a pad lot. He is uncomfortable approving something that states they are going to redo something. He would rather see them come back with something the Planning Commission can approve that shows exactly what they are proposing to do with these pad lots.

Ms. Akin reported that the applicant requests that the item be continued to the next Planning Commission meeting on July 27, 2017.

Motion: The Planning Commission continued LDS-17-050 per the applicant's request to the July 27, 2017, Planning Commission meeting.

Moved by: Commissioner Mansfield

Seconded by: Commissioner McKechnie

Voice Vote: Motion passed, 8-0.

60. Reports

60.1 Site Plan and Architectural Commission.

Commissioner Culbertson reported that the Site Plan and Architectural Commission has not met since their last meeting.

60.2 Report of the Joint Transportation Subcommittee.

Commissioner Pulver, reported that the Joint Transportation Subcommittee has not met since their last meeting.

60.3 Planning Department

Kelly Akin, Assistant Planning Director, introduced and welcomed Seth Adams. Mr. Adams joins the Planning Department from the City of Redwood City in the Bay area. He is a Planner III and the Planning Commission will see him from time to time. He will do current and long range planning.

A project will be coming that may be controversial. Ms. Akin reminded the Planning Commission of ex-parte communications. Earlier this year Ms. Akin sent out an email regarding a newspaper article that had been published. The content of the email consisted of when people approach the Planning Commission to discuss a project that will come before the Planning Commission, politely disengage and tell them you cannot discuss it. Encourage them to attend the meeting and participate in the public process. Send them to staff. If the Planning Commission does have ex-parte communications, remember to disclose that at the hearing. If the Planning Commission receives emails please do not read them. If the Planning Commission reads them it will have to be disclosed and the content. This is so that everyone has the same information.

The Planning Commission's next study session is scheduled for Monday, July 24, 2017. There is no business scheduled at this time but staff will keep the Planning Commission informed.

The Planning Commission has business scheduled for Thursday, July 27, 2017. Currently, there is no business scheduled for Thursday, August 10, 2017. Based on what happens at the next meeting there will probably be business scheduled.

Matt Brinkley, Planning Director, reported that at the City Council Foothills Transportation Facility hearing there was a request to keep the record open for seven days. That was granted. It will go before the City Council again in August.

Ms. Akin reported that there is a training in Central Point in October. Ms. Akin will send the email to the Planning Commission. If they are interested please let staff know so they can get registered.

Commissioner Pulver stated that earlier he brought up constraints regarding sanitary sewer to Mr. Georgevitch who mentioned the study and timelines of when that will be completed. That is one part of the issue but he does not know how functionally that will work. If there are a lot of projects that have constraints on them and the study finds there is additional capacity, is it a free for all for the additional capacity? Beyond that, there are additional lands being brought in over the next 25 or 50 years. He is curious how that is going to be addressed and funded given that the Planning Commission approves those types of projects with or without constraints. Ms. Akin stated that it should show up on the title report. The code requires a deed restriction where there is a conditional zone change. There is an administrative designation of a restrictive zone overlay to inform staff that they need to pay attention to those properties.

The traffic study seemed to highlight Hillcrest and Pierce Road, Hillcrest and Valley View Drive and North Phoenix and Barnett. If this 2.2 acres of commercial land makes those failing intersections he thinks there would be a few things on the east side that might make those things fail. Two of the three would be expensive to deal with. While the new Transportation System Plan may eventually get approved, funding is always an issue. He wants to understand that. Ms. Akin reported that doing these studies is for the City to develop its own Capital Improvement Program. It is not just identifying and putting it on the developer.

Commissioner Foley asked, when the sewer capacity opens up how does it get allocated? Ms. Akin stated that she is not sure how it is allocated. She assumes what has been restricted has been tracked and know they will be lifted. In traffic they call it pipeline trip. She assumes they would consider the same for sewer. She does not know that for certain.

Commissioner McKechnie asked, are those restrictions needed? Ms. Akin replied yes they are. The Planning Director has the authority to lift those restrictions.

70. Messages and Papers from the Chair. None.

80. Remarks from the City Attorney. None.

90. Propositions and Remarks from the Commission.

90.1 Commissioner Pulver stated that some issues are less contentious than others but he struggles with the procedure in terms of close the public hearing, make a motion, seconded, and at times there is discussion sometimes not, then the vote. He believes there are nine members in order to hear their perspectives. He is not advocating for a change in the format but he does advocate for members of the Planning Commission to share their thoughts on an issue that may have differing opinions. That is valuable input to all the Commissioners in order to make a decision.

Vice Chair McFadden reported that Commissioner Pulver has a good point. It is also a good reason to come to study sessions where they can talk to each other. They can come to a consensus of what they think Medford should look like.

100. Adjournment

The meeting was adjourned at 7:50 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:

Terri L. Rozzana
Recording Secretary

David McFadden
Planning Commission Acting Chair

Approved: July 27, 2017



City of Medford

Planning Department

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STAFF REPORT – CONTINUANCE REQUEST

for a Class-B decision: Street Vacation

Project Belknap Street Vacation
 Applicant: Southside Center, LLC

File no. SV-17-039

To Planning Commission for July 27, 2017 hearing

From Sarah Sousa, Planner IV *SS*

Reviewer Carla Angeli Paladino, Principal Planner *CA*

Date July 20, 2017

BACKGROUND

Proposal

Consideration of a request to vacate a portion of Belknap Road, located south of the intersection of Garfield Street and Center Drive.

Request

Staff requests the Planning Commission continue the hearing until August 24, 2017. Additional time is needed to correct a procedural error in regards to property owner notices and re-evaluate the criteria based on testimony submitted at the previous hearing from Mr. Foster.

EXHIBITS

Vicinity map

PLANNING COMMISSION AGENDA:

JULY 27, 2017



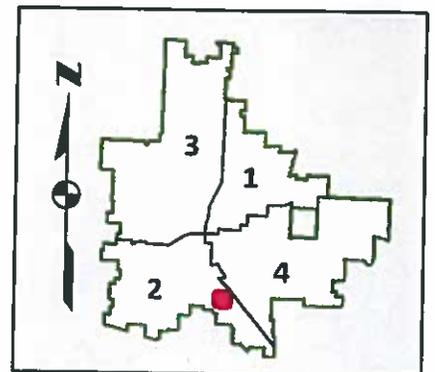
Project Name:
**Galpin
Belknap Road
Vacation of Right-of-Way**



07/12/2017

Legend

-  Subject Area
-  Medford Zoning
-  Tax Lots





Planning Department

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STAFF REPORT – CONTINUANCE REQUEST

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

PROJECT Jam Industrial Park – Pad lot development
 Applicant: Fjarli Merlin and Joann Foundation, Inc.
 Agent: Richard Stevens and Associates, Inc.

FILE NO. LDS-17-050

TO Planning Commission *for July 27, 2017 hearing*

FROM Dustin Severs, Planner III

REVIEWER Kelly Akin, Assistant Planning Director

DATE July 20, 2017

BACKGROUND

Proposal

Consideration of a request for tentative plat approval for Jam Industrial Park, a proposed 9-lot industrial Pad Lot Development on a 17.13 acre lot located at 301 Ehrman Way, in the General Industrial (I-G) zoning district.

Request

The applicant has requested that the item be continued to August 10, 2017, in order to submit additional information.

EXHIBITS

- A Continuanace request received July 19, 2017.
- Vicinity Map

PLANNING COMMISSION AGENDA:

July 13, 2017

July 27, 2017



RICHARD STEVENS & ASSOCIATES, INC.

P.O. Box 4368
Medford, OR 97501

100 E. Main St., Suite O
Phone: (541) 773-2646
Fax: (541) 858-8947

E-mail: rsco@mind.net
Website: rsaoregon.com

July 19, 2017

Dustin Severs – Planning Department
200 S. Ivy Street
Medford, OR 97501
RE: LDS-17-050, JAM Industrial Park

RECEIVED
JUL 19 2017
PLANNING DEPT.

Dear Mr. Severs,

At their July 13, 2017 meeting, the Planning Commission continued their deliberation on JAM Industrial Park (LDS-17-050) to the July 27, 2017 meeting so that additional information could be submitted. However, the Commission had closed the public hearing prior to their deliberations and they did not reopen the hearing before continuing the matter. It is our understanding that no additional information can be submitted to the record unless the hearing is reopened. That being the case, we request that the Commission reopen the public hearing on this matter at their July 27 meeting and then continue the item to the August 10, 2017 meeting to provide us an opportunity to submit additional evidence and provide additional testimony.

Thank you,

Joe Slaughter



Project Name:

JAM Industrial Park

Map/Taxlot:

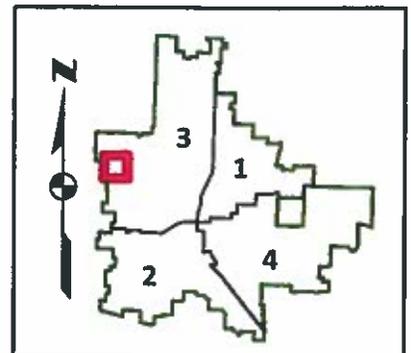
372W17 TL 1400



05/01/2017

Legend

-  Subject Area
-  Medford Zoning
-  Tax Lots





City of Medford

Planning Department

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STAFF REPORT - REVISED

for a Type-C quasi-judicial decision: Preliminary Planned Unit Development (PUD)

PROJECT Coker Butte Business Park – Preliminary PUD
Applicant: Table Rock Holdings, LLC. / Coker Butte Properties, LLC.
Agent: CSA Planning, Ltd.

FILE NO. PUD-17-023

TO Planning Commission

for 07/27/2017 hearing

FROM Dustin Severs, Planner III

REVIEWER Kelly Akin, Assistant Planning Director

DATE July 20, 2017

BACKGROUND

Proposal

Consideration of a Preliminary PUD Plan for Coker Butte Business Park, a proposed development consisting of office and light industrial uses to be located on a 14.5-acre site composed of five contiguous lots bounded generally by Crater Lake Highway 62, Coker Butte Road, and Crater Lake Avenue, within the Light Industrial (I-L) zoning district (371W05 TL 1000, 1001, 1002, 1003, and 1100).

Subject Site Characteristics

Zoning	I-L
GLUP	CM Commercial
Overlay	AC Airport Area of Concern RZ Restricted Zoning
Use(s)	Rogue Disposal & Recycling (TL 1000, 1002, and 1100) Vacant (1001 and 1003)

Surrounding Site Characteristics

<i>North</i>	Zone: Jackson County Exclusive Farm Use (EFU) Uses: Vacant land
<i>South</i>	Zone: I-L

	Uses: Elite Collision Repair, Dick's Towing, El Kora Mexican, Allstar Pawn, Lock N Key Storage.
East	Zone: Jackson County Exclusive Farm Use (EFU) Uses: Seasonal livestock grazing; two dwellings.
West	Zone: I-L Uses: Lithia Car Dealerships

Applicable Criteria

Planned Unit Development, §10.235(D)

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

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

- 1) *demands for the Category "A" public facilities listed below are equivalent to or less than for one or more permitted uses listed for the underlying zone, or*
- 2) *the property can be supplied by the time of development with the following Category "A" public facilities which can be supplied in sufficient condition and capacity to support development of the proposed use:*
 - a. *Public sanitary sewerage collection and treatment facilities.*
 - b. *Public domestic water distribution and treatment facilities.*
 - c. *Storm drainage facilities.*
 - d. *Public streets.*

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

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

Conditional Use Permit Approval Criteria, §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 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.*

Corporate Names

The subject property is separately owned by Coker Butte Properties LLC (TL 1000, 1002 and 1100) and Table Rock Holdings LLC (TL 1001 & 1003). The Oregon Secretary of State business registry website lists Coker Butte Properties LLC as a registered business located at 8001 Table

Rock Rd in White City, Oregon, and Richard A Stark as the registered agent; Table Rock Holdings is also listed as located at 8001 Table Rock Rd in White City, Oregon, and Eric R. Stark is listed as the registered agent.

Related Projects

ZC-07-272 Rezone from I-G to I-L
ZC-09-037 Rezone from SFR-00 to I-L
CPA-13-032 GLUP Map Amendment

ISSUES AND ANALYSIS

Background

The subject site is composed of five tax lots totaling 14.5 acres and is traversed by two higher order streets which effectively divide the property into three distinct quadrants: a north quadrant encompassing tax lots 1000 and 1001; a south quadrant encompassing tax lot 1100; and an east quadrant encompassing tax lots 1002 and 1003 - identified as Reserve Acreage on the PUD Concept Plan. The site's three quadrants are divided north/south by Coker Butte Road, classified as a Major Arterial street; and divided east/west by Crater Lake Avenue, classified as a Major Collector street. The entire site is located east of Crater Lake Highway 62, a state highway under the jurisdiction of the Oregon Department of Transportation (ODOT), fronting the site along its westerly boundary.

The site's northerly and easterly boundaries are located on the edge of the City's corporate limits, with its northerly boundary abutting County EFU land identified on the General Land Use Plan (GLUP) map as Urban Reserve (MD-2) (and currently being proposed by the City for inclusion into the UGB), and its easterly boundary abutting County EFU land located within the UGB and designated on the GLUP Map as Urban Residential (UR).

The applicant's submitted narrative (exhibit H) explains that tax lots 1000, 1002 and 1100 are currently used by Rogue Disposal & Recycling for the storage and maintenance of dumpsters and other garbage receptacle equipment in connection with its business, while tax lots 1001 and 1003 are currently vacant. The applicant's narrative further explains that Rogue Disposal's uses and facilities will be relocated to a different site with the proposed development of the subject site.

Site History

Tax lots 1000, 1100, and 1002 were annexed into the City in 1984 and were rezoned from General Industrial (I-G) to I-L in 2008; tax lots 1001 and 1003 were annexed into the City in 2007 and later rezoned from the City's SFR-00 holding zone (10.307) to the Light Industrial (I-L) zone in 2009. Later in 2014, as part of the Internal Study Area (ISA) which resulted in a large legislative amendment to the City's GLUP map affecting over 800 acres, the entire subject site was changed to its current Commercial GLUP designation while retaining its underlying I-L zoning. The property is additionally identified with an Administrative Mapping overlay

designation of Restricted Zoning (RZ) which applied a trip cap to a portion of the property (TL 1100, 1000 and 1002) as part of the previous zone change.

Current proposal

The applicant is proposing a redevelopment of the subject site, creating a business park PUD designed to serve office and light industrial businesses along with supporting commercial businesses such as banks and restaurants contemplated for the area of the site most highly visible to Highway 62. The subject request involves only 9.54 acres of the total 14.50-acre PUD site, with the remaining 4.96 acres, encompassing tax lots 1003 and 1002, designated as Reserve Acreage for future development.

Phasing

Pursuant to MLDC 10.240(C), the applicant is contemplating the PUD to be developed in phases, although precise phasing boundaries are not shown on the PUD Concept Plan. MLDC 10.240(D) states the following regarding the time limit allowed between the phasing of a PUD:

After Final PUD Plan approval for the first phase of a PUD having approved multiple phases, and for each successive phase thereafter, no more than five (5) years shall lapse between the approval of phases. If more than five (5) years pass between the Final PUD Plan approval of any two (2) PUD phases after the first phase, the Planning Commission may, without the consent of the owners of the PUD, initiate action to terminate undeveloped portions of the PUD under Subsection 10.245(B).

The subsequent phases will include the 4.96 acres (tax lots 1002 and 1003) identified as Reserve Acreage on the PUD Concept Plan proposed to be planned and developed in the future and at which time a new Preliminary PUD Plan will be required for approval.

GLUP/zoning consistency

The subject site's GLUP designation was changed from General Industrial (GI) to Commercial (CM) in 2014 as part of the Internal Study Area (ISA) which resulted in a large legislative amendment to the City's GLUP map; however, the site retained its underlying I-L zoning classification. Pursuant to the General Land Use Element of the Comprehensive Plan, industrial uses are not permitted within the CM GLUP; necessitating the approval of a zone change to a zoning classification permitted in the CM GLUP in order to bring the site's underlying zoning into compliance with the Comprehensive Plan prior to its development. However, in the applicant's submitted narrative, the applicant argues, citing the 1975 Oregon Supreme Court decision in *Baker v. City of Milwaukee*, that the site's I-L zoning is *not* incompatible with the CM GLUP, stating the following (Exhibit H, page 6-7):

"The Commercial designation is not incompatible with the property's I-L zoning because the industrial uses contemplated for the Business Park PUD and those permitted in an I-L zone, by nearly all measures, are similar or less intensive than the broad range of retail and service commercial uses that are permitted under the Commercial GLUP designation. This is clearly the case when intensity is measured by

traffic loading as it is well known that commercial uses on whole produce greater traffic loading than light industrial uses. The same is evidenced by the disparate average traffic loading multipliers applied by the city to land in commercial versus industrial categories where the multipliers for commercial traffic generation are several times higher.”

While staff does not disagree with the applicant’s assertion that – from the narrow standpoint of traffic loading - the range of uses permitted in the I-L zone are often of equal or less intensity to that of commercial uses (and even some residential uses) which are permitted in the CM GLUP, in considering a broader range of issues that the concept of land use “intensity” encompasses (e.g., noise, vibration, air pollution and other nuisances), I-L uses are generally considered more intense from every other discernable standpoint, and the Comprehensive Plan implicitly acknowledges this disparity in its description of the 13 respective GLUP designations identified in the General Land Use Plan Element of the Comprehensive Plan.

Per the *Baker V Milwaukee* decision, a property’s underlying zoning has to be consistent with its GLUP map designation insofar as the zoning cannot allow for uses which are *more* intense than what is allowed under the GLUP map designation. In essence, *Baker V Milwaukee* decision found that the GLUP map effectively trumps zoning by setting a limit for maximum intensity permitted, but does not establish minimum standards. For example, if a GLUP plan map amendment changes a property to a more intense GLUP designation – single-family residential (SFR) to multi-family residential (MFR) – but the property retains its SFR zoning classification, the property could continue to be developed with SFR (GLUP Map doesn’t set minimum standards). However, if a GLUP map amendment changes a property to a *less* intense GLUP designation – MRF to SFR – and the property retains its MFR zoning, the property *cannot* still be developed as MFR (GLUP Map *does* set max limits), and per *Baker V Milwaukee* the zoning *cannot* permit developments that are more intense than what is allowed in the GLUP.

It is staff’s view, that pursuant to *Baker V Milwaukee*, the Commission has the authority to approve I-L uses to be developed on the site despite the fact that the zone is not permitted in the CM GLUP per the Comprehensive Plan, contingent on the applicant’s ability to effectively demonstrate that the I-L uses proposed are of less or equal intensity of those allowed on properties located within the CM GLUP designation. While staff is in agreement with the applicant that many of the uses permitted in the I-L zone meet this test, staff is not of the view that the entire spectrum of uses permitted in the I-L do so. As such, staff spoke with the applicant’s agent, Mr. Stone, recommending that he submit either an itemized list of the I-L uses specifically proposed for the site, or a list of the I-L uses that will be specifically prohibited, allowing the Commission the ability to adequately and thoroughly review the matter. The applicant has submitted a memorandum listing seven of the more intense uses permitted in the I-L zone, including marijuana related business, which the applicant has stipulated to exclude from future potential uses that might occupy the PUD.

Proposed Modifications of Standards

Per MLDC 10.230(D), the approval of PUDs may include modifications which vary from the strict standards of the Code and are limited to specific categories. In their submitted findings, the applicant has requested the following modification from the strict standards of the code.

Vehicular Access

Access is included as one of the specific categories in which PUD's are allowed to vary from the strict standards of the Code. MLDC 10.230(D)(4) reads as follows:

D. Modified Application of Standards Authorized: To fulfill the purpose and intents of the standards set forth in Section 10.230(A), authority is herewith granted for the approval of PUDs which vary from the strict standards of this Code. The nature and extent of potential modifications shall be limited to the categories below described, provided that the City, in approving such modifications, shall not violate substantive provisions of the Oregon Transportation Planning Rule:

4. Frontage, Access, Landscaping and Signs: Limitations, restrictions and design standards pertaining to lot frontage, access, required landscaping, signs and bufferyards.

MLDC 10.550(3)(a)(1) restricts driveway access to a higher-order street for a parcel that has access from a lower-order street, limits access to an Arterial Street to one driveway for each tract of property owned, and requires that driveways be placed adjacent to the property line of a contiguous parcel if possible to do so.

Access to the site is currently provided by a frontage road serving tax lots 1001; a second frontage road serving tax lot 1100; a curb cut driveway off of Coker Butte Road serving tax lot 1100; a second curb cut driveway serving tax lot 1100 off of Crater Lake Ave; a curb cut driveway serving tax lots 1000 and 1001 off of Crater Lake Avenue; and a curb cut driveway serving tax lots 1003 and 1002 off of Crater Lake Avenue. The applicant is now requesting two additional access driveways for the proposed development including a curb cut driveway serving tax lot 1000 off of Coker Butte Road, and a curb cut driveway off of Highway 62 serving tax lots 1000 and 1001.

The subject site, though traversed by two higher-order streets which effectively divide the property into three quadrants, constitutes a single tract of land per the Code. Accordingly, only one driveway access is permitted per the Code for the entire development. Additionally, the property is already served by two lower order streets (public frontage streets maintained by the City); nonconforming with the Code provision restricting driveway access to a higher-order street for a parcel that has access from a lower-order street.

The strict application of the Code would preclude the applicant from being permitted to include the two additional driveways proposed for the development without the approval of an Exception; however, MLDC 10.550(3)(a)(1) grant PUDs the flexibility to deviate from the strict standards of the Code contingent on the applicant's ability to provide a sufficient basis for the

deviation in which the Planning Commission finds will not violate substantive provision of the Oregon Transportation Planning Rule.

The applicant's submitted narrative argues that the subject property being traversed by two higher-order streets, effectively dividing the property into three quadrants, inhibits the PUD from being accommodated by only a single driveway, necessitating relief from the this standard in order to reasonably serve the property. Additionally, the applicant explains that while Highway 62 is currently under the jurisdiction of ODOT which designates the roadway as a Statewide Express, and not subject to the functional classification of the City's Traffic System Plan, representatives from ODOT have stated that no new access would be permitted on Crater Lake Highway 62 until jurisdiction is transferred to the City once the new Expressway is completed. As such, the applicant has agreed to a stipulation that prohibits Highway 62 access until jurisdiction has been transferred to the City.

Staff is supportive of the applicant's request to deviate from the aforementioned access provisions of the Code, as the applicant's submitted Limited Traffic Analysis has been reviewed and approved by the Public Works Department, with the Traffic Engineering Division concurring with the conclusions of the Analysis, finding that there is a benefit to the transportation system in allowing the additional driveways in excess of those permitted by MLDC 10.550 (Exhibit U).

In regards to the Code requirement that driveways be placed adjacent to a contiguous parcel if possible to do so, it is the view of staff that it is not possible for the driveway proposed to serve tax lot 1000 off of Coker Butte Road to be placed adjacent to the property line of a contiguous parcel; therefore, the proposed access is in compliance with that specific clause of MLDC 10.550(3)(a)(1).

Uses Not Otherwise Permitted in the I-L Zone

MLDC 10.230(D)(7)(C) allows that uses not permitted in the underlying zone may, nevertheless, be permitted and approved to occupy up to 20% of the gross area of the PUD. The proposed business park is intended to be developed with a collection of various uses occupying the buildings identified on the PUD plan. Though the applicant intends for the businesses within the PUD to predominately consist of uses permitted in the I-L zoning district, it is also contemplated that potential tenants might desire to place one or more commercial uses on the property along the frontage of Highway 62 which are not permitted in the I-L zone. Accordingly, the applicant is requesting that the 20% use allowance allowed per the Code be approved for the proposed development. When calculated to the entire 14.5-acre site, 20% equals 2.90 acres.

MLDC 10.230(D)(7)(c) states the following:

Use(s) not permitted in the underlying zone may, nevertheless, be permitted and approved to occupy up to 20% of the gross area of the PUD provided that no portion of the use(s), including its parking, is located nearer than 200 feet from the exterior boundary of the PUD. If any portion of the use(s) is nearer than 200 feet from the exterior PUD boundary, then said use(s) shall be considered to be a conditional use and may be approved subject to compliance with the conditional use permit criteria in

Section 10.248. However, this provision shall not apply where the land outside the PUD which is nearer than 200 feet from proposed use(s) is inside a zone in which the proposed use(s) is permitted.

The proposed commercial uses - not permitted in the I-L zone - which may potentially occupy the PUD within 200 feet of the site's exterior boundary in the future, are not known to the applicant at this early stage of development. Nevertheless, the applicant's submitted *Findings of Fact and Conclusions of Law* address the applicable CUP criteria, analyzing - collectively - the full spectrum of commercial uses allowed per the Code that could potentially occupy the buildings identified on the PUD plan in the future, concluding that, in effect, any-and-all proposed commercial uses enclosed within the buildings identified on the PUD plan will be consistent with CUP criterion 1 – complying with PUD criterion 6.

Ideally, the applicant, in requesting the 20% allowance pursuant to MLDC 10.230(D)(7)(c), would identify the specific uses proposed so as to provide the Commission with sufficient information to adequately deliberate on the proposed uses' consistency with the applicable CUP criteria. However, it is staff's view that it is understandable that the applicant may not have this information at this conceptual phase of preliminary PUD plan submittal. Nevertheless, it was staff's initial view that simply preapproving the wholesale allowance for the entire spectrum of commercial uses identified in the Code, without limiting the scope of the uses to - at a minimum - either a specific list of commercial uses or a specific commercial zoning district, was problematic. In the interest of making the request more manageable, staff had recommended to the applicant that the range of commercial uses proposed for the site to be narrowed down to a single commercial zoning district. Staff spoke with the applicant's agent, Craig Stone, and Mr. Stone initially agreed to stipulate to restrict the proposed 20% of non-permitted uses to only uses permitted in the Community Commercial (C-C) zoning district; however, after consulting with the applicant, Mr. Stone subsequently withdrew said stipulation because of a desire of the applicant to maintain a greater degree of flexibility (Exhibit Y).

In reassessing the request, staff has amended its previous position, now concurring with the applicant's findings that, given the unique circumstances of the subject site, the 20% allowance (uses not otherwise permitted in the I-L zone) can indeed encompass the full spectrum of commercial uses allowed per the Code in compliance with the applicable CUP criteria – specifically criterion 1. CUP criterion 1 reads as follows:

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.

In analyzing the broad range of commercial uses, and their compliance with CUP criterion 1 cited above, it's crucial to evaluate the request from two separate standpoints: intensity and consistency.

From an intensity standpoint, we want to insure that all potential commercial development will not cause a significant adverse impact on the surrounding area by allowing a use that is of an incompatible intensity to the abutting or surrounding area. The site's underlying I-L zoning allows for uses that are generally of a greater intensity – in terms of noise, vibration, air

pollution and other nuisances – than the broad range of uses classified as commercial in the Code. Further, while many commercial uses generate greater traffic intensity than those uses permitted in the I-L zone, the site's stipulated trip cap will effectively mitigate any potential adverse impacts on the transportation system which could be created by any potential commercial use proposed for the site in the future.

From a consistency standpoint, we want to insure that all potential commercial development will be appropriate or consistent with the character of the surrounding area. The GLUP designation of the entire site is Commercial (CM) which permits all commercial zoning districts, with the sole exception of the C-S/P (Commercial – Service/ Professional) district. The GLUP Map represents the projected future land use patterns within the City, guiding future development. The 2014 ISA legislative amendment that changed the site's GLUP from Industrial to its current Commercial (CM) designation, identified the surrounding area as trending commercial. As such, it is staff's view that any uses identified in zoning districts permitted in the CM GLUP designation are indeed an appropriate development to the abutting or surrounding area.

While no commercial tenants have yet been identified by the applicant, it is staff's view that the broad range of commercial uses that might occupy the buildings identified on the PUD Concept Plan in the future will not pose the potential for significant adverse impacts to the surrounding area when compared to the impacts of permitted development that is not classified as conditional. Further, all abutting properties currently located within the City are zoned I-L (a use classification generally more intense than those permitted in commercial zones), while tax lot 1001, abutting County EFU zoned land, will provide agricultural buffering sufficient to effectively minimize or mitigate the adverse potential impacts associated with the proximity of urban development abutting the agricultural land. Finally, per MLDC 10.822, commercial businesses, including such uses as restaurants, banks and retail, are already permitted in the I-L zone as special uses (size restriction). As such, the Commission can find that the broad range of uses allowed in commercial zoning districts permitted within the CM GLUP designation comply with CUP criterion 1 as outlined in MLDC 10.248.

Agricultural Buffering

Three of the five tax lots proposed to be incorporated within the PUD, tax lots 1003, 1002 and 1001, share a common boundary of roughly 1,450 feet along the site's easterly and northerly property lines with land located outside of city limits within the Exclusive Farm Use (EFU) zoning District of Jackson County. Tax lot 1001 is proposed to be developed with the initial phase of the PUD, while tax lots 1003 and 1002 are proposed as Reserve Acreage to be planned and developed in the future. The County EFU land sharing the site's easterly property line is located within the UGB and designated as Urban Residential (UR) on the City's GLUP map, and therefore, is not subject to the agricultural mitigation provisions of the Code. The County EFU land sharing the PUD's northerly lot line with tax lots 1003 and 1001 is identified as Urban Reserve (MD-2) and is currently located outside of the UGB, but proposed by the City for inclusion in the UGB, which is currently undergoing amendment. 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.

MLDC 10.801(D)(1) states the following:

(1) Agricultural Classification (Intensive or Passive). For the purposes of this Section, agricultural land is hereby classified as either intensive or passive. Intensive agriculture is defined as farming which is under intensive day-to-day management, and includes fruit orchards and the intensive raising and harvesting of crops or, notwithstanding its current use, has soils of which a majority are class I through IV as determined by the NRCS, has irrigation water available and is outside of the Urban Growth Boundary. Passive agriculture is defined as farming that is not under intensive day-to-day management, and includes land used as pasture for the raising of livestock. The approving authority shall determine whether adjacent agricultural uses are intensive or passive based upon the specific circumstances of each case and the nature of agriculture which exists on the adjacent land zoned EFU or EA at the time the urban development application is filed and accepted by the City.

Per MLDC 10.801(C), the applicant has included an Agricultural Impact Assessment (AIA) Report (Exhibit I) consistent with requirements of MLDC 10.801(A-E). Pursuant to the aforementioned Code, mitigation along the PUD's easterly border is not required, as the adjoining EFU County land is located within the UGB; however, the County EFU land sharing a common boundary along the PUD's northerly lot line is subject to the standards for agricultural mitigation, as the land is currently located outside of the UGB. Of the two tax lots located along the PUD's northerly boundary, only one is located within the initial phase of the development, tax lot 1001, while tax lot 1003 is identified as Reserve Acreage on the Preliminary PUD Plan. Accordingly, the applicant is proposing mitigation solely along the northerly lot line of tax lot 1001 with this application, while stipulating to provide a supplemental AIA report when the PUD's Reserve Acreage is submitted for Preliminary PUD Plan approval in the future.

The submitted AIA finds that the County EFU land (TL 902) abutting tax lot 1001 to the north, is not under intensive day-to-day management; however, the parcel does have soils which the NRCS has determined are a majority class I through IV, has irrigation water available, and is outside of the UGB. Since the abutting EFU land is not under intensive day-to-day management, the mitigation plan proposed for the PUD complies with the standards for Passive Agriculture; however, the AIA does concede that the subject property does meet the definitions for both intensive and passive agriculture (landscaping in addition to fencing is the only additional requirement for intensive agriculture buffering), with the applicant stipulating to accommodate the additional landscaping in the event that the Commission determines that the adjacent EFU land constitutes "intensive" agriculture.

Mitigation standards for properties abutting Passive Agricultural land require that measures 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. These measures include the following: the construction of a fence or masonry wall to serve as a buffer between the uses; a Deed Declaration identifying the maintenance and care responsibilities for the agricultural

buffer consistent with the requirements outlined in MLDC 10.801(D)(2)(c); and irrigation runoff mitigation.

The submitted PUD Concept Plan shows the buildings directly along the northerly boundary of the PUD within tax lot 1001. As such, the applicant is proposing to install the requisite fencing between the breaks of the buildings, as the proposed buildings do not form a continuous barrier. The AIA states, "The combination of buildings and fencing will appropriately mitigate any potential for agricultural impacts to the subject property or from the subject property to the adjacent EFU land." The AIA additionally states that the applicant agrees to stipulate to all other requirements for land abutting EFU land classified as Passive Agriculture, including, recordation of a Deed Declaration in accordance with 10.801(D)(3)(a), and assumption of management responsibilities to control any irrigation runoff. Additionally, the applicant stipulates to accommodate the additional landscaping in the event that the Commission determines that adjacent EFU land constitutes "intensive" agriculture; however, the AIA stipulations include the caveat that any such requirement should be automatically negated if the adjacent tax lot 902 is incorporated into the UGB prior the proposed PUD buildings being constructed.

Staff concurs with the applicant's findings that the mitigation provisions identified for Passive Agriculture as identified in the Code, including the use of the exterior walls of the proposed buildings along the northerly boundary of the PUD, are sufficient to effectively minimize or mitigate the adverse potential impacts associated with the proximity of urban and agricultural land uses. The fact that the subject EFU land is identified as a future urbanizable area in the City's Comprehensive Plan further illustrates the lack of need for "intensive" mitigation measures to be employed on the subject site. Staff further concurs with the applicant's stipulation stating that in the event that the Commission determines that Intensive Agriculture mitigation standards are indeed necessary, that such requirement is removed if the adjacent EFU land (tax lot 902) is incorporated into the UGB before the proposed PUD buildings are constructed.

Traffic Impact Analysis (TIA)

MLDC 10.461(3) requires a Traffic Impact Analysis (TIA) to be conducted to evaluate development impacts to the transportation system if a proposed application has the potential of generating more than 250 net average daily trips (ADT) or the Public Works Department has concerns due to operations or accident history. Public Works determined that a Limited Traffic Analysis was required to evaluate all existing and proposed access points and intersections of Coker Butte Road / OR 62 and Coker Butte Road / Crater Lake Avenue (Exhibit R). A Limited Traffic Analysis was prepared by Southern Oregon Transportation Engineering (SOTE), and submitted to Public Works on February 7, 2017 (Exhibit Q).

In response to Public Work's initial review of the submitted Limited Traffic Analysis which stated that per the Code only driveways 5 and 6 are allowed and requested that the analysis provide justification for the approval of the additional driveways addressing the criteria in 10.550(3)(c)(4), SOTE resubmitted an Analysis addressing each issue. In the applicant's resubmittal (Exhibit S) addressing the itemized issues expressed by Public Works, the analysis

argued that the additional driveways' value to the transportation system can be seen in reducing unnecessary trips through the intersections of Coker Butte / Crater Lake Avenue and Coker Butte / OR 62, as well as dispersing development impacts through three access points rather than loading one location.

The revised Analysis was found to adequately address the concerns expressed by Public Works in their initial review, and the Traffic Engineering division of the Public Works Department recommends approval of the submitted Limited Traffic Analysis (Exhibit T).

Public Improvements

Per the agency comments submitted to staff (Exhibits J-L), including Rogue Valley Sewer Services (RVSS) (Exhibit P), it can be found that there are adequate facilities to serve the PUD.

Committee Comments

No comments were received from committees such as BPAC.

Other Agency Comments

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

Federal Aviation Administration (FAA): Requests the applicant submit an FAA Form 7460 (Exhibit M).

FINDINGS AND CONCLUSIONS

Staff has reviewed the applicant's Findings of Fact and Conclusions of Law (Exhibit H) and recommends the Commission adopt the findings, along with the applicant's associated *Stipulations and Acknowledgements*, with the following modifications:

- In order to meet compliance with criterion 1 for the Preliminary PUD Plan pursuant to MLDC 10.235(D)(1)(d) as identified in the applicant's submitted *Findings of Fact and Conclusions of Law*, the applicant will be required to comply with the following condition of approval prior to final plan approval:

Submit to staff legal documentation confirming approval for the creation of a non-residential condominium by the State of Oregon Real Estate Commissioner for the subject PUD consistent with the requirements of the Oregon Condominium Act (ORS 100.660), along with a copy of the recorded declaration and plat recorded in the official records of Jackson County, and any other applicable submittals required per MLDC 10.230(E); or gain final

plat approval from the Planning Director for the establishment of a pad lot development consistent with the requirements outlined in MLDC 10.703.

- In order to comply with *Baker V Milwaukee*, Light-Industrial uses shall be allowed to be developed on the site, but limited to the those specific uses expressly approved by the Planning Commission based on their determination that said uses are of equal or less intensity to those uses allowed in commercial zoning districts permitted in the Commercial (CM) GLUP.
- The approval of final landscaping plans and architectural plans within each phase of the development shall be deferred to the Site Plan & Architectural Commission.

RECOMMENDED ACTION

Adopt the modified findings as recommended by staff and direct staff to prepare a Final Order for approval of PUD-17-023 per the staff report dated July 27, 2017, including Exhibits A through Y.

EXHIBITS

- A-1** Conditions of Approval, drafted July 20, 2017.
- B PUD Concept Plan, received June 28, 2017.
- C Accessor's Map, received February 10, 2017.
- D Landscape Plan, received February 10, 2017.
- E Aerial Map, received February 10, 2017.
- F Zoning Map, received February 10, 2017.
- G Trip Cap Map, received February 10, 2017.
- H Applicant's Findings of Fact and Conclusions of Law, received February 10, 2017.
- I Agricultural Impact Analysis report, received February 15, 2017.
- J Public Works Report, received May 31, 2017.
- K Medford Water Commission report, received May 17, 2017.
- L Medford Fire Department report, received May 17, 2017.
- M FAA email, received April 4, 2017.
- N Rogue Valley International – Medford Airport email, received March 29, 2017.
- O Jackson County Roads email, received May 9, 2017
- P RVSS email, received March 19, 2017.
- Q Limited Traffic Analysis (cover sheet/executive summary only), received February 10, 2017.
- R Public Works initial Limited Traffic Analysis review, drafted October 18, 2016.
- S Applicant response to Public Works Limited Traffic Study Submittal, drafted April 6, 2017.
- T Public Works memo approving Limited Traffic Analysis, drafted April 14, 2017.
- U ODOT application, received February 10, 2017.
- V ODOT letter to applicant, received February 10, 2017.

- W Legal description of property, received February 10, 2017.
- X Memo from applicant listing prohibited uses within the PUD, received June 2, 2017.
- Y **Memo from applicant with updated findings, received July 5, 2017.**
Vicinity Map

PLANNING COMMISSION AGENDA:

JULY 27, 2017

EXHIBIT A-1

Coker Butte Business Park
PUD-17-023
Conditions of Approval
July 20, 2017

DISCRETIONARY CONDITIONS

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

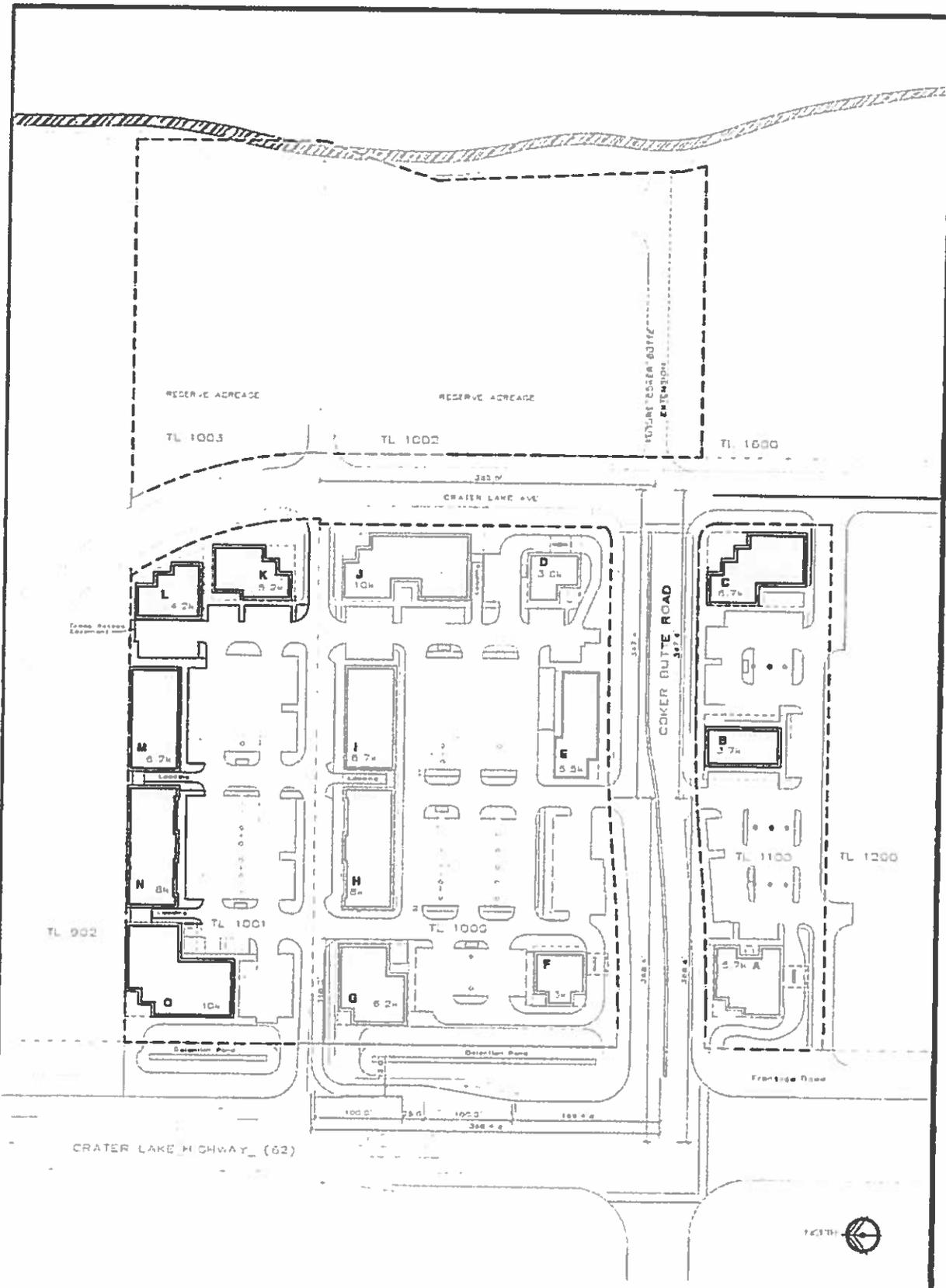
Prior to final plan approval, the applicant shall:

1. Submit to staff legal documentation confirming approval for the creation of a non-residential condominium by the State of Oregon Real Estate Commissioner for the subject PUD consistent with the requirements of the Oregon Condominium Act (ORS 100.660), along with a copy of the recorded declaration and plat recorded in the official records of Jackson County; or gain tentative plat approval from the Planning Commission for the establishment of a pad lot development consistent with the requirements outlined in MLDC 10.703.
2. Provide staff with a copy of documentation recorded in the official records of Jackson County declaring as a restrictive covenant upon the lands located within the PUD the following prohibited land uses as found in the Medford land Development Code (MLDC) 10.337:
 - A. 003 Marijuana Related Business
 - B. All Uses in the Agriculture Division 01 and 02
 - C. 29 Petroleum and Coal Products
 - D. 376 Guided Missiles, Space Vehicles (but not to exclude Parts)
 - E. 423 Trucking Terminal Facilities
 - F. 45 Transportation by Air
 - G. 822 Colleges and Universities
3. The approval of final landscaping plans and architectural plan shall be deferred to the Site Plan & Architectural Commission for each phase of the development.

CODE REQUIRED CONDITIONS

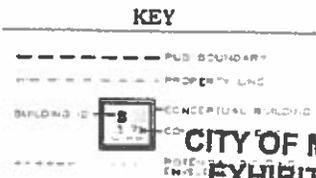
Prior to the issuance of a building permit for vertical construction, the applicant shall:

1. Comply with all conditions stipulated by the Medford Water Commission (Exhibit K).
2. Comply with all conditions stipulated by the Public Works Department (J).
3. Comply with all requirements of the Medford Fire Department (Exhibit L).
4. Comply with all conditions stipulated by the Rogue Valley Sewer Services (Exhibit P).



DATE: 06/07/17
 10481 - 11100

PUD CONCEPT PLAN
COKER BUTTE BUSINESS PARK
Hwy 62 & Coker Butte Rd.
 City of Medford
 Planning Department
 11100 Hwy 62, Medford, OR 97504



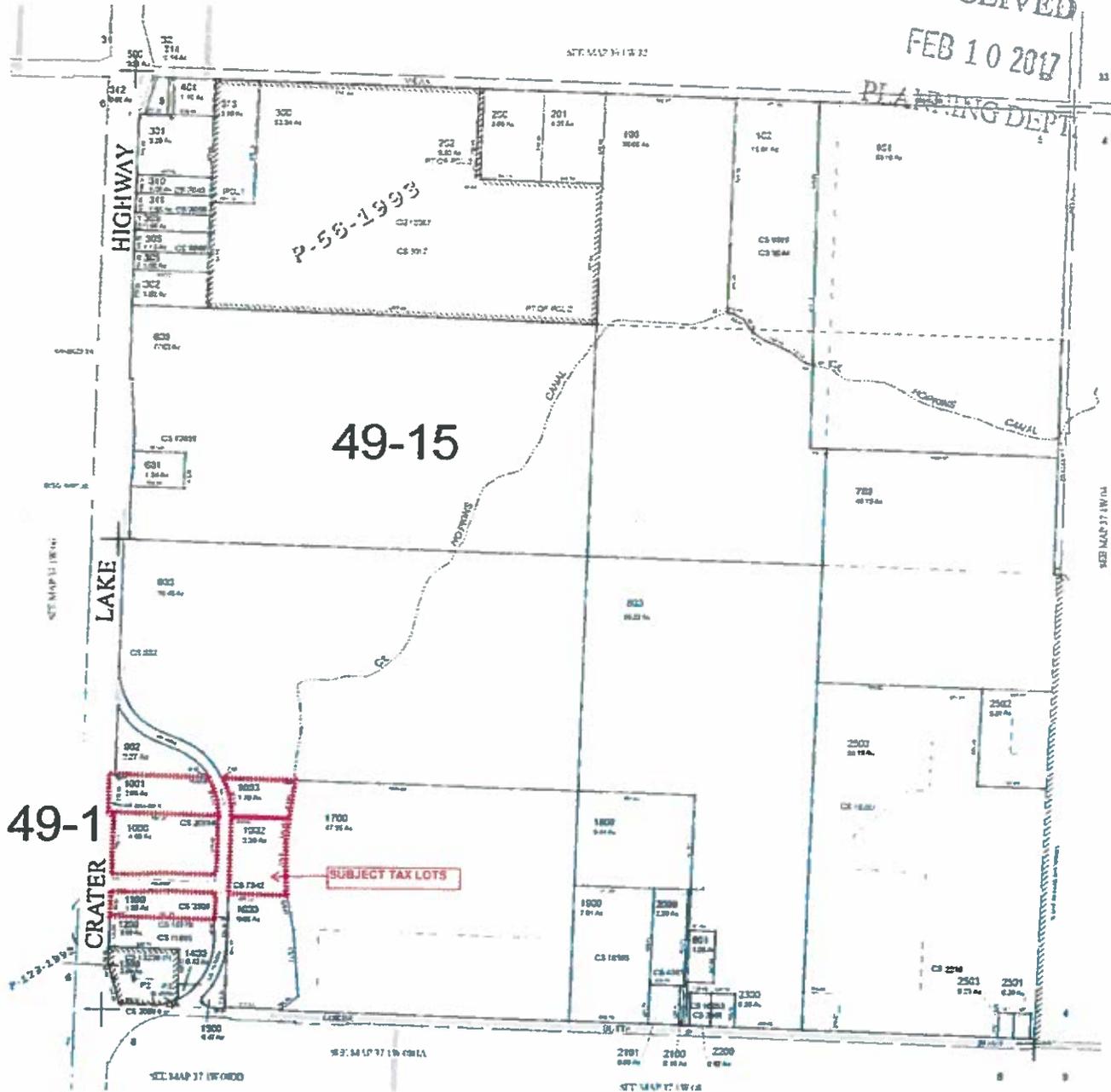
CITY OF MEDFORD
EXHIBIT # B
File # PUD-17-023

SECTION 5, T.37S., R.1W., W.M.
JACKSON COUNTY
1" = 400'

FOR ASSESSMENT AND
TAXES (P. 17)

RECEIVED
FEB 10 2017

PLANNING DEPT



Subject Lots

Assessor's Map

Table Rock Holdings, LLC /
Coker Butte Properties, LLC
PUD

37S-1W-5 tax lots 1000, 1001, 1002, 1003, 1100



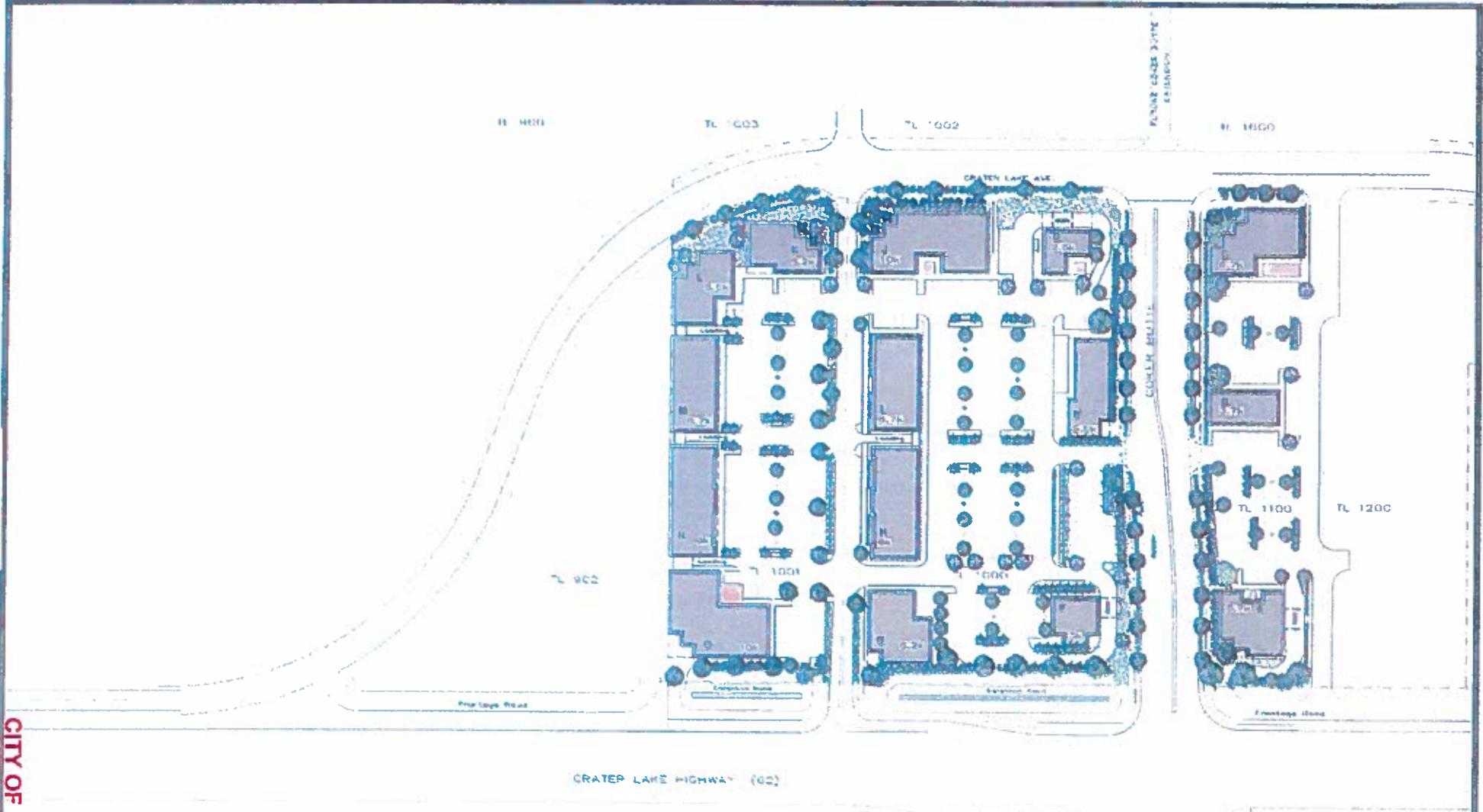
CSA Planning, Ltd.



CITY OF MEDFORD

EXHIBIT # C

File # PUD-17-023

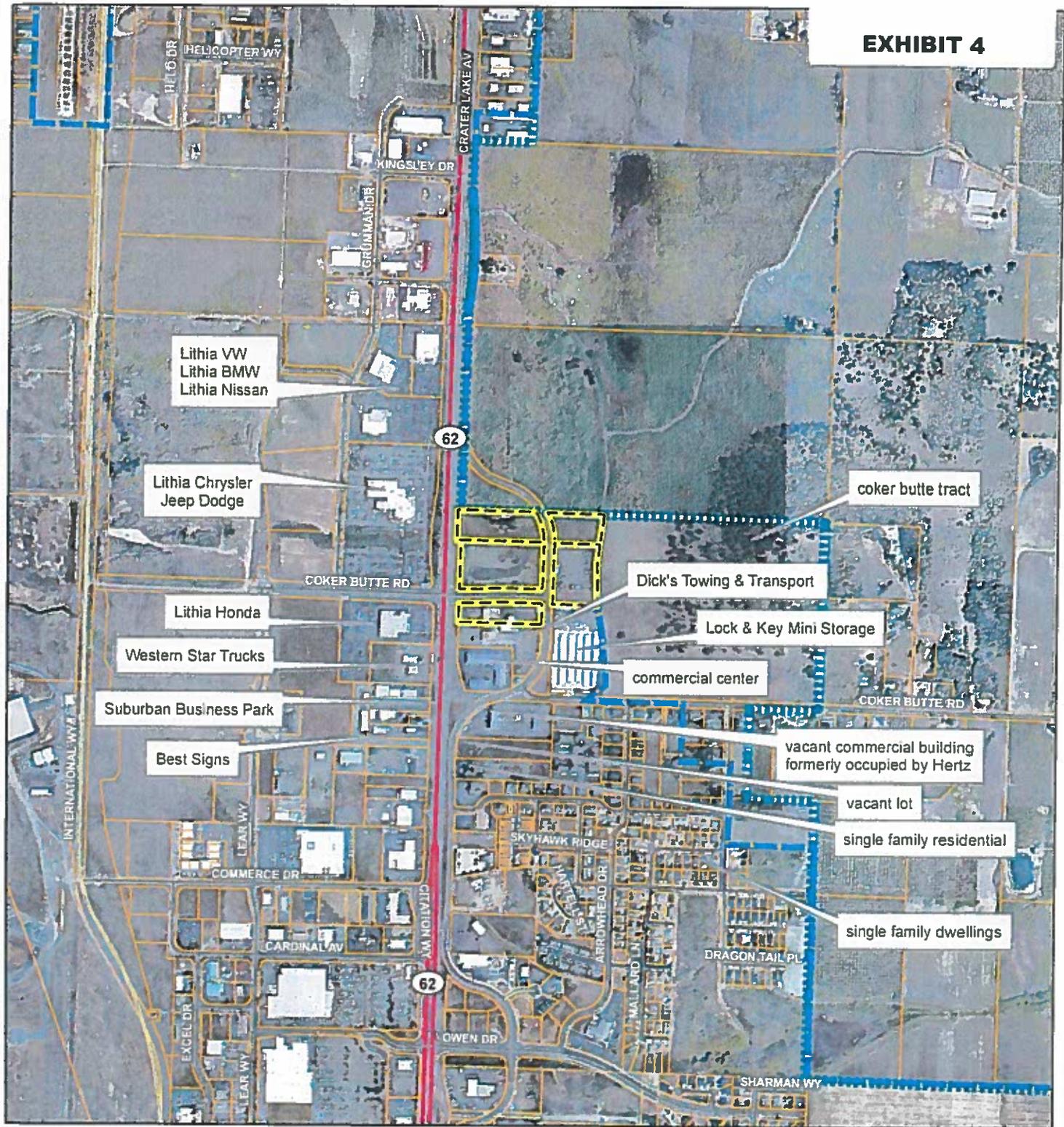


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LANDSCAPE PLAN
COKER BUTTE BUSINESS PARK
Hwy 62 & Coker Butte Rd.

Coker Butte Properties, LLC TL 1000 TL 1001 & TL 1002 157 W. 05th
 Crater Lake Business Properties TL 1003 TL 1004 157 W. 05th



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

Vicinity Map with Existing Land Uses on Aerial

Table Rock Holdings, LLC /
 Coker Butte Properties, LLC
 PUD
 37S-1W-5 tax lots 1000, 1001, 1002, 1003, 1100

FEB 10 2017

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CITY OF MEDFORD



2016 Aerial

- Subject Lots
- City Limits
- Urban Growth Boundary
- Medford Zoning
- Tax Lots

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Zoning Map

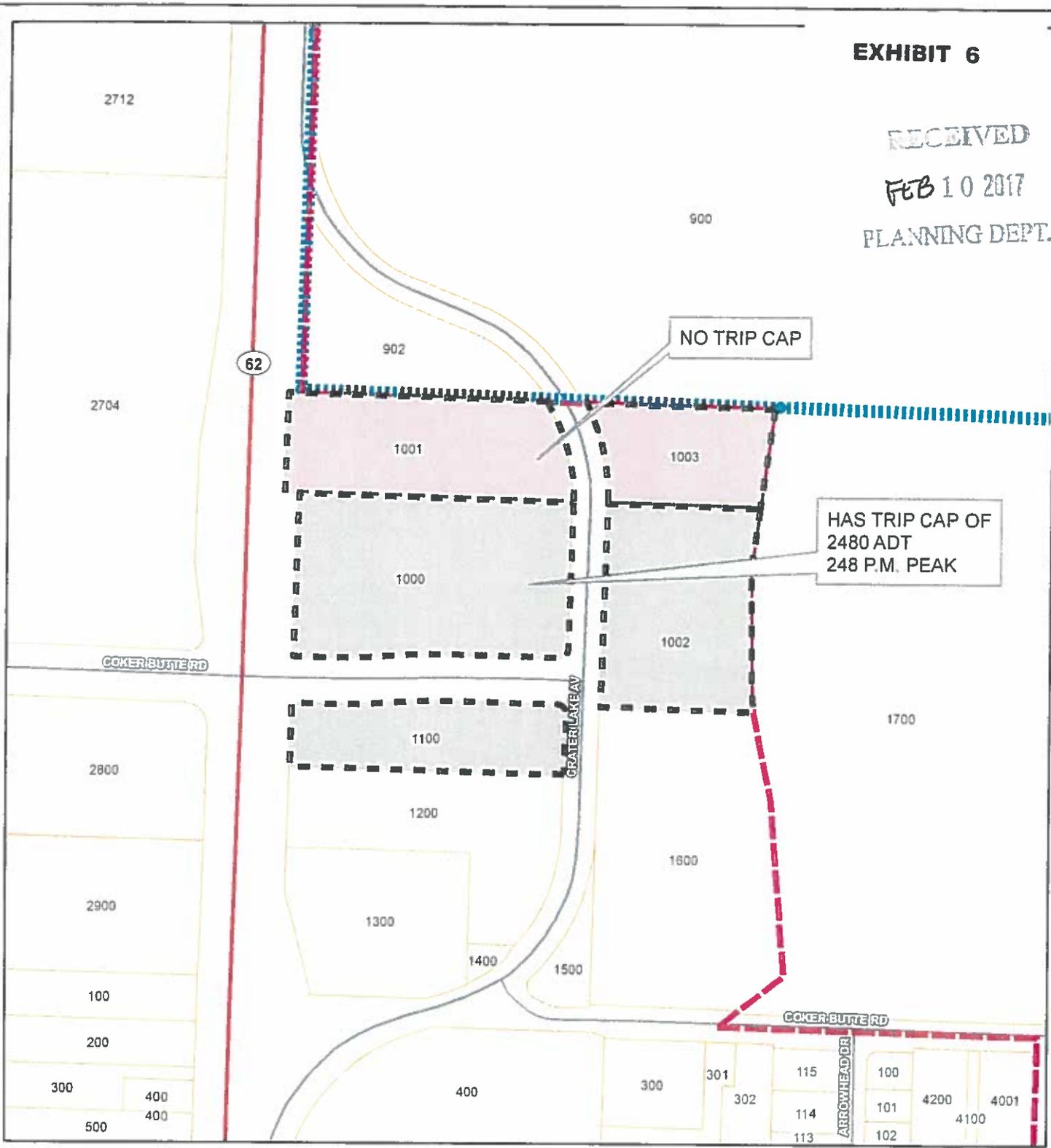
Table Rock Holdings, LLC /
Coker Butte Properties, LLC
PLANNING DEPT.
PUD
37S-1W-5 tax lots 1000, 1001, 1002, 1003, 1100

CSA Planning, Ltd.

CITY OF MEDFORD

Source: City of Medford GIS Data, Jackson County GIS

RECEIVED
FEB 10 2017
PLANNING DEPT.

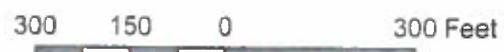


-  Land Subject to an Existing Trip Cap
-  Land with No Trip Cap
-  City Limits
-  Urban Growth Boundary
-  Tax Lots

Trip Cap Map

Table Rock Holdings, LLC /
Coker Butte Properties, LLC
PUD
37S-1W-5 tax lots 1000, 1001, 1002, 1003, 1100





CSA Planning, Ltd. **CITY OF MEDFORD**

02-07-2017 Source: City of Medford GIS, Jackson County GIS

RECEIVED
FEB 10 2017
PLANNING DEPT.

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

IN THE MATTER OF AN APPLICATION)
FOR AN INDUSTRIAL PLANNED UNIT)
DEVELOPMENT ON 5 TAX LOTS)
LOCATED ON THE NORTH AND SOUTH)
SIDES OF COKER BUTTE ROAD, AND)
THE EAST AND WEST SIDES OF)
CRATER LAKE AVENUE AND)
FRONTING UPON CRATER LAKE)
HIGHWAY 62 WITHIN AND ABUTTING)
THE CORPORATE LIMITS OF THE CITY)
OF MEDFORD AND WITHIN ITS URBAN)
GROWTH BOUNDARY)

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

Applicant's Exhibit 1

Owner/Applicant:)
Coker Butte Properties, LLC and Table)
Rock Holdings, LLC)
Agent: CSA Planning, Ltd.)

NATURE AND SCOPE OF APPLICATION
PUD PROJECT RATIONALE

This matter involves a Preliminary Planned Unit Development (PUD) Plan application that seeks approval to create Business Park PUD. The Project's preliminary name is the *Coker Butte Business Park*. The Project has been planned, in its initial phases, to be held and managed by a single owner. The owners would be responsible for all aspects of the Project's management, including the maintenance of common off-street parking areas, landscaping, lighting, fencing, signing, security features and other appurtenances. The Project is ultimately intended for conversion to Unit Ownership pursuant to the Oregon Condominium Act.¹ The Project represents a significant redevelopment opportunity as this land is presently used for the outdoor storage of large garbage receptacles such as dumpsters. The property is also periodically used for parking vehicles and equipment used by Rogue Disposal & Recycling, Inc. in connection with its business. An existing building on the property is used to maintain and repair dumpsters and other equipment. The PUD envisions a redevelopment that would relocate the functions presently occurring on the property to a different location in White City, and replacing these with the improvements shown on the Preliminary PUD Plan.

¹ It could also later be partitioned into Pad Lots consistent with the MLDC, which would permit buildings to be sold but have the common facilities managed by an Association of Owners.



The PUD land is located on the east side of Crater Lake Highway 62 at its intersection with Coker Butte Road. However, the Project is unique in that it exists in three quadrants divided by arterial and collector streets (while also fronting upon Crater Lake Highway 62). The PUD property comprises 14.5 acres in five tax lots. The application is proffered by the owners of the property: Coker Butte Properties LLC and Table Rock Holdings LLC, hereinafter "Applicant."

Coker Butte Business Park is designed to serve office and light industrial enterprises operating from enclosed buildings that will offer attractive office-like storefronts served by facilities for heavier shipping and loading for several of the buildings. The Project is designed to also attract and operate alongside supporting commercial services such as banks and restaurants on the sites most highly visible from Highway 62. The same is hoped to produce an attractive project with its most attractive buildings facing the direction of highest community visibility. Views of the property from Highway 62 are through a depressed open area designed for stormwater detention that can be expanded to serve a significant portion of the property. Applicant intends to landscape its portion of the detention area in ways that are attractive but do not alter the facilities' function to temporarily detain stormwater. Applicant will coordinate its landscaping with ODOT pursuant to an agreement between Applicant and ODOT regarding Applicant's use of the detention facilities and which contains a landscaping plan already approved by ODOT See, Exhibit 10.

Through this PUD application, Applicant seeks to deliver enhanced site access that is beneficial for nearby intersection operations. Based upon expert traffic analysis, the Project accomplishes both objectives. Zoned Light Industrial (I-L) the buildings would be occupied by uses that are permissible in that zone. However, Applicant through this PUD seeks greater flexibility regarding the range of uses that can occupy the planned buildings. The PUD ordinance — Sections 10.230 through 10.245 of the Medford Land Development Code (MLDC) — permits up to 20 percent of the PUD area to be occupied by uses not otherwise allowed in the zone (in this instance, the I-L zone). Fronting upon three major streets, the property's prominent visibility underscores its greater potential and drives Applicant's desire to produce an attractive project. Applicant believes that accommodating a broader range of commercial uses will complement light industrial and commercial uses permitted within Medford's I-L zone and which would occupy the remaining 80 percent of the property. Applicant believes broadening the range of permissible commercial uses and providing enhanced access in ways that improve traffic operations at the nearby intersections of arterial and collector streets and a State highway, are worthy objectives best accomplished as a comprehensively planned project by and through the City's PUD process.

By way of history, redevelopment planning for the subject property began in 2001 and 2008, project planning for the realignment of Coker Butte Road Crater Lake Avenue commenced. Funding for this joint ODOT/City of Medford project was secured from the State of Oregon. However due to unanticipated project cost escalation Table Rock Holdings, Lithia Properties, the Oregon Department of Transportation (ODOT), the City of Medford and Jackson County developed and participated in a private public partnership to enable funding the Coker Butte project to facilitate its construction.

As a result of project construction timing, ODOT's Statewide Expressway designation of this portion of Highway 62 prevented its direct access to the subject property Applicant's original



plans planned redevelopment would have sought once the Expressway designation were to be removed in the future. Given timing constraints, TRH agreed to accept what it deemed to be inferior access to the parcels created by the Project and would seek the access being requested in the future. Under terms of a land donation commitment to the City of Medford, Table Rock Holdings agreed to donate (without reimbursement) all right-of-way on its properties sufficient to provide for both Coker Butte Road and Crater Lake Avenue realignments, as they exist today. Table Rock Holdings (Applicant) now, in recognition of its participation in the development of this regional transportation asset, seeks conditional access to Highway 62 as explained herein.

II

EVIDENCE SUBMITTED WITH APPLICATION

Applicant has submitted the following evidence with its application for Preliminary PUD Plan:

- Exhibit 1.** The proposed Findings of Fact and Conclusions of Law (this document) demonstrating how the modified Preliminary PUD Plan and Land Division applications comply with the applicable substantive criteria of the MLDC
- Exhibit 2.** Applicant's PUD Plans, which include:
 - A. Preliminary PUD Plan
 - B. Preliminary Landscape Plan
 - C. Preliminary PUD Plan containing key dimensions
- Exhibit 3.** Assessor's plat maps T37S-R1W-Section28A and T37S-R1W-Section28AA which depicts the subject properties
- Exhibit 4.** Vicinity Map with Existing Land Uses on Aerial Photograph Map
- Exhibit 5.** City of Medford Zoning shown on Aerial Photograph Map
- Exhibit 6.** Trip Cap Map (map shows land subject to an existing Trip Cap)
- Exhibit 7.** Traffic Impact Analysis prepared by Southern Oregon Transportation Engineering, LLC
- Exhibit 8.** ODOT Letter of May 23, 2016
- Exhibit 9.** Neighborhood Meeting Certificate of Mailing and Neighborhood Meeting Verification forms
- Exhibit 10.** ODOT Agreement dated February 11, 2011 governing shared use of stormwater detention facilities and detention facilities landscape plan
- Exhibit 11.** Completed Preliminary PUD application form including a duly authorized Power of Attorney authorizing CSA Planning, Ltd. to act procedurally on behalf of Applicant Coker-Butte, LLC and Table Rock Holdings LLC.



III

RELEVANT SUBSTANTIVE APPROVAL CRITERIA

Criteria underpinning consideration of this application for Preliminary PUD Plan are in Section 10.235 of the Medford Land Development Code (MLDC). The approval criteria for this application are recited verbatim below and again in Section V where each is followed by the conclusions of law, which Applicant offers on behalf of the Planning Commission:

MLDC 10.235 PRELIMINARY PUD PLAN - APPLICATION PROCEDURES

- D. **Approval Criteria for Preliminary PUD Plan:** The Planning Commission shall approve a Preliminary PUD if it concludes that compliance exists with each of the following criteria:
1. The proposed PUD
 - a. preserves an important natural feature of the land, or
 - b. includes a mixture of residential and commercial land uses, or
 - c. includes a mixture of housing types in residential areas, or
 - d. includes open space, common areas, or other elements intended for common ownership, or
 - e. is otherwise required by the Medford Land Development Code.
 2. The proposed PUD complies with the applicable requirements of this Code, or
 - a. the proposed modified applications of the Code are related specifically to the implementation of the rationale for the PUD as described in Section 10.235(B)(3)(a), and
 - b. the proposed modifications enhance the development as a whole resulting in a more creative and desirable project, and
 - c. the proposed modifications to the limitations, restrictions, and design standards of this Code will not materially impair the function, safety, or efficiency of the circulations system or the development as a whole.
 3. The property is not subject to any of the following measures or if subject thereto the PUD can be approved under the standards and criteria thereunder:
 - a. Moratorium on Construction or Land Development pursuant to ORS 197.505 through 197.540, as amended.
 - b. Public Facilities Strategy pursuant to ORS 197.768 as amended.
 - c. Limited Service Area adopted as part of the Medford Comprehensive Plan.
 4. The location, size, shape and character of all common elements in the PUD are appropriate for their intended use and function.
 5. If the Preliminary PUD Plan includes uses not allowed in the underlying zone pursuant to Subsection 10.230(D)(7)(c), the applicant shall alternatively demonstrate that either: 1) demands for the Category "A" public facilities listed below are equivalent or less than for one or more permitted use listed for the underlying zone, or 2) the property can be supplied by the time of development with the following Category "A" public facilities which can be supplied in sufficient condition and capacity to support development of the proposed use:
 - a. Public sanitary sewerage collection and treatment facilities.
 - b. Public domestic water distribution and treatment facilities
 - c. Storm drainage facilities.
 - d. Public streets.

Determination of compliance with this criterion shall be based on standards of public facility adequacy as set forth in this Code and in goals and policies of the comprehensive plan which by their language and context function as approval criteria for comprehensive plan amendments, zone changes or new development. In instances where the Planning Commission determines that there is insufficient public facility capacity to support the development of a particular use, nothing in this criterion shall prevent the approval of early phases of a phased PUD which can be supplied with adequate public facilities.
 6. If the Preliminary PUD Plan includes uses proposed under Subsection 10.230(D)(7)(c), approval of the PUD shall also be subject to compliance with the conditional use permit criteria in Section 10.248.
 7. If approval of the PUD application includes the division of land or the approval of other concurrent development permit applications as authorized in Subsection 10.230(C), approval of the PUD shall also be subject to compliance with the substantive approval criteria in Article II for each of the additional development applications.



IV

FINDINGS OF FACT

Applicant has offered and the Planning Commission reaches the following facts and finds them to be true with respect to this matter:

- 1. Subject Property Ownership and Authorization; Property Description:** The subject property is comprised of three tracts² and five tax lots. The three tracts are separately owned by Coker Butte Properties LLC and Table Rock Holdings LLC, which below appear in this matter singularly below as “Applicant.” Tract A is comprised of Tax Lots 1000 and 1002. Tract B is comprised of Tax Lots 1001 and 1003. Tract C is comprised of Tax Lot 1100. The ownership and size of the various parcels and tracts is reported in below Table 1 and referred to variously hereinafter as the “subject property,” the “PUD” or “the Project.”

Table 1
Ownership, Description and Acreage of Subject Property

Sources: Jackson County Assessor; CSA Planning, Ltd. (GIS Division)

Property Ownership	Tax Lot	Acreage
TRACT A		
Coker Butte Properties LLC	1000	4.60
Coker Butte Properties LLC	1002	3.20
TRACT B		
Table Rock Holdings LLC	1001	2.96
Table Rock Holdings LLC	1003	1.76
TRACT C		
Coker Butte Properties LLC	1100	1.98
TOTAL		14.50

Applicant’s tract was divided by the reconfiguration of Crater Lake Avenue at Coker Butte Road. Applicant’s land located east of Crater Lake Avenue is a part of this PUD although its 4.96 acres is denoted as Reserve Acreage in this application for reasons later explained.

This application has been duly authorized by Applicant who has further authorized the application to be represented by CSA Planning, Ltd. and a Power of Attorney to that effect is included as part of Exhibit 11.

- 2. Property Location and Jurisdiction:** The property is located on both sides of Coker Butte Road between Crater Lake Highway 62 and Crater Lake Avenue. The land has been annexed to and is inside the corporate limits of the City of Medford and is within its UGB. As such, land use activities are subject to the laws and regulations of the City of Medford.

² Pursuant to definition in the MLDC the subject property (even though segregated by major streets) is considered a single tract.



including its Land Development Ordinance called the Medford Land Development Code (MLDC) within which is contained the PUD Ordinance comprised of MLDC Section 10.230 through 10.245.

Crater Lake Highway 62, a State Highway, is presently classified as a Statewide Expressway, a classification that carries with it highly restrictive access standards. A new expressway is now being built along a route formerly known as the Medco Haul Road. The new expressway is intended to replace the present function of Highway 62 as an expressway. Completion of the new expressway will in turn trigger two things that have an important bearing on this project: 1) The highway segment which includes the subject property, will be changed from its present Statewide Expressway classification to one anticipated that will accommodate Applicant's access plan. In its letter (Exhibit 8) ODOT expressed no objection to the Highway 62 access plan proposed for this PUD. 2) Completion of the expressway is expected to result in an exchange of jurisdiction, after which this segment of Highway 62 would be owned and controlled by the City of Medford. Applicant has agreed to stipulate that the Highway 62 driveway access it has requested in this application (and shown on the Preliminary PUD Plans), cannot be used unless and until both the State highway designation is changed by the State and jurisdiction, with the City's consent, has been transferred. See Applicant's stipulation in Section VI.

3. **Prior Land Use Actions, Comprehensive Plan and Zoning Designations:** In 2008, the subject property was annexed to the City of Medford and rezoned from Jackson County's Light Industrial zone to Medford's Light Industrial (I-L) zone. The property is additionally denoted on the official zoning map as RZ, which signifies that a traffic Trip Cap³ was applied to a portion of the property as part of an earlier land use action. In 2016, the City concluded work on the Internal Study Area phase of its larger Urban Growth Boundary (UGB) amendment process. The same culminated in a legislative amendment to Medford's General Land Use Map (GLUP) that affected roughly 800 acres, including the subject property, which was changed to Commercial. The Commercial designation is not incompatible⁴ with the property's I-L zoning because the industrial uses contemplated for this Business Park PUD and those permitted in an I-L zone, by nearly all measures, are similar or *less* intensive than the broad range of retail and service commercial uses that are permitted under the Commercial GLUP designation. This is clearly the case when intensity is measured by traffic loading as it is well known that commercial uses on whole produce greater traffic loading than light industrial uses. The same is evidenced by the disparate average traffic loading multipliers⁵ applied by the city to land in commercial versus

³ A trip cap signifies that only a certain amount of traffic can be produced by a given tract of land. The same is typically imposed with an owner's consent at the time a property is rezoned. A trip cap can also (or in addition) be imposed when the GLUP designation of a property is changed. In this instance, the trip cap was imposed when the property was rezoned.

⁴ In 1975 the Oregon Supreme Court decision in *Baker v. City of Milwaukie*, 271 Or 500, 533 P2d 772 (1975) held that: " * * * a zoning ordinance which allows a more intensive use than that prescribed in the [comprehensive] plan must fail."

⁵ The multiplier described here is the average amount of daily traffic which is then multiplied by the acreage. The City applies a multiplier of 1,500 average trips per acre for commercial land and only 200 average trips per acre for industrial land.



industrial categories where the multipliers for commercial traffic generation are several times higher.

4. **Existing Use of Subject Property:** Tax lots 1000, 1002 and 1100 are now used by Rogue Disposal & Recycling, Inc. primarily for the storage and maintenance of dumpsters, other garbage receptacle equipment in connection with its business. The existing building located on Tax Lot 1100 is used to maintain the containers in serviceable condition for use by Rogue Disposal's customers. As the subject property develops in accord with this PUD plan, Rogue Disposal's uses and facilities will be relocated to a different site, most likely to its Transfer Station in White City.

Tax Lot 1001 was once occupied by a dwelling. The dwelling was demolished and Tax Lot 1001, along with Tax Lot 1003 lying east of Crater Lake Avenue is vacant.

5. **Surrounding Area:** Applicant's Exhibit 4 is an aerial photograph which shows the location of existing lands and land uses that abut and surround the subject property and which constitute the Surrounding Area⁶ which is coincidental to the area entitled to notice under the MLDC:

North: The northern boundary of the subject property coincides with Medford's present corporate limits and UGB. Property immediately adjacent to the north is vacant, at a higher elevation than the majority of the subject property and served by Crater Lake Avenue and a highway frontage road. The land is zoned Exclusive Farm Use (EFU) by Jackson County. The property never appears to have been farmed and exists as part of a larger tract now being considered for inclusion in Medford's UGB.

East: The easterly boundary of the subject property is collinear with Medford's present corporate limits and Urban Growth Boundary (UGB). The subject property is also bordered on the east by the Medford Irrigation District's Hopkins Canal. The large tract east and beyond the canal is zoned Exclusive Farm Use (EFU) appears to be used for seasonal livestock grazing and has two dwellings. This parcel is inside the UGB. To the southeast is a mini-storage and truck/trailer rental facility; truck and trailer parking are on the land directly across subject property Tax Lot 1100.

South: Land to the south contains a variety of light industrial and retail uses. The abutting parcel is headquarters for Dick's Towing, a local tow truck operator and contains multiple buildings and a large area used for parking and outdoor storage. Further to the south is a small shopping center and Hertz automobile sales lot. To the southeast is a large mini-storage facility and south of it heavy commercial uses and single family dwellings, which are located south of Coker Butte Road.

⁶ Surrounding Area is a term used in Medford's CUP Ordinance to denote the area within which impacts should be analyzed. The Surrounding Area is typically the area entitled to receive public notice for land use and development actions. For PUD's the notice area includes the parcels located 200 feet (from the subject property) increasing as needed in 50-foot increments to capture not less than 75 parcels.



West: The subject property is bordered on the west by Highway 62. Across the highway are well-established and attractive new automobile dealerships which extend an appreciable distance to the north. There is a commercial truck sales and service facility further south on the west side of the highway.

6. **Topography:** The natural grade of the subject property is such that it slopes and drains from northeast to southwest. There is a more substantial grade change at/near the subject property's north boundary.
7. **Description of the Planned Unit Development (PUD) and Rationale:** The PUD Ordinance requires Applicant to furnish a description and rationale for the PUD. The same is contained in Section I above and incorporated again here as Applicant's testimony.
8. **Off-Street Parking and Landscaping:** The PUD buildings total approximately 93,400 square feet and 409 off-street parking stalls are proposed, providing one stall per each 229 square feet of planned building area. The amounts of parking area and general landscaping are reported in below Tables 3 and 4. As earlier explained, the Preliminary Landscaping Plan in Exhibit 2(B) is conceptual and only intended to distinguish areas of the property devoted to landscaping and showing trees, shrubs and groundcover without reference to species, variety or number. Final landscaping plans to be submitted for each Project phase will include detailed planting and irrigation plans with plant materials selected from the City's approved list of plant materials.

Table 3
Required Parking and Parking Area Landscaping

Sources: CSA Planning, Ltd

Tax Lot	Parking Stalls	/24	500 SF / 24 Stalls	Landscaping (SF) Provided	Compliance
1001	126	5.3	2,625	9,245	Yes
1000	194	8.1	4,042	28,540	Yes
1100	89	3.7	1,854	10,340	Yes
Total	409				

Table 4
Provided Landscaping

Sources: CSA Planning, Ltd

Tax Lot	Total SF of Landscaping	Perimeter Landscaping (SF)	Parking Lot Landscaping (SF)
1001	21,980	12,735	9,245
1000	39,500	20,960	28,520
1100	17,125	6,785	10,340
Total	78,605	30,480	48,125



9. **Project Phasing:** This PUD is contemplated in phases, although precise phasing boundaries are not proposed and phasing will be established through the phased filing of Final PUD Plans as contemplated in the PUD Ordinance. Until Final PUD Plans have been completed, Applicant seeks to defer the submittal of architectural and final landscaping plans.
10. **Reserve Acreage:** As shown in Table 1 above, the subject property is comprised of four Tax Lots that have an aggregate 14.50 acres. The portion of the property located east of Crater Lake Avenue has no specific uses or buildings proposed on the Preliminary PUD Plan; this portion is identified as Reserve Acreage and contains of 4.96 acres of which 3.20 acres are subject to the Trip Cap.
11. **Existing Trip Cap:** In 2008, the zoning on Tax Lots 1000, 1002 and 1100 was changed to Medford's Light Industrial (I-L) zone. A Traffic Impact Analysis was conducted for these properties and established a "trip cap" amounting to the lesser of 2,480 average daily trips (ADT) or 248 peak hour trips, a matter to which Applicant then agreed to stipulate and the same was made a condition of the zone change approval. The Trip Cap is not sought to be altered or removed at this time and the Exhibit 7 Traffic Impact Analysis has properly considered the amount of potential traffic this PUD will produce, determining that the Project can be accommodated within the Trip Cap. Tax Lots 1001 and 1003 were similarly zoned I-L but have no trip cap.

The portion of the Reserve Acreage within Tax Lot 1002 (3.20 acres) will remain subject to the Trip Cap and Applicant acknowledges and accepts that traffic generation ultimately produced in the now-planned PUD will influence and affect the traffic capacity later permitted on the Tax Lot 1002 Reserve Acreage. See Applicant's stipulation in Section VI. Applicant believes that the conditions that gave rise to the Trip Cap will be mitigated and thereafter Applicant can seek its removal by action of the City. Otherwise (if the Trip Cap is not removed) Applicant acknowledges that uses which might ultimately occupy the Reserve Acreage will need to properly observe the Trip Cap when development plans are proposed for City approval. This will ensure that the Trip Cap, if not earlier removed, will not be exceeded.

12. **Modified Standards (Deviations) Sought:** The PUD Ordinance at MLDC 10.230(D) gives the Planning Commission authority to deviate from certain standards that non-PUD projects must strictly observe. Among the standards the Planning Commission is empowered to flex are the City's frontage and access standards pursuant to MLDC 10.230(D)(4). The deviations here which are sought pursuant to MLDC 10.230(D) are those explained below and involve MLDC 10.550 (Access Standards). More specifically:
- MLDC 10.550(3)(a)(1) does not permit driveway access from an arterial or collector street for parcels that have access from a lower-order street. It also requires driveways to be placed adjacent to the property line of a contiguous parcel if possible to do so.



Based upon *Medford Transportation System Plan*⁷ (TSP) Figure 1-2 and the Exhibit 7 Traffic Impact Analysis, Medford identifies Coker Butte Road as a Major Arterial and Crater Lake Avenue as a Major Collector. The TSP does not assign a functional classification to Crater Lake Highway 62 as it is a State Highway which is designated by ODOT in the State Highway Plan as a Statewide Expressway. As such, access to Highway 62 is subject to State/ODOT standards. Authorized representatives from ODOT have expressed their opinion in Exhibit 8 that no new access would likely be permitted until the designation of Crater Lake Highway 62 is later changed which will occur when the new Expressway (formerly the Medco Haul Road) is complete, which is expected in the future. At which time, ODOT states, the jurisdiction of Highway 62 would be transferred to the City. ODOT officials also state their expectation that the Highway 62 access would be limited to right-in/right-out movements (as proposed) and express that in its proposed location, the intersection sight distance is met.

In this application, it is proposed to have right-in/right-out access on Crater Lake Highway 62 in the location shown on the Preliminary PUD Plan. Its approval by the Planning Commission would be pursuant to the agreed to stipulation offered by Applicant in Section VI that prohibits Highway 62 access until its classification has by changed by ODOT and jurisdiction has been transferred to the City of Medford.

- Pursuant to MLDC 10.550(2) only one driveway is permitted for each *tract* of land.⁸ The subject property is traversed by two higher-order streets (Coker Butte Road and Crater Lake Avenue) which divide the property into three quadrants. *Access to each of the three quadrants that make up this PUD cannot be accommodated by only a single driveway and relief from this standard is necessary to reasonably serve the property.*

13. Uses Not Otherwise Permitted in the I-L Zone: This PUD is intended to be developed with a collection of uses occupying the various buildings within a Business Park. Like the City's I-L zone, Business Park as analyzed in the Exhibit 7 Traffic Impact Analysis, contemplates a mixture of light retail and service commercial uses along with more light industrial uses that require an office front with operations space behind and a roll-up door at the rear or side to accommodate shipping and receiving. Most of the light retail/service commercial uses contemplated for this PUD are already permitted in the I-L zone and are likely to occupy buildings nearest the Highway 62 frontage. However, it is also contemplated that potential tenants might desire to place one or more commercial uses on the property that are not permitted in the I-L zone. As such, Applicant has requested that the 20-percent use allowance as provided for in the MLDC be approved. As part of Medford's PUD ordinance, MLDC 10.230(D)(7)(c) provides that uses not otherwise permitted in an underlying zone, may nonetheless be approved to occupy up to 20 percent of a PUD. Applied to the whole 14.50-acre PUD, twenty percent equals 2.90 acres.⁹

⁷ The Transportation System Plan is a partially acknowledged part of the City of Medford Comprehensive Plan.

⁸ A tract is defined in the MLDC as parcels that are contiguous and under the same ownership or which are part of the same development application. The MLDC defines the term "contiguous" to mean: "Having a common border with, or being separated from such common border by, an alley, easement or right-of-way."

⁹ The City typically applies the 20-percent allowance to a building along with its associated off-street parking and Applicant expects this procedure to govern the 20-percent determinations in the future.



- 14. Building Envelopes:** The Preliminary PUD Plan illustrates the location of conceptual buildings on the PUD property. The conceptual building footprints are generic and are expected to differ somewhat from those shown on the Preliminary PUD Plan as actual tenants are identified and the buildings are adjusted to suit their unique needs. To facilitate reasonable flexibility in ultimate building design, Applicant has shown Building Envelopes around each building. The Building Envelope is a simple tool intended to confine and restrict the limits of any future building while permitting a degree of flexibility in building design.
- 15. Public Facilities and Services:** Medford identifies its public facilities and services in two categories, A and B. Category A facilities are required to be addressed as capacity for the same is required at the time (rather than in response to) of development. Category A facilities include public sanitary sewer service, potable water service, storm drainage and streets/transportation facilities and each are addressed in turn as follows:
- A. Sanitary Sewer:** Sanitary sewer service within the City of Medford is provided by the City of Medford and Rogue Valley Sewer Services (RVSS). The City and RVSS have determined which areas of Medford are more efficiently serviced by each entity. The subject property is located within an area the City and RVSS have agreed is best served by RVSS. Public maps show the location of RVSS sanitary sewer lines near the subject property and indicate the existence of a 10-inch sanitary sewer within the subject property that runs near and parallel to Crater Lake Highway 62. Upon consulting with RVSS, its manager replied to an electronic inquiry from Applicant's agent, stating, "There are no capacity limitations on the sewer. You most likely will need to do some main line extension to serve the easterly lots. That will be dependent upon the final development plans." RVSS may comment further during the City's consideration of this application, but the evidence to date indicates no restrictions that prevent the existing line from serving this PUD.
- B. Potable Water:** Applicant's representatives consulted with those of the Medford Water Commission (MWC) regarding the location and capacity of MWC water mains near the subject property and delivery of potable water to the PUD property. According to MWC maps, there is an 8-inch ductile iron water main in the segment of Coker Butte Road running between Crater Lake Highway 62 and Crater Lake Avenue. There is also an 8-inch ductile iron water main in Crater Lake Avenue that extends north 45 feet from its intersection with Coker Butte Road. The lines were pressure tested in January 2017 by MWC. The pressure flow test shows the line to have a static pressure of 77 psi and a flow of 916 gallons per minute (at 20 psi residual pressure). MWC representatives indicated and Applicant acknowledges that the lines will need to be extended and perhaps enlarged to accommodate fire flows for future commercial or industrial uses that might occupy the property. The evidence to date indicates no restrictions that prevent the existing water mains from being extended, enlarged, looped or otherwise improved to serve this PUD.
- C. Storm Drainage:** The subject property slopes and drains from east to west toward Crater Lake Highway 62. An existing 18-inch storm drain line is located on the opposite side of Crater Lake Highway 62 from the subject property. In cooperation



with Applicant, a storm drainage project was undertaken by Oregon Department of Transportation (ODOT) in connection with its Highway 62 improvements. The project involved the construction of stormwater detention facilities along the highway frontage of the subject property. See, Exhibit 10. The detention facilities accommodate surface drainage from the highway and nearby streets. However, the facilities were designed to be expanded to accommodate storm drainage from most of the subject PUD property. There is an agreement between ODOT and Applicant which entitles Applicant to use the facilities. See Exhibit 10. The detention facilities are connected to the 18-inch storm drain by a pipe that runs beneath Highway 62. Some additional stormwater detention facilities may later be installed (if needed) to serve any additional detention requirements beyond the capacity of the ODOT detention facilities. The provision of adequate stormwater detention will be ensured at the time each proposed building is later reviewed by the City.

- D. Streets and Transportation:** Applicant commissioned a limited Traffic Impact Analysis (TIA) for the purpose of analyzing traffic impacts in connection with this proposed PUD. The TIA is attached as Exhibit 7. As earlier noted, there is an existing Trip Cap that limits the amount of traffic the property can produce. The Trip Cap applies to only a portion of the subject property. See, Exhibit 6. The TIA examined the amount of traffic loading associated with this PUD in relation to the limits placed by the Trip Cap. It also analyzed Applicant's proposal to locate three right-in/right-out only access points for which a deviation is sought by Applicant. The TIA states as its conclusions:

"The findings of the limited traffic analysis conclude that the proposed PUD and proposed right-in, right-out (RIRO) accesses on OR 62 and Coker Butte Road can be accommodated on the existing transportation system without creating adverse impacts. Intersection operations and safety conditions were evaluated under existing year 2017 and design year 2020 no-build and build conditions and resulted in the following conclusions:

- Site driveways and surrounding intersections operate acceptably under existing year 2017 and design year 2020 no-build and build conditions.
- Sight distance is shown to be adequate from existing and proposed driveways.
- Right-in, right-out (RIRO) accesses along the east side of OR 62 north of Coker Butte Road and north side of Coker Butte Road east of OR 62 do not meet the City of Medford Land Development Code (MLDC) access spacing and location standards, but create no adverse safety or operational impacts and are shown to preserve capacity at study area intersections, reduce queue lengths, improve connectivity and circulation, and reduce vehicle miles traveled (VMT) to the site.

The proposed PUD and RIRO accesses on Coker Butte Road and OR 62 can be approved based on findings that they create no safety or operational concerns, but are shown to provide a benefit to the transportation system with preserved capacity, reduced queue lengths, and improved circulation."

According to Medford Transportation System Plan (TSP), the subject property fronts upon Crater Lake Highway 62, Coker Butte Road and Crater Lake Avenue. Crater Lake Highway 62 is a Statewide Expressway under the jurisdiction of the State of Oregon and managed by ODOT. The classification of Highway 62 will change and its jurisdiction will transfer to the City of Medford upon completion of the new



expressway (formerly the Medco Haul Road). Completion is projected within the next few months.

TSP Figure 1-2 designates Coker Butte Road as a Major Arterial and Crater Lake Avenue as a Major Collector. There are no lower order (non-arterial/collector) streets which adjoin or otherwise provide access to the property. The MLDC permits only one access for a tract of land that is on arterial or collector streets. Without the flexibility sought under this application, the subject property would be permitted only a single access or, if interpreted consistent with the Exhibit 7 TIA¹⁰, all access can and must be taken only from Crater Lake Avenue. Exhibit 7 demonstrates that traffic operations are not harmed and are rather improved by the access plan for the PUD that is here proposed by improving intersection operations at other study intersections including Highway 62 at Coker Butte Road and Crater Lake Avenue at Coker Butte Road.

16. Ownership and Maintenance of the Common Elements:

- A. Common Elements:** The design of the PUD is to accommodate multiple buildings to be leased by multiple tenants where all of the buildings, parking and landscaping are to be maintained as common elements by its owners. As such, the owners will be responsible for maintenance and upkeep of the buildings, parking, landscaping (including portions of the stormwater detention facilities), signs and enclosures for garbage receptacles which are located on the PUD property. The Reserve Acreage will be managed by the owners until it is properly entitled¹¹ and developed. The same will involve the annual cutting of weeds and cleanup of any wind-blown trash and other debris. Because all elements of the PUD are to be held and maintained by its owners, there will be no "Association" per se and none is required.
- B. Maintenance of the Common Elements - Off-street Parking and Landscaping:** The Preliminary Landscaping Plan is shown in Exhibit 2B Landscaping for the PUD will require the regular maintenance of landscaped areas, along with weed control and irrigation. Shrubs and trees will be kept pruned by professional landscape maintenance providers that owners will engage as part of their initial lease agreements with the various tenants. The Preliminary Landscaping Plan shows areas of the property devoted to landscaping and simply distinguishes trees, shrubs and groundcover in

¹⁰ The TIA assumes an interpretation of MLDC 10.550(3)(a)(1) that would simply require all access to be taken from the lowest-order street available, not strictly a lower-order street. It also relies upon the access standards in MLDC 10.550(3)(a)(2) — which limits access to only a single driveway for each tract — to instead be applied to the three portions of the PUD, each of which lie on different sides of Crater Lake Avenue and Coker Butte Road. The same is a reasonable interpretation. If interpreted literally (and given that the entire PUD, by definition, is a single tract), the property could have only one access from Crater Lake Avenue to serve property on both sides Coker Butte Road and both sides of Crater Lake Avenue. The same would impermissibly leave two of the property's three quadrants without any lawful means of access and no party has urged that interpretation. Moreover, interpretation is unnecessary given that the City of Medford is entitled to flex its access standards through the PUD process and doing so, in this instance, will obviate the need to rely upon interpretation of the standards from which PUD deviation relief is sought.

¹¹ As noted, properly entitled for the Reserve Acreage means that it must later receive Preliminary PUD Plan and Final PUD Plan approval before it can be developed. Inclusion of the Reserve Acreage in this application is enable better management of the Trip Cap.



concept. Final landscaping plans will include planting plans and the specifics of landscaping installation and irrigation pursuant to MLDC standards. Applicant intends to select plant materials from the City's recommended list and intends no use of turf grass. Final landscaping plans will be submitted with the Final PUD Plan for each project phase. The phases are likely to be undertaken one building or group of buildings for each phase. The PUD contains substantial areas devoted to off-street parking. The parking areas will be maintained by the owners by periodic sweeping, sealing and restriping as needed. Any maintenance and upkeep required for Project signing will be by sign professionals engaged by the owners.

- 17. Description, Size, Ownership and Operation PUD:** The total PUD has 14.5 acres of which nearly 5 acres are planned as Reserve Acreage. The PUD has been described in detail elsewhere along with its existing ownership and intended method for future ownership and such descriptions are incorporated. As to operations, the PUD will have a variety of future uses that will occupy buildings on the site. The uses by restriction (and offered stipulation) will be required not to have outdoor storage and all business operations must occur with an enclosed building. Most uses will operate during normal business hours although Applicant intends to incorporate these and similar restrictions into any documents that govern future Unit Ownership. Individual buildings and occupants will be entitled to display signs consistent with the MLDC although Applicant may place additional private restrictions on signs within the Project.
- 18. Property Value Impacts:** Applicant's agent, Craig Stone¹² of CSA Planning, Ltd., has examined the abutting and surrounding properties and offers the following as his informed opinion: "Uses abutting the PUD and in the surrounding area are elsewhere reported above. The descriptions of surrounding land uses and the Exhibit 4 and 5 Maps shows that across Highway 62, the land extending north/south is occupied by automobile dealerships. Abutting the property to the south is tow truck operator where trucks and other vehicles are parked. Further south is a small shopping center. Other nearby land uses south of the PUD includes a mini-storage facility that also offers outdoor vehicle storage. Land to the north and east are vacant and zoned EFU. However, this land is proposed for inclusion in Medford's UGB. It is likely that the extension of public facilities and services to the PUD will facilitate extension to these lands should they ultimately be included in the UGB. Except the subject property, other lands in the area (located inside the UGB) area developed. Overall, the area contains a mixture of light industrial and commercial businesses astride a major State highway. The subject property is presently occupied, primarily with the outdoor storage of dumpsters. The PUD Plan offers an opportunity to redevelop the property. The redevelopment proposed in the PUD Plan is a substantial visual improvement as activities connected with the various uses must operate from indoor spaces and the outdoor areas are to be used for off-street parking and landscaping. While there will be some truck traffic, it is unlikely to be significant and would replace truck

¹² Craig Stone has more than 40 years of experience in all aspects of urban planning, development and permitting working for state, county and local governments, as a hearings officer and as a consultant to private and public clients for 36 years.



traffic that now occurs on the subject property. As such, the PUD should produce no impacts that would adversely affect the value of property and improvements for abutting properties and those in the surrounding area.”

19. **Appropriate Development:** The Exhibit 4 and 5 aerial photographs show the subject property and surrounding area for an appreciable distance. Nearly all of the land (which is located inside the UGB) has been developed. Nearby land that is largely vacant is the tract located east of the subject property and beyond the Hopkins Canal, a tract commonly known as Coker Butte and referred to in this application as “Reserve Acreage . The tract has been planned Urban Residential by the City of Medford but remains largely vacant. Future PUD plans for the Reserve Acreage will be buffered in accordance with the MLDC as part of the later plans to be considered by the Planning Commission.

20. **Neighborhood Coordination:** Applicant conducted a neighborhood meeting in accordance with the requirements of the MLDC. Attached to this application as Exhibit 9 are the Neighborhood Meeting Certificate of Mailing Form and the Neighborhood Meeting Verification Form. One person attended the meeting representing a property owner to the east. Another, representing a land owner to the north, communicated by telephone but did not attend the neighborhood meeting. Neither party raised objections during the meeting but are free to testify during the public hearing.



V

CONCLUSIONS OF LAW

The following conclusions of law are based upon the evidence enumerated in Section II and the findings of fact contained above in Section IV of this document and relate to the approval criteria for a Preliminary PUD Plan as set forth in Section III. The approval criteria are recited verbatim below and are followed by the conclusions of law of the Planning Commission:

The approval criteria are prefaced by the following language:

PRELIMINARY PUD PLAN - APPLICATION PROCEDURES MLDC 10.235

D. **Approval Criteria for Preliminary PUD Plan:** The Planning Commission shall approve a Preliminary PUD if it concludes that compliance exists with each of the following criteria:

PUD Criterion 1

1. The proposed PUD
 - a. preserves an important natural feature of the land, or
 - b. includes a mixture of residential and commercial land uses, or
 - c. includes a mixture of housing types in residential areas, or
 - d. includes open space, common areas, or other elements intended for common ownership, or
 - e. is otherwise required by the Medford Land Development Code.

Conclusions of Law: The Planning Commission concludes from the evidence, including Applicant's explanation offered in Section I, that this PUD includes common elements that will include its off-street parking, site lighting, landscaping, drainage and stormwater detention facilities, signs and pedestrian appurtenances. As explained in Section I the Project is intended to be constructed and operated by Applicant and designed to later be converted to Unit Ownership according to the Oregon Condominium Act¹³ or potentially as Pad Lots. After conversion, the various common elements above named will be held, managed and maintained by an Association of Unit Owners. Therefore, this PUD is concluded to include open space, common areas, or other elements intended for common ownership consistent with PUD Criterion 1(a). The five criteria within PUD Criterion 1 operates as alternatives, the compliance with any one of which serves to establish compliance with PUD Criterion 1 and the Planning Commission concludes that PUD Criterion 1 has been satisfied.

PUD Criterion 2

2. The proposed PUD complies with the applicable requirements of this Code, or
 - a. the proposed modified applications of the Code are related specifically to the implementation of the rationale for the PUD as described in Section 10.235(B)(3)(a), and

¹³ The Oregon Condominium Act is contained in ORS Chapter 100



- b. the proposed modifications enhance the development as a whole resulting in a more creative and desirable project, and
- c. the proposed modifications to the limitations, restrictions, and design standards of this Code will not materially impair the function, safety, or efficiency of the circulation system or the development as a whole.

Conclusions of Law: The Planning Commission concludes that the plans in Exhibit 2 along with the facts presented in Section IV and the evidence enumerated in Section II show that the proposed PUD is consistent with the applicable requirements of the MLDC with the exception of proposed Code modifications addressed below.

The Planning Commission next takes up each of the three standards in PUD Criterion 2 and addresses each in turn as follows:

- a. The proposed modified applications of the Code are related specifically to the implementation of the rationale for the PUD as described in Section 10.235(B)(3)(a), and

Conclusions of Law (Continued): The modified applications of the Code (the deviations therefrom) are in two categories as explained in the findings of fact in Section IV under the heading, "Modified Standards (Deviations) Sought": The PUD Ordinance at MLDC 10.230(D) extends the authority to deviate from certain standards that non-PUD projects must strictly observe. As explained in Section IV, the Planning Commission may flex (among other categories) the City's frontage and access standards pursuant to MLDC 10.230(D)(4). The deviations sought pursuant to MLDC 10.230(D) are those explained below and involve MLDC 10.550 (Access Standards):

- **Access Standards.** MLDC 10.550(3)(a)(1) does not permit driveway access from an arterial or collector street for parcels that have access from a lower-order street and requires driveways to be located, if possible, adjacent to the property line of a contiguous parcel.

Based upon *Medford Transportation System Plan* (TSP) Figure 1-2 and the Exhibit 7 Traffic Impact Analysis, Medford identifies Coker Butte Road as a Major Arterial and Crater Lake Avenue as a Major Collector. The TSP does not assign a functional classification to Crater Lake Highway 62 as it is a State Highway, which is designated by ODOT in the State Highway Plan as a Statewide Expressway. As such, access to Highway 62 is subject to State/ODOT standards. Authorized representatives from ODOT have expressed their opinion in Exhibit 8 that no new access would likely be permitted until the designation of Crater Lake Highway 62 is later changed which will occur when the new Expressway (formerly the Medco Haul Road) is complete. Completion is expected within the next few months. At time of completion, ODOT states, the jurisdiction of Highway 62 would be transferred to the City. ODOT officials also state their expectation that the Highway 62 access would be limited to right-in/right-out movements (as proposed) and further express their observation that for the proposed location, the intersection sight distance is met and have raised no objection.

In this application, it is proposed to have right-in/right-out access on Crater Lake Highway 62 in the location shown on the Preliminary PUD Plan. Its approval by the Planning Commission would be pursuant to the agreed to stipulation offered by Applicant in Section VI that prohibits Highway 62 access until its classification has by changed by ODOT and jurisdiction has been transferred to the City of Medford. The same represents a deviation from the strict requirements of MLDC 10.550(3)(a)(1). Relatedly, the location of the



Highway 62 access is not adjacent to a contiguous parcel because Applicant asserts that the same would force the access to steeper terrain where it would also have to cross the Highway 62 frontage road. No frontage road must be crossed with the proposed Highway 62 access location.

Pursuant to MLDC 10.550(2) only one driveway is permitted for each *tract* of land.¹⁴ While the definition of “tract” captures Applicant’s land on either side of Coker Butte Road and either side of Crater Lake Avenue and treats them as a single tract, two of the three quadrants¹⁵ would be impermissibly left without any access whatsoever. Flexibility in the Code is required for this property to have reasonable access for customers and to permit deliveries to the Business Park buildings and uses. Through its comprehensive plan, Medford encourages development that increases employment opportunities and community commerce. *Access to each of the three quadrants that make up this property cannot be accommodated by only a single driveway and relief from this standard is necessary to reasonably serve the property.* Beyond reasonable service, the PUD access plan is shown by expert traffic analysis to enhance operations at study area intersections, including the intersections of higher-order streets which occur adjacent to and near the property.

- **Uses Not Otherwise Permitted in the I-L Zone:** In addition to the proposed Code modifications (deviations) this PUD is intended to be developed with a collection of uses occupying the various buildings within a Business Park environment. Like the City’s I-L zone, Business Park as analyzed in the Exhibit 7 Traffic Impact Analysis, contemplates a mixture of light retail and service commercial uses along with more light industrial uses that require an office front and operations space behind with a roll-up door at the building’s rear or side to accommodate shipping and receiving. As explained in Section IV, uses which require the greatest visibility will likely occupy buildings along the Highway 62 frontage. These include certain commercial uses permitted in I-L, including offices, banks and restaurants. Applicant has sought to have 20 percent of its property authorized to accommodate other commercial uses that are not permitted in the I-L zone as provided for in MLDC 10.230(D)(7)(c). Applied to the whole 14.50-acre PUD, twenty percent amounts to 2.90 acres.¹⁶ Applicant asserts and the Commission concludes that the broader range of commercial uses afforded this PUD will result in better utility of the property with uses that will all operate within enclosed buildings and which will result in more attractive commercial buildings along portions of the property with greatest visibility from Highway 62.

The above-explained Code modifications (deviations) are concluded to relate specifically and clearly to implementation of the PUD rationale as set forth by Applicant in Section I

¹⁴ A tract is defined in the MLDC as parcels that are contiguous and under the same ownership or which are part of the same development application. The MLDC defines the term “contiguous” to mean: “Having a common border with, or being separated from such common border by, an alley, easement or right-of-way.”

¹⁵ In earlier Sections, the quadrants are sometimes referred to as tracts.

¹⁶ The City of Medford typically applies the 20-percent “other uses” allowance to a building along with its associated off-street parking and required landscaping. Applicant expects this procedure to govern the 20-percent determinations in the future.



and as described and required by Section 10.235(B)(3)(a). As such, the PUD is concluded to be consistent with PUD Criterion 2(a).

- b. The proposed modifications enhance the development as a whole resulting in a more creative and desirable project,

Conclusions of Law (Continued): The Planning Commission concludes from the evidence that the proposed modifications will enhance the development as a whole by providing a broader range of uses that can compatibly collocate within enclosed buildings and afford the ability to accommodate uses that may result in more substantial and attractive architecture in the site's most visible parts. The evidence has also shown that the proposed access plan will enhance in substantial ways the Project's desirability and its ability to safely and efficiently accommodate access. The evidence further shows that the access plan for the Project will also improve intersection operations at the nearby intersections of higher-order streets. For the reasons set forth, the Planning Commission concludes that the PUD is consistent with PUD Criterion 2(b).

- c. The proposed modifications to the limitations, restrictions, and design standards of this Code will not materially impair the function, safety, or efficiency of the circulation system or the development as a whole.

Conclusions of Law (Continued): As above described under sub-criterion 2(a) and 2(b), based upon the Exhibit 7 Traffic Impact Analysis, the Planning Commission concludes that the proposed Code modifications will not materially impair, and will instead improve, the function and efficiency of the circulation system, in particular the intersections involving higher-order streets adjacent and near the Project. Therefore, the Planning Commission concludes that the PUD is consistent with PUD Criterion 2(c).

For the reasons thus stated, the Planning Commission concludes that this PUD application is consistent with PUD Criterion 2.

PUD Criterion 3

- 3. The property is not subject to any of the following measures or if subject thereto the PUD can be approved under the standards and criteria thereunder:
 - a. Moratorium on Construction or Land Development pursuant to ORS 197.505 through 197.540, as amended.
 - b. Public Facilities Strategy pursuant to ORS 197.768 as amended.
 - c. Limited Service Area adopted as part of the Medford Comprehensive Plan.

Conclusions of Law: The Planning Commission concludes the existing approved PUD was not found to be subject to any of the above and there is nothing in the application revision that would cause the PUD revision to be subject to any of the above. Although portions of the property are subject to a Trip Cap, the same is neither a moratorium nor a Limited Service Area. Applicant has stated and the evidence shows that the property can be developed as contemplated under the Trip Cap earlier imposed upon the property by the City. For these reasons, the Planning Commission concludes that the application and PUD is consistent with PUD Criterion 3.



PUD Criterion 4

4. The location, size, shape and character of all common elements in the PUD are appropriate for their intended use and function.

Discussion; Conclusions of Law: The Planning Commission concludes that the proposed common elements (explained in Section IV and shown on the PUD plans in Exhibit 2) are appropriate with respect to location, size, shape and character. Based upon the PUD plans, the common elements will provide for appropriate parking and maneuvering sufficient for the range of uses proposed for the site and consistent with City standards. The planned landscaping (conceptually represented in the Preliminary Landscaping Plan), will be consistent with City standards with Final Landscaping Plans are submitted and the same are appropriate, especially where used to define and shade the off-street parking areas. The stormwater detention facilities, also a commonly owned and maintained area is appropriate to its function and intended to be attractively landscaped and maintained in concert with co-user ODOT. The lighting system, also an element of common utility, will provide a safe nighttime environment and enhanced security. In conclusion, the Planning Commission concludes that the Preliminary PUD Plan application is consistent with PUD Criterion 4.

* * * * *

PUD Criterion 5

5. If the Preliminary PUD Plan includes uses not allowed in the underlying zone pursuant to Subsection 10.230(D)(7)(c), the applicant shall alternatively demonstrate that either: 1) demands for the Category "A" public facilities listed below are equivalent or less than for one or more permitted use listed for the underlying zone, or 2) the property can be supplied by the time of development with the following Category "A" public facilities which can be supplied in sufficient condition and capacity to support development of the proposed use:
 - a. Public sanitary sewerage collection and treatment facilities.
 - b. Public domestic water distribution and treatment facilities
 - c. Storm drainage facilities.
 - d. Public streets.

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

Conclusions of Law: Preliminary PUD Plan now before the Planning Commission proposes to devote up to twenty (20) percent of the PUD to uses that would not otherwise be allowed in the underlying I-L zone. The request for flexibility to accommodate a broader range of commercial uses is made pursuant to MLDC 10.230(D)(7)(c).

The Commission has determined that the comprehensive plan goals and policies that are to be used under PUD Criterion 5 to determine the adequacy of Category A public facilities are those cited and addressed below and all others do not apply to this inquiry. Foremost is Policy 2-A in the plan Public Facilities Element which establishes the mandatory standards of service for Sanitary Sewers, Domestic Water and Storm Drainage Facilities. Policy 2-A states:



Policy 2-A: In cases where the timely provision of essential urban facilities and services cannot be accomplished so as to achieve minimum adequate service levels, that portion of the Medford urban growth area subject to inadequate services shall be designated a limited service area, and any or all development may be restricted until threshold levels of essential services can be achieved. Limited service areas should be considered as priority areas for public facility planning subject to other growth and development factors. "Timely provision of essential urban facilities and services" shall mean that such services can be provided in adequate condition and capacity prior to or concurrent with development of the subject area. "Essential urban facilities and services" shall mean sanitary sewers, water systems, stormwater management facilities, and transportation facilities. A determination of minimum adequate service levels for essential urban facilities and services shall be based on the following:

Sanitary Sewers - Sufficient to serve any proposed development consistent with the General Land Use Plan (GLUP) designation. Sanitary sewer facilities shall be considered adequate if they are consistent with the adopted sewer plan document, as interpreted by the City Engineer.

Domestic Water - Sufficient to serve any proposed development with a permanent urban domestic water system capable of supplying minimum pressure and volume for projected domestic and fire control needs consistent with the General Land Use Plan (GLUP) designation. Water facilities shall be considered adequate if they are consistent with the adopted water system plan document, as interpreted by the Water Commission Manager.

Storm Drainage Facilities - Sufficient to serve any proposed development consistent with the General Land Use Plan (GLUP) designation. Stormwater management facilities shall be considered adequate if they are consistent with the adopted storm drainage plan document, as interpreted by the City Engineer.

a. Public sanitary sewerage collection and treatment facilities.

Conclusions of Law (Continued): From the evidence supplied by RVSS, sanitary sewers that will ultimately serve the property are available and in near proximity to the subject property. As such, the property can be served and RVSS has acknowledged the same. As noted in Section IV, the City and RVSS have agreed that the area in which the subject property is located, should be served by RVSS. From the evidence the Planning Commission concludes that sanitary sewers that will serve the property are or can be made sufficient and any additional sewer requirements that result from 20 percent of the property being devoted to a broader range of commercial uses.

b. Public domestic water distribution and treatment facilities

Conclusions of Law (Continued): Based upon the evidence and findings of fact in Section IV, the Planning Commission concludes that public water mains of the Medford Water Commission are available in near proximity to the property and can be extended, as needed, to supply water for domestic use and flows for fire suppression. Applicant has acknowledged its understanding that the water system may require upgrading as it is extended onto the three PUD quadrants. The Planning Commission concludes that the water system can and will be extended to the subject property in ways that are sufficient to serve any proposed development with a permanent urban domestic water system capable of supplying minimum pressure and volume for projected domestic and fire control needs consistent with additional system demands that might arise from 20 percent of the property being devoted to a broader range of commercial uses.

The comprehensive plan further establishes by policy that

Water facilities shall be considered adequate if they are consistent with the adopted water system plan document, as interpreted by the Water Commission Manager.



As to this plan policy, the Planning Commission concludes that the Medford Water Commission's adopted system plan contemplates serving the PUD property, as it has been in Medford's UGB for many years and was annexed in 2008. The existing water mains in the vicinity further evidence MWC's intention to serve the area.

c. Storm drainage facilities.

Conclusions of Law (Continued): The evidence shows that the subject property slopes and drains to the west, toward Crater Lake Highway 62. Within the west side of the Highway 62 right-of-way is an 18-inch storm drain owned by ODOT into which storm waters accumulating on the property are captured in newly constructed detention facilities along the highway frontage where water is detained before being transported beneath Highway 62 by way of the 18-inch storm drain. The evidence further shows that the detention facilities were built by ODOT in concert with the subject property owners and the same were designed to handle stormwater detention for most of the property. Additional measures will be needed to detain waters emanating on Tax Lot 1100 but the same can be provided and ensured through the Final PUD Plan covering that portion of the PUD. From the evidence the Commission further concludes storm drainage facilities are or can and will be made sufficient to serve this proposed PUD consistent with its GLUP designation and the additional system demands that might arise from 20 percent of the property being devoted to a broader range of commercial uses. The Commission further concludes that storm drainage is unlikely to be significantly affected by land use as both commercial and industrial developments produce similar amounts of impervious surface. Storm drainage facilities must traverse the property to gain access to downstream storm drains which can and will be provided for in the Final PUD Plan. The adequacy of future storm drains and consistency with Medford's storm drainage master plans will be ensured by later engineering that must be approved by the City before construction begins. For the reasons stated, the Commission concludes that this PUD is consistent with municipal policies that establish the standards of storm drainage adequacy as set forth in the MLDC and comprehensive plan.

d. Public streets.

Conclusions of Law (Continued): The Planning Commission concludes that the standards for public streets are in Policy 1-A of the plan Transportation Plan System Element that, along with its strategies for implementation, states:

Policy 1-A: The City of Medford shall manage projected travel demand consistent with community, land use, environmental, economic and livability goals.

Implementation 1-A(1): Utilize the projections in the Regional Transportation Plan (RTP) regarding projected travel demand over the 20-year planning period in managing the transportation system.

Implementation 1-A(2): Utilize the Medford Comprehensive Plan, including the land use plan covering the 20-year planning period, in managing transportation system.

Implementation 1-A(3): Design and improve arterial streets so that the minimum overall performance during peak travel periods meets Level of Service "D."

Implementation 1-A(4): Consider revisions to the City's concurrency ordinance to manage development-related traffic impacts consistent with other community goals.

Conclusions of Law (Continued): Most provisions in above Policy 1-A do not involve matters of adequacy that must be addressed under PUD Criterion 5. However, Implementation 1-A(3) provides that streets should operate so as to meet Level of Service "D." The Exhibit 7 TIA



evidences that all nearby street and driveway intersections will operate acceptably under existing year 2017 and design year 2020 no-build when considering the whole PUD, including estimates of traffic loading for the PUD. The Exhibit 7 Traffic Impact Analysis further establishes that the PUD can operate within the limits established by the Trip Cap earlier imposed by the City. Exhibit 7 further establishes that sight distances concerns for proposed driveways and intersections are adequate and safe. Therefore, the Planning Commission concludes that public streets already exist to serve the subject property. The Commission further concludes that the existing public street system can accommodate the additional demands produced by permitting the 20 percent additional allowance for a broader range of commercial uses as was analyzed and determined by the Exhibit 7 Traffic Impact Analysis. Exhibit 7 also shows that the proposed PUD access will also improve nearby intersection operations.

Based upon the foregoing findings of fact and conclusions of law, the Planning Commission concludes that the application is consistent with the requirements of PUD Criterion 5.

* * * * *

PUD Criterion 6

6. If the Preliminary PUD Plan includes uses proposed under Subsection 10.230(D)(7)(c), approval of the PUD shall also be subject to compliance with the conditional use permit criteria in Section 10.248.

Conclusions of Law: The Planning Commission concludes that this Planned Unit Development proposes to devote 20 percent of the PUD area to uses not otherwise permitted in an I-L zone. Pursuant to Criterion 6 it is then required to comply with the conditional use permit (CUP) criteria in MLDC 10.248, which states:

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.

Conclusions of Law: The Commission first observes that MLDC 10.248 establishes two alternative standards prerequisite to approving a CUP in Medford. The Commission further observes that the locations of the uses (that require CUP approval) are not precisely identified. Applicant explained that the uses will be housed within enclosed buildings and the request only seeks to have a broader range of commercial uses that might occupy building interiors. The Commission concludes that there have also been no particular uses identified for the 20 percent of the property. It then follows that no public use is proposed and Applicant has not urged the Commission to proceed under the second alternative CUP criterion and it has not.

However, the Commission also concludes that under either alternative, it is first required to ascertain what constitutes the "abutting properties and surrounding area." The Commission is then required to determine the potential impacts within the categories of liveability, value and



appropriate development (in comparison to the impacts of permitted development). Finally, the City is required to determine whether the found impacts from the proposed uses are significant. Thereafter, the City can reach conclusions of law under either, provided in this instance that Applicant and the Commission are proceeding exclusively only under the first alternative. Therefore, the Commission reaches the following conclusions of law with respect to MLDC 10.248 (Criterion 1):

Abutting Properties and Surrounding Area: By MLDC definition, abutting properties are those that have a common border with, or are separated from such common border by an alley, easement or right-of-way. The Commission further concludes that the surrounding area is the area entitled to notice for a PUD as a Type "C" action pursuant to MLDC 10.158 — 200 feet from the subject property boundaries. While the technical notification requirements of the MLDC require the public notice area to expand until 75 parcels are captured, the Commission believes and concludes that the 200-foot surrounding area is appropriate area to limit its consideration impacts. The Commission further concludes that all uses and activities will be housed within enclosed buildings and traffic is within the acceptable standards of the City. As such, the Commission concludes that potential impacts beyond 200 feet will not generally be felt or in all instances will be less than significant because beyond 200 feet the nearby uses will generally be beyond site and sound of any impacts that might be produced by this PUD. As such, the Commission concludes that the potential for *significant* impacts (from the additional sought commercial uses) for properties and occupants beyond the 200-foot notice area will be remote and insignificant.

The Commission also determines that the subject property is already occupied by uses and activities, which produce periodic noise and traffic (including truck traffic) although the PUD will produce more traffic overall. Because the uses will be housed in enclosed buildings, noise produced by the uses themselves will be contained.¹⁷ New and potential impacts from the proposed PUD to the surrounding area are likely to be limited to traffic, off-street parking and noise. There are two dwellings in the surrounding area. The dwellings are located approximately one-quarter mile to the east, atop the Coker Butte tract and both are screened by native oak trees.

Location, Size, Design and Operating Characteristics: The location size, design and operating characteristics of the PUD are as set forth in the findings of fact in Section IV and in Applicant's plans in Exhibit 2. The Commission concludes that its determination of location, size, design and operating characteristics is sufficient and appropriate to enable a proper decision under the criteria in MLDC 10.248.

Liveability: In *McCoy v. Linn County*, 16 Or LUBA 295, 301-302 (1987), *aff'd* 90 Or App 271 (1988), it was held that a similar standard required the fact finder to identify the

¹⁷ Containment of the noise is expected by the buildings themselves. Walls and buildings typically produce a 10dB reduction in sound levels (measured on a logarithmic scale). Additionally, PUD building occupants will likely be held to reasonable sound levels by the owners who will seek to maintain an environment free from excessive noise. Owners have as tools, leases and Unit Ownership documents, to establish and enforce rules regarding noise and other matters typically that govern the use of business property. Applicant has offered a potential agreed to stipulation, that excessive noise will be controlled, should the Commission believe the same to be necessary.



qualities and characteristics which constitute “livability” and determine whether the proposed use will cause more than a minimal adverse impact upon those. Based upon the evidence, the Planning Commission concludes that the qualities and characteristics that constitute liveability, in this instance, consist of potential traffic (and related off-street parking) and noise. The Commission considers each of the potential impacts below:

Traffic: Potential traffic from the PUD was analyzed by Applicant’s expert traffic engineer, the results of which are in Exhibit 7. The significant conclusions of Exhibit 7 are also reported above in Section IV. The evidence shows that traffic produced by the PUD is readily accommodated within the Trip Cap and the PUD access plan can be accommodated while also improving traffic operations at nearby intersections. As the evidence shows that traffic will be accommodated within limits established by the City of Medford, the Planning Commission concludes that the impacts from traffic will not be significant.

Off-street Parking: The Preliminary PUD Plans show that parking is adequate. However, Applicant must manage the amount of parking commensurate with the uses which occupy the PUD buildings to ensure there is an adequate parking supply. The potential for impact results from having fewer than needed spaces, causing parking to flow onto the street or the private parking areas on adjacent land. The Commission does not believe this will occur for two reasons. First, there are no streets abutting the property that permit on-street parking. Second, nearby uses are mostly an appreciable distance from the subject property and the private parking lot of the nearest adjacent/surrounding neighbor is a towing company, which has a site that is generally secured. The Planning Commission also observes that while the uses (not otherwise permitted in an I-L zone) may consume greater amounts of parking, it is also likely that uses having *lesser* parking requirements are also likely to occupy the PUD and the Commission concludes this will be true, that the parking will meet MLDC standards and be adequate.

Noise: The Commission determined above that the subject property is already used for light industrial purposes that sometimes produce noise and noise associated with the movement of truck and equipment. In comparison, the PUD will house uses (commercial ones not permitted in I-L) which could potentially produce greater noise; the Commission concludes that any greater noise that might occur with the uses will be mitigated by their building enclosures. The Commission also observes that excessive noise is a product more of (already permitted) light industrial than commercial enterprise and concludes that the owners will enforce reasonable rules governing excessive noise because the owners own tenants are likely to be those most affected by noise. For the reasons cited, the production of excessive noise from future commercial uses will not produce significant impacts and the Commission so concludes.

Based upon the evidence, the Commission concludes overall that the surrounding area is primarily of a mix of commercial and industrial enterprises and the Commission believes it reasonable to expect a high degree of land use compatibility with the other existing uses, which are categorically similar. With respect to the dwellings atop the Coker Butte tract, the Commission concludes these will not be



significantly affected by noise due to the appreciable distance separating the PUD from the dwellings, the fact that PUD uses will operate within enclosed buildings, the existing natural terrain, and native trees and other vegetation (which also provides some additional measure of sound attenuation).

In summary, for the standard of liveability, the Commission concludes that this development proposal will cause no significant adverse impact on the livability of abutting property, or the surrounding area, when compared to the impacts of permitted development that is not classified as conditional.

Value: The Commission concludes from the evidence that this redevelopment in the form of a PUD will cause no significant adverse impact on the value of abutting property or other properties in the surrounding area.

Appropriate Development: From the evidence, the Commission concludes that most of the abutting and surrounding property is already developed with light industrial and commercial uses, with one exception — the Coker Butte tract. Here the inquiry must become whether the proposed PUD will significantly affect the appropriate future development of that tract. On this, the Commission concludes that the subject property and Coker Butte tract are separated by the Hopkins canal, a semi-public irrigation facility that would be difficult and expensive to traverse. However, some city plans show that Coker Butte Road may one day be extended across the canal and, if that were to occur, it would obviate the need for any connection of the PUD to the Coker Butte tract whatsoever. Applicant earlier reached informal Agreement with the City that it would restrict improvements on the Reserve Acreage to accommodate the future extension of Coker Butte Road. Furthermore, when developed, the Coker Butte tract does not need to rely upon access by way of the subject property or from any extension of Coker Butte Road. Instead, it has its own substantial frontage on other parts of Coker Butte Road. Finally, future plans for development of the Reserve Acreage and/or development of the Coker Butte tract will require implementation of the City's buffering standards in MLDC 10.790.

For the reasons thus explained, the Planning Commission concludes that the commercial uses (not otherwise permitted in an I-L zone) are nonetheless consistent with Medford's CUP criteria because, based upon the foregoing findings of fact and conclusions of law, the Commission concludes that the application is consistent with the requirements of PUD Criterion 6; consistency is established because this 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.

PUD Criterion 7

7. If approval of the PUD application includes the division of land or the approval of other concurrent development permit applications as authorized in Subsection 10.230(C), approval of the PUD shall also be subject to compliance with the substantive approval criteria in Article II for each of the additional development applications.



Conclusions of Law: The Planning Commission concludes this application for Preliminary PUD Plan approval is not accompanied by any other submitted applications and PUD Criterion 7 is met by reason of its inapplicability.

VI

**SUMMARY OF APPLICANT'S REQUESTS
and
STIPULATIONS AGREED TO BY APPLICANT**

The following summarizes Applicant's requests for approval. Also below are the agreed to stipulations offered by Applicant in this matter. The stipulations will be adhered to by Applicant if made conditions attached to the approval of this application for Preliminary PUD Plan approval.

Summary of Applicant Requests

1. **Project Approval:** Applicant requests that its Preliminary PUD Plan application for Coker Butte Business Park be approved and that the approval further authorize:
 - A. That the PUD may be accorded the twenty (20) percent use allowance which permits uses not otherwise permitted (in this instance) in an I-L zoned pursuant to MLDC 10.230(D)(7)(c).
 - B. Deviations from certain access provisions in MLDC 10.550(3), which permit and approve the access plan proposed by Applicant.
 - C. The submittal of architectural and final landscape plans shall be postponed to the submittal of Final PUD Plans for each Project phase.

Stipulations and Acknowledgments

1. **Reserve Acreage:** Applicant agrees that future planning and development of the PUD Reserve Acreage will require the submittal of a new Preliminary PUD Plan. Applicant further acknowledges that the Reserve Acreage on Tax Lot 1002, will remain subject to the Trip Cap and further acknowledges and accepts that traffic generation from other parts of the PUD will affect and likely diminish the remaining traffic capacity permitted on Tax Lot 1002.
2. **Building Envelopes:** The Preliminary PUD Plan illustrates the location of conceptual building footprints. Final building designs will be incorporated into the Final PUD Plans for each Project phase and the same may differ from the conceptual building footprints, provided that the buildings will be confined to within the Building Envelopes.
3. **Uses Restricted to Inside of Enclosed Buildings:** Within the PUD (except the Reserve Acreage) land uses will be housed within enclosed buildings and owners will control excessive noise within the PUD.
4. **Final Landscaping Plans and Architectural Plans:** Applicant has sought the deferral of final landscaping plans until the time of Final PUD Plan submittal for each Project phase.



Applicant also asks that the review of architectural plans be deferred pursuant to the practices of the Planning Commission.

5. **Storm Drainage:** The stormwater detention facilities along with Highway 62 frontage shall be expanded, as earlier engineered, to accommodate storm drainage emanating on the subject property. Additional stormwater detention facilities will be installed on the subject property to accommodate the detention of stormwaters that are not detained in the Highway 62 detention facilities. Future stormwater detention facilities will be shown on the future Final PUD Plans to be submitted for each Project phase. The detention facilities will be properly engineered by Applicant and approved by the City.
6. **Crater Lake Highway 62 Access:** The right-in/right-out access to Crater Lake Highway 62 shall not be permitted until the State/ODOT classification of Highway 62 has been changed (to permit the access) and jurisdiction over the highway has been transferred to the City of Medford.
7. **Highway 62 Access:** The Crater Lake Highway 62 driveway shows a deceleration lane for right-turns into the property. Applicant agrees to finalize its engineering for the access in concert with ODOT and the City of Medford Public Works Department.
8. **PUD Phasing:** This PUD is contemplated in phases, although precise phasing boundaries are not shown. Phasing will be established through the phased filing of Final PUD Plans as contemplated in the PUD Ordinance.
9. **Signs:** Permits for Project monument signs will be sought under separate permit.

VII

ULTIMATE CONCLUSIONS

Based upon the preceding findings of fact and conclusions of law, it is ultimately concluded that the case for Preliminary PUD Plan approval is consistent with all of the relevant criteria in the Medford Land Development Code (MLDC) as hereinabove enumerated and addressed.

Findings Dated: February 10, 2017

Respectfully submitted on behalf of Applicant:

CSA Planning, LTD.



Craig A. Stone
Consulting Planner



Agricultural Impact Assessment Report

Coker Butte Business Park PUD

Prepared by CSA Planning, Ltd

15-Feb-17

Introduction

The land intended to be developed as the Coker Butte Business Park is planned Commercial and zoned Light Industrial (I-L). The planned PUD is in two portions. The first portion is located west of Crater Lake Avenue and has a proposed Preliminary PUD Plan. The portion of the property located east of Crater Lake Avenue is shown on the Preliminary PUD Plan as Reserve Acreage and its future development will require the submittal of a Preliminary PUD Plan. Land to the north and east is planned by Jackson County as Agriculture land that is zoned Exclusive Farm Use (EFU) pursuant to Oregon Revised Statutes (ORS) Chapter 215. Land to the east (which covers most of the landform known as Coker Butte) is presently inside the Medford Urban Growth Boundary (UGB). EFU-zoned land to the north is within Medford's Urban Reserve¹ and has been proposed by the City of Medford to be included in its UGB.² PUD's which adjoin land zoned EFU are subject to the City's agricultural buffering standards in Medford Land Development Code (MLDC) 10.801.

Required Information

MLDC 10.801(C) requires the preparation of an Agricultural Impact Assessment Report and prescribes the information to be contained in it, and the same are provided as follows:

1. Attached map that shows County and City zoning upon an aerial photograph with the subject property denoted.
2. Existing Farming Practices (on adjacent EFU land): The adjacent EFU lands appear not to be presently farmed. The properties to the north appear to have irrigation rights but there is no evidence that the land is regularly irrigated. There is also no irrigation or frost protection equipment apparent on any of the nearby properties zoned EFU.
3. Attached map illustrates the various soils that occur on the adjacent EFU property according to and along with the NCRS agricultural classifications (regarding agricultural productivity). Soils that occur on adjacent EFU lands to the north are a combination of and Carney clay (27D). Both soils are rated to have an agricultural capability classification of IV with or without irrigation, although Carney clay (27B) improves to class III with irrigation. Lands to the north (which are zoned EFU) are a combination of Carney clay (27D), Carney cobbly clay (28E), Debenger-Brader loams (44E) and Carney clay (27B). All have an agricultural capability classification of IV without irrigation, while Carney clay (27B) improves to class III with irrigation.
4. The EFU properties appear not to be farmed. As such, there is no available list of equipment used on the property. However, the tract to the east appears to have been disked for weed control, a practice that is most typically carried out by a tractor-pulled non-motorized implement.
5. Attached is a two-page diagram that shows seasonal wind direction for each month. The information is compiled from data available through the National Weather Service at the Medford/Jackson County Airport. The airport is located within approximately one mile of the PUD property. These show that prevailing winds during the growing season typically come from northwest and north-by-northwest directions.
6. The summary description of measures to comply with MLDC 10.801 (A) through (E) is explained below and accompanied by agreed to stipulations offered by the PUD Owner/Applicants which are summarized at the end.

¹ Medford's Urban Reserve was established through Regional Problem Solving. The Regional Plan and Urban Reserves have been acknowledged by the State of Oregon.

² The UGB is in the process of being revised and amendment. Such amendment requires City, County and State concurrence. The City has acted to include land to the north in its UGB and the matter, at this time, is proceeding through public hearings before Jackson County decision makers.

Agricultural Classification (Passive or Intensive)

MLDC 10.801(D)(1) requires a threshold determination whether adjacent land zoned EFU is under “intensive” or “passive” agricultural use:

(1) Agricultural Classification (Intensive or Passive). For the purposes of this Section, agricultural land is hereby classified as either intensive or passive. Intensive agriculture is defined as farming which is under intensive day-to-day management, and includes fruit orchards and the intensive raising and harvesting of crops or, notwithstanding its current use, has soils of which a majority are class I through IV as determined by the NRCS, has irrigation water available and is outside of the Urban Growth Boundary. Passive agriculture is defined as farming that is not under intensive day-to-day management, and includes land used as pasture for the raising of livestock. The approving authority shall determine whether adjacent agricultural uses are intensive or passive based upon the specific circumstances of each case and the nature of agriculture which exists on the adjacent land zoned EFU or EA at the time the urban development application is filed and accepted by the City.

The facts which go to this determination under MLDC 10.801(D)(1) and which relate to the adjacent property to the north (Tax Lots 900 and 902) which are zoned EFU:

1. From the attached historic aerial photography, the adjacent EFU property to the north was occupied by a fruit orchard until approximately 2003 when the orchard was removed.³ There is no evidence that the property is now used for agriculture of any type or that it is under day-to-day agricultural management.
2. As shown on the attached soils map, the adjacent EFU-zoned lands to the north are comprised of Carney clay (27B) and Carney clay (27D). Both soils are rated by NCRS to have an agricultural capability classification of IV with or without irrigation, although Carney clay (27B) increases to class III when irrigated.
3. The adjacent EFU-zoned lands to the north appear to have irrigation rights although no evidence was found of actual irrigation since the orchard trees were removed. However, the properties might periodically use its irrigation rights to prevent them from being removed.
4. Even if irrigation were applied to the adjacent Tax Lot 902 there would be no runoff that would adversely affect either the subject property or adjoining land zoned EFU. The reason for there being little or no runoff impact is that the common property line separating the PUD from Tax Lot 902 is located upon a hill; the hill drains the two properties in opposite directions — the subject property does not drain upon adjacent Tax Lot 902 and the PUD property does not drain upon Tax Lot 902.
5. The EFU land to the north is not presently within the Medford UGB. However, (and as earlier noted) this land was identified as Urban Reserve and has been proposed by the City of Medford for inclusion in the Medford UGB, which is now undergoing amendment. There has yet to be a final decision regarding the UGB amendment.

It can be argued that the adjacent land to be buffered from the subject property meets the definitions for both intensive and passive agriculture. The difference in mitigation goes principally to the need to install buffering vegetation (in addition to fencing that is required to mitigate both intensive and passive agriculture).

In this instance, land to the north (Tax Lot 902 which adjoins the PUD and is not Reserve Acreage) is not farmed and exists as a remnant parcel created by the realignment of Crater Lake Avenue. According to the Preliminary PUD Plan, Tax Lot 902 would be buffered by a nearly solid wall of buildings; the buildings adjoin the interface between the PUD and Tax Lot 902. Gaps between the buildings (for loading docks) can be easily fenced or otherwise screened and Applicant has offered an agreed to stipulation to do so. The buildings will have no planned door or window openings that face toward Tax Lot 902 (a matter to which Applicant has also agreed to stipulate). Applicant contends that buffering required for this PUD is sufficient as proposed for passive agriculture and will be adequate given the above facts, which suggest this property has not been farmed since at least 2003 and is expected to be included in Medford’s UGB. However, Applicant has also agreed to reduce the size of the adjoining buildings to afford space for the additional landscape buffering (*should the Commission determine that the adjacent land is intensive agriculture*) as below explained.

³ The 2000 aerial shows a fruit orchard that then occupied the properties. The 2003 aerial shows that the orchard had been removed. The exact year of its removal is unknown but was sometime between 2000 and 2003.

Required Mitigation for Passive Agriculture

The mitigation of passive agriculture is set forth in MLDC 10.801(D)(3) and requires:

- Fencing of the specified type and height installed at the property boundary (which adjoins the EFU tract).
- The recording of a Deed Declaration which requires the PUD owners to accept customary farming and to maintain fencing (and other required buffering features).
- Management by the PUD owners to control any irrigation runoff.

Proposed Mitigation for Passive Agriculture

Proposed Mitigation: First, Applicant/Owners intend to address buffering as a separate matter for the PUD's Reserve Acreage (which will be subject to later additional Preliminary PUD Plan approval). With respect to the portion of the PUD located west of Crater Lake Avenue, Applicant observes that there are no setback requirements for land zoned I-L and Applicant has proposed to align some of its buildings along the property's north boundary (adjoining the EFU lands). The buildings will afford the same or better buffering mitigation than that afforded by fencing alone (or in combination with landscaping required for intensive agriculture).

As mentioned, the proposed buildings do not form a continuous barrier; there are breaks between the buildings to accommodate loading docks and these would require fencing with some additional fencing from the westerly-most building to the front setback line along Highway 62. The proposed fencing between breaks in the buildings will be in accord with MLDC 10.801(D)(3)(a) and the same will afford a continuous buffer along the subject property's north boundary. The combination of buildings and fencing will appropriately mitigate any potential for agricultural impacts to the subject property or from the subject property to the adjacent EFU land. The Preliminary PUD Plan now before the Planning Commission shows the mitigation proposed by Applicant (although fencing between buildings and that extending to the Highway 62 right-of-way is not shown).

Summary of Applicant Stipulations

As part of this Agricultural Impact Assessment and in connection with the proposed PUD (Coker Butte Business Park) Owner/Applicant agrees to stipulate to the following matters if required as conditions of approval for the Preliminary PUD Plan for Coker Butte Business Park:

1. Applicant will record the required Deed Declaration in accordance with 10.801(D)(3)(b). If required, the City will be given an opportunity to review the Deed Declaration before it is signed and recorded.
2. Applicant will install fencing in accordance with MLDC 10.801(D)(3)(a) between the buildings which adjoin the north boundary of the PUD (which adjoins Tax Lot 902) and extending west to Highway 62 front setback boundary.
3. When the PUD's Reserve Acreage is proposed for Preliminary PUD Plan approval, Applicant will supply a supplemental Agricultural Impact Assessment Report in accordance with MLDC 10.801(C).
4. If necessary and specifically required by the Planning Commission, Applicant will reduce the depth of PUD buildings which adjoin the adjacent EFU-zoned Tax Lot 902 in order to accommodate agricultural buffering landscaping (should the adjacent Tax Lot 902 be determined to be intensive agriculture). If the same is imposed by the Planning Commission, any such requirement should be automatically negated if the adjacent Tax Lot 902 is included in Medford's UGB before the said PUD buildings are constructed.⁴

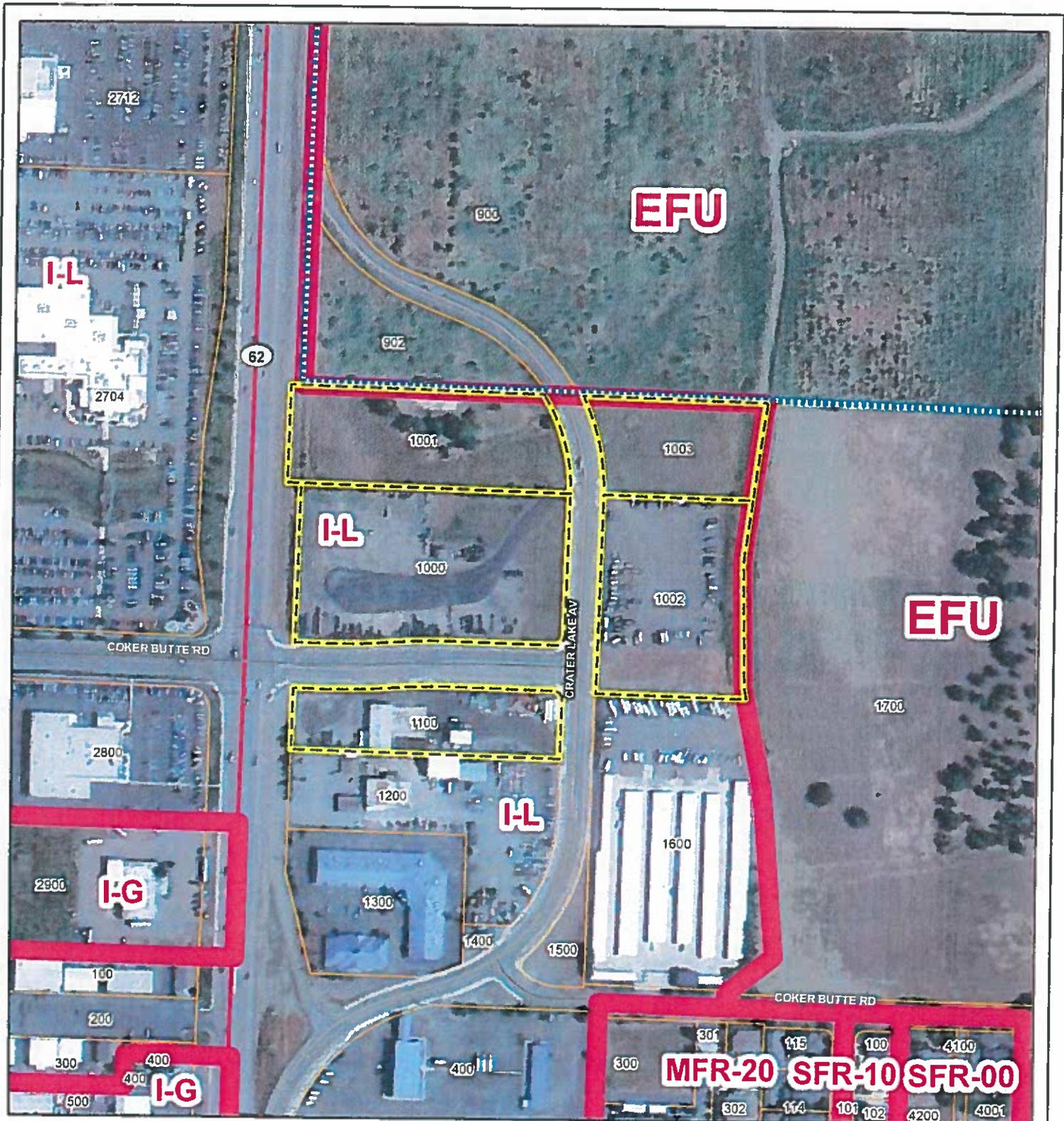
This Agricultural Impact Assessment Report is dated February 15, 2017.

CSA Planning, Ltd



Craig A. Stone
Consulting Urban Planner

⁴ Once Tax Lot 902 (and Tax Lot 900) is included in the UGB, the need for landscape agricultural buffering is obviated.



2016 Aerial

-  Subject Lots
-  Urban Growth Boundary
-  Medford Zoning
-  Tax Lots

Zoning Map

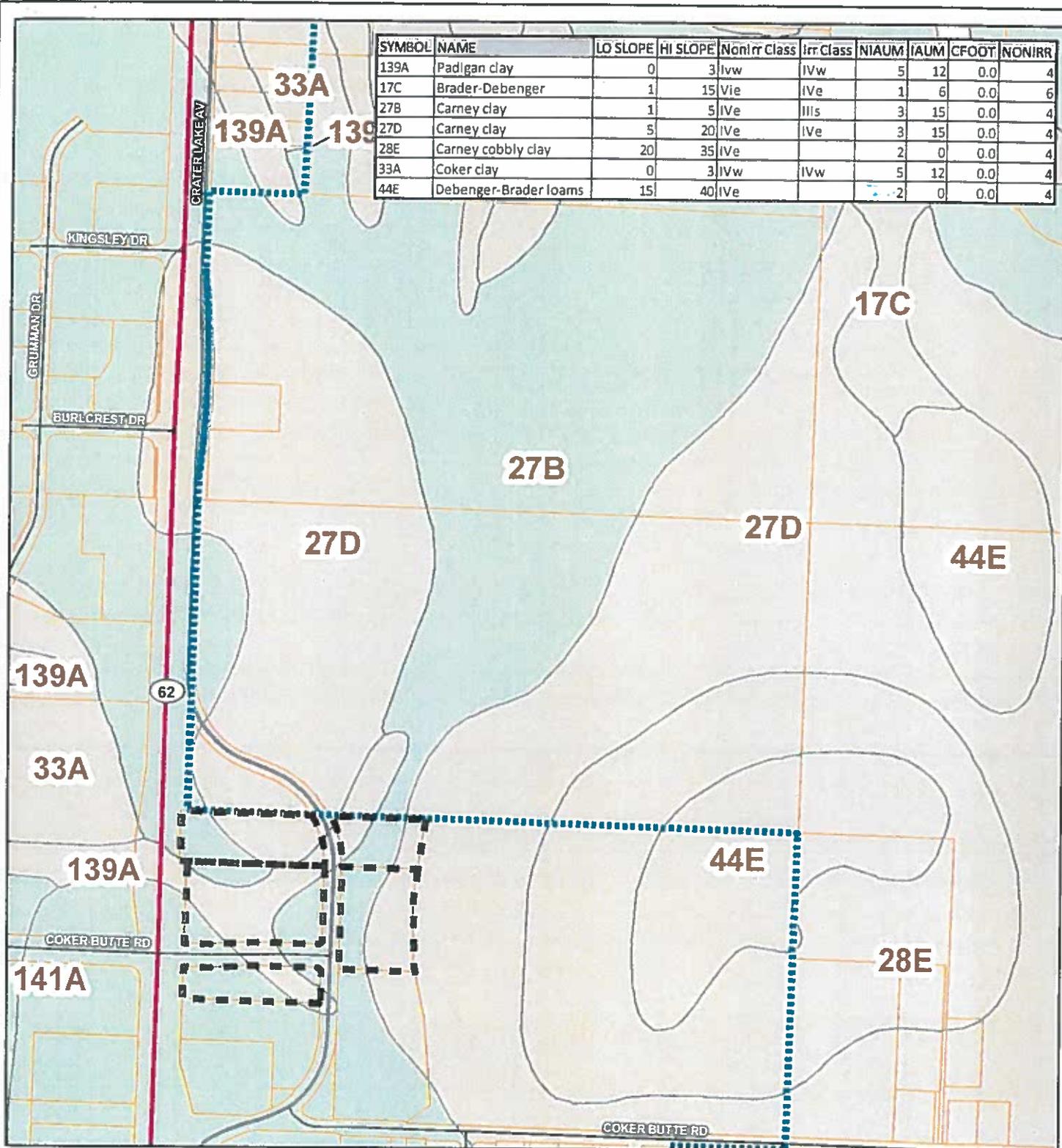
Agricultural Impact Assessment
Coker Butte Business Park PUD
37-1W-05 Tax Lots 1000, 1001, 1002, 1003, 1100





CSA Plannina, Ltd.

SYMBOL	NAME	LO SLOPE	HI SLOPE	NonIrr Class	Irr Class	NIAUM	IAUM	CFOOT	NONIRR
139A	Padigan clay	0	3	IVw	IVw	5	12	0.0	4
17C	Brader-Debenger	1	15	IVe	IVe	1	6	0.0	6
27B	Carney clay	1	5	IVe	IIIs	3	15	0.0	4
27D	Carney clay	5	20	IVe	IVe	3	15	0.0	4
28E	Carney cobbly clay	20	35	IVe		2	0	0.0	4
33A	Coker clay	0	3	IVw	IVw	5	12	0.0	4
44E	Debenger-Brader loams	15	40	IVe		2	0	0.0	4



- Subject Lots
 - Urban Growth Boundary
 - Tax Lots
- NRCS Soils**
- IIIe; IIIs; IIIw
 - IVe; IVs; IVw

NRCS Soils

Agricultural Impact Assessment
 Coker Butte Business Park PUD
 37S-1W-5 tax lots 1000, 1001, 1002, 1003, 1100



CSA Planning, Ltd.



Search

Search: Water Right by File

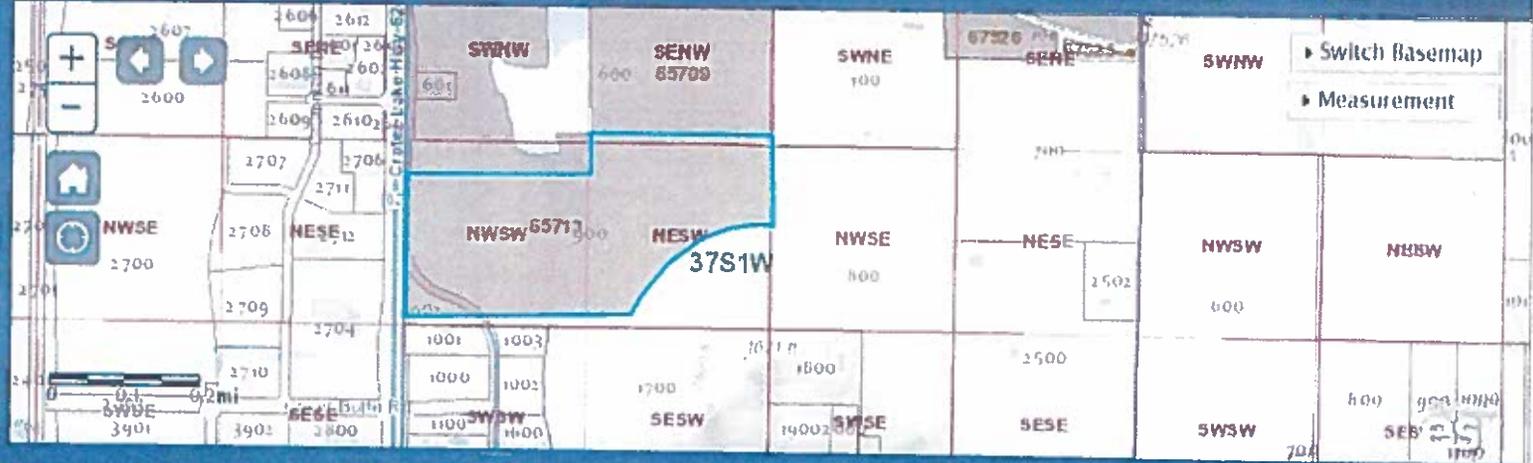
Application:

Permit:

Non-Water Right Features

Page 115

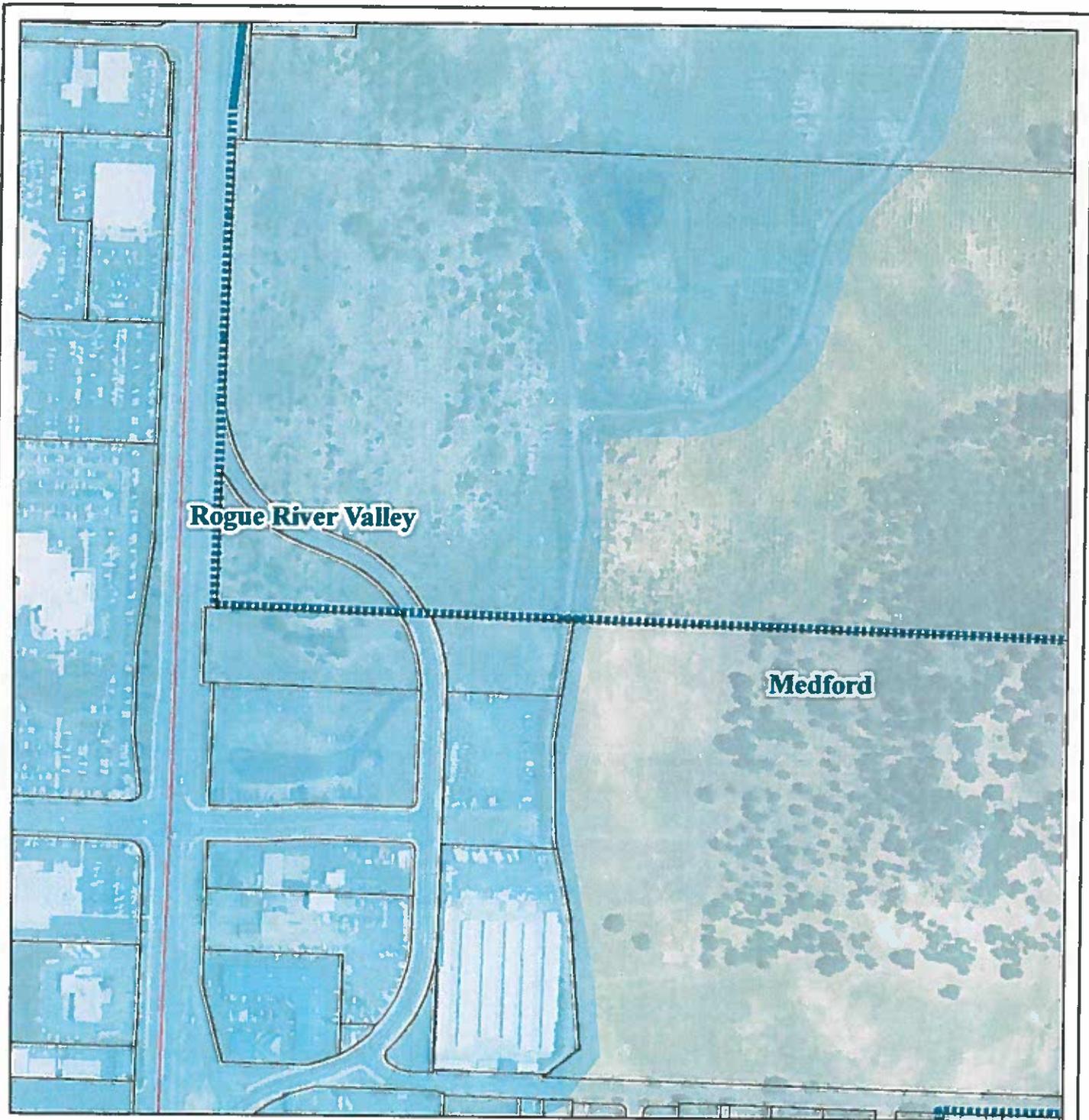
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Search... All Fields

#	ID (select)	WRIS	Zoom	Water Right	Water Type	First Name	Last Name	Company	Use Desc.	Priority Date	Supp. Application	Permit
1	98402	(Details)	Map WR	Cert:65713 OR * TC	SW	EDWARD W	EARNST		TEMPERATURE CONTROL	07/25/1980	S 60407	S 45723



Rogue River Valley

Medford

 Tax Lots
 Urban Growth Boundary
Irrigation District Boundaries
 Medford
 Rogue River Valley
2016 Aerial

Irrigation District Boundary Map
 Table Rock Holdings, LLC /
 Coker Butte Properties, LLC
 PUD
 37-1W-05- TL1000, 1001, 1002, 1003 & 1100


 N
 1 inch = 400 feet



2-16-2017 Source: CSA Planning, Ltd. Jackson County GIS

2000



Page 117

Image © 2000 US Geological Survey

Google

Image Date: 7/23/2000 42° 23' 20" N 84° 51' 00" W 849 ft

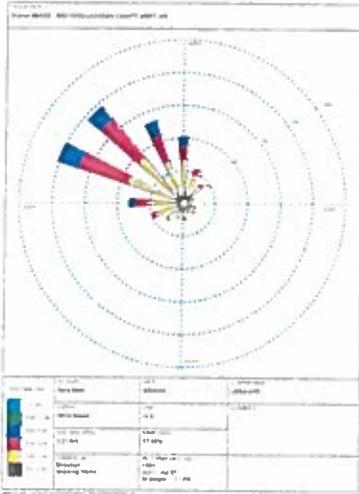
2003

Page 118

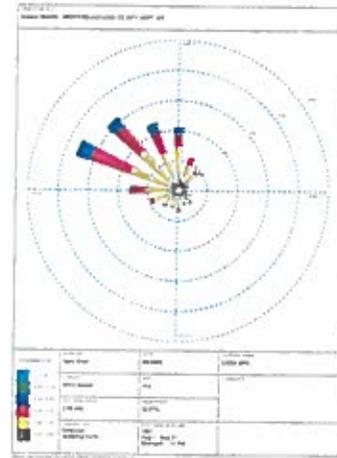


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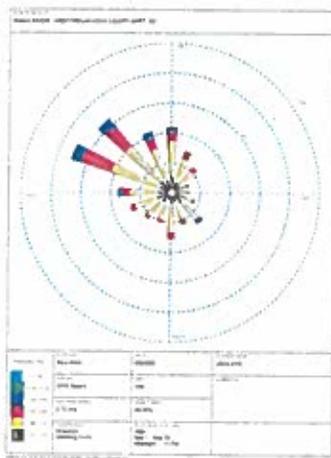
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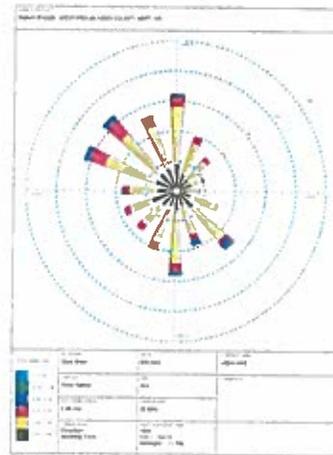
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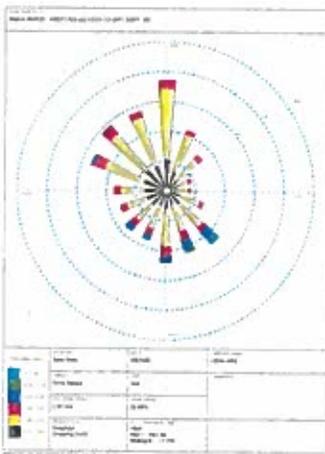
September



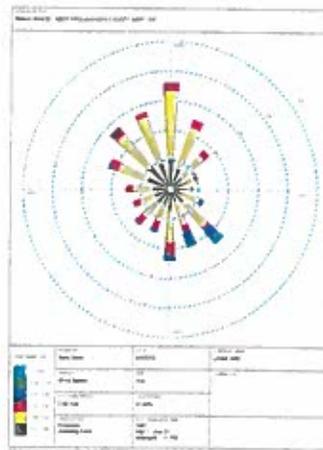
October



November



December





Continuous Improvement Customer Service

CITY OF MEDFORD

Revised Date: 6/1/2017
File Number: PUD-17-023

PUBLIC WORKS DEPARTMENT STAFF REPORT **Coker Butte Business Park PUD**

- Project:** Consideration of a Preliminary PUD Plan for Coker Butte Business Park, a proposed development consisting of office and light industrial uses.
- Location:** To be located on a 14.5-acre site composed of five contiguous lots bounded generally by Crater Lake Highway 62, Coker Butte Road, and Crater Lake Avenue, within the Light Industrial (I-L) zoning district (371W05 1000, 1001, 1002, 1003, and 1100).
- Applicant:** Applicant, Coker Butte Properties, LLC, and Table Rock Holdings, LLC; Agent, CSA Planning, Ltd; Planner, Dustin Severs.

NOTE:

The items listed here shall be completed and accepted prior to the respective issuances of permits and certificates:

Prior to issue of the first building permit or approval of a Final Plat, the following items shall be completed and accepted:

- Submittal and approval of plans for site grading and drainage, and detention, if applicable.
- Completion of all public improvements, if required. The applicant may provide security for 120% of the improvements prior to issuance of building permits. Construction plans for the improvements would need to be approved by the Public Works Engineering Department prior to acceptance of security.
- Items A – D, unless noted otherwise.

Prior to issue of Certificate-of-Occupancy for completed structures, the following items shall be completed and accepted:

- Paving of all on-site parking and vehicle maneuvering areas
- Certification by the design engineer that the stormwater quality and detention system was constructed per the approved plan, if applicable.
- Completion of all public improvements, if applicable.

A. STREETS

1. Dedications

Crater Lake Highway (Highway 62) is under the jurisdiction of the Oregon Department of Transportation (ODOT). The Developer shall contact ODOT to see if additional right-of-way is required.

Coker Butte Road is classified as a Major Arterial street, and in accordance with Medford Land Development Code (MLDC) Section 10.428, requires a total right-of-way width of 100-feet. **No additional right-of-way is required.**

Crater Lake Avenue is classified as a Major Collector street, and in accordance with Medford Land Development Code (MLDC) Section 10.428, requires a total right-of-way width of 74-feet. **No additional right-of-way is required.**

In accordance with MLDC, Section 10.471, the property owner shall **dedicate 10-foot wide Public Utility Easements (PUEs)** adjoining all lot lines abutting a street.

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

Highway 62 is under the jurisdiction of the ODOT. The Developer is advised to consult with ODOT regarding any possible requirements for roadway improvements on Highway 62, before commencing any work on this Development. The Developer shall obtain all necessary permits from ODOT for work within the Highway 62 right-of-way.

However, the City of Medford is requesting the Developer construct full-height-curb along the entire Highway 62 frontage at a distance of 8-feet from the existing fog line or as otherwise approved by the City Engineer, as well as, a 5-foot wide sidewalk separated from the curb with a 10-foot wide planter strip.

Coker Butte Road and Crater Lake Avenue – All street section improvements have been completed to current standards (ref: P1542), including pavement, curb and gutter, street lights, and sidewalks. **No additional public improvements.**

b. Street Lights and Signing

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. 2 – Type A-400

- a. Maintain/protect existing lighting conduit on Coker Butte Road (north side) for new driveway entrance. Conduit might have to be lowered.

B. 1 – Base Mounted Cabinet (BMC)

- a. Could utilize the existing BMC on the SW corner of Hwy 62 intersection. Would need to include a breaker and contactor for a new circuit.
- b. Provide voltage drop calculations for the new circuit.

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 is no pavement cutting moratorium currently in effect along this frontage to Coker Butte Road or Crater Lake Avenue.

Pavement maintenance for Highway 62 is under the jurisdiction of ODOT. The developer shall be responsible to obtain information from ODOT as to pavement cutting moratoriums that may be currently in effect.

3. Access and Circulation

Driveway access and circulation to and through the proposed development shall comply with MLDC 10.550 (aside from the driveway locations referenced in the Traffic Impact Report discussed below in “Transportation System”) and 10.426.

In accordance with MLDC 10.550, cross-access easements are required between lots 902 and 1001, 1000 and 1001, 1002 and 1003, and between 1100 and 1200. The site design must accommodate future use of such accesses.

4. Transportation System

Public Works received a limited Traffic Impact Report from Southern Oregon

Transportation Engineering, dated February 10, 2017, and an addendum dated April 6, 2017 titled, "Coker Butte Business Park Planned Unit Development" for the property bounded by Crater Lake Hwy 62, Coker Butte Rd, and Crater Lake Ave. The report studies the impact of a driveway access from the development onto Crater Lake Highway. The report also studies two additional driveways from the development onto Coker Butte and two additional driveways onto Crater Lake Ave.

The report shows that there is benefit to the transportation system in allowing the additional driveways in excess of those allowed by MMC section 10.550 and to a driveway if allowed onto Crater Lake Hwy.

Traffic Engineering recommends approval of all the studied driveway locations. The driveway onto Crater Lake Highway shall be contingent upon the City of Medford and ODOT executing a jurisdictional transfer agreement, transferring jurisdiction of this portion of Crater Lake Hwy from ODOT to the City of Medford. The jurisdictional transfer is anticipated to be executed upon completion of the Highway 62 bypass project, which is currently under construction, between Poplar Drive in Medford and Agate Rd in White City.

In addition, the existing trip cap, per ZC-07-272, on tax lots 1000, 1002, and 1100 of 2,480 average daily trips (ADT) or 248 peak hour trips shall remain in place until a Traffic Impact Analysis is submitted studying the full trip generation potential of the site. The applicant shall submit trip accountings with each individual building permit showing that the proposed new buildings will not cause the trip cap to be exceeded.

5. Section 10.668 Analysis

To support a condition of development that an applicant dedicate land for public use or provide a public improvement, the Medford Code requires a nexus and rough proportionality analysis which is essentially a codification of the constitutional provisions in Nollan and Dolan cases.

10.668 Limitation of Exactions

Notwithstanding any other provisions of this Chapter 10, an applicant for a development permit shall not be required, as a condition of granting the application, to dedicate land for public use or provide public improvements unless:

(1) the record shows that there is an essential nexus between the exaction and a legitimate government purpose and that there is a rough proportionality between the burden of the exaction on the developer and the burden of the development on public facilities and services so that the exaction will not result in a taking of private property for public use, or

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

1. Nexus to a legitimate government purpose

The purposes for these dedications 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.

Cross Access Easement:

The purpose of MLDC section 10.550(3) is identified in the last sentence of the section; to preserve the capacity and safety of the transportation system. A cross access easement accomplishes this purpose by allowing traffic that is traveling from one property to an abutting property to do so without travelling on a Collector or Arterial Street and degrading the capacity of the transportation system.

This aligns with the specific intent of the MLDC listed in 10.005 (7), which is to establish street standards that will effectively serve all areas and residential neighborhoods of the City and that will minimize congestion, safety hazards, and other adverse traffic impacts. It also aligns with the specific intent of the MLDC listed in 10.005 (3), which is to manage the growth and physical development of the city consistent with its ability to provide adequate and cost effective public services.

The nexus between requiring the cross access easement and the impacts of the development is that this development is going to establish multiple driveways onto higher order streets in accordance with their submitted Traffic Impact Report from Southern Oregon Transportation Engineering, dated February 10, 2017, and an addendum dated April 6, 2017 titled, "Coker Butte Business Park Planned Unit Development". The report shows that there is benefit to the transportation system in allowing the additional driveways in excess of those allowed by MMC section 10.550. The benefit is quantified by the reduction of trips on, and through intersections of, Collector and Arterial Streets. The cross access easement will additionally reduce trips on, and through intersections of, Collector and Arterial Streets, when the adjacent tax lots eventually develop.

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

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

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

The PUD is shown to generate 4,145 average daily trips or 415 peak hour trips per the applicant's submitted Traffic Impact Report

Highway 62:

Highway 62, also known as Crater Lake Highway, is functionally classified as a Major Arterial street. It is the primary connector between Interstate-5 and adjacent cities, Highway 62 will have two travel lanes in each direction, a center-turn median, bike lanes in each direction, sidewalks and street lights. It is a 45 mile per hour facility, which currently carries approximately 33,300 vehicles per day. It will provide safe travel for vehicles, bicycles, and pedestrians. As a higher order street, it is eligible for street SDC credits for both the right-of-way and roadway improvements, per MMC, Section 3.815 (5). Street SDC credits offset costs to the developer and is the mechanism provided by the City of Medford to fairly compensate the Applicant for the excess burden of dedicating for and constructing higher order streets and are therefore roughly proportional.

Coker Butte Road and Crater Lake Avenue:

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. These will be the primary route for pedestrians traveling to and from this development. The area required to be dedicated for the PUE 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.

Local 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.

Cross Access Easement:

The applicant is not required to actually dedicate any land for the cross access easement. Therefore, the impacts of creating a cross access easement on the proposed development are the minimum required to protect the public interest; the only change to the submitted site plan would be a drive aisle stubbed to the northern property line for future use.

B. SANITARY SEWERS

This site lies within the Rogue Valley Sewer Service (RVSS) area. Contact RVSS for sanitary sewer connections.

C. STORM DRAINAGE

1. Drainage Plan

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

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

All private storm drain lines shall be located outside of the public right-of-way and/or any public utility easements (PUE).

Private Stormdrain facilities located with a PUE shall require signed approvals from the benefitting utilities.

2. Grading

A comprehensive grading plan showing the relationship between adjacent property and the proposed development will be submitted with the improvement plans for approval. Grading on this development shall not block drainage from an adjacent property or concentrate drainage onto an adjacent property without an easement. The Developer shall be responsible that the final grading of the development shall be in compliance with the approved grading plan.

3. Detention and Water Quality

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

If the proposed development is to be constructed in phases, then each phase will be required to have its own stormwater detention and water quality treatment. If the Developer desires to do so, a Stormdrain Masterplan may be submitted in lieu of requiring each phase to have separate stormwater detention and water quality treatment. The Stormdrain Masterplan shall be submitted and reviewed with each phase's construction plans and shall be constructed with any phase to be served by the facility.

4. Certification

Upon completion of the project, and prior to certificate of occupancy of the building, the Developer's design Engineer shall certify that the construction of the stormwater quality and detention system was constructed per plan. Certification shall be in writing and submitted to the Engineering Division of Public Works. Reference Rogue Valley Stormwater Quality Design Manual, Appendix I, Technical Requirements.

5. Erosion Prevention and Sediment Control

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

6. Wetlands

The Developer shall contact the Division of State Lands for the approval and/or clearance of the subject properties with regards to wetlands and/or waterways, if they are present on site.

7. Easement

Developer shall provide an easement, to be a minimum of 20-feet from centerline, for the portion of Hopkins Canal which encroaches upon TL 1002 and TL 1003.

D. 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.

Contractors proposing to do work on public streets, sewers, or storm drains shall 'prequalify' with the Engineering Division prior to starting work. Contractors shall work off a set of public improvement drawings that have been approved by the City of Medford Engineering Division. Any work within the County right-of-way shall require a separately issued permit from the County.

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

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

4. Site Improvements

All on-site parking and vehicle maneuvering areas related to this development shall be paved in accordance with MLDC, Section 10.746, prior to issuance of certificate of occupancy for any structures on the site. Curbs shall be constructed around the perimeter of all parking and maneuvering areas that are adjacent to landscaping or unpaved areas related to this site. Curbs may be deleted or curb cuts provided wherever pavement drains to a water quality facility.

5. System Development Charges

Buildings in this development are subject to street, sanitary sewer treatment and storm drain system development charges (SDC). All SDC fees shall be paid at the time individual building permits are issued.

Prepared by: Doug Burroughs
Revised by: Doug Burroughs

SUMMARY CONDITIONS OF APPROVAL

Coker Butte Business Park PUD

PUD 17-023

A. Streets

1. Street Dedications to the Public:

- Highway 62 – Consult with Oregon Department of Transportation (ODOT).
- Coker Butte Road & Crater Lake Avenue – No dedications are required for this development.
- Dedicate 10 foot public utility easements (PUE).

2. Improvements:

a. Public Streets

- Highway 62 – Consult with ODOT. City recommends improvements.
- Coker Butte Road and Crater Lake Avenue improvements have been completed.

b. Lighting and Signing

- Developer supplies and installs all street lights at own expense.
- City installs traffic signs and devices at Developer's expense.

c. Pavement Moratoriums

- There is no pavement moratorium currently in effect on Coker Butte Road or Crater Lake Avenue.

3. Access and Circulation:

- Driveway access to the proposed development site shall comply with MLDC 10.550 & 10.426.
- No direct access to Crater Lake Highway at this time.

4. Transportation System

- The existing trip cap shall remain in place.
- Submit trip accountings with each individual building permit.

B. Sanitary Sewer:

- Contact RVSS for sanitary sewer connections.

C. Storm Drainage

- Provide a comprehensive grading and drainage plan.
- Provide water quality and detention facilities, calculations and O&M Manual.
- Provide engineers certification of stormwater facility construction.
- Provide DSL signoff if wetlands are present.
- Provide copy of an approved Erosion Control Permit (1200C) from DEQ for this project.
- Provide an easement for Hopkins Canal.

D. General Conditions

- Provide public improvement plans as required.
- Building permits will not be issued until security is received for public improvements.

The above summary is for convenience only and does not supersede or negate the full report in any way. If there is any discrepancy between the above list and the full report, the full report shall govern. Refer to the full report for details on each item as well as miscellaneous requirements for the project, including requirements for public improvement plans (Construction Plans), design requirements, phasing, draft and final plat processes, permits, system development charges, pavement moratoriums and construction inspection.



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

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

SUBJECT: PUD-17-023

PARCEL ID: 371W05 TL's 1000, 1001, 1002, 1003, 1100

PROJECT: Consideration of a Preliminary PUD Plan for Coker Butte Business Park, a proposed development consisting of office and light industrial uses to be located on a 14.5-acre site composed of five contiguous lots bounded generally by Crater Lake Highway 62, Coker Butte Road, and Crater Lake Avenue, within the Light Industrial (I-L) zoning district. (371W05 1000, 1001, 1002, 1003, and 1100); Applicant, Coker Butte Properties, LLC, and Table Rock Holdings, LLC; Agent, CSA Planning, Ltd; Planner, Dustin Severs

DATE: May 17, 2017

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. Installation of "on-site" 8-inch water lines is required. Applicants' civil engineer shall coordinate with MWC engineering department for on-site water facility layout. Water lines are required to be installed in paved travel lanes. They shall not be installed through landscaping islands, parking islands, and also not through parking stalls.
4. The existing 8-inch water line located in Crater Lake Avenue north of Coker Butte Road is required to be extended northerly to the City Limits.
5. Dedication of a 10 foot wide (minimum) access and maintenance easement to MWC over all water facilities located outside of public right-of-way is required. Easement shall be submitted to MWC for review and recordation prior to construction.
6. 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

CITY OF MEDFORD
EXHIBIT # K
File # PUD-17-023
Page 1 of 2



Continued from Previous Page

COMMENTS

1. Off-site water line installation is not required.
2. Onsite water line installation is required/ (See Condition 3 & 4)
3. Static water pressure is approximately 64 to 72 psi. Installation of Pressure Reducing Valve is not required per Uniform Plumbing Code.
4. MWC "metered" water service does exist to Tax Lot 1100. There is an existing 2-inch water meter that currently serves Rogue Disposal. Depending on location and size, this existing water meter could be utilized to serve the nearest proposed building, or it will be required to be abandoned.
5. The "Reserve Acreage" on the east side of Crater Lake Avenue shall not receive water facility improvements at this time. This area will be reviewed at time of a future land development review.
6. Access to MWC water lines is available. There is an 8-inch water line in Coker Butter Road between Crater Lake Hwy 62 and Crater Lake Avenue. There is also an 8-inch water line in Crater Lake Avenue between Coker Butte Road and the north side of the intersection of Crater Lake Avenue and Coker Butte Road. There is also an 8-inch water line stubbed to the south property line of TL 1002 which extends northerly through the mini-storage property from an 8-inch water line located in Coker Butte Road.



0 50 100 200 Feet
 Scale: 1"=200'

**Water Facility Map
 for
 PUD-17-023**

Legend

- A 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 developed by the Commission and a variety of agency records. While every effort is made to ensure the accuracy of the information on this map, the Commission does not warrant the accuracy of the information. The Commission is not responsible for any errors or omissions on this map.



Medford Fire Department

200 S. Ivy Street, Room #180
Medford, OR 97501
Phone: 774-2300; Fax: 541-774-2514;
www.medfordfirerescue.org

LAND DEVELOPMENT REPORT - PLANNING

To: Dustin Severs

LD Meeting Date: 05/17/2017

From: Greg Kleinberg

Report Prepared: 03/20/2017

Applicant: Applicant, Coker Butte Properties, LLC, and Table Rock Holdings, LLC; Agent,

File #: PUD - 17 - 23

Site Name/Description: Coker Butte Business Park

Consideration of a Preliminary PUD Plan for Coker Butte Business Park, a proposed development consisting of office and light industrial uses to be located on a 14.5-acre site composed of five contiguous lots bounded generally by Crater Lake Highway 62, Coker Butte Road, and Crater Lake Avenue, within the Light Industrial (I-L) zoning district. (371W05 1000, 1001, 1002, 1003, and 1100); Applicant, Coker Butte Properties, LLC, and Table Rock Holdings, LLC; Agent, CSA Planning, Ltd; Planner, Dustin Severs.

DESCRIPTION OF CORRECTIONS

REFERENCE

Requirement FIRE HYDRANTS

OFC 508.5

Fire hydrants with reflectors will be required for this project.

Fire hydrant locations shall be as follows: Six (6) new fire hydrants will be required for this project.

Fire hydrant spacing in commercial areas shall be a maximum of 300 feet. Due to the operational needs of the fire department, hydrants on arterial streets and some collector streets shall be located on the same side of the street as the project.

Additional hydrants may be required to comply with the requirement of proximity to fire department connections (for fire sprinkler and standpipe systems, the fire department connection shall be located at an approved location away from the building and within 75' of a fire hydrant. The fire department connection shall be located on the same side as the fire department access route.).

The approved water supply for fire protection (hydrants) is required to be installed prior to construction when combustible material arrives at the site.

Plans and specifications for fire hydrant system shall be submitted to Medford Fire Department for review and approval prior to construction. Submittal shall include a copy of this review (OFC 501.3).

Requirement FD APPARATUS ACCESS ROAD DESIGN

OFC 503.2.1

Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and unobstructed vertical clearance of not less than 13 feet 6 inches. The required width of a fire apparatus access road shall not be obstructed in any manner, including parking of vehicles. Minimum required widths and clearances established under section 503.2.1, shall be maintained at all times. The fire apparatus access road shall be constructed as asphalt,

CITY OF MEDFORD
EXHIBIT # L
File # PUD-17-023



Medford Fire Department

200 S. Ivy Street, Room #180
Medford, OR 97501
Phone: 774-2300; Fax: 541-774-2514;
www.medfordfirerescue.org

LAND DEVELOPMENT REPORT - PLANNING

To: Dustin Severs

LD Meeting Date: 05/17/2017

From: Greg Kleinberg

Report Prepared: 03/20/2017

Applicant: Applicant, Coker Butte Properties, LLC, and Table Rock Holdings, LLC; Agent,

File #: PUD - 17 - 23

Site Name/Description: Coker Butte Business Park

concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 60,000 pounds.

(See also OFC 503.4; D102.1)

The turning radius on fire department access roads shall meet Medford Fire Department requirements (OFC 503.2.4).

Requirement PRIVATE FIRE DEPARTMENT ACCESS PARKING RESTRICTION OFC 503.4

Parking shall be posted as prohibited along the fire lanes.

Fire apparatus access roads 20-26' wide shall be posted on both sides as a fire lane. Fire apparatus access roads more than 26' to 32' wide shall be posted on one side as a fire lane (OFC D103.6.1).

Where parking is prohibited for fire department vehicle access purposes, NO PARKING-FIRE LANE signs shall be spaced at minimum 50' intervals along the fire lane (minimum 75' intervals in 1 & 2 family residential areas) and at fire department designated turn-around's. The signs shall have red letters on a white background stating "NO PARKING-FIRE LANE" (See handout).

For privately owned properties, posting/marking of fire lanes may be accomplished by any of the following alternatives to the above requirement (consult with the Fire Department for the best option):

Alternative #1:

Curbs shall be painted red along the entire distance of the fire department access. Minimum 4" white letters stating "NO PARKING-FIRE LANE" shall be stenciled on the curb at 25-foot intervals.

Alternative #2:

Asphalt shall be striped yellow or red along the entire distance of the fire department access. The stripes shall be at least 6" wide, be a minimum 24" apart, be placed at a minimum 30-60 degree angle to the perimeter stripes, and run parallel to each other. Letters stating "NO PARKING-FIRE LANE" shall be stenciled on the asphalt at 25-foot intervals.

Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths (20' wide) and clearances (13' 6" vertical) shall be maintained at all times (OFC 503.4; ORS 98.810-12).



Medford Fire Department

200 S. Ivy Street, Room #180
Medford, OR 97501
Phone: 774-2300; Fax: 541-774-2514;
www.medfordfirerescue.org

LAND DEVELOPMENT REPORT - PLANNING

To: Dustin Severs

LD Meeting Date: 05/17/2017

From: Greg Kleinberg

Report Prepared: 03/20/2017

Applicant: Applicant, Coker Butte Properties, LLC, and Table Rock Holdings, LLC; Agent,

File #: PUD - 17 - 23

Site Name/Description: Coker Butte Business Park

This restriction shall be recorded on the property deed as a requirement for future construction.

A brochure is available on our website or you can pick up one at our headquarters.

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.

Dustin J. Severs

From: valerie.thorsen@faa.gov
Sent: Tuesday, April 04, 2017 3:28 PM
To: craig@csaplanning.net
Cc: Dustin J. Severs
Subject: Coker Butte Business Park

Good afternoon,

I am writing in response to the Coker Butte Business Park proposal provided for Federal Aviation Administration (FAA) review from the City of Medford Planning Department. Given the proximity to the airport, please submit an FAA Form 7460 at <https://oeaaa.faa.gov>. Please let me know if you have any questions.

Thank you,
Valerie Thorsen
Airport Planner (OR)
Seattle Airports District Office
425-227-2655

Dustin J. Severs

From: Marcy Black <BlackMA@jacksoncounty.org>
Sent: Wednesday, March 29, 2017 10:20 AM
To: Dustin J. Severs
Subject: File NO. PUD-17-023 - Coker Butte Business Park

Dustin:

Prior to any development, the Airport requests an Avigation, Noise and Hazard Easement be executed. In addition, due to the proximity of the development to the Airport, a 7460-1 Notice of Construction form will need to be submitted to the FAA for review prior to any construction.

Thanks for the opportunity to comment.

Marcy Black
Deputy Director-Administration

CITY OF MEDFORD
EXHIBIT # N
File # PUD-17-023



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

May 9, 2017

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

RE: Preliminary PUD plan for development off Coker Butte Road – an ODOT-maintained section of the road.

Planning File: PUD-17-023.

Dear Dustin:

Thank you for the opportunity to comment on the consideration of a Preliminary PUD Plan for Coker Butte Business Park, a proposed development consisting of office and light industrial uses to be located on a 14.5 acre site composed of five contiguous lots bounded generally by Highway 62, Coker Butte Road and Crater Lake Avenue, within the Light Industrial (I-L) zoning district. Jackson County Roads has no comments.

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

Sincerely,

Kevin Christiansen
Construction Manager



ROGUE VALLEY SEWER SERVICES

Location: 138 West Vilas Road, Central Point, OR - Mailing Address: P.O. Box 3130, Central Point, OR 7502-0005
Tel. (541) 664-6300, Fax (541) 664-7171 www.RVSS.us

March 19, 2017

City of Medford Planning Department
200 S. Ivy Street
Medford, OR 97501

Re: PUD-17-023, Coker Butte Business Park (37 1W 05-1000, 1001, 1002, 1003 & 1100)
Ref: ZC-07-272, CP-08-121

ATTN: Dustin,

The subject properties are within the RVSS service area. There is a 10 inch main located on tax lots 1000 and 1100 adjacent to Crater Lake Highway. Tax lots 1001 and 1100 are currently served by 4 inch services connected to the 10 inch main.

Sewer service to the proposed development will require mainline extension into the property from the 10 inch main and/or from the 8 inch stub at the intersection of Coker Butte Road and Crater Lake Highway. There are currently no sewer facilities adjacent to tax lots 1003 and 1002. In order to minimize future impacts to the proposed development it is strongly suggested sewer mains be extended to these parcels.

Rogue Valley Sewer Services requests approval of this application be subject to the following conditions:

1. Future development must be designed and constructed in accordance with RVSS standards. This includes the dedication of easements over public sewer mains outside of the public right-of-way.
2. Access to existing and future sewer manholes must be maintained at all times.
3. Existing sewer services must be abandoned per RVSS standards. This includes obtaining a no-cost abandonment permit from RVSS.
4. System Development Charges will be due to Rogue Valley Sewer Services prior to the connection of the proposed facilities to public sewer. Please note, SDC fees owed to RVSS are separate from fees owed to the City of Medford and RVSS SDC fees are variable depending on the proposed use of the buildings. The applicant must provide RVSS with a plumbing fixture plan for the determination of fees.

Sincerely,

Nicholas R. Bakke

Nicholas R. Bakke, P.E.
District Engineer

K:\DATA\AGENCIES\MEDFORD\PLANNING\PUD\2017\PUD-17-023_COKER BUTTE BUSINESS PARK.DOC

CITY OF MEDFORD
EXHIBIT # P
File # PUD-17-023

Coker Butte Business Park Planned Unit Development

Limited Traffic Analysis

February 7, 2017

Prepared By:



*TRANSPORTATION
ENGINEERING, LLC*

SOUTHERN OREGON TRANSPORTATION ENGINEERING, LLC

CITY OF MEDFORD
EXHIBIT # Q
File # PUD-17-023

I. EXECUTIVE SUMMARY

Summary

Southern Oregon Transportation Engineering, LLC prepared a limited traffic analysis for a proposed Coker Butte Business Park Planned Unit Development (PUD) located on Township 37S Range 1W Section 05, tax lots 1000, 1001, 1002, 1003, and 1100 in Medford, Oregon. The parcels total approximately 14.5 acres and are located east of OR 62 along both sides of Coker Butte Road and Crater Lake Avenue.

There is an existing trip cap on tax lots 1000, 1002, and 1100 of 2,480 average daily trips (ADT) or 248 peak hour trips. Tax lots 1001 and 1003 are unrestricted and estimated to generate 300 ADT per acre using City of Medford Light Industrial (I-L) trip generation estimates. Considering both the trip cap and I-L trip generations on remaining tax lots, the PUD potential impact is shown to generate 4,145 ADT or 415 peak hour trips. Access is currently provided on the south side of Coker Butte Road east of OR 62, along the west side of Crater Lake Avenue north and south of Coker Butte Road, and along the east side of Crater Lake Avenue north of Coker Butte Road. Right-in right-out accesses are proposed on the north side of Coker Butte Road east of OR 62 and on the east side of OR 62 north of Coker Butte Road. Refer to Figure 4 for a Conceptual Site Plan.

The study area included all site driveways and the following intersections:

1. OR 62 & Coker Butte Road
2. Crater Lake Avenue & Coker Butte Road

Site driveways and study area intersections were evaluated during the p.m. peak hour under year 2017 no-build and design year 2020 conditions with and without proposed development trips.

Conclusions

The findings of the limited traffic analysis conclude that the proposed PUD and proposed right-in, right-out (RIRO) accesses on OR 62 and Coker Butte Road can be accommodated on the existing transportation system without creating adverse impacts. Intersection operations and safety conditions were evaluated under existing year 2017 and design year 2020 no-build and build conditions and resulted in the following conclusions:

- Site driveways and surrounding intersections operate acceptably under existing year 2017 and design year 2020 no-build and build conditions.
- Sight distance is shown to be adequate from existing and proposed driveways.
- Right-in, right-out (RIRO) accesses along the east side of OR 62 north of Coker Butte Road and along the north side of Coker Butte Road east of OR 62 do not meet all City of Medford Land Development Code (MLDC) driveway spacing and location standards, but create no adverse safety or operational impacts, and are shown to preserve capacity at study area intersections, reduce queue lengths, improve connectivity and circulation, and reduce vehicle miles traveled (VMT) to the site.

The proposed PUD and RIRO accesses on Coker Butte Road and OR 62 can be approved based on findings that they create no safety or operational concerns, and are shown to provide a benefit to the transportation system with preserved capacity, reduced queue lengths, and improved circulation.



Continuous Improvement Customer Service

CITY OF MEDFORD

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION 200 S. IVY STREET
MEDFORD, OREGON 97501
www.ci.medford.or.us

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

RECEIVED

October 18, 2016

OCT 18 2016

Southern Oregon Transportation Engineering, LLC.
112 Monterey Dr.
Medford, OR. 97504

PLANNING DEPT.

The proposed Planned Unit Development on the General Industrial (I-G) zoned property identified as Township 37 Range 1W Section 05 tax lots 1000 (4.6 acres), 1001 (2.96 acres), 1002 (3.2 acres), 1003 (1.76 acres), and 1100 (1.98 acres), totaling 14.5 acres, will require a traffic impact analysis (TIA) to determine project impacts to the transportation system. Tax lots 1000, 1002, and 1100, with I-G zoning were approved with a trip cap generating a maximum of 2,480 average daily trips (ADT). Tax Lots 1001 and 1003 were approved with an entitlement of 1,416 ADT for a total trip generation of 3,896 ADT. The limited traffic impact analysis shall evaluate all existing and proposed access points and the intersections of Coker Butte Rd & OR 62 and Coker Butte Rd & Crater Lake Ave. The analysis must be prepared by a licensed engineer in the State of Oregon and follow our current TIA methodology. The general format is as follows and pertains to City of Medford and Jackson County facilities that involve collector and arterial streets. ODOT facilities should be addressed with ODOT using ODOT criteria.

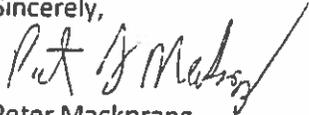
1. A TIA should always analyze the potential traffic generation of a parcel(s) with the following exceptions:
 - a. A Planned Unit Development (PUD) is being proposed with a site plan that the traffic analysis will be based on and stipulated to.
 - b. The potential traffic generation of the parcel(s) cannot be supported by the transportation facilities and a stipulation (trip cap) is being proposed.
2. All trip distributions into and out of the transportation system must reflect existing traffic count data for consistency or follow the current transportation model used by the City. If alternate splits are used to distribute traffic, then justification must be provided and approved by the Public Works Director prior to first submittal of the TIA.
3. Any intersection where the proposed development can be expected to contribute 25 or more trips during the analysis peak period shall be analyzed. Intersections having less than 25 peak period trips are not substantially impacted and will not be included in the study area.
4. Pipeline traffic must be considered into the existing count data before the impacts of project traffic are evaluated. Once the study area is defined by the applicant's traffic engineer and a written request is received, Public Works will supply all necessary pipeline information within one week.
5. The TIA shall determine all improvements or mitigation measures necessary to maintain facility adequacy at study area intersections. Mitigation measures may include...

construction of necessary transportation improvements and shall be required to bring transportation facilities operate to an acceptable level of service (LOS) with the addition of project traffic.

6. Peak period turning movement counts must be at least two-hour minimums and capture the peak period. Counts must be less than two years old and adjusted to the design year of the project. A seasonal traffic adjustment is required on study area streets if counts were not prepared during the peak period of the year and count data shows a 10% increase in traffic volumes.
7. All LOS analyses shall follow operational procedures per the current Highway Capacity Manual. Ideal saturation flow rates greater than 1800 vehicles per hour per lane should not be used unless otherwise measured in the project vicinity. Queue lengths shall be calculated at the 95th percentile where feasible. A peak hour factor of 1.0 should be used for each movement or lane group in the analysis.
8. Unsignalized intersections shall be evaluated for signal warrants if the level of service (LOS) is determined to be below standard minimums. Channelization requirements, such as left and right turn lanes, shall also be evaluated where failing facilities are identified and none are currently provided.
9. Signalized intersection analyses shall be in accordance with the City's timing sheets. Analyses will follow either pre-timed, actuated-coordinated, or actuated-uncoordinated timing plans, as applicable to each location. Once the study area is defined by the applicant's traffic engineer and a written request is received, Public Works will supply all timing information within one week.
10. Comprehensive Plan Amendment application requires a Year 2023 analysis that includes an analysis of the TSP project list. If additional projects are required, then a financial analysis shall also be included. The Zone Change application shall include Year of Build analysis and mitigation.
11. This scoping letter shall be included as an appendix in the initial study and subsequent revisions.
12. This scoping letter and any traffic impact analysis will expire after 180 days. It is the applicant's responsibility to resubmit the scoping letter request if the traffic impact analysis is not submitted during 180 days period.

The City's complete TIA methodology can be found in the Medford Land Development Code, section 10.461. Any TIA that is not in accordance with this methodology will be returned to the applicant without review. If you have any questions, feel free to contact me at 774-2121

Sincerely,



Peter Mackprang
Associate Traffic Engineer

Cc: Karl MacNair, Transportation Manager
Planning Department

RECEIVED

APR 13 2017

Southern Oregon Transportation Engineering, LLC

PLANNING DEPT.

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

April 6, 2017

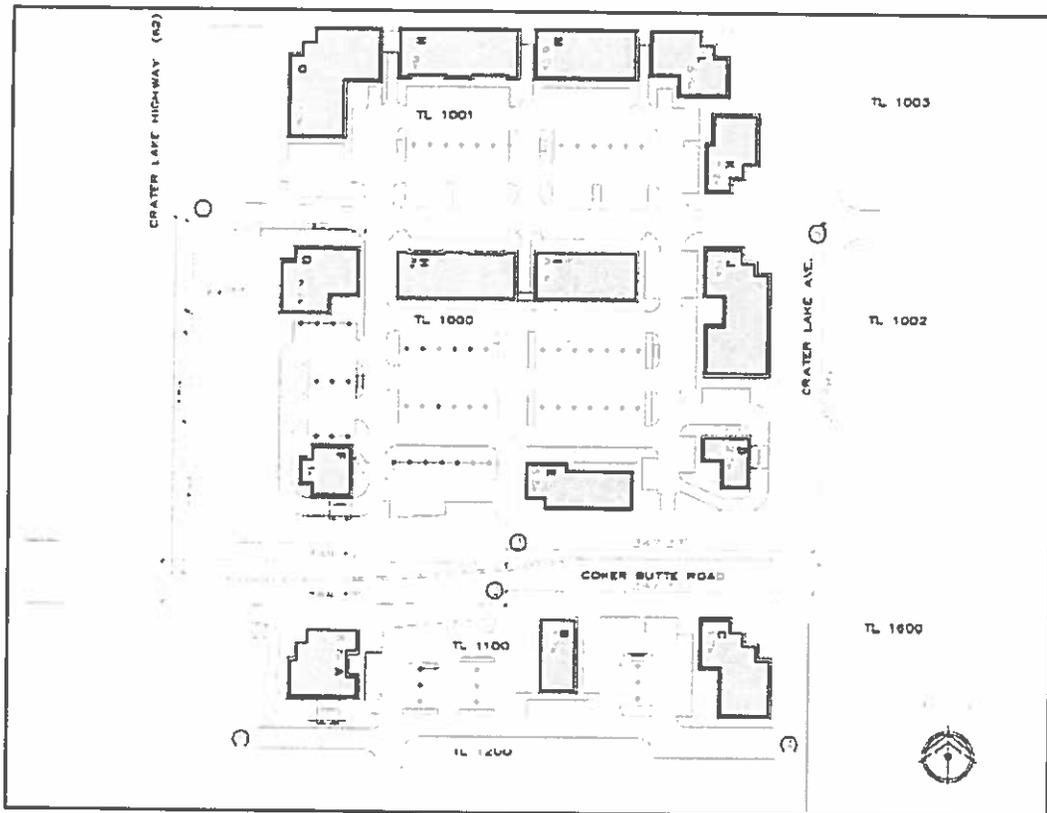
Karl MacNair, Transportation Manager
City of Medford
Public Works/Engineering Division
200 South Ivy Street, Lausmann Annex
Medford, Oregon 97501

RE: Coker Butte Business Park Analysis Response to Public Works Comments

Dear Karl,

Southern Oregon Transportation Engineering, LLC received comments from Public Works in response to our Coker Butte Business Park limited traffic analysis. The requested information is provided below.

Public Works comment 1: *Per Medford Municipal Code section 10.550 only driveways 5 and 6 are allowed. Provide justification for approval of driveways 1, 2, 3, and 4 addressing the criteria in 10.550 (3) c (4).*



CITY OF MEDFORD
EXHIBIT # 5
File # PUD-17-023

Response 1: Tax lots 1000, 1001, 1002, and 1003 share an existing full movement access on Crater Lake Avenue through access 5. Proposed accesses 1 and 3 are right-in, right-out (RIRO) only accesses on OR 62 and Coker Butte Road that provide additional connectivity to tax lots 1000 and 1001. Their value to the transportation system can be seen in reducing unnecessary trips through the intersections of Coker Butte / Crater Lake Avenue and Coker Butte / OR 62, as well as dispersing development trip impacts through three access points rather than loading one location. Proposed accesses 2 and 4 provide the same benefit to the transportation system by allowing development trips to access tax lots 1100 and 1200 through additional RIRO low-impact access points that increase site connectivity and reduce unnecessary trips on the system.

All proposed access points meet driveway spacing standards as set forth in Table 10.550-3 of the Medford Municipal Code section 10.550. The placement of existing RIRO access 4 is adjacent to the property line of a contiguous parcel and therefore satisfies other standards provided in the same context of section 10.550 under (3) a. (1). Access points 1, 2, 3, and 4 are shown to meet section 10.550 (4) for new development by providing access points that are equal or better than 10.550 (3) (a) and/or (b) for studied facilities in that they decrease delay at individual access points on the system by dispersing impacts and providing a more efficient, better connected network. No safety or operational concerns were shown to occur as a result of additional proposed access points.

Public Works comment 2: Vehicles exiting the proposed Crater Lake Highway driveway will have to find gaps sufficient to pull out into +5 mph traffic. This will be difficult given the signal operations at the Coker Butte Rd / Crater Lake Highway intersection. Northbound through and eastbound left are heavy-volume conflicting movements that will almost always have a green light and limit the opportunity for traffic to exit the proposed driveway. Westbound rights on red at Coker Butte would also limit the ability of traffic exiting at the driveway to find gaps in northbound through traffic. This could result in excessive delay for traffic exiting at the proposed driveway, causing drivers to accept shorter gaps, which is a safety concern. If the exiting traffic is instead turning right at the intersection, it would have priority over the EBL on green, which should reduce delay for vehicles exiting development. Since right-turns are allowed on red lights, the opportunity for vehicles to exit when gaps in NB traffic allow would not be diminished. Please address these concerns.

Response 2: The proposed right-in, right-out site driveway on OR 62 north of Coker Butte Road is estimated to carry 65 inbound and 65 outbound trips during the p.m. peak hour. Gaps at the proposed location occur predominantly when northbound vehicles are stopped at the signalized intersection of Coker Butte Road and OR 62. In the field, during a gap count, it was observed that phase changes at the signal created gaps of different duration and varied depending upon the movement and the driver, but in general the largest gap occurred at the end of the northbound (mainline) green time when transitioning to the eastbound-westbound permissive phase. Westbound right turning vehicles were observed to take approximately 8 seconds to reach the proposed RIRO driveway location on OR 62 compared to 9-10 seconds for eastbound left turning vehicles. Northbound vehicles starting from a stopped position took approximately 6-7 seconds to get to the same point. Gaps also occurred during intermittent lags in northbound platoons during mainline green time. Overall, there were 245 gaps of adequate size shown to occur on OR 62 at the proposed RIRO driveway for right turning vehicles, which is shown to be sufficient for proposed development trip generations. It is not expected that development trips exiting the site through the RIRO driveway will never have to wait for a gap in traffic, but this is considered typical, and the signalized intersection to the south definitely helps provide gaps that otherwise would be more sporadic. What also is important to note is that traffic along OR 62 is expected to decrease with completion of the parallel bypass in 2020 (Phase I of the ODOT Unit II OR 62 Project), which will have the effect of creating more gaps than what currently exist. The existing gap count and breakdown of gaps of adequate size are attached.

Public Works comment 3: *Address the impact to bike and pedestrian traffic from vehicles crossing the bike shoulder/lane and sidewalk at the midblock location of the driveway proposed on Crater Lake Hwy.*

Response 3: Bike traffic on OR 62 will have a dashed lane adjacent to northbound vehicular traffic at the RIRO entrance. Northbound right turning vehicles will yield to cyclists as they would at any other intersection or driveway with a right turn drop lane. Pedestrians will have a sidewalk to walk on north of Coker Butte Road and will cross the proposed RIRO driveway at striped crosswalks that have a center island separating inbound and outbound vehicles for added safety. The crossing distance is fairly short since it only needs to be wide enough for a single lane and shoulder, and is not expected to have high speed vehicles either entering or exiting. No unusual safety or operational concerns are expected to occur for pedestrians or cyclists at the proposed midblock RIRO driveway along OR 62.

Public Works comment 4: *Page 21 Table 7- The total delay for scenarios 1 and 2 are 72.7 and 80.3 seconds, respectively, which indicates an increase of 7.6 seconds of delay system wide. Explain how this is a benefit to the transportation system.*

Response 4: The benefit to the transportation system is seen through equal or decreased delay at each study area intersection or driveway. Comparing the total delay for scenarios 1 and 2 produces an inaccurate assessment because scenario 2 includes more locations than scenario 1.

Public Works comment 5: *Page 10 Table 2, Page 13 Table 4 and Page 21 Table 7 – check values in the table, the performance standard for OR 62/Coker Butte will be LOS D after the jurisdictional transfer. At present it should be 0.85 v/c.*

Response 5: This is correct. The present operational standard at Coker Butte / OR 62 is a volume to capacity ratio of 0.85 because this intersection is currently under ODOT jurisdiction. The intent of this analysis, however, is to address what the standard will be at such time that this intersection becomes a City of Medford intersection. With this in mind, the only result that was necessary to show was the level of service and corresponding delay. The additional v/c ratio information was provided to show the capacity benefit at the signal (even though this is not the City standard), but we can remove this if necessary.

Public Works comment 6: *Page 12, several references – the description of ODOT Unit II OR 62 Project should include references to phases 1 and 2.*

Response 6: For purposes of the analysis, the only phase of the ODOT Unit II OR 62 Project considered was Phase 1, which includes construction of a parallel bypass that begins north of Poplar Drive on OR 62 and ends near Corey Road through a signalized intersection. To our knowledge, Phase 2 is partially funded, but only includes the acquisition of additional right-of-way and does not change or impact the proposed PUD. Any future phases were not considered because they are not currently funded.

Public Works comment 7: *Cross access easements between lots 902 and 1001, 1000 and 1001, 1002 and 1003, and between 1100 and 1200, will be a requirement of approval.*

Response 7: We understand the concern for cross access at the proposed site, and this will be addressed by the applicant in the application findings.

We hope this adequately addresses Public Works' concerns. Please feel free to contact me if you have any questions or need additional information.

Sincerely,



Kimberly Parducci PE, PTOE

SOUTHERN OREGON TRANSPORTATION ENGINEERING, LLC

Attachments: Gap Count
Medford Land Development Code 10.550
Public Works Comments

Cc: Client



*Southern Oregon
Transportation Engineering, LLC
Medford, Or. 97504*

OR 62 Gaps
Location: North of Coker Butte Rd
Weather: Overcast, 55 deg
Veh Type: All Vehicles

File Name : OR 62 Gaps
Site Code : 00000002
Start Date : 3/23/2017
Page No : 1

Directions Printed: OR 62 NB

Start Time	Volume	2 - 3	4 - 5	6 - 7	8 - 9	10 - 11	12 - 13	14 - 15	16 - 17	18 - 19	20 - 21	22 - 23	24 - 25	26 - 27	28 - 29	>29	Int. Total	Average
04:00 PM	324	4	10	8	4	7	3	2	2	1	0	0	0	0	0	1	42	6 - 7
04:15 PM	340	3	5	8	6	4	1	2	2	2	2	0	1	0	0	0	36	8 - 9
04:30 PM	312	0	4	8	7	6	4	3	3	0	0	0	1	0	1	2	39	10 - 11
04:45 PM	294	0	1	4	8	14	5	3	1	2	0	0	1	0	0	1	40	10 - 11
Total	1270	7	20	28	25	31	13	10	8	5	2	0	3	0	1	4	157	8 - 9
05:00 PM	376	0	4	2	8	3	4	1	0	2	1	1	1	0	1	0	28	10 - 11
05:15 PM	356	1	5	7	7	7	3	0	2	0	1	1	0	0	0	1	35	8 - 9
05:30 PM	336	0	4	3	9	5	5	4	2	1	0	0	0	0	0	0	33	10 - 11
05:45 PM	286	2	3	5	6	5	2	0	1	2	0	1	3	1	0	3	34	10 - 11
Total	1354	3	16	17	30	20	14	5	5	5	2	3	4	1	1	4	130	8 - 9
Grand Total	2624	10	36	45	55	51	27	15	13	10	4	3	7	1	2	8	287	8 - 9
Total %		3.5	12.5	15.7	19.2	17.8	9.4	5.2	4.5	3.5	1.4	1.0	2.4	0.3	0.7	2.8		

Peak Hour Analysis From 04:45 PM to 05:30 PM - Peak 1 of 1

Peak Occurred: 04:45 PM
Volume: 1362
High Int.: 05:00 PM
Volume: 376
PHF: 0.906

Gap Spreadsheet for OR 62 north of Coker Butte Road
 Coker Butte Business Park PUD Analysis

Date: Thurs March 23, 2017
 4:45-5:45 PM

Gap size	# of	Mult. factor	NA		Site	Both Directions		
			EBR gaps	# of		Mult. factor	WBR gaps	# of
6 to 7		1	0	16	1	16	NA	NA
8 to 9		1	0	32	1	32	1	0
10 to 11		2	0	29	2	58	1	0
12 to 13		2	0	17	2	34	2	0
14 to 15		3	0	8	3	24	2	0
16 to 17		3	0	5	3	15	3	0
18 to 19		4	0	5	4	20	3	0
20 to 21		4	0	2	4	8	4	0
22 to 23		5	0	2	5	10	4	0
24 to 25		5	0	2	5	10	5	0
26 to 27		6	0	0	6	0	5	0
28 to 29		6	0	1	6	6	6	0
>29		6	0	2	6	12	6	0
Total			0			245		0



City of Medford

PUBLIC WORKS – ENGINEERING & DEVELOPMENT

MEMORANDUM

Date: April 14, 2017

To: Doug Burroughs, Development Services Manager
Kimberly Parducci, SOTE
Mike Montero

From: Peter Mackprang, Associate Traffic Engineer

Subject: Coker Butte Business Park PUD 17-023

Public Works received a limited Traffic Impact Report from Southern Oregon Transportation Engineering, dated February 10, 2017, and an addendum dated April 6, 2017 titled, "Coker Butte Business Park Planned Unit Development" for the property bounded by Crater Lake Hwy 62, Coker Butte Rd, and Crater Lake Ave. The report studies the impact of a driveway access from the development onto Crater Lake Highway. The report also studies two additional driveways from the development onto Coker Butte and two additional driveways onto Crater Lake Ave.

The report shows that there is benefit to the transportation system in allowing the additional driveways in excess of those allowed by MMC section 10.550 and to a driveway if allowed onto Crater Lake Hwy.

Traffic Engineering recommends approval of all the studied driveway locations. The driveway onto Crater Lake Highway shall be contingent upon the City of Medford and ODOT executing a jurisdictional transfer agreement, transferring jurisdiction of this portion of Crater Lake Hwy from ODOT to the City of Medford. The jurisdictional transfer is anticipated to be executed upon completion of the Highway 62 bypass project, which is currently under construction, between Poplar Drive in Medford and Agate Rd in White City.

CITY OF MEDFORD
EXHIBIT # I
File # PUD-17-023



APPLICATION AND PERMIT TO OCCUPY OR PERFORM OPERATIONS UPON A STATE HIGHWAY

See Oregon Administrative Rule, Chapter 734, Division 55

PERMIT NUMBER

734-3457(2-06)	
CLASS:	KEY#

GENERAL LOCATION			PURPOSE OF APPLICATION (TO CONSTRUCT/OPERATE/MAINTAIN)		
HIGHWAY NAME AND ROUTE NUMBER OR-62 / 22 / Crater Lake			<input type="checkbox"/> POLE LINE	TYPE	MIN. VERT. CLEARANCE
HIGHWAY NUMBER 22	COUNTY Jackson		<input type="checkbox"/> BURIED CABLE	TYPE	
BETWEEN OR NEAR LANDMARKS Coker Butte			<input type="checkbox"/> PIPE LINE	TYPE	
HWY. REFERENCE MAP	DESIGNATED FREEWAY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IN U.S. FOREST <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> NON-COMMERCIAL SIGN	FEE AMOUNT	
APPLICANT NAME AND ADDRESS TABLE ROCK Holdings LLC PO Box 3187 Central Point, OR 97502			<input checked="" type="checkbox"/> MISCELLANEOUS OPERATIONS AND/OR FACILITIES AS DESCRIBED BELOW		
			FOR ODOT USE ONLY		
			BOND REQUIRED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	REFERENCE: OAR 734-55-035(2)	AMOUNT OF BOND
			INSURANCE REQUIRED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	REFERENCE: OAR 734-55-035(1)	SPECIFIED COMP. DATE 6/1/2011

RECEIVED
FEB 10 2011
PLANNING DEP.

DETAIL LOCATION OF FACILITY (For more space attach additional sheets)

MILE POINT	TO MILE POINT	ENGINEERS STATION	ENGINEERS STATION TO	SIDE OF HWY OR ANGLE OF CROSSING	DISTANCE FROM		BURIED CABLE OR PIPE		SPAN LENGTH
					CENTER OF PVMT	R/W LINE	DEPTH/VERT.	SIZE AND KIND	
2.77		2243+12		Left					

DESCRIPTION AND LOCATION OF NON-COMMERCIAL SIGNS OR MISCELLANEOUS OPERATIONS FACILITIES
Installation of new landscaping and drainage feature.

SPECIAL PROVISIONS (FOR MORE SPACE ATTACH ADDITIONAL SHEETS)

- TRAFFIC CONTROL REQUIRED YES [OAR 734-55-025(6)] NO
- OPEN CUTTING OF PAVED OR SURFACED AREAS ALLOWED? YES [OAR 734-55-100(2)] NO [OAR 734-55-100(1)]
- AT LEAST 48 HOURS BEFORE BEGINNING WORK, THE APPLICANT OR HIS CONTRACTOR SHALL NOTIFY THE DISTRICT REPRESENTATIVE AT TELEPHONE NUMBER: 541-774-6328 OR FAX A COPY OF THIS PAGE TO THE DISTRICT OFFICE AT: 541-774-6328 SPECIFY TIME AND DATE IN THE SPACE BELOW.
- A COPY OF THIS PERMIT AND ALL ATTACHMENTS SHALL BE AVAILABLE AT THE WORK AREA DURING CONSTRUCTION.
- ATTENTION: Oregon Law requires you to follow rules adopted by the Oregon Utility Notification Center. Those rules are set forth in OAR 952-001-0010 through OAR 952-001-0090. You may obtain copies of the rules by calling the center at (503) 232-1987. CALL BEFORE YOU DIG 1-800-332-2344

COMMENTS - ODOT USE ONLY

Follow applicable MUTCD. See attached Provisions. Any change in submitted design must be approved by ODOT. See attached provisions

IF THE PROPOSED APPLICATION WILL AFFECT THE LOCAL GOVERNMENT, THE APPLICANT SHALL ACQUIRE THE LOCAL GOVERNMENT OFFICIAL'S SIGNATURE BEFORE ACQUIRING THE DISTRICT MANAGER'S SIGNATURE.

LOCAL GOVERNMENT OFFICIAL SIGNATURE <input checked="" type="checkbox"/>	TITLE	DATE
APPLICANT SIGNATURE <input checked="" type="checkbox"/>	APPLICATION DATE 2/11/2011	TELEPHONE NO.
DISTRICT MANAGER OR REPRESENTATIVE <i>[Signature]</i>		APPROVAL DATE 2-11-2011



Zcf8

GENERAL PROVISIONS FOR POLELINE, PIPELINE, BURIED CABLE, AND MISCELLANEOUS PERMITS

Revised May 2010

APPLICANT: TABLE ROCK ^{HOLDINGS} VENTURES LLC	
HIGHWAY: CRATER LAKE HWY 62(22)	MP: 2.77

All checked (☒) provisions apply.

WORKSITE

- 1. Permittee must call for utility locates before digging ("Call Before You Dig!" 1-800-332-2344) per Oregon Administrative Rules (Chapter 952, Division 1). You may be held liable for damages. Premarking of excavation areas is required.
- 2. Permittee shall have a copy of this permit and all attachments at the work site. They shall be available to the District Manager or representative at their request.
- 3. Permittee shall acknowledge, in writing, receipt and review of Oregon Administrative Rules (Chapter 734, Division 55) governing miscellaneous facilities and operations on the highway right of way as the governing provisions of permit or agreement. Copies of this rule may be obtained from any district maintenance office.
- 4. Permittee shall review the Oregon Administrative Rules (Chapter 734 Division 55) governing miscellaneous facilities and operations on the highway right of way as the governing provisions of this permit or agreement. Web site: http://arcweb.sos.state.or.us/rules/OARS_700/OAR_734/734_055.html
- 5. Access control fence must be maintained during construction and restored to its original or better condition after construction is complete.
- 6. The permittee shall not use state highway right of way to display advertising signs or merchandise of any kind.
- 7. The stopping and parking of vehicles upon state highway right of way for the maintenance of adjoining property or in furtherance of any business transaction or commercial establishment is strictly prohibited.
- 8. All grass and small brush within the work area shall be rotary or flail mowed to ground level prior to the beginning of work to facilitate clean up.
- 9. Disturbed areas shall be reseeded with grass native to the area in an appropriate seeding time.
- 10. The spreading of mud or debris upon any state highway is strictly prohibited and violation shall be cause for immediate cancellation of the permit. Clean up shall be at the applicant's expense. The highway shall be cleaned of all dirt and debris at the end of each work day, or more frequently if so determined by the District Manager or representative.
- 11. Permittee shall replace any landscape vegetation or fences that are destroyed. Any damage that is not fully recovered within 30 days (weather permitting) shall be replaced by ODOT at the expense of the permittee. A "plant establishment" shall be understood to be part of the planting work to assure satisfactory growth of planted materials. The plant establishment period will begin when the original planting and all landscape construction has been completed and approved. The length of the establishment period will be one calendar year or as defined in the permit Special Provisions.
- 12. Permittee shall install and maintain landscaped area as shown on the attached drawings. Planting shall be limited to low-growing shrubs, grass or flowers that do not attain sufficient height to obstruct clear vision in any direction. The Oregon Department of Transportation (ODOT) shall have the right to remove said landscaping at any time such removal may appear to be in the public interest, without liability or loss, injury, of damage or any nature whatsoever.

TRAFFIC

3078

- 13. During construction or maintenance, the work area shall be protected in accordance with the current Manual on Uniform Traffic Control Devices (MUTCD), Federal Highway Administration, U.S. Department of Transportation, and the Oregon Department of Transportation supplements thereto. Flaggers must have a card or certificate indicating their completion of an approved work zone traffic control course. All traffic control devices shall be maintained according to the American Traffic Safety Services Association (ATSSA), Quality Standards for Work Zone Traffic Control Devices handbook.
- 14. Permittee shall provide a detailed traffic control plan for each phase of the work, showing signs and cones. Plans shall be reviewed by Oregon Department of Transportation in advance of construction or maintenance.
- 15. All damaged or removed highway signs shall be replaced by the permittee. Installation shall be according to MUTCD standards or ODOT specifications, and shall be completed as soon as possible but no later than the end of the work shift.
- 16. No lane restrictions are permitted on the roadway during the hours of darkness, on weekends, or between 6:00 AM and 9:00 AM, or 3:00 PM and 6:00 PM (Monday through Friday) without prior approval by ODOT.
- 17. Hours of work shall be

DRAINAGE

- 18. On-site storm drainage shall be controlled within the permitted property. No blind connections to existing state facilities are allowed.
- 19. Excavation shall not be done on ditch slopes. Trench excavation shall either be at ditch bottom or outside ditch area. (Minimum depth at bottom of ditch shall be 36 inches; minimum depth outside of ditch shall be 42 inches).
- 20. Only earth or rock shall be used as fill material and shall slope so as not to change or adversely affect existing drainage. Fine grade and seed the finished fill with native grasses to prevent erosion.
- 21. A storm drainage study stamped by an Oregon Registered Professional Engineer (PE) is required. The study must meet standards of the National Pollution Discharge Elimination Systems (NPDES) when any of the following conditions apply:
 - Whenever a four inch pipe is inadequate to serve the developed area,
 - development site is one acre or larger in size and directly or indirectly affects state facilities,
 - or as directed by the District Manager or representative.
- 22. Permittee shall provide on-site retention for storm water runoff that exceeds that of the undeveloped site.
- 23. All water discharged to an ODOT drainage system must be treated prior to discharge. All requests for connection to an ODOT storm system must meet any requirements of the National Pollutant Discharge Elimination System (NPDES). This may include local jurisdiction approval of on-site water quality treatment facilities and/or development of an operation and maintenance plan for any on-site water quality treatment facility, as determined by local jurisdiction.

EXCAVATION / CONSTRUCTION

- 24. The following ODOT documents and any supplements and subsequent revisions thereto, where applicable and not otherwise superseded by the permit language herein, but only to the extent that they provide standards and performance requirements for work to be performed under the permit, shall be incorporated for use in the permit:

"Oregon Standard Specifications for Construction (2008)". ODOT shall have authority over acceptance of all materials and workmanship performed under this permit as stated in Section 00150.00 of the "Oregon Standard Specifications for Construction (2008)."

For additional Supplemental and Special Provisions please refer to:
http://www.oregon.gov/ODOT/HWY/SPECS/standard_specifications.shtml Standard Specification books are available on this site.
- 25. Open cutting of pavement is allowed in areas specifically approved by District Manager or representative.
- 26. Trench backfill shall be according to the attached typical drawing, marked as Exhibit A.

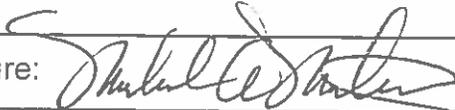
27. Open cutting of the highway is allowed with construction in accordance with OAR 734-55-0100. All excavation in paved areas shall be backfilled and the roadway surface patched before the end of each shift. In special cases where steel plates are allowed, said plates shall be pinned and a temporary cold patch applied to the edges. The permittee shall be fully responsible for monitoring and maintenance of temporary patching and steel plating.
28. Compaction tests shall be required for each open cut per Oregon Standard Specification for Construction. Compaction tests shall be conducted once for every 300 lineal feet per lift of continuous trench according to the Manual of Field Test Procedures (MFTP), published by ODOT. Percent Compaction shall be 95%. At the discretion of the District Manager or representative, results of compaction test shall be provided to District Manager or representative at applicants' expense.
29. Control Density Fill (CDF) shall be used as surface backfill material in place of crushed rock in open trenches that impact the travel portions of the highway. A ¾"-0, or 1"-0 rock will be used for the aggregate. The amount of cement used shall not exceed 3.0% of the total mixture's weight. Maximum compressed strengths must not exceed 250 pounds per square inch (psi).
30. Surface restoration shall be a minimum of eight inches of hot asphalt-concrete (AC), compacted in two inch lifts, or match existing pavement depth, whichever is greater. Sand-seal all edges and joints.
31. All aggregate shall conform to Oregon Standard Specification for Construction, Section 02630 - Base Aggregate.
32. Any area of cut or damaged asphalt shall be restored in accordance with the included attachment "T-Cut Typical Section" drawing. For a period of two years following the patching of paved surface, permittee shall be responsible for the condition of permittee's pavement patches, and during that two year period shall repair to District Manager or representative satisfaction any of the patches which become settled, cracked, broken, or otherwise faulty.
33. An overlay to seal an open-cut area shall be completed prior to the end of the construction season, or when minimum temperature allows per "Oregon Standard Specification for Construction (2008)" and any subsequent revisions thereto. Typical overlay shall be 1.5 inches deep and cover the affected area from edge of pavement to edge of pavement, and taper longitudinally at a fifty feet to one inch (50' : 1") ratio. Taper may be adjusted by the District Manager as required. For a period of two years following this patching of the surface, the permittee shall be responsible for the condition of said pavement patches, and during that time shall repair to the District Manager or representative's satisfaction any of the patches which become settled, cracked, broken or otherwise faulty.
34. Highway crossings shall be bored or jacked. Bore pits shall be located behind ditch line or in areas satisfactory to the District Manager or representative. Unattended pits shall either be protected by a six-foot fence, backfilled, or steel plated and pinned.
35. Permittee shall install a "tracer wire" or other similar conductive marking tape or device, if installing any non-conductive, unlocatable underground facility, in order to comply with Oregon Utilities Coordination Council (OUCC), per OAR 952-01-0070 (6).
36. Trench backfill outside of ditch line or in approved areas can be native soil compacted at optimum moisture in twelve inch layers to 90% or greater of the maximum density.
37. Native material that is found to be unsatisfactory for compaction shall be disposed of off the project and granular backfill used.
38. Trench backfill in rock slope or shoulder shall be crushed 1"-0 or ¾"-0 size rock compacted at optimum moisture in eight-inch layers. Compaction tests shall be conducted according to the Manual of Field Test Procedures (MFTP), published by ODOT. Percent compaction shall be 95%. At the discretion of the District Manager or representative, results of compaction tests shall be provided to District Manager or representative at applicant's expense.
39. Where excavation is on fill slope steeper than a two to one (2:1) ratio, slope protection shall be provided using four-inch size rock laid evenly to a minimum depth of twelve inches.
40. No more than 300 feet of trench longitudinally along the highway shall be left open at any one time and no trench shall be left in an open condition overnight.
41. Areas of disturbed cut and fill slopes shall be restored to a condition suitable to the District Manager or representative. Areas of erosion to be inlaid with an acceptable riprap material.

- 42. All underground utilities shall be installed with three-foot or more of horizontal clearance from existing or contract plans guardrail posts and attachments. All non-metallic water, sanitary and storm sewer pipe shall have an electrically conductive insulated Number 12-gauge copper tracer wire the full length of the installed pipe using blue wire for water and green for storm and sanitary sewer piping.
- 43. Any area of cut or damaged concrete shall be restored in accordance with the attached Typical Section-Pipe Section under sidewalk.
- 44. Utility markers and pedestals shall be placed as near the highway right-of-way line as practical. In no case shall pedestals and line markers be located within the highway maintenance area.
- 45. No cable plowing is allowed within the lateral support of the highway asphalt (i.e. at six feet lower than the edge of the asphalt, no plowing within nine feet of the edge of the asphalt).
- 46. Review by ODOT Bridge Engineers is required for all proposed bridge and structure attachments and for utility or any facilities to be installed within sixteen feet of bridge foundations, supports, walls or related, or within the influence zone of bridge facilities.

MISCELLANEOUS

- 47. Permittee shall be responsible and liable for (1) investigating presence/absence of any legally protected or regulated environmental resource(s) in the action area; (2) determining any and all restrictions or requirements that relate to the proposed actions, and complying with such, including but not limited to those relating to hazardous material(s), water quality constraints, wetlands, archeological or historic resources(s) state and federal threatened or endangered species, etc., (3) complying with all federal, state, and local laws, and obtaining all required and necessary permits and approvals.
- 48. If the permittee impacts a legally protected/regulated resource, permittee shall be responsible for all costs associated with such impact, including, but not limited to all costs of mitigation and rehabilitation, and shall indemnify, and hold ODOT harmless for such impacts and be responsible and liable to ODOT for any associated costs or claims that ODOT may have.
- 49. Plans are approved by ODOT in general only and do not relieve the permittee from completing construction improvements in a manner satisfactory to ODOT. The District Manager or representative may require field changes. When revisions are made in the field, permittee is responsible to provide "as built" drawings, within 60 days from completion of highway improvements, and shall submit them to the District Office issuing the permit.
- 50. Permittee shall be responsible for locating and preserving all existing survey monumentation within the work area in accordance with ORS 209.150 and/or 209.155. If monumentation or its accessories are inadvertently or otherwise disturbed or destroyed, applicant shall be responsible for all costs and coordination associated with it's reestablishment by a professional licensed surveyor.

By this signature applicant accepts all checked (☒) provisions (4 pages).

Applicant signature: 	Date: 2/11/2011
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ADDITIONAL SPECIAL PROVISIONS FOR MISCELLANEOUS PERMITS.
LANDSCAPING (July 2004).

1. A copy of this permit and all attachments shall be available at the work area during construction.
2. ORS 757.54 to 757.571 requires excavators to locate and protect all existing underground utilities. You may be held liable for damages. Call for utilities locate. Call before you dig 1-800-332-2344.
3. Contractor to acknowledge receipt of and review of, by letter, the Oregon Administrative Rules (Chapter 734.55) governing miscellaneous facilities and operations on the highway right of way as the governing provisions of this permit or agreement.
4. The Permittee shall not use the right of way to display advertising signs or merchandise of any kind.
5. The stopping and parking of vehicles upon State Highway right of way for the maintenance of adjoining property or in furtherance of any business transaction or commercial establishment is strictly prohibited.
6. The spreading of mud or debris upon any State Highway is strictly prohibited, and violation shall be cause for immediate cancellation of the permit. Clean up shall be at Applicant's expense. The highway shall be cleaned of all dirt and debris at the end of each workday, or more frequently if so determined by the District Manager or representative.
7. All equipment shall be parked off the right of way or in areas acceptable to the District Manager or representative.
8. Permittee shall replace any landscape vegetation or fences that are damaged or destroyed. Any damage that is not fully recovered within one year shall be replaced by ODOT at the expense of the Permittee.
9. Permittee shall be responsible for continued maintenance of the landscape facility. Failure to maintain landscape will prompt ODOT to remove or repair facility at the expense of the Permittee.
10. Applicant shall obtain an application and permit for trimming or spraying trees prior to the cutting of trees and brush on the highway right of way (applications are available at the District office). Applicant will be held liable for tree branches or shrubbery interfering with the traveling public.
11. Applicant will install and maintain landscaped areas as shown on the attached drawings. Planting shall be limited to low growing shrubs (less than 24"), grass or flowers that do not attain sufficient height to obstruct clear vision in any direction. The Commission or Engineer shall have the right to remove said landscaping at any time such removal may appear to the Commission to be in the public's interest, without liability of loss, injury or damage of any nature whatsoever.
12. Applicant is responsible for:
 - [1] Investigating presence / absence of any legally protected or regulated environmental resource(s) in the action area e.g. Hazardous material(s), water quality constraints, wetlands, archeological or historic resource(s), state or federal threatened or endangered species, etc.
 - [2] Complying with all applicable environmental laws pertaining to the proposed action. If applicant inadvertently impacts a legally protected/ regulated resource, applicant will be responsible for mitigation / rehabilitation cost.
13. All existing facilities such as utilities, curbs, culverts, signs, mail boxes, r/w markers, sign post, guardrail, landscape vegetation and fences, and all miscellaneous items within the right of way are to be protected and maintained, or removed and adequately replaced. Any damage that is not fully recovered shall be replaced by ODOT at the expense of the Permittee.
14. Applicant is responsible for:
 - Maintaining and cleaning of the ditch section through the landscaped area to assure that it is fully functional as a drainage ditch.

Sign or initial acceptance See Cover

15. Applicant is responsible for maintaining and cleaning of this landscaped area keeping it free of trash and debris that could be of hazard to the people accessing this facility. (including any defacing of ODOT properties such as graffiti.)

16. **ORS 374.315 Construction under permits; maintenance after construction.** All construction under the permits issued under ORS 374.310 shall be under the supervision of the granting authority and at the expense of the applicant. After completion of the construction of the particular approach road, facility, thing or appurtenance, they shall be maintained at the expense of the applicant and in accordance with the rules and regulations adopted pursuant to ORS 374.310.

17. In regards to this permitted facility on the State Right of Way any damages To ODOT property as result of this installation or its activities shall be the Responsibility of the applicant.

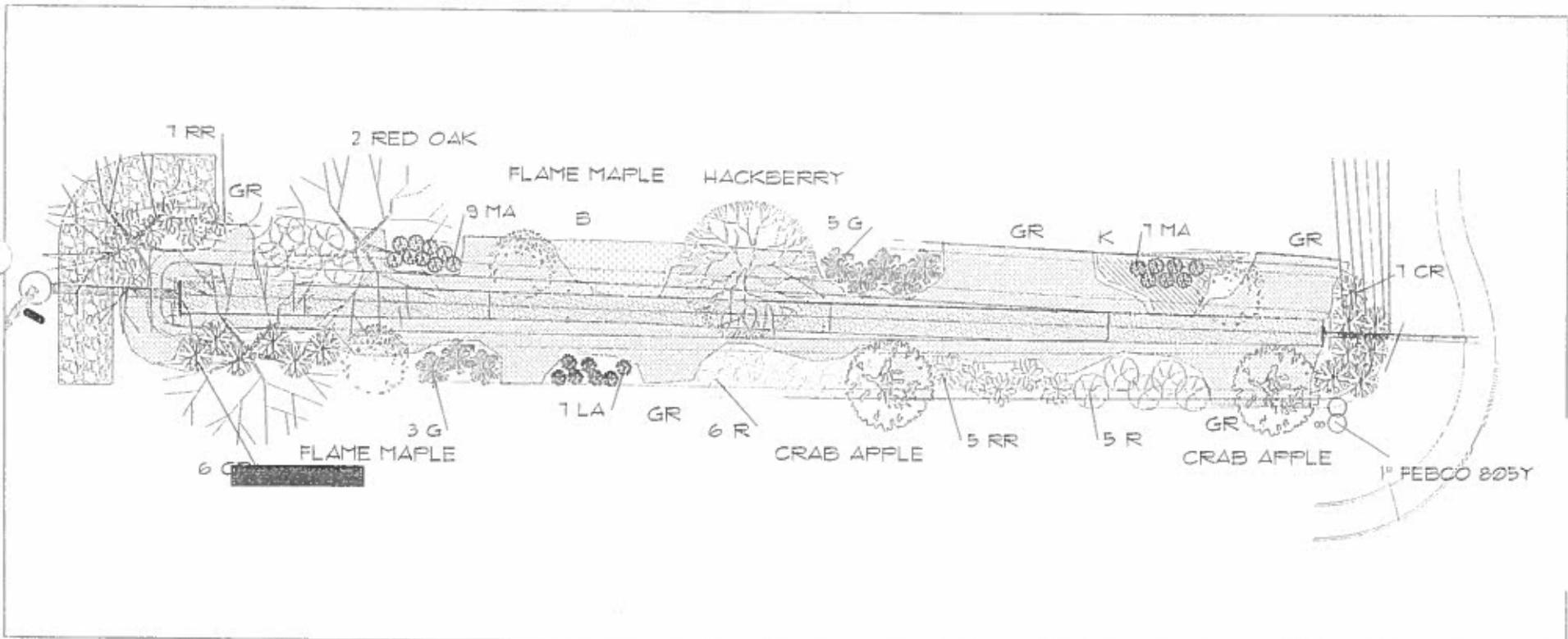
ORS 374.320 Removal or repair of installation on right of way at expense of Applicant. (1) Upon failure of the applicant to construct or maintain the particular approach road, facility, thing or appurtenance in accordance with the regulations and the conditions of the permit, the Department of Transportation or the county governing body shall, after the expiration of 30 days following the transmittal of a written notice to the applicant, at applicant's expense, remove all such installations from the right of way or reconstruct, repair or maintain any such installation in accordance with or as required by such rules and regulations and the conditions of such permit. This expense may be recovered from the applicant by the state or county in any court of competent jurisdiction.

(2) Notwithstanding subsection (1) of this section, if the Department of Transportation, county governing body or designated agent of the department or governing body, whichever is applicable, determines that a traffic or pedestrian hazard is created by the noncompliance which causes imminent danger of personal injury, it may:

(a) Order the construction removed, repaired or maintained to eliminate the hazard, within 24 hours after delivery of written notice to the applicant, and to the owner of the property on which the noncompliance occurred.

(b) If the hazard is not removed within the time set under paragraph (a) of this subsection, remove the hazard and recover the expenses of any removal, repair or maintenance from the applicant in any court of competent jurisdiction. [Amended by 1955 c.424 §3; 1979 c.873 §2]

Sign or initial acceptance See Cover



SHRUB & GROUNDCOVER LEGEND

SYMBOL	COMMON NAME	SCIENTIFIC NAME	SIZE
CR	CERTINA	STYRACIS OXYLATA	3.0L
MA	MAHONIA	MAHONIA ACUTIFOLIA	3.0L
LA	LAVENDER	LAVANDULA ANGUSTIFOLIA	1.0L
RR	RED RUBUS	RUBUS IDOLEUS	1.0L
R	RUBUS	RUBUS SPECIOSUS	1.0L
GR	GRASS	POA SPECIOSA	1.0L
LA	LAUREL	PRUNUS LANCEA	1.0L
RR	RED RUBUS	RUBUS IDOLEUS	1.0L
R	RUBUS	RUBUS SPECIOSUS	1.0L
GR	GRASS	POA SPECIOSA	1.0L
LA	LAUREL	PRUNUS LANCEA	1.0L

LANDSCAPE NOTES:

- 1. All trees to be planted within 24" of grade.
- 2. All shrubs to be planted within 12" of grade.
- 3. All plants to be installed by the Contractor.
- 4. All plants to be installed by the Contractor within 14 days of the date of the contract.
- 5. All plants to be installed by the Contractor within 14 days of the date of the contract.
- 6. All plants to be installed by the Contractor within 14 days of the date of the contract.

SEE PLAN FOR CONSTRUCTION

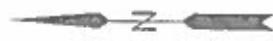
TREE LEGEND

SYMBOL	COMMON NAME	SCIENTIFIC NAME	SIZE
MA	MAHONIA	MAHONIA ACUTIFOLIA	1.0L CALIPN
RR	RED RUBUS	RUBUS IDOLEUS	1.0L CALIPN
R	RUBUS	RUBUS SPECIOSUS	1.0L CALIPN
GR	GRASS	POA SPECIOSA	1.0L CALIPN
LA	LAUREL	PRUNUS LANCEA	1.0L CALIPN

WORK BY OTHERS

- 1. All trees to be planted within 24" of grade.
- 2. All shrubs to be planted within 12" of grade.
- 3. All plants to be installed by the Contractor.
- 4. All plants to be installed by the Contractor within 14 days of the date of the contract.
- 5. All plants to be installed by the Contractor within 14 days of the date of the contract.

**COKER BUTTE DETENTION POND
SHEET L 1 OF 2**



SCALE 1" = 10'-0"
NOVEMBER 19, 2010

INSTALLER SPECIFICATIONS:
1. All trees to be planted within 24" of grade.
2. All shrubs to be planted within 12" of grade.
3. All plants to be installed by the Contractor.
4. All plants to be installed by the Contractor within 14 days of the date of the contract.
5. All plants to be installed by the Contractor within 14 days of the date of the contract.

**NATURAL SYSTEMS
LANDSCAPE, INC.**





Oregon

Kate Brown, Governor

Department of Transportation
 Region 3 Access Management
 3500 N.W. Stewart Parkway
 Roseburg, OR 97470-6148
 Phone: (541) 957-3696
 Fax: (541) 672-6148

FILE CODE:

RECEIVED

FEB 10 2017

PLANNING DEPT.

May 23, 2016

Mr. Mike Montero
 Montero & Associates, LLC
 Consultants in Urban Development
 4497 Brownridge Terrace, Suite 202
 Medford, OR 97504

Subject: Approach to Crater Lake Highway for Tax Lots 1000 and 1001, 37S-1W-S05

Dear Mr. ^{MIKE}Montero:

The Oregon Department of Transportation (ODOT) staff have reviewed the proposed location for a new approach to the Crater Lake Highway at approximate Milepoint 2.84 on the east side of the highway and offer the following comments and observations.

Initially, Crater Lake Highway at this location is classified as a statewide highway with an expressway subclass, which means the highway has significant importance to the State of Oregon's highway system. Normally, with the expressway designation, private approaches are not allowed where alternate access is available. It is our understanding that the property owners dedicated right of way for the Coker Butte Rd. extension to the realigned Crater Lake Ave. It is also our understanding the owners are interested in a future connection to the highway at the proposed location as that portion of Crater Lake Ave. between the highway and property was removed as part of the Coker Butte Extension Project. As long as Crater Lake Highway remains under ODOT jurisdiction the likelihood of an approach at this location is extremely unlikely.

For a driveway or approach to occur on the existing highway, the expressway designation will need to be relocated to the new highway alignment, currently under construction near the Medco Haul Rd., and a jurisdictional transfer of the existing highway to the City be finalized. The new highway would have to be open and operational for the traveling public. Once these tasks are completed, the existing highway would fall under the jurisdictional authority of the City and as long as the City's requirements are met, it would be their determination whether a driveway is appropriate. ODOT would no longer have any authority to determine the need or necessity of an approach for this location.

ODOT's observation for this location would be that intersection sight distance is met according to the AASHTO Green Book. The approach would more than likely be limited to right-in/right-out due to the proximity of the Coker Butte intersection and the items in the previous paragraph be accomplished.

Hopefully, this gives you the information you need to proceed with development of these tax lots. If you need any additional information or clarification on this matter, please give me a call.

Cordially,

H. Ronald Hughes, P.E.
 Region 3 Access Management Engineer
 3500 NW Stewart Parkway
 Roseburg, OR 97470

CITY OF MEDFORD
 EXHIBIT # V
 File # PUD-17-023

RECEIVED

FEB 10 2017

PLANNING DEPT.

LEGAL DESCRIPTION

Exhibit "A"

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

Parcel 1
Tax Lot
1000

COMMENCING AT A POINT 28.48 FEET NORTH, AND 2618.93 FEET WEST OF THE QUARTER CORNER COMMON TO SECTIONS 5 AND 8, TOWNSHIP 37 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON; THENCE NORTH 0° 03' 30" WEST, 1087.65 FEET TO THE TRUE POINT OF BEGINNING; THENCE EAST 594.53 FEET TO THE WESTERLY LINE OF PROPERTY DESCRIBED IN VOLUME 408, PAGE 299, JACKSON COUNTY, DEED RECORDS; THENCE SOUTHERLY, ALONG SAID WESTERLY LINE, AS FOLLOWS; SOUTH 6° 24' WEST, 133.15 FEET; THENCE SOUTH 2° 33' EAST, 279.31 FEET; THENCE SOUTH 13° 09' EAST, 26.08 FEET, TO THE NORTHEAST CORNER OF PROPERTY DESCRIBED IN VOLUME 350, PAGE 480, JACKSON COUNTY, OREGON, DEED RECORDS; THENCE SOUTH 89° 58' WEST, 997.58 FEET; THENCE NORTH 0° 03' 30" WEST, 436.32 FEET TO THE TRUE POINT OF BEGINNING.

LESS AND EXCEPTING THEREFROM THE FOLLOWING:

COMMENCING AT A POINT 28.48 FEET NORTH, AND 2618.93 FEET WEST OF THE QUARTER CORNER COMMON TO SECTIONS 5 AND 8, TOWNSHIP 37 SOUTH, RANGE 1 WEST WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON; THENCE NORTH 0° 03' 30" WEST, 1087.65 FEET TO A 5/8 INCH IRON ROD AT THE NORTHWEST CORNER OF TRACT DESCRIBED IN INSTRUMENT RECORDED AS DOCUMENT NO. 73-17175, OFFICIAL RECORDS OF JACKSON COUNTY, OREGON; THENCE SOUTH 89° 58' 50" EAST (RECORDS EAST), ALONG THE NORTH LINE OF SAID TRACT, 587.33 FEET TO A 5/8 INCH IRON PIN, AT THE TRUE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89° 58' 50" EAST (RECORDS EAST), 369.85 FEET TO A 5/8 INCH IRON ROD PIN WITNESS CORNER; THENCE CONTINUE SOUTH 89° 38' 50" EAST (RECORD EAST), 37.35 FEET TO THE WESTERLY OF TRACT DESCRIBED IN VOLUME 408, PAGE 299, JACKSON COUNTY, OREGON, DEED RECORDS; THENCE SOUTHERLY, ALONG SAID WESTERLY LINE AS FOLLOWS: SOUTH 06° 25' 10" WEST (RECORD SOUTH 06° 24' 00" WEST), 133.15 FEET; THENCE SOUTH 02° 31' 10" EAST (RECORD SOUTH 02° 33' 00" EAST), 279.31 FEET; THENCE SOUTH 13° 07' 50" EAST, 25.8 FEET (RECORD SOUTH 13° 09' 00" EAST, 36.08 FEET), TO THE NORTHEAST CORNER OF TRACT DESCRIBED IN VOLUME 350, PAGE 480, SAID DEED RECORDS; THENCE NORTH 89° 59' 30" WEST (RECORD SOUTH 89° 58' WEST), ALONG THE NORTH LINE OF SAID TRACT, 33.87 FEET TO A 5/8 INCH IRON PIN WITNESS CORNER; THENCE CONTINUE NORTH 89° 58' 30" WEST, ALONG THE NORTH LINE OF SAID TRACT AND THE NORTH LINE OF TRACT DESCRIBED IN VOLUME 544, PAGE 531, SAID DEED RECORDS, 963.62 FEET TO A 5/8 INCH IRON PIN; THENCE NORTH 00° 02' 20" WEST (RECORD NORTH 00° 03' 30" WEST), 60.00 FEET TO A 5/8 INCH IRON PIN; THENCE SOUTH 89° 58' 50" EAST, 587.33 FEET TO A 5/8 INCH IRON PIN; THENCE NORTH 00° 02' 20" WEST, PARALLEL WITH THE WEST LINE OF TRACT DESCRIBED IN INSTRUMENT RECORDED AS DOCUMENT NO. 73-17175, SAID OFFICIAL RECORDS, 376.45 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION OF THE PROPERTY CONVEYED TO THE CITY OF MEDFORD BY DEEDS RECORDED FEBRUARY 20, 2009 AS DOCUMENT NO. 2009-5947 AND FEBRUARY 20, 2009 AS DOCUMENT NO. 2009-5948.

CITY OF MEDFORD
EXHIBIT # W
File # PUD-17-023

Legal Description of the property:

Parcel 2
Tax Lot
1002

Commencing at a point 28.48 feet North and 2618.93 feet West of the Quarter corner common to Sections 5 and 8, Township 37 South, Range 1 West, Willamette Meridian, Jackson County, Oregon; thence North 00° 03' 30" West, 1087.65 feet to a 5/8 inch iron pin at the Northwest corner of that tract described in Document No. 73-17175, Official Records, Jackson County, Oregon; thence South 89° 58' 50" East (record East), along the North line of said tract, 587.33 feet to a 5/8 inch iron pin at the true point of beginning; thence continue South 89° 58' 50" East (record East) along said North line, 369.85 feet to a 5/8 inch iron pin witness corner; thence continue South 89° 58' 50" East (record East) along said North line, 37.35 feet to the Westerly line of that tract described in Volume 408, Page 299, Deed Records, Jackson County, Oregon; thence along said Westerly line as follows: South 06° 25' 10" West (record South 06° 24' 00" West) 133.15 feet; thence South 02° 31' 10" East (record South 02° 33' 00" East), 279.31 feet; thence South 13° 07' 50" East, 25.80 feet (record South 13° 09' 00" East, 26.08 feet) to the Northeast corner of that tract described in Volume 350, Page 480, said Deed Records; thence North 89° 58' 30" West (record South 89° 58' West), along the North line of said tract, 33.87 feet to a 5/8 inch iron pin witness corner; thence continue North 89° 58' 30" West, along the North line of said tract and the North line of that tract described in Volume 544, Page 531, said Deed Records, 730.64 feet; thence leaving said North line, North 00° 01' 30" East, 4.00 feet; thence North 89° 58' 30" West, 45.00 feet; thence South 00° 01' 30" West, 4.00 feet to the aforesaid North line; thence along said North line, North 89° 58' 30" West, 187.98 feet to a 5/8 inch iron pin at the Southwest corner of that tract described in Document No. 73-17175, said Official Records; thence along the West line of said tract, North 00° 02' 20" West (record North 00° 03' 30" West), 60.00 feet to a 5/8 inch iron pin; thence South 89° 58' 50" East, 587.33 feet to a 5/8 inch iron pin; thence parallel to the aforesaid West line, North 00° 02' 20" West, 376.39 feet (record 376.45 feet) to the true point of beginning.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF MEDFORD, AN OREGON MUNICIPAL CORPORATION BY DEED RECORDED FEBRUARY 20, 2009 AS DOCUMENT NO. 2009-005947 AND 2009-005948.

Legal Description of the property:

Parcel 3
Tax Lot
1100

COMMENCING AT A POINT 28.48 FEET NORTH AND 2618.93 FEET WEST OF THE QUARTER CORNER COMMON TO SECTIONS 5 AND 8, TOWNSHIP 37 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON; THENCE NORTH 00° 03' 30" WEST, 325.66 FEET; THENCE NORTH 89° 58' EAST, 668.80 FEET; THENCE NORTH 00° 03' 30" WEST, 325.67 FEET TO A 5/8 INCH IRON PIN AT THE NORTHEAST CORNER OF THAT TRACT DESCRIBED IN DOCUMENT NO. 78-08480, OFFICIAL RECORDS, JACKSON COUNTY, OREGON AND THE TRUE POINT OF BEGINNING; THENCE ALONG THE EAST LINE OF SAID TRACT, SOUTH 00° 03' 30" EAST, 150.67 FEET TO A 5/8 INCH IRON PIN AT THE SOUTHEAST CORNER THEREOF; THENCE ALONG THE SOUTH LINE OF SAID TRACT NORTH 89° 58' 30" WEST, 666.89 FEET (RECORD SOUTH 89° 58' WEST, 668.80 FEET) TO A 5/8 INCH IRON PIN AT THE SOUTHWEST CORNER THEREOF; THENCE ALONG THE WEST LINE OF SAID TRACT NORTH 00° 02' 20" WEST (RECORD NORTH 00° 03' 30" WEST) 150.67 FEET TO A 5/8 INCH IRON PIN AT THE NORTHWEST CORNER THEREOF; THENCE ALONG THE NORTH LINE OF SAID TRACT, SOUTH 89° 58' 30" EAST, 187.98 FEET; THENCE LEAVING SAID NORTH LINE, NORTH 00° 01' 30" EAST, 4.00 FEET; THENCE SOUTH 89° 58' 30" EAST, 45.00 FEET; THENCE SOUTH 00° 01' 30" WEST, 4.00 FEET TO THE AFORESAID NORTH LINE; THENCE ALONG SAID NORTH LINE, SOUTH 89° 58' 30" EAST (RECORD NORTH 89° 58' EAST), 433.86 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF MEDFORD, AN OREGON MUNICIPAL CORPORATION BY DEED RECORDED FEBRUARY 20, 2009 AS DOCUMENT NO. 2009-005947 AND 2009-005948.

EXHIBIT A
(Land Description Map Tax and Account)

COMMENCING AT A POINT 28.48 FEET NORTH AND 2618.93 FEET WEST OF THE QUARTER CORNER COMMON TO SECTIONS 5 AND 8 IN TOWNSHIP 37 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN IN JACKSON COUNTY, OREGON, THENCE NORTH 0°03'30" WEST 1087.65 FEET TO THE TRUE POINT OF BEGINNING; THENCE EAST 994.53 FEET; THENCE NORTH 6°24' EAST 216.4 FEET; THENCE WEST 1018.84 FEET TO A POINT WHICH BEARS NORTH 0°03'30" WEST FROM THE TRUE POINT OF BEGINNING; THENCE SOUTH 0°03'30" EAST 215.0 FEET TO THE TRUE POINT OF BEGINNING. EXCEPTING THERE FROM THAT PORTION CONVEYED TO THE CITY OF MEDFORD IN WARRANTY DEED RECORDED OCTOBER 4, 2010 AS DOCUMENT NO 2010-007275, OFFICIAL RECORDS, JACKSON COUNTY, OREGON.

NOTE: This legal description was created prior to January 01, 2008.

Map No.: 37 1W 0500 TL 1001 and 37 1W 0500 TL 1003

Tax Account No.: 1-046059-6 and 1-099324-6



CSA Planning, Ltd

4497 Brownridge, Suite 101
Medford, OR 97504

Telephone 541.779.0569
Fax 541.779.0114

Craig@CSAplanning.net

Memorandum

To: Medford Planning Commission
Medford Planning Department

Date: June 2, 2017

Subject: Coker Butte Business Park PUD
Medford File PUD-17-023

We met yesterday with representatives of the Medford Planning Department to discuss the above captioned project. As mentioned in the staff report, we agreed to supply a list of potential I-L uses that Applicant acknowledges may be theoretically more intensive than most light industrial uses and which Applicant will agree to exclude from future potential uses that might occupy the PUD.

Many uses not included in the below list will be categorically excluded by reason that 1) the PUD will have no outdoor storage (as shown on the Preliminary PUD Plan) and 2) the various uses will all operate within enclosed buildings. That the uses will have no outdoor storage and will be required to operate from enclosed buildings is a matter to which Applicant will agree to stipulate.

Taken from Medford Land Development Code (MLDC) 10.337, the following list are those uses that Applicant agrees to exclude from the PUD:

- A. 003 Marijuana Related Business
- B. All Uses in the Agriculture Division 01 and 02
- C. 29 Petroleum and Coal Products
- D. 376 Guided Missiles, Space Vehicles (but not to exclude Parts)
- E. 423 Trucking Terminal Facilities
- F. 45 Transportation by Air
- G. 822 Colleges and Universities

Applicant's Findings of Fact and Conclusions of Law at pages 6-7 explain that in 2016, the City concluded work on the Internal Study Area phase of its larger UGB amendment process that culminated in a legislative amendment that affected the GLUP designation for about 800 acres, including the subject property, which was changed to Commercial. Applicant argues that the Commercial designation is not incompatible with the property's I-L zoning because the industrial uses contemplated for this Business Park PUD and those permitted in an I-L zone, by nearly all measures, are similar or less intensive than the broad range of retail and service commercial uses that are permitted under the Commercial GLUP designation. This determination is consistent with the 1975 Oregon Supreme Court decision in *Baker v. City of Milwaukie* 1975) which held that: " * * * a zoning ordinance which allows a more intensive use than that prescribed in the [comprehensive] plan must fail." This means that the uses permitted by zoning may not be more intensive than the uses permitted under the GLUP. Applicant contends that in Medford, Commercial uses are generally and in this instance more intensive than Light Industrial uses based upon the following considerations:

Sanitary Sewer: Both Commercial and Light Industrial Uses typically utilize sewer service exclusively for toilet flushing; few if any Light Industrial uses use large amounts of sewer capacity. Uses that consume substantial sewer capacity in manufacturing are uses not permitted in Medford's Light Industrial zone (although they are allowed in Medford's heavier industrial zones).

Water: Water consumption for Commercial and Light Industrial uses is similar to the consumption of sewer capacity and is roughly equivalent. Water use for both Commercial and Light Industrial uses is most typically for toilet flushing and handwashing. Similar again to sanitary sewers, large water-consuming manufacturing uses are not permitted in Medford's Light Industrial zone (but are permitted in Medford's heavier industrial zones).

CITY OF MEDFORD
EXHIBIT # X
File # PUD-17-023

Storm Drainage: The production of storm runoff is a function of the amount of impermeable surfaces created within a development. In this respect, Commercial and Light Industrial uses in general and in particular with this project, create similar amounts of impermeable surfaces with coverage by buildings and parking. Although Light Industrial uses that have unpaved outdoor storage areas produce less impermeable surface (making Light Industrial less intensive) there will be no outdoor storage in this project, thereby increasing impermeable surfaces such as to be generally equivalent to Commercial.

Streets and Traffic: For many decades, street capacity in Medford has been its most significant limiting factor and the one most widely used to gauge the intensity of impacts. As explained the Applicant's Findings of Fact and Conclusions of Law, Commercial uses produce substantially greater and more intensive traffic volumes. The city estimates traffic to be generally five times higher for Commercial than Industrial uses. Very clearly, traffic impacts are significantly greater and more intensive for Commercial than Light Industrial land uses.

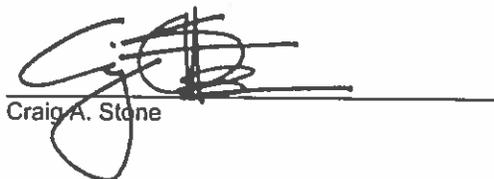
Environmental Impacts: It is also proper to assess various other potential environmental impacts for Commercial versus Light Industrial uses. In this instance, all activities in this project will be conducted within enclosed buildings and without any outdoor storage. In addition to State of Oregon laws and regulations, the City of Medford has its own environmental standards contained in the MLDC:

- 10.752 Noise Standards and Regulations for Commercial and Industrial Sources
- 10.763 Particulate Matter (Windblown Dust)
- 10.764 Glare
- 10.767 Oxidizing Materials
- 10.768 Flammable Gasses

These provisions ensure that environmental impacts in any of the regulated categories are properly controlled. Generally, the environmental standards are applied equally to Commercial and Light Industrial uses, producing equivalent limits on environmental impacts. In context of this PUD, these and similar environmental impacts (for example, olfactory impacts) will be prohibited from impacting beyond the interior of each building.

In summary, it is fair and reasonable to conclude that in Medford, a Commercial GLUP designation permits uses/activities that are in general more intensive than the uses permitted in Medford's Light Industrial (I-L) zone.

CSA Planning, Ltd



Craig A. Stone



CSA Planning, Ltd

4497 Brownridge, Suite 101
Medford, OR 97504

Telephone 541 779 0569

Fax 541 779 0114

Craig@CSAplanning.net

Memorandum

To: Medford Planning Commission
Medford Planning Department

Date: July 5, 2017

Subject: Coker Butte Business Park PUD
Medford File PUD-17-023

Today we met with Medford Planning Department representative Dustin Severs to discuss the above captioned project during which minor changes in the project were covered and are explained below:

Dumpster Storage

In the application, it was explained that Applicant's intention was to relocate its dumpster storage/maintenance facility to Rogue Disposal's White City Transfer Station. Applicant's plans have changed since the application was filed and Applicant now intends to continue use of the easterly most portions of the property (east of Crater Lake Avenue) for the dumpster storage/maintenance function. The use is permitted in the property's existing I-L zoning district. In the future when a different use for this portion of the property is proposed, the same will require amendment of the PUD.

Cross Access Easement

Provisions of the MLDC arguably require a driveway that connects by easement to the adjacent property to the north. Applicant contends that such a driveway connection should not be required in this instance for reasons explained in Applicant's Findings of Fact and Conclusions of Law. Moreover, the Planning Commission has authority to not require cross access (as a PUD waiver). However, should the Planning Commission not agree, Applicant has prepared and herewith submits an alternative site plan (attached) which provides for the access easement/driveway connection and illustrates its location.

Uses Not Otherwise Permitted in the Underlying I-L Zone

The Commission is aware that the MLDC allows up to 20 percent of a PUD to be used for uses that would not otherwise be permitted (in an I-L zone). Staff Report page 9 reports that Applicant (through its agent) agreed to limit commercial uses that are not otherwise permitted in I-L to be selected from only the C-C zone and not the City's other commercial zones. Under the former tight timeline (to publish the staff report) Applicant's agent had agreed to the same but without consulting with its client and upon consulting later with Applicant, it has decided to withdraw its stipulation because of a desire to maintain a greater degree of flexibility. The specific uses that Applicant earlier agreed should not occupy the property are not proposed to change.

Land Use Intensity

In Applicant's supplemental findings contained in a memorandum dated June 2, 2017, Applicant explains why Commercial is a more intensive land use designation than General Industrial (and I-L zoning) by comparing potential public facilities impacts and on that subject, Applicant has one additional piece of evidence that goes to comparative land use intensity regarding sanitary sewers. That is, according to the Medford Sanitary Sewer Master Plan (April 2005), Table 2-5, Commercial Uses produce an "average flow" of 1,700 gallons per acre per day (gpad) while Industrial uses produce only 1,000 gpad. This further evidences that Commercial is a more intensive land use designation than Light Industrial I-L zoning, in compliance with the precepts of *Baker v. City of Milwaukee*.

Continuance Request

To enable Planning Department staff to digest and report back to the Commission on these PUD changes, Applicant has agreed to a two (2) week continuance to the Commission's next regularly scheduled meeting on July 27, 2017. In making this request, Applicant hereby agrees to waive for a two week period, the statutory decision making timeframe for this application.

CITY OF MEDFORD
EXHIBIT # Y
File # PUD-17-023

Respectfully submitted,

CSA Planning, Ltd

A handwritten signature in black ink, appearing to be 'Craig A. Stone', written over a horizontal line.

Craig A. Stone

CAS/m

cc. Mike Montero
Raul Woerner
Eric Stark
File



Project Name:
Coker Butte Business Park

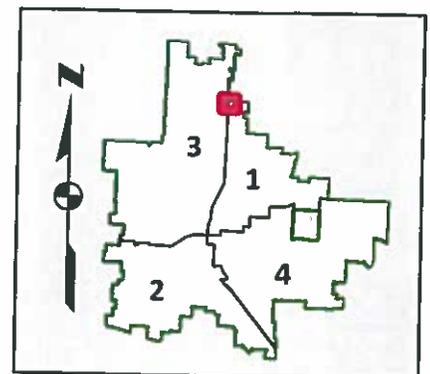
Map/Taxlot:
**371W05
FL 1000, 1001,
1002, 1003, 1100**



02/16/2017

Legend

-  Subject Area
-  Medford Zoning
-  Tax Lots





STAFF REPORT

for a Class-A legislative decision: **Development Code Amendment &
for a Class-B legislative decision: Minor Comprehensive Plan, Review and Amendment
Procedures**

Project Reorganization of Article II of the Medford Land Development Code
File no. DCA-15-088 & CP-17-063
To Planning Commission *for 07/27/2017 hearing*
From Kyle Kearns, Planner II – Long Range Division
Reviewer Carla G. Angeli Paladino, Principal Planner – Long Range Division
Date July 20, 2017

BACKGROUND

Proposal

DCA-15-088 (Exhibit A) is a development code amendment intended to update the language within Article II and the language referencing Article II elsewhere in the Medford Land Development Code (MLDC). Concurrently, a minor comprehensive plan amendment under file number CP-17-063 (Exhibit C) is being considered for approval to update portions of the comprehensive plan pertaining to the updates from DCA-15-088. The updates of DCA-15-088 and CP-17-063 are intended to create consistency with the land use practices of today as Article II has remained largely unchanged since 1987.

History

Article II is the chapter within the Medford Land Development Code (MLDC) that defines the responsibilities of the approving authorities and it also sets forth the procedural requirements and substantive criteria for the land use reviews and permitting processes for the Planning Department. Staff started citing frustrations with the organization and language of Article II, the chapter most important to the daily functions of the Planning staff; thus, staff is proposing the reorganization and update of the Land Development Code chapter. Over time, the functionality and the terminology used within Article II has become outdated and requires a substantive update to the chapter in order to create a modern and functioning Article II. Staff has worked to create a proposal that ensures compliance with state requirements while also increasing efficiency of Article II throughout the daily land use practices of staff, residents, and developers alike.

Article II, in its current form, has been a standalone chapter in the MLDC since 1986. Prior to 1986 the various procedures outlined within Article II existed either as separate sections of the Municipal Code, Zoning Ordinances, or didn't exist at all. The year 1973 was the first time we saw the creation of subdivision standards with its own section within the Code. Other notable sections of the Code during that time were the standards for conditional use permits, planned unit developments, and the standards established for permits, procedures, variances, amendments, the enforcement of these standards, and the creation of standards for the review of site plans through the Site Plan and Architectural Commission.

It was then in 1979 when Article II came to be its own chapter within the Land Development Code (or during that time, Zoning Ordinances). In its original form Article II existed as the chapter regulating the standards and procedures for creating subdivisions. Other notable changes to the code in 1979 include the creation of Land Use Hearing Rules and the creation of Land Development Code specifically. The framework of Article II in 1979 largely remained intact through the early 1980s until the adoption of the modern Land Development Code in November of 1987.

Upon the creation of the Land Development Code in 1987 one will find that Article II became the chapter devoted to the procedural requirements of Planning and the government functions of Planning where previously it was largely the subdivision standards for the City (now largely in Article IV). Updates to Article II have been piecemeal at best updating specific sections as needed with the largest updates coming in 1987 (Ordinance No. 5820 & 5986), 1994 (Ordinance No. 7659), and 2010 (Ordinance No. 2010-160). The most comprehensive update to Article II came in 1994 with Ordinance No. 7659 that updated over 20 sections of Article II. Complete updates to Article II have not been proposed since 1994 leaving language that is outdated to current Planning practices.

A preliminary review by the Planning Commission of DCA-15-088 was first completed on October 26, 2015 at a regularly scheduled Planning Commission Study Session (Exhibit H). Staff presented the proposed draft highlighting the substantial changes, which included:

- Changing the words "plan authorization" to either land use review or land use action.
- Reducing the number of procedural types from five to four.
- Changing the names of the procedural types from Class A through E to Type I through IV.
- Removal of Section 10.146, the referral agency distribution table
- Removal of application submittal criteria
- Separation of partitions and land divisions into separate land use reviews
- Change partitions to an administrative decision

Planning Commission was largely supportive of the changes proposed. Concerns were raised regarding the removal of application submittal criteria, but no direction was given to make any changes. Generally, Planning Commission held other discussions regarding the change of partitions to an administrative decision, the possibility of making zone changes an administrative decision, and the landscaping requirements within the MLDC.

On May 8, 2017 Planning Commission met again in a study session to review the proposed draft of DCA-15-088 as it had been well over a year since the last review of the proposal (Exhibit I). Staff again presented the changes mentioned above highlighting the major changes to Article II. Discussion was had among the Planning Commission regarding the change of partitions to an administrative decision. The majority of concerns regarding the change of a partition from a legislative decision to an administrative decision are that some of the cases require a high level of discretion. Staff assured the Commission that the Planning Director would still have the ability to defer decision making to the Planning Commission. Additionally, staff had noted to the Commission public comment received from CSA Planning, LTD (Exhibit G). The comments pertained to the need to update application procedures, particularly the conditional use permit. Both Staff and Planning Commission agreed these comments fell outside of the scope of DCA-15-088. Direction was given to ensure two phases to updating Article II, and those phases being:

- Phase 1: Current scope (reorganization)
- Phase 2: Update specific procedures such as updates to:
 - Site Plan and Architectural Commission Review
 - Conditional use procedures
 - Other updates as needed

It was after the May 8, 2017 that staff had also reviewed the Comprehensive Plan for any updates needed due to DCA-15-088. Upon this review staff had determined that portions of the Review and Amendment Procedures element of the Comprehensive Plan also needed to be updated. Then, on June 21, 2017 at a regularly scheduled Land Development Committee meeting both DCA-15-088 and CP-17-063 were discussed among staff. Minimal comments were received from the various departments sent notice of the proposed text amendment. Official "no comments" were received from the Public Works Department and from the Address Technician for Public Works (Exhibit F). The Fire Department had also submitted comments (Exhibit E) that have been reflected in the most recent proposed text for DCA-15-088 (Exhibit A).

Related projects

Both DCA-15-088 and CP-17-063 are related and being reviewed concurrently.

Authority DCA-15-088

This proposed plan authorization is a Class-A legislative amendment of Chapter 10 of the Municipal Code. The Planning Commission is authorized to recommend, and the City Council to approve, amendments to Chapter 10 under Medford Municipal Code §§10.102–122, 10.164, and 10.184.

Authority CP-17-063

This proposed plan authorization is a Class-B legislative Minor Comprehensive Plan Amendment. The Planning Commission is authorized to recommend, and the City Council to approve, amendments to the Comprehensive Plan under Medford Municipal Code §§10.102–122, 10.164, and 10.184.

ANALYSIS

Planning, like many things, has changed through the course of time. Given thirty years has passed since the adoption of the Medford Land Development Code one could expect that the portions of Article II that have remained relatively unchanged may have become outdated in current planning practices. Article II has largely grown over time, adding pieces to the code as the need arises. In doing this, the format of the chapter, as a whole, has become fragmented yet the various sections of the chapter still remain necessary for performing the daily functions of planning practice. In order to make Article II into a more functional chapter of the MLDC it requires a holistic review of the code rather than the piecemeal approach used in the past.

The intent of the reorganization of Article II is largely to create a chapter that better organizes the procedural requirements that guide the Planning Department and the users of the MLDC. The typical development code amendment is intended to update a particular use or standard such as permitting breweries in commercial zones or changing the development standards for single-family zoned parcels. The changes within DCA-15-088 and CP-17-063 are largely updates to language, the reorganization and reduction of sections, and the deletion of redundant information. The only substantial change to a standard would be the creation of a section for land partitions, which previously would have resided in the code section pertaining to land divisions.

If we further analyze the change of the code section pertaining to land divisions and land partitions one can better understand the other types of changes within DCA-15-088 as this is the most substantial change in terms of operations. Currently, the code section pertaining to the submission of a land division tentative plat outlined the criteria for applying for the creation of two or more parcels and has it as a Class C (proposed Type III) land use action. In the proposed text amendment there would be two sections; one would be for land partitions (creation of 2-3 parcels) and a Type II (Class D) land use action and the second would be for subdivisions (creation of >3 parcels) and a Type III

(Class C) land use action. Aside from the change of the approving body, the criteria and submittal requirements stayed the same. This is an example of the most intricate change within the reorganization of Article II.

To quickly analyze the changes of DCA-15-088 further one would want to reference (Exhibit D), a summary of the proposed text changes. The intent of the summary is to provide a resource that condenses the bulk of the changes into an easy to read format. In reviewing this one can see how the reorganization of Article II has condensed sections, removed redundancy, and created a more efficient code chapter in comparison to what is currently used. To summarize the changes to Article II to a few pages removes a lot of the detail, but simplifies it enough to understand that the biggest change to the code is that of formatting.

For further examples that aid in clarifying the need for DCA-15-088 one could look to the model development code available through the Department of Land Conservation and Development (specifically Article 4)¹ or to other municipalities within the Rogue Valley. A comparison of the model code to the current Article II of the MLDC will highlight the disjointed sections that currently exist within the code. Currently, there exist multiple sections for each of the land use reviews and their applicable criteria; with the proposed changes these types of inefficiencies will disappear as the various sections, for say a conditional use permit, have been reduced to one section for a majority of the land use applications/reviews.

Another example of the inconsistencies in Article II is that Medford is the only City in the Rogue Valley that refers to land use applications as a Class A, B, C, etc. land use actions, where other cities in the Rogue Valley call them a Type I, II, III, etc. land use action. This kind of inconsistency with other municipalities causes two problems. The first being that when developers and land owners decide to undertake a certain land use action they may struggle to understand Medford's code. The second issue this inconsistency causes is that when staff that interface with the MLDC come to Medford it creates a learning curve that otherwise need not exist. Both DCA-15-088 and CP-17-063 have reflected these changes (i.e. Class to Type).

In large part it is the intent of DCA-15-088 to create an Article II that is consistent with current land use practices, language, and format while also increasing the efficiency of the code by removing redundancy and unnecessary code language. The proposed code amendment is better classified as reorganization or reformatting of Article II leaving changes to procedures, criteria, or specific land use reviews for another code amendment. Furthermore, the overall functionality of Article II will remain unchanged as there are no substantial proposals to change the processes and criteria of the various land use reviews in Article II, simply just changes to the structure and formatting.

¹ "Model Development Code for Small Cities." ARTICLE 4 – APPLICATION REVIEW PROCEDURES AND APPROVAL CRITERIA 4-3 3.1.4 (2015): 1-58. Print.

FINDINGS AND CONCLUSIONS – DCA-15-088

The criteria that apply to code amendments are in Medford Municipal Code §10.184(2). The criteria are rendered in italics; findings and conclusions in roman type.

Land Development Code Amendment. The Planning Commission shall base its recommendation and the City Council its decision on the following criteria:

10.184 (2) (a). Explanation of the public benefit of the amendment.

Findings

Typically code amendments have tangible outcomes that can be measured or viewed over the course of time. For example, a code amendment to the site standards for single-family zoning districts could be easily observed through development. Whereas the changes proposed to Article II are broader than a specific development or land use standard largely only impacting the internal workings of Medford's planning procedures and their display to the public and staff alike. Updates to formatting and language will create a more functional Article II that is also easier to read and follow.

The need for DCA-15-088 came out of frustrations that staff had found over time with the function of the Article II. One could deduct that if professionals are stating frustrations with the code pertaining to their procedural requirements that the residents and developers also using Article II would be equally, if not more, frustrated with the formatting of the chapter. Equally concerning would be the inconsistencies that exist in the current Article II between other municipalities within the State and more specifically the Rogue Valley. The functionality and the inconsistent language of Article II is largely the driving force behind the development of DCA-15-088. Additionally, the changes to the land partition and subdivision land use reviews will allow for an expedited review process. Preliminary plats for land partitions creating three or less parcels will no longer be required to go to a public hearing allowing for an expedited process when developing infill projects and small residential and commercial developments.

Conclusions

Ultimately the effects of DCA-15-088 won't be immediately seen, but they will be immediately available. By reformatting the language within Article II and creating consistency with modern Planning practices the public and staff will be able to navigate Medford's code with far more ease. This will cut down on staff time spent aiding customers (residents, developers, etc.) and in turn enable customers to better navigate the code without assistance. Article II will now be easier to read and more consistent with similar municipalities throughout the region; this will enable the public and staff alike to learn Medford's processes quicker and in turn make application processing quicker, while making development quicker.

Furthermore, with an easier to read and consistent language in Article II perception of the planning process and Medford's government will become more transparent allowing for a more direct line of communication between staff and the public. Lastly, the changes to the review process for land partitions will enable a more streamlined review process for small residential and commercial projects. Changing the land partition review process will save time in the development process enabling money to be saved and creating a quicker turnaround on housing and commercial development, both with a high demand in Medford currently. This criterion has been satisfied.

10.184 (2) (b). The justification for the amendment with respect to the following factors:

- 1. Conformity with goals and policies of the Comprehensive Plan considered relevant to the decision.*

Findings

The following are the goals, policies, and implementation measures of the Comprehensive Plan applicable to DCA-15-088.

Citizen Involvement Element

Statewide Planning Goal 1: Maintain a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

Policies: The City of Medford shall provide the most efficient and effective means to informing citizens about the planning process.

C. City Staff

City staff will:

15. Avoid using jargon in written and oral communication with the public. Explain complex issues in simple and understandable terms.

Housing Element

Policy 3: In planning for needed housing, the City of Medford shall strive to provide a compact urban form that allows efficient use of public facilities and protects adjacent resource land.

Implementation 3-A: Assess policies, regulations, and standards affecting residential development and pursue amendments as needed to meet Policy 3. Consider actions such as:

f) Assuring land division design standards and approval criteria encourage efficient use of public facilities.

Conclusions

When looking to the Comprehensive Plan for support of DCA-15-088 one will find that the Citizen Involvement Element and the Housing Element both have supporting goals, policies, and implementation strategies in support of the proposed text amendment. Below are the conclusions deducted from the various goals and policies that apply to DCA-15-088.

Often times the language that government creates for the various codes and ordinances can become complex and lengthy, especially for those unfamiliar with the code language. This creates shortcomings for the community members, business owners, and others who don't typically spend their time navigating and writing the code. One of the reasons for these complexities arises from the amount of vetting that goes into writing codes, like Article II, to ensure the proper protection of the rights guaranteed under Federal, State, and Local law for the community members and business owners of Medford.

The various public hearings, committees, drafts, revisions, plans, and so on exist in order to ensure the codes and ordinances are properly drafted in a way that protects the aforementioned rights. The adoption of the Citizen Involvement Element of the comprehensive plan and its associated goals and policies outlines the various methods for ensuring ample public participation is provided for. DCA-15-088 will adhere to these goals and policies through the public hearing process that code amendments go through. Furthermore, one of the specific action items that staff is to adhere to outlined in the Citizen Involvement Element states that "[Staff will] Avoid using jargon in written and oral communication with the public. Explain complex issues in simple and understandable terms," (Implementation Measure C. 15). This is in direct support of DCA-15-088 as the intent is to simplify language, remove redundancy, and to create consistency with other Oregon and Rogue Valley municipalities.

In addition to the Citizen Involvement Element, the Housing Element also has supporting goals and policies for DCA-15-088. When looking to Policy 3, Implementation Strategy 3-A one will find that an explicit goal of Medford's Comprehensive Plan is to assess and consider revisions to policies that affect housing. Specifically called out in the Implementation Strategies is the need for, "Assuring land division design standards and approval criteria encourage efficient use of public facilities."

Within the proposed text of DCA-15-088 staff has recommended that land partition tentative plats become an administrative decision rather than be reviewed

by the Planning Commission. Previously all land partitions (creation of 3 or less parcels) had to be reviewed by a hearing body, now they will be reviewed by staff and approved by the Planning Director. Subdivisions tentative plats (4+ parcels) are still to be reviewed and approved by the Planning Commission. This change will enable developers, community members, and business owners alike to save time, and in turn money, on smaller scale residential and commercial projects. Implementation Strategy 3-A is in direct support of the changes proposed to the land partition approval criteria within DCA-15-088. Conformity with the Comprehensive Plan can be found, this criterion has been satisfied.

2. *Comments from applicable referral agencies regarding applicable statutes or regulations.*

Findings

Comments from applicable referral agencies have been provided for in the Exhibits. Only three agencies have provided comment. The following comments have been received:

- Fire Department – Comments Regarding (Exhibit E):
 - Comments addressing Water Commission and Fire Department in Section 10.112 (E)(3).
 - Comments regarding spelling on Section 10.192 (B)(6)(b)
- Public Works Department – No Comment (Exhibit F)
- Address Technician Public Works – No Comment (Exhibit F)

Conclusions

Staff has reviewed the comments provided for by the various agencies that've been noticed of DCA-15-088. Changes to the proposed text have been made to reflect the comments received. This criterion has been satisfied.

3. *Public comments.*

Findings

In regards to DCA-15-088 staff has received public comment from CSA Planning, LTD. through their principal planner Jay Harland (Exhibit G). The Planning Commission, on May 8, 2017, directed staff to address the comments received from CSA Planning in another text amendment as the comments received are specific to particular land use review procedures, such as the conditional use permit exception criteria. No further public comment has been received.

In addition to the public comment already received, DCA-15-088 will also be available on the City's website prior to any hearing date and will also have a min-

imum of two public hearings; one before the Planning Commission and one before the City Council.

Conclusions

Staff has reviewed the comments received and has obtained direction from the Planning Commission on May 8, 2017 at a study session reviewing the proposed text of DCA-15-088. The direction was to continue forward with the scope of DCA-15-088 as originally outlined and to incorporate the comments received from CSA Planning at a later date. No additional public comment has been received and the opportunity for public comment will continue to be available through both the Planning Commission and City Council hearings. This criterion has been satisfied.

4. *Applicable governmental agreements.*

Findings

This amendment does not affect any known governmental agreements.

Conclusions

This criterion is not applicable.

FINDINGS AND CONCLUSIONS – CP-17-063

Applicable criteria

For the applicable criteria the Medford Municipal Code §10.184(1) redirects to the criteria in the “Review and Amendments” chapter of the Comprehensive Plan. The applicable criteria in this action are those for the review and amendments procedure. The criteria are set in *italics* below; findings and conclusions are in roman type.

Comprehensive Plan, Review and Amendments chapter: Amendments [to review and amendment procedures] shall be based on the following [criteria]: Amendments shall be based on Statewide Goal 2 and any other applicable Statewide goals.

Findings

The changes proposed in CP-17-063 are intended to reflect the language changes proposed within DCA-15-088. Staff has reviewed the Comprehensive Plan and the associated land use goals and has found that the majority of the criteria are not applicable to the proposed changes within CP-17-063. Additionally, staff has reviewed Statewide Planning Goal 2, Land Use Planning, per the listed criteria and has found that CP-17-063 is supported by some of the language within Goal 2.

Goal 2 states that the intent of Goal 2 is “To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.”² With the changes reflected in DCA-15-088, the need for CP-17-063 comes from the changes to the “land use planning process,” which in Medford resides in Article II. Furthermore, CP-17-063 is needed in order to adhere to the guidelines established within Goal 2, these include:

Additionally, staff has determined that Goal 1, Citizen Involvement, also supports the proposed amendment. This Goal is addressed in the Citizen Involvement Element of the Comprehensive Plan and is discussed in criterion 1 for DCA-15-088. All other criteria for comprehensive plan updates do not apply to CP-17-063.

Conclusions

If the proposed text within CP-17-063 was not amended then the Comprehensive Plan would be referencing text that was no longer factual or relevant. This would be in direct conflict with the intent of creating “...a land use planning process and policy framework...to assure an adequate factual base for such decisions and actions.” Since Article II includes the processes for land use actions it is important to ensure that all text referencing Article II is also up to date, thus the need for CP-17-063.

The criterion has been satisfied.

RECOMMENDED ACTION

Based on the findings and conclusions that all of the approval criteria are either met or not applicable, forward a favorable recommendation for adoption of DCA-15-088 and CP-17-063 to the City Council per the staff report dated July 20, 2017, including Exhibits A through I.

EXHIBITS

- A Proposed Amendment – Article II (DCA-15-088)
- B Proposed Amendment – Affected Sections (DCA-15-088)
- C Proposed Amendment – Comprehensive Plan (CP-17-063)
- D Summary of Proposed Changes Within Article II
- E Agency Comment – Medford Fire Department - June 12, 2107
- F Agency Comment – Public Works and Public Works Addressing - June 21, 2017
- G Public Comment – CSA Planning, LTD. - May 8, 2017

² United States. State of Oregon. Department of Land Conservation and Development. Oregon’s Statewide Planning Goals & Guidelines GOAL 2: LAND USE PLANNING. Salem: n.p., 2010. Web. 19 July 2017

- H Minutes – Planning Commission Study Session October 26, 2015
- I Minutes – Planning Commission Study Session May 8, 2017

PLANNING COMMISSION AGENDA:

JULY 27, 2017

Exhibit A

Proposed amendment – Article II

(Deleted text is ~~struck-through-and-red~~, new text is blue and underlined, text moved to a new location is double underlined and green.)

Contents

10.100	Purpose of Article II.....	16
10.102	Land Use Review.....	16
10.104	Land Use Decision.....	17
10.106	Procedural Types.....	19
10.108	Land Use Review Procedure Types.....	20
10.110	Designation and Duties of Approving Authorities.....	25
10.112	Referral Agencies.....	31
10.114	Concurrent Land Use Review.....	35
10.120	Due Process.....	35
10.122	Due Process Element 1: Completeness Review.....	36
10.124	Due Process Element 2: Notification.....	37
10.126	Due Process Element 3: Disclosure.....	44
10.128	Due Process Element 4: Conflict of Interest.....	44
10.130	Due Process Element 5: Public Hearing.....	44
10.132	Due Process Element 6: Cross Examination.....	46
10.134	Due Process Element 7: Action, Decision Time, and Notice of Decision.....	46
10.136	Due Process Element 8: Findings of Fact.....	47
10.138	Due Process Element 9: Record.....	47
10.140	Appeal of Land Use Decision.....	47
10.142	Type I Land Use Actions.....	50
10.144	De Minimis Revision(s) to an Approved PUD Plan.....	50
10.146	Final PUD Plan.....	50
10.148	Minor Historic Review.....	51
10.150	Minor Modification to an Approved Conditional Use Permit.....	51
10.152	Minor Modification to a Site Plan and Architectural Review Approval.....	51
10.154	Nonconformities.....	51
10.156	Preapplication Conference.....	51
10.158	Property Line Adjustment.....	51
10.160	Riparian Corridors, Reduction or Deviation.....	53
10.162	Subdivision and Partition Final Plats.....	53

<u>10.160D. Filing of Final Plat with City Engineer.....</u>	<u>57</u>
<u>10.160E. Filing of the Final Plat with Planning Department.....</u>	<u>58</u>
<u>10.168 Type II Land Use Actions.....</u>	<u>59</u>
<u>10.170 Land Partition Tentative Plat.....</u>	<u>60</u>
<u>10.172 Portable Storage Containers.....</u>	<u>62</u>
<u>10.182 Type III Land Use Actions.....</u>	<u>63</u>
<u>10.184 Conditional Use Permit.....</u>	<u>64</u>
<u>10.186 Exception.....</u>	<u>67</u>
<u>10.188 Historic Review.....</u>	<u>68</u>
<u>10.190 Planned Unit Development (PUD) – Application and Approval Provisions.....</u>	<u>73</u>
<u>10.192 Preliminary PUD Plan – General Provisions.....</u>	<u>78</u>
<u>10.194 Preliminary PUD Plan - Neighborhood Meeting Requirement.....</u>	<u>82</u>
<u>10.196 Final PUD Plan - Application Procedures.....</u>	<u>83</u>
<u>10.198 Revision or Termination of a PUD.....</u>	<u>86</u>
<u>10.200 Site Plan and Architectural Review.....</u>	<u>88</u>
<u>10.202 Subdivision Tentative Plat.....</u>	<u>94</u>
<u>10.204 Zone Change.....</u>	<u>96</u>
<u>10.216 Annexation.....</u>	<u>103</u>
<u>10.218 Land Development Code Amendment Approval Criteria.....</u>	<u>105</u>
<u>10.220 Major Type IV Amendments.....</u>	<u>105</u>
<u>10.222 Minor Type IV Amendments.....</u>	<u>106</u>
<u>10.224 Transportation Facility Development.....</u>	<u>107</u>
<u>10.226 Vacation of Public Right-of-Way.....</u>	<u>108</u>

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ARTICLE II

PURPOSE, LAND USE REVIEW, LAND USE DECISION, PROCEDURAL TYPES, LAND USE REVIEW PROCEDURE TYPES (10.100 – 10.108)

10.100 Purpose of Article II.

It is the purpose of this article to establish land use review procedures, designate and define the responsibilities of the approving authorities, and to set forth the procedural requirements and substantive criteria and standards for each land use review necessary to obtain a development permit ~~plan authorizations and the development permit~~.

~~10.101 The Development Permit Application.~~

~~The development permit is the basis for administration of this chapter. A development permit is a comprehensive permit, running with the land, setting forth the general procedural policies and improvement requirements necessary for the development of a specific property. Upon application for a development permit, the Planning Department will indicate the plan authorizations which must be obtained prior to the issuance of a development permit. The applicant for a development permit may choose to request approval of all, any one, or a combination of required plan authorizations. A request for approval of a specific plan authorization may follow, at any time, the application for other required plan authorizations.~~

~~Upon satisfactory completion of all conditions required of the plan authorizations, as identified on the development permit application, a development permit shall be issued by the Planning Director. Upon issuance of a development permit the applicant may obtain a building permit.~~

10.102 Plan Authorizations Land Use Review.

- A. ~~A plan authorization~~ Land use review is a specific planning and development ~~review~~ process ~~which sets forth specific conditions for development consistent~~ conducted in order to determine whether proposed land uses comply with the policies, standards and criteria of the Comprehensive Plan and this chapter. ~~Plan authorizations are categorized as follows: A land use application shall be provided for each land use review when applicable.~~
- B. Each type of land use review has a designated procedural type and each procedural type has specific due process and administrative requirements that shall be followed.
- C. A land use review is complete once a land use decision, as outlined in Section 10.104, has been made by the designated approval authority

Class A

- ~~Comprehensive Plan Amendment, Major~~
- ~~Land Development Code Amendment~~
- ~~Zoning Map Amendment, Major~~

Class B

- ~~Annexation~~
- ~~Comprehensive Plan Amendment, Minor~~
- ~~Transportation Facility Development~~
- ~~Vacation~~

~~See Review & Amendments Chapter of the Comprehensive Plan for definitions of "major and "minor" Class A and B authorizations.~~

~~**Class C**~~

- ~~_____ Conditional Use Permit~~
- ~~_____ Exception~~
- ~~_____ Historic Review~~
- ~~_____ Land Division~~
- ~~_____ Planned Unit Development (PUD)~~
- ~~_____ Site Plan and Architectural Review~~
- ~~_____ Zoning Map Amendment, Minor (i.e., Zone Change")~~

~~**Class D**~~

- ~~_____ Administrative Decisions~~

~~**Class E**~~

- ~~_____ PUD Plan, Final~~
- ~~_____ Ministerial Decision (non-discretionary)~~
- ~~_____ Historic Review, Minor~~
- ~~_____ Property Line Adjustments~~

~~The development permit application will identify the required plan authorization(s) necessary for issuance of a development permit. The applicant for a development permit, at the time of application or any time thereafter, may request approval of any one (1) or combination of required plan authorizations as identified on the development permit application.~~

10.104 Land Use Decision.

- A. A land use decision consists of the Final Order signed by the approval authority based upon the criteria and standards considered relevant to the decision, as well as the facts contained within the record. The decision shall address such relevant criteria, standards and facts relied upon in rendering the decision. A written record of the decision shall be provided to the applicant, any person with standing (if applicable), and kept on file in the Planning Department.
- B. When the proposed land use application is inconsistent with the Comprehensive Plan or this chapter the application is either denied or specific requirements called "conditions" are included with the land use decision which when implemented will bring it into conformance.
- C. Upon receipt of an approved land use decision or upon satisfactory completion of any condition(s) of an approved land use decision that are required prior to building permits, a development permit shall be issued by the Planning Director. Upon issuance of a development permit, the applicant may obtain building permits.
- D. 120 Day Rule. For all Type II and III land use reviews as outlined in Table 10.108-1 below, the city shall arrive at a final decision, including resolution of all appeals, within 120 days from the date the application is deemed complete, unless the applicant requests an extension in writing. The total of all extensions shall not exceed 245 days.

~~**10.021 E. Development Permit Land Use Approval Required.** No person shall ~~engage in or cause development~~ subdivide or partition, nor shall any person create any street or road for the purpose of subdividing or partitioning an area or tract of land, or to dispose of, transfer or sell any lot or parcel of land if same constitutes or is part of a process of subdivision or partitioning as herein defined, or to record a final plat thereof without first~~

complying with all of the applicable provisions of this chapter. A building permit shall not be issued for the construction, reconstruction or the alteration, use or occupancy of a structure for which a development permit is required and has not been issued pursuant to ~~this~~ Section 10.101, ~~The Development Permit Application~~, or unless exempted as per ~~Section 10.200(C) or Subsection (F) below~~ Section 10.031, ~~Exceptions to the Development Permit Requirement~~.

~~10.031~~ **F.** ~~Exemptions from the Development Permit Requirement~~ Land Use Review.

~~A.1.~~ A.1. An exemption from ~~the development permit requirement~~ land use review does not exempt the use or development from compliance with the applicable standards of this chapter, including but not limited to access, parking, riparian protection, and landscaping.

~~B.~~ B. ~~Exemptions under this section do not apply to uses subject to a conditional use permit or major modifications thereof.~~

~~C.2.~~ C.2. The following uses or developments do not require ~~a development permit~~ land use review.

~~(1) Parking lots and parking lot additions, when not associated with building construction required to be reviewed by the Site Plan and Architectural Commission, except any parking lot or parking lot additions located within a Historic Overlay requires Historic Review. (Effective Dec. 1, 2013.)~~

~~(2) Construction of a new building if it does not increase motor vehicle trip generation by more than ten (10) average daily trips, unless within a Historic Overlay, in which case, Historic Review is required for all new construction. (Effective Dec. 1, 2013.)~~

~~(3) A building addition similar to the existing building in architectural style and exterior building materials and that is no more than a 20 percent or 2,500 square foot increase in gross floor area, whichever is less, unless within a Historic Overlay, in which case, Historic Review is required for all building additions and exterior alterations. (Effective Dec. 1, 2013.)~~

~~(4)a.~~ (4)a. An emergency measure resulting from fire, an act of God, or a public enemy or other calamity, which is necessary to protect and save property and lives.

~~(5)b.~~ (5)b. The reconstruction of a legal main structure or legal accessory structure which has been destroyed by fire, an act of God, or a public enemy or other calamity, and restoration is started within one (1) year from such destruction and is diligently pursued to completion.

~~(6)c.~~ (6)c. Temporary uses as identified in Section 10.840, Temporary Uses and Structures.

~~(7)d.~~ (7)d. The erection, construction, alteration, maintenance or termination of a public utility service facility, such as a public safety communication tower, that is being developed to provide service to development authorized by this chapter.

~~(8) Detached single-family residential development on a lot within a final-platted land division or on an otherwise legally created lot, unless within a Historic Overlay, in which case, Historic Review is required for all single-family residential development. (Effective Dec. 1, 2013.)~~

~~(9) Solar Photovoltaic/Solarvoltaic energy systems, as defined in ORS 757.360, except when located on historic landmarks or within historic districts, in which case the review authority shall be the Landmarks and Historic Preservation Commission.~~

~~(10) One duplex dwelling divided by a lot line or on a single lot within a final-platted land division or on an otherwise legally created lot, unless within a Historic Overlay, in which case, Historic Review is required.~~

~~(11) Airport accessory structure(s) including hangars, aircraft storage, maintenance facilities, warehouse storage, and office buildings to be located on airport property within the secured fence area (as shown on the Medford Zoning Map) not intended for public use.~~

10.150106 General-~~Procedural~~Requirements Types.

~~For purposes of administering the provisions of this chapter, and other ordinances and policies of the City pertaining to land use and development, there are hereby established fivefour (5) procedural-classifications employed in the administration of this chapter:~~types of procedures for processing land use review applications. Two factors vary for each procedural type. First, the degree of discretionary judgment involved in rendering a decision. The greater the degree of discretionary judgment, the more rigorous they are procedurally. Second, the extent of public participation which varies based upon the degree of impact(s) caused by the proposed use and development of land. The greater degree of impacts, the more the public is notified and invited to participate.

A. Type I "Ministerial" Procedures. CLASS "E" Non-discretionary, ministerial decisions

1. ~~Non-discretionary administrative decisions shall be made by applying clear and objective approval criteria and standards.~~
2. ~~Decisions are~~shall be made by the Planning Director or designee.
3. ~~No public notice, public comment period, or public hearing shall be required.~~
4. ~~Requested action shall be initiated by the applicant.~~
5. ~~Decisions are final, and except for Final Planned Unit Development (PUD) Plan and Minor Historic Review decisions, are not appealable. Final PUD Plan decisions are appealed to the Planning Commission per Section 10.140(F)(2). Minor Historic Review decisions are appealed to the Landmark and Historic Preservation Commission per Section 10.140(F)(3).~~

B. Type II "Administrative" Procedures. CLASS "D" Administrative decisions

1. ~~Administrative decisions shall be made by applying clear, objective approval criteria and standards while using limited discretion to determine impact(s) on adjacent properties and the surrounding vicinity, public infrastructure and services, and the health, welfare, and safety of the community at-large.~~
2. ~~Decisions are~~shall be made by the Planning Director or designee.
3. ~~Public notice and a public comment period are required according to Section XXXX of this Chapter, but there is no~~ a public hearing shall not be required.
4. ~~Requested action shall be initiated by the applicant.~~
5. ~~Appeals of Type II decisions are heard by the Planning Commission at a public hearing per Section 10.140(G).~~

C. Type III "Quasi-judicial" Procedures. CLASS "C" Other quasi-judicial decisions

1. ~~Quasi-judicial decisions that require involve~~the application of clear, objective approval criteria and standards~~existing policies~~, and a degree of discretion to determine compliance with approval criteria, and the impact(s) of development on adjacent properties and the surrounding vicinity, public infrastructure and services, and the health, welfare, and safety of the community at-large. ~~If and, if necessary to mitigate such impacts, conditions may be imposed to bring the proposed land use into compliance and/or to mitigate impacts.~~
2. ~~Decisions are made by the designated approving authority.~~
3. ~~Requires p~~Public notice, a public comment period, and a public hearing are required according to Section XXXX of this Chapter.

4. Requested action may be Initiated by City Council, the Planning Commission or ~~the~~an applicant.
 5. Appeals of Type III decisions are heard by the City Council per Section 10.140(H).
- D. Type IV "Legislative" Procedures. ~~CLASS "B" Council approved quasi-judicial decisions and CLASS "A" Legislative actions~~
1. Legislative decisions that involve the greatest degree of discretion as they establish by law the general policies and regulations for future land use decisions and have either widespread and significant impact beyond the immediate area or, ~~produce large volumes of traffic,~~ change the character of the land use, or affect large areas or many different ownerships.
 2. The Planning Commission shall review ~~A~~Type IV land use ~~review~~permit applications and ~~will be voted on and a recommendation will be forwarded by~~forward a recommendation ~~the Planning Commission~~to City Council to approve, approve with modifications, approve with conditions, deny, or to adopt an alternative. City Council ~~will~~shall consider and address the recommendation, but ~~is~~shall not ~~not bound~~be bound by it. The City Council is the approving authority and, if it so determines that a Type IV land use permit application has satisfied the standards and criteria for approval, shall approve Type IV land use applications by ordinance. ~~If the Type IV land use review is approved, the council will act by adopting the ordinance.~~
 3. ~~Requires~~Public notice(s), public comment period(s) and public hearing(s) are required according to Section XXXX of this Chapter.
 4. Requested action may be Initiated by City Council, Planning Commission (except annexations) or for minor amendments, or ~~the property owner~~an applicant(s).^[MHB]
 5. Appeals of Type IV decisions are made to the Land Use Board of Appeals (LUBA) per Section 10.140(I).

~~10.180~~ Class "A" Actions.

~~Class "A" actions comprise the following plan authorizations that involve such a substantial area and number of property owners or such broad public policy changes that administrative processing would be inappropriate:~~

- ~~(1) Major Comprehensive Plan Amendments;~~
- ~~(2) Code Amendments;~~
- ~~(3) Major Zoning Map Amendments;~~
- ~~(4) Any other change deemed legislative.~~

10.108 Land Use Review Procedure Types.

Table 10.108-1 identifies the procedural type, applicable standards, and approving authority for each type of land use review as well as whether the 120-day rule in Section 10.104(D) is applicable. Each ~~of the above~~ procedural ~~classification~~ type is subject to ~~the specified~~specific due process and administrative requirements of this chapter.

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Table 10.108-1. Land Use Review Procedures

<u>Land Use Review Type</u>	<u>Procedural Type</u>	<u>Applicable Standards</u>	<u>Approving Authority</u>	<u>Subject to 120 Day Rule (ORS 227.178)?</u>
<u>Annexation</u>	<u>IV</u>	<u>Urbanization, 10.216</u>	<u>City Council</u>	<u>No</u>
<u>Appeal of Final PUD Plan Decision</u>	<u>I</u>	<u>10.140(F)(2)</u>	<u>Planning Commission</u>	<u>No</u>
<u>Appeal of Minor Historic Review Decision</u>	<u>I</u>	<u>10.140(F)(3)</u>	<u>Historic Commission</u>	<u>No</u>
<u>Appeal of Type II Decision</u>	<u>II_[MHB2]</u>	<u>10.140(G)</u>	<u>Planning Commission</u>	<u>Yes</u>
<u>Appeal of Type III Decision</u>	<u>III</u>	<u>10.140(H)</u>	<u>City Council</u>	<u>Yes</u>
<u>Appeal of Type IV Decision</u>	<u>IV</u>	<u>10.140(I)</u>	<u>LUBA</u>	<u>No</u>
<u>Comprehensive Plan Amendment, Major</u>	<u>IV</u>	<u>Review & Amendment, 10.220</u>	<u>City Council</u>	<u>No</u>
<u>Comprehensive Plan Amendment, Minor</u>	<u>IV</u>	<u>Review & Amendment, 10.222</u>	<u>City Council</u>	<u>No</u>
<u>Conditional Use Permit</u>	<u>III</u>	<u>10.184</u>	<u>Planning Commission</u>	<u>Yes</u>
<u>Minimis Revision(s) to an Approved PUD Plan</u>	<u>I</u>	<u>10.198</u>	<u>Planning Director</u>	<u>No</u>
<u>Conception</u>	<u>III</u>	<u>10.186</u>	<u>PC/LHPC/SPAC</u>	<u>Yes</u>
<u>Final PUD Plan</u>	<u>I</u>	<u>10.196</u>	<u>Planning Director</u>	<u>No</u>
<u>Final Plat, Subdivision or Partition</u>	<u>I</u>	<u>10.160</u>	<u>Planning Director</u>	<u>No</u>
<u>General Land Use Plan Map Amendment, Major</u>	<u>IV</u>	<u>GLUP, Review & Amendment, 10.220</u>	<u>City Council</u>	<u>No</u>
<u>General Land Use Plan Map Amendment, Minor</u>	<u>IV</u>	<u>GLUP, Review & Amendment, 10.222</u>	<u>City Council</u>	<u>No</u>
<u>Historic Review</u>	<u>III</u>	<u>10.188</u>	<u>Historic Commission</u>	<u>Yes</u>
<u>Land Development Code Amendment</u>	<u>IV</u>	<u>10.218</u>	<u>City Council</u>	<u>No</u>
<u>Minor Historic Review</u>	<u>I</u>	<u>10.148</u>	<u>Planning Director</u>	<u>No</u>
<u>Major Modification to a Site Plan & Architectural Review Approval</u>	<u>III</u>	<u>10.200(H)(1)</u>	<u>SPAC</u>	<u>Yes</u>
<u>Minor Modification to a Site Plan & Architectural Review Approval</u>	<u>I</u>	<u>10.200(H)(2)</u>	<u>Planning Director</u>	<u>No</u>
<u>Major Modification to an Approved Conditional Use Permit</u>	<u>III</u>	<u>10.184(D)(1)</u>	<u>Planning Commission</u>	<u>Yes</u>

Page 190

<u>Land Use Review Type</u>	<u>Procedural Type</u>	<u>Applicable Standards</u>	<u>Approving Authority</u>	<u>Subject to 120 Day Rule (ORS 227.178)?</u>
<u>Minor Modification to an Approved Conditional Use Permit</u>	I	<u>10.184(D)(2)</u>	<u>Planning Director</u>	<u>No</u>
Table 10.108-1. Land Use Review Procedures				
<u>Nonconformities</u>	I	<u>10.032 – 10.036</u>	<u>Planning Director</u>	<u>No</u>
<u>Portable Storage Container</u>	II	<u>10.840(D)(6)</u>	<u>Planning Director</u>	<u>Yes</u>
<u>Pre-Application</u>	I	<u>10.154</u>	<u>Planning Director</u>	<u>No</u>
<u>Preliminary PUD Plan</u>	III	<u>10.190–10.198</u>	<u>Planning Commission</u>	<u>Yes</u>
<u>Property Line Adjustment</u>	I	<u>10.156</u>	<u>Planning Director</u>	<u>No</u>
<u>Map Plan Revision(s)</u>	III	<u>10.198</u>	<u>Planning Commission</u>	<u>Yes</u>
<u>Map Plan Termination</u>	III	<u>10.198</u>	<u>Planning Commission</u>	<u>Yes</u>
<u>Urban Corridors, Reduction or Deviation</u>	I	<u>10.927</u>	<u>Planning Director</u>	<u>No</u>
<u>Map Permit</u>	I	<u>10.1000 – 10.1810</u>	<u>Planning Director</u>	<u>No</u>
<u>Site Plan and Architectural Review</u>	III	<u>10.200</u>	<u>SPAC</u>	<u>Yes</u> ^[MHB3]
<u>Tentative Plat, Partition</u>	II	<u>10.170</u>	<u>Planning Director</u>	<u>Yes</u>
<u>Tentative Plat, Subdivision</u>	III	<u>10.202</u>	<u>Planning Commission</u>	<u>Yes</u>
<u>Transportation Facility Development</u>	IV	<u>10.224</u>	<u>City Council</u>	<u>No</u> ^[MHB4]
<u>Urban Growth Boundary Amendment, Major</u>	IV	<u>Urbanization, 10.220</u>	<u>City Council</u>	<u>No</u>
<u>Urban Growth Boundary Amendment, Minor</u>	IV	<u>Urbanization, 10.222</u>	<u>City Council</u>	<u>No</u>
<u>Vacation of Public Right-of-Way</u>	IV	<u>10.226</u>	<u>City Council</u>	<u>No</u>
<u>Zone Change, Major</u>	IV	<u>Review & Amendment, 10.220</u>	<u>City Council</u>	<u>No</u>
<u>Zone Change, Minor</u>	III	<u>10.204</u>	<u>Planning Commission</u>	<u>Yes</u>

Page 191

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APPROVING AUTHORITIES AND REFERRAL AGENCIES. (10.110 & 10.112)

10.110 Designation and Duties of Approving Authorities.

A. Approving Authorities. This article designates the authority to act on ~~planning and development land use requests reviews~~ (MHB5) ~~as required by this chapter to five (5) approving authorities~~ as follows:

1. The City Council
2. The Planning Commission
3. The Site Plan and Architectural Commission
4. The Landmarks and Historic Preservation Commission
5. The Planning Director

B. ~~10.140~~ Duties of the Approving Authorities. Under the provisions ~~cited in Article II, Section 10.110, Designation of Approving Authority, through 10.135, Authority of the Planning Director,~~ there is hereby designated to the approving authorities the power to:

- ~~(1)~~ 1. Approve, conditionally approve, or disapprove ~~development permits and plan authorizations~~ applications for land use review(s) (MHB6);
- ~~(2)~~ 2. Determine compliance or lack of compliance with the approval criteria listed under each application type ~~of the proposed development, together with the provisions for its design, improvement and use with the Comprehensive Plan and all applicable specific plans, regulations, standards and criteria.~~

~~10.111 Authority of the City Council.~~

C. City Council, Authority. The City Council is hereby designated as the approving authority for ~~all the Class A and Class B plan authorizations.~~ following land use reviews:

Land Use Review

- Annexation
- Comprehensive Plan Amendment (Major or Minor)
- General Land Use Plan Map Amendment (Major or Minor)
- Land Development Code Amendment (Major or Minor)
- Transportation Facility Development (MHB7)
- Urban Growth Boundary Amendment (Major or Minor)
- Vacation of Public Right-of-Way
- Zoning Map Amendment (Major)

~~The City Council shall also serve as the approving authority for all appeals as provided in Section 10.051174(F), Appeals, Article I of this chapter.~~

~~10.120 Planning Commission.~~

D. Planning Commission, Authority.

1. The Planning Commission shall have all powers set forth in ORS 227.090 (Powers and Duties of Commission) except as otherwise provided by ordinance of the City Council.

~~10.122 Authority of the Planning Commission.~~

2. The Planning Commission is hereby designated as the approving authority for the following ~~actions~~ land use reviews:

Plan Authorization	Class
1. Zone Changes, except when applied by the City concurrent with annexation	"C"
2. Planned Unit Developments, Preliminary PUD Plan	"C"
3. Conditional Use Permits	"C"
4. Exceptions	"C"
5. Land Divisions, Tentative Plats	"C"

Land Use Review

Conditional Use Permit

Exception

Preliminary Planned Unit Development (PUD) Plan

Subdivision/Partition Tentative Plat

Zone Change (Minor)

~~E. Planning Commission, Other Duties. The Planning Commission shall also act as the advisory agency to the City Council for all Class "A" and Class "B" actions, except annexations as set forth in Section 10.111, Authority of the City Council.~~

~~It shall further be the responsibility of the Planning Commission to:~~

- ~~(1)~~ 1. Study and report on all proposed code amendments referred to it by the City Council. When reviewing any such proposed amendments, the Planning Commission shall submit its recommendation and findings to the City Council.
- ~~(2)~~ 2. Review this chapter and report on same to the City Council at least once every five ~~(5)~~ years commencing on the date of enactment of this chapter. Specifically the Planning Commission shall:
 - ~~(a)~~ a. Analyze the extent to which development has occurred in the city as compared to the projected growth per the Comprehensive Plan.
 - ~~(b)~~ b. Recommend any changes in the mapping of zoning districts as determined necessary to accommodate the expected ~~twenty~~ 20-year growth as determined by the Comprehensive Plan.
 - ~~(3)~~ c. Serve as the Committee for Citizen Involvement (CCI) per the Comprehensive Plan.

~~F. 10.123–Planning Commission, Membership.~~

- ~~(1)~~ 1. **Number Appointed.** The Planning Commission shall consist of nine ~~(9)~~ voting members appointed by the Mayor and City Council.
- ~~(2)~~ 2. **Length of Term.** All terms shall be for a period of four ~~(4)~~ years beginning on February 1 of each year with not more than three terms expiring in the same year.
- ~~(3)~~ 3. **Position Appointments.** The Planning Commission members shall at a minimum comply with the requirements of Oregon Revised Statutes (ORS) 227.030 (Membership) as provided below or as amended:

- (a)a. No more than two members of a city planning commission may be city officers, who shall serve as ex officio nonvoting members. [MHBV]
- (b)b. No more than two voting members of the commission may engage principally in the buying, selling, or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation, that engages principally in the buying, selling or developing of real estate for profit.
- (c)c. No more than two members shall be engaged in the same kind of occupation, business, trade or profession.

~~(4)4.~~ **Selection Criteria.** All members of the Commission shall either be residents of the City of Medford or Medford Urban Growth Boundary. No more than two members of the Commission shall be appointed who reside outside the Medford city limits. ~~A Commissioner who ceases to meet the residency requirement during their term of office shall forfeit the office and a new member shall be appointed to serve the unexpired portion of the term.~~

~~(5)5.~~ **Removal Terms.** A member may be removed by the Mayor and City Council, after a hearing, for misconduct or nonperformance of duty.

~~(6)6.~~ **Vacancy Replacement.** A Commissioner who ceases to meet the residency requirement during their term of office shall forfeit the office and a new member shall be appointed to serve the unexpired portion of the term. Any vacancy shall be filled by the Mayor and City Council for the unexpired term of the predecessor in the office.

~~(7)7.~~ **Quorum.** A quorum of the Planning Commission shall consist of five or more members. [MHBV]

~~10.124G.~~ **Planning Commission Meeting Procedures.** Except as otherwise provided by law or this chapter Code, the Planning Commission shall conduct its meetings in accordance with *Robert's Rules of Order, Newly Revised*, unless other rules are adopted by the Commission.

~~10.132H.~~ **Authority of the Site Plan and Architectural Commission.**

~~(1)~~ **Approval Authority of Site Plan and Architectural Commission Authority.** The Site Plan and Architectural Commission is hereby designated as the approving authority for the following ~~plan authorizations~~ land use reviews:

Plan Authorization	Class
1. Exceptions	"C"
2. Site Plan and Architectural Review	"C"

Land Use Review

Exception

Major Modification of Site Plan and Architectural Review Approval
Site Plan and Architectural Review

~~(2) I.~~ **Site Plan and Architectural Commission, Other Powers-Duties of Site Plan and Architectural Commission.** The Site Plan and Architectural Commission shall have the power to adopt design guidelines. Such guidelines may be general or specific in nature and shall be in the form of suggested approaches intended to aid applicants in preparation, presentation and implementation of development proposals in compliance with the City of Medford Comprehensive Plan

and implementing ordinances. Guidelines shall be advisory and shall not limit applicants to a single approach.

10.133J. Site Plan and Architectural Commission, Membership.

(1)1. Number Appointed. The Site Plan and Architectural Commission shall consist of nine ~~(9)~~ voting members appointed by the Mayor and City Council.

(2)2. Length of Term. Site Plan and Architectural Commissioner terms shall be for a period of four ~~(4)~~ years, with the exception of the member of the Planning Commission, whose initial term shall be for a period of two ~~(2)~~ years. Subsequent Planning Commissioner terms shall be for one ~~(1)~~ year if reappointed. Said terms shall begin on February 1 of each year with not more than two ~~(2)~~ terms expiring in the same year, exclusive of the Planning Commissioner.

(3)3. Position Appointments.

(a)a. One ~~(1)~~ member shall be a Planning Commissioner nominated by the Planning Commission chairperson.

(b)b. One ~~(1)~~ member shall be a licensed architect.

(c)c. One ~~(1)~~ member shall be a licensed professional engineer.

(d)d. One ~~(1)~~ member shall be a licensed landscaping professional.

(e)e. One ~~(1)~~ member shall be a licensed contractor.

When selecting persons to fill the remaining four ~~(4)~~ positions, preference should be given to applicants who have training or experience closely related to the licensed positions. At the Mayor and City Council's discretion, an appointment to any of the four ~~(4)~~ professional/licensed positions may be an individual who, in lieu of having a valid license in the profession, possesses a comparable combination of skill, education, training and experience related to the respective professional licensing category.

(4)4. Selection Criteria. All members of the Commission shall either be residents of the City of Medford or Medford Urban Growth Boundary. No more than two members of the Commission shall be appointed who reside outside the Medford city limits. ~~A Commissioner who ceases to meet the residency requirement during their term of office shall forfeit the office and a new member shall be appointed to serve the unexpired portion of the term.~~

(5)5. Removal Terms. A member may be removed by the Mayor and City Council, after a hearing, for misconduct or nonperformance of duty.

(6)6. Vacancy Replacement. A Commissioner who ceases to meet the residency requirement during their term of office shall forfeit the office and a new member shall be appointed to serve the unexpired portion of the term. Any vacancy shall be filled by the Mayor and City Council for the unexpired term of the member being replaced.

(7)7. Quorum. A quorum of the Site Plan and Architectural Commission shall consist of five or more members.

10.134-K. Procedure of the Site Plan and Architectural Commission Meeting Procedures. Except as otherwise provided by law or this ~~chapter~~Code, the Site Plan and Architectural Commission shall conduct its meetings in accordance with *Robert's Rules of Order, Newly Revised*, unless other rules are adopted by the Commission.

~~10.136L.~~ ~~Authority of the Landmarks and Historic Preservation Commission~~ Authority. The Landmarks and Historic Preservation Commission is hereby designated as the approving authority for the following ~~plan authorizations~~ land use reviews:

Plan Authorization	Class
Historic Review, except Minor Historic Review permitted in Section 10.258(3)	'C'
Exceptions	'C'

Land Use Review

Exceptions

Historic Review

~~4. Consideration of Appeals of Minor Historic Review Decisions. Should an applicant disagree with a Minor Historic Review decision made by the Planning Director, the applicant may appeal such decision to the Landmarks and Historic Preservation Commission consistent with the requirements of this Code.~~

~~B.M. Landmarks and Historic Preservation Commission, Other powers and Duties of the Landmarks and Historic Preservation Commission may include:~~

1. To study proposed Comprehensive Plan and Land Development Code amendments relating to historic preservation, and submit recommendations regarding such proposals to the Planning Commission and City Council.
2. To institute and support programs and projects that further the historic preservation policies of the City of Medford.
3. To adopt approval criteria for Minor Historic Review of alterations of roofing materials, exterior colors, or sign face design for an existing sign within Historic Preservation Overlay Districts. Such criteria shall be consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Places* as applicable.
4. To adopt design guidelines for new construction and exterior alternations within an Historic Preservation Overlay. Such guidelines may be general or specific in nature and shall be in the form of approaches intended to aid applicants in preparation, presentation, and implementation of development proposals that comply with the Medford Comprehensive Plan and implementing ordinances. Guidelines shall be advisory and shall not limit applicants to a single approach.
5. To adopt approval criteria and/or design guidelines for signage within the Historic Preservation Overlay. Such criteria or design guidelines may authorize signs that differ from the standards of Article VI when necessary to meet historic compatibility and preservation goals.

~~N. Historic Review.~~ For the purposes of this section, the definitions, rules, and procedures of Sections 10.401 through 10.408 shall apply. ~~A. Historic Review shall include:~~

1. **Historic Preservation Overlay Changes.** Review and investigation of any historic resource in the City of Medford that may have historic significance; initiation of proceedings to change the extent of the Historic Preservation Overlay; decisions on ap-

plications to change to the extent of the Historic Preservation Overlay; and preparation of findings substantiating or refuting the historic significance of the resource.

2. **Exterior Alteration and/or New Construction Review.** Consideration of proposed exterior alteration and/or new construction within an Historic Preservation Overlay.

3. **Demolition and/or Relocation Review.** Consideration of proposed demolition or relocation within an Historic Preservation Overlay, and authorization of either delayed or immediate issuance of a demolition or relocation permit.

~~10.137O.~~

Landmarks and Historic Preservation Commission, Membership.

~~(4)1.~~ **Number Appointed.** The Landmarks and Historic Preservation Commission shall be made up of seven ~~(7)~~ voting members appointed by the Mayor and City Council.

~~(2)2.~~ **Length of Term.** All regular terms of members of the Landmarks and Historic Preservation Commission shall be for a period of four years, and shall begin on February 1, with not more than three terms expiring in the same year.

~~(3)3.~~ **Position Appointments.** All members of the Landmarks and Historic Preservation Commission shall have demonstrated positive interest, competence, or knowledge of historic preservation. The Planning Director or designee shall serve as an *ex-officio* member of the Landmarks and Historic Preservation Commission.

~~(4)4.~~ **Selection Criteria.** All members of the Commission shall either be residents of the City of Medford or Medford Urban Growth Boundary. No more than two members of the Commission shall be appointed who reside outside the Medford city limits. ~~A Commissioner who ceases to meet the residency requirement during their term of office shall forfeit the office and a new member shall be appointed to serve the unexpired portion of the term.~~

~~(5)5.~~ **Removal Criteria.** A member of the Landmarks and Historic Preservation Commission may be removed by the Mayor and City Council, after a hearing, for misconduct or nonperformance of duty. A Commissioner who ceases to meet the residency requirement during their term of office shall forfeit the office and a new member shall be appointed to serve the unexpired portion of the term. Replacements shall be appointed by the Mayor and City Council for the remainder of the unexpired term.

~~(6)6.~~ **Quorum.** A quorum of the Landmarks and Historic Preservation Commission shall consist of four or more members. [MHB10]

~~10.138P.~~

Landmarks and Historic Preservation Commission, Meeting Procedures.

1. Except as otherwise provided by law or this Code, the Landmarks and Historic Preservation Commission shall conduct its meetings in accordance with Robert's Rules of Order, Newly Revised, unless other rules are adopted by the Commission ~~rules as adopted by the commission.~~

2. The Landmarks and Historic Preservation Commission shall meet as necessary to act on Historic Reviews in a timely manner.

3. There shall be at least one meeting of the Landmarks and Historic Preservation Commission held each year, during the month of March.

~~10.135Q. Planning Director, Authority ~~Planning Director Authority.~~ The Planning Director is hereby designated as the approving authority for ~~Class D and Class E plan authorizations and for the development permit~~ Type I and II land use reviews as well as issuance of the Development Permit. ~~The Planning Director shall also be responsible for the administration and enforcement of this chapter.~~~~

Land Use Review

De Minimis Revision(s) to Approved PUD Plan

Final PUD Plan

Final Plat, Partition/Subdivision

Minor Historic Review

Minor Modification to Conditional Use Permit

Minor Modification to Site Plan and Architectural Review

Pre-Application

Property Line Adjustment

Sign Permit

Tentative Plat, Partition

R. ~~Planning Director, Other Duties.~~ The Planning Director shall also be responsible for the administration and enforcement of this chapter.

~~10.145~~112 Referral Agencies.

A. It is the responsibility of a referral agency to provide timely review and comment on all proposals referred by the City. The referral agency shall be requested to determine consistency of a proposal with the referral agency's operating policies and standards and to ~~recommend~~-suggest conditions of approval~~on development.~~

~~10.146~~B. This Chapter employs the use of referral agencies for the review of ~~those plan authorizations indicated below, as shown on the~~ land use permit applications according to a Referral Agency Distribution Schedule that is available and maintained by the Planning Department. ~~which follows:~~

- ~~A. Major Comprehensive Plan Amendment~~
- ~~B. Land Development Code Amendment~~
- ~~C. Minor Comprehensive Plan Amendment~~
- ~~D. Annexation, except as provided in Section 10.199~~
- ~~E. Vacation~~
- ~~F. Zone Change, Major and Minor~~
- ~~G. Conditional Use Permit~~
- ~~H. Exception~~
- ~~I. Planned Unit Development~~
- ~~J. Land Division~~
- ~~K. Site Plan and Architectural Review~~
- ~~L. Transportation Facility Development~~

- ~~M. Historic Review~~
- ~~N. Administrative (Class D) plan authorization [10.110](#)~~

Numerical references in the Schedule refer to the following:

- ~~1. When the proposal is within, abutting, or affecting the referral agency's jurisdiction.~~
- ~~2. When the proposal is within, or abutting the Airport Approach or Airport Radar Overlay Districts.~~
- ~~3. When the proposal includes new buildings or building additions that are within the referral agency's jurisdiction.~~
- ~~4. When the proposal is within the Southeast Overlay District and in a Parks or Schools land use category on the Southeast Plan Map.~~
- ~~5. When the proposal is within or abutting a Greenway General Land Use Plan Map designation.~~
- C. Referral agencies may be asked to review certain ~~proposals~~ applications ~~not indicated on the Schedule~~ if, in the judgment of the Planning Director, the agency may have an interest in the proposal. Additional referral agencies may be notified at the discretion of the Planning Director.

SCHEDULE OF REFERRAL AGENCY DISTRIBUTION

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
CITY DEPTS.														
Building Safety	*	*	*	*	*	*	*	*	*	*	*	-	*	*
City Attorney	*	*	*	*	*	*	*	*	*	*	*	*	*	
City Manager	*	*	*	*	-	-	-	-	-	-	-	-	-	
Engineering Division	*	*	*	*	*	*	3	-	*	*	*	*	*	-
Fire	*	*	*	*	*	*	3	-	*	*	*	-	*	*
Parks & Recreation	*	*	*	*	*	*	3	-	*	*	*	-	*	-
Parks Director	4	4	4	4	4	4	4	4	4	4	4	4	4	-
Planning	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Police	*	-	*	*	*	*	-	-	*	*	*	-	*	*
Public Works	*	*	*	*	*	*	3	-	*	*	*	-	*	*
AGENCIES														
Water Commission	*	*	*	*	*	*	3	-	*	*	*	*	*	-
Army Corps of Engineers	-	-	-	-	-	-	5	5	5	5	5	5	-	-
Landmarks & Historic Preservation Commission	1	1	1	-	1	1	1	1	1	1	1	1	-	-
Cable Television Co.	-	-	*	*	*	*	3	-	*	*	*	*	*	-
City of Central Point	1	1	1	1	1	1	1	1	1	1	1	1	-	-
City of Phoenix	1	1	1	1	1	1	1	1	1	1	1	1	-	-
Dept. of Land Conservation & Development	*	*	*	-	-	-	-	-	-	-	-	-	-	-

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
Dept. of State Lands	-	-	-	-	-	-	5	5	5	5	5	5	-	-
Garbage Company	-	-	-	*	*	-	-	-	-	-	-	-	-	-
Jackson Co. Health Dept	-	-	-	*	-	-	-	-	-	*	-	-	-	-
Jackson Co. Planning	*	*	*	-	-	-	-	1	1	-	1	-	-	-
Medford Irrigation District	1	-	1	1	1	-	3	-	1	1	-	-	-	-
Natural Gas Company	-	-	*	*	*	*	3	-	*	*	*	*	*	-
Oregon Dept. of Fish & Wildlife	-	-	-	-	-	-	5	5	5	5	5	5	-	-
Oregon Dept. of Transportation	*	-	1	1	-	1	3	-	1	1	1	1	-	-
Power Company	-	-	*	*	*	*	3	-	*	*	*	*	*	-
Rogue River Valley Irrigation District	1	-	1	1	1	-	3	-	1	1	-	-	-	-
RV Medford Airport	1	-	1	-	-	1	2	2	2	2	2	-	-	-
Rogue Valley Sewer Services	1	-	1	1	1	1	3	-	1	1	1	-	1	-
Rogue Valley Transportation District	*	-	1	1	1	*	3	-	1	1	*	*	*	-
Medford 549C Schools	1	-	1	1	-	1	3	-	1	1	-	-	-	-
Superintendent	4	4	4	4	4	4	4	4	4	4	4	4	-	-
Phoenix-Talent Schools	1	-	1	1	-	1	3	-	1	1	-	-	-	-
Superintendent	4	4	4	4	4	4	4	4	4	4	4	4	-	-
Telephone Company	-	-	*	*	*	*	3	-	*	*	*	*	*	-
U. S. Post Office	-	-	-	-	-	-	-	-	*	*	*	*	*	-
Urban Renewal Agency	-	-	1	-	1	1	1	1	1	1	1	1	1	-
Water Districts	1	-	1	1	-	1	-	-	1	1	-	-	-	-

10.183D. Referral and Review Agency Action and Decision Time.

1. ~~After initiation of a Class "A" plan authorization~~ After deeming an application complete per Section 10.122~~131~~, the Planning Department shall transmit one ~~(1)~~ copy of the proposed legislation, or land use permit application, and necessary accompanying data ~~to each referral agency~~ for review and comment to any governmental agency or private entity that is entitled to notice per the Planning Department's Distribution Schedule pursuant to Section 10.146, Referral Agencies Distribution, for Class "A" actions.

~~If the referral agency does not comment within thirty (30) working days, then the referral agency is assumed to have no comment. If requested in writing, by a referral agency, an extension of thirty (30) working days may be granted.~~

2. ~~Upon conclusion of the thirty (30) day period, t~~ The Planning Department shall study and investigate the proposal and prepare a Staff Report setting forth a recommended action to the approving authority based on compliance with the appropriate criteria and recommendations by the referral agencies.

10.223E. Referral Agency Reports.

Upon receipt of a request for review and comment~~Class "C" plan authorization and necessary accompanying data~~, each referral agency shall make an investigation and submit ~~a~~ written report comments ~~within fifteen (15) working days, and forward same~~ to the Planning Department clearly specifying any recommended conditions for development approval.

~~(1)~~1. ~~City Departments, Affected Agencies and Utility Company~~ Reports. ~~The public works department, water commission and affected public utilities, school districts and other affected~~Other agencies having jurisdiction, shall report to the Planning Department as to any recommendations or provisions which in their determination are required for the approval of the development land use land use permit consistent with this code.

~~(2)~~2. City Engineer's Report. The City Engineer shall investigate and report on existing facilities and make a recommendation on the manner in which the development land use is to be provided city services. The city engineer shall appropriately condition the development land use permit to adequately provide for the drainage of surface water from provision of public infrastructure for the land constituting and surrounding the intended-proposed land division use.

~~(3)~~3. Fire Department, Water Commission. The Fire Department~~Water Commission~~ shall investigate and report on existing facilities and make a recommendation concerning the number and placement of fire hydrants and other fire protection requirements for the proposed development land use.

4. Water Commission. The Water Commission shall investigate and report on the applicable infrastructure that is in place, what easements pertain to the project, and what are the improvements needed to provide adequate infrastructure to the site.

~~(4)~~5. ~~Staff Report~~Planning Department. The Planning Department shall review the design and improvement of the proposed development land use permit application in relation to the Comprehensive Plan, any applicable specific plans prescribed by law which affects the proposed development land use and in relation to any and all applicable criteria and standards as set forth in this chapter applicable to the application type. The staff report shall either summarize, or incorporate by reference, all departmental, affected agency and utility referral agency reports and public comments received as specified herein, and shall itemize such conditions as it deems appropriate to be imposed by the approving authority if approval is to be recommended. The Staff Report shall be made available at no cost in by the Planning Department seven days before the public hearing.

~~10.175 Application Review Procedure.~~

~~Each procedural classification is subject to four (4) application review procedures as follows:~~

- ~~(1) — Application, General~~
- ~~(2) — Referral and Review~~
- ~~(3) — Application Form~~
- ~~(4) — Criteria~~

CONCURRENT LAND USE REVIEWS, APPLICATION SUBMITTALS, FINDINGS AND CONCLUSIONS (10.114 – 10.118)

10.10114 Concurrent Land Use Review

The applicant ~~for of a development permit~~ land use application may choose to request ~~approval~~ consideration of all, any one, or a combination of required ~~plan authorizations~~ land use reviews ^(MHB1) by the same approving authority at the same time. Otherwise, a request for ~~approval~~ consideration of a specific ~~plan authorization~~ land use application may follow, at any time, the application for other required ~~plan authorizations~~ land use reviews.

10.116 Application Submittals.

~~Land use applications shall be submitted to the Planning Department and shall consist of the submittal requirements specified on the application. Required materials are subject to change at the discretion of the Planning Director. If an application does not include all required submittals, it shall be deemed incomplete per Section 10.122.~~

10.168118 Findings of Fact.

~~Findings of Fact are statements of the criteria, facts, and conclusions used in making a decision. In order for the approval authority to approve a land use application, it must find that the proposal complies with the approval criteria and standards listed in this chapter. The findings must demonstrate and lead to the conclusion, based on the facts, that the criteria are being met. Findings which addressing applicable criteria shall accompany all actions required of this chapter for plan authorizations~~ land use review.

~~A. The approval criteria applicable to the specific land use application.~~

~~B. A complete description of the project including all facts about the proposal which support approval.~~

~~C. An analysis and rationale of how the facts demonstrate that the project meets each of the criteria.~~

DUE PROCESS. (10.120 – 10.138)

10.155120 Due Process.

Each of the procedural types outlined in Section 10.106 are subject to specific due process and administrative requirements which are outlined below in Table 10.120-1 for each land use application.

~~In addition to the application review requirements of Section 10.175, Application Review Procedure, there are eight basic due process elements applicable to Class A, Class B and Class C procedural classifications. The due process requirements are:~~

- ~~(1) Notification~~
- ~~(2) Disclosure~~
- ~~(3) Conflict of Interest~~

- ~~(4) — Hearing~~
- ~~(5) — Cross-Examination~~
- ~~(6) — Action and Decision Time~~
- ~~(7) — Findings~~
- ~~(8) — Record. Due process for Class D plan authorizations includes requirements 1, 2, 6, 7, and 8 of the preceding list, in addition to the application review requirements of Section 10.175, Application Review Procedure.~~

Table 10.120-1. Due Process Elements by Procedure Type

<u>Due Process Element</u>	<u>Land Use Procedure Type</u>			
	<u>Type I</u>	<u>Type II</u>	<u>Type III</u>	<u>Type IV</u>
<u>1. Completeness Review</u>		✓	✓	
2. <u>Notification</u>		✓	✓	✓
3. <u>Disclosure</u>		✓	✓	✓
4. <u>Conflict of Interest</u>			✓	✓
5. <u>Public Hearing</u>			✓	✓
6. <u>Cross-Examination</u>			✓	✓
7. <u>Action, and Decision Time and Notice of Decision</u>		✓	✓	✓
8. <u>Findings of Fact</u>		✓	✓	✓
9. <u>Record</u>		✓	✓	✓

10.22122 Application, General. Due Process Element 1: Completeness Review

~~Applications for Class "C" plan authorizations may be initiated by City Council, Planning Commission, or property owners representing the subject area. Class "C" applications shall be submitted to the Planning Department and shall consist of the materials specified for each type Class "C" procedural application.~~

- A. Upon submittal of the a land use application to the Planning Department, the date of receipt shall be indicated on each copy of the materials submitted.
- B. Within ~~thirty (30)~~ days of receipt, the Planning Department shall determine whether the a Type II or III land use application as submitted, along with the required information, is complete as per this chapter.
- C. If the Planning Department fails to provide notice of completeness to the applicant of a Type II or III land use application in writing within ~~thirty (30)~~ days of receipt, the application shall be deemed complete. For purposes of this section, the date of notice to the applicant shall be the date of mailing.
- D. If it is determined that the Type II or III land use application is incomplete or otherwise does not conform to the provisions of this chapter, the Planning Department shall notify the applicant in writing to submit the missing material. The application shall be deemed complete upon receipt of (a1) all of the missing information; (b2) some of the missing information and written notice

from the applicant that no other information will be provided; or (e3) written notice from the applicant that none of the missing information will be provided.

E. If the Type II or III land use application is deemed complete ~~when as~~ first submitted, or the applicant submits the requested additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria applicable at the time the application was submitted.

F. On the 181st day after first being submitted, the Type II or III land use application is void if the applicant has been notified of the missing information and has not submitted (a1) all of the missing information; (b2) some of the missing information and written notice that no other information will be provided; or (e3) written notice that none of the missing information will be provided. Any applications that are resubmitted to the Planning Department shall be subject to the standards and criteria in effect at the time the application is resubmitted.

~~At the time an application is deemed complete, the Planning Department shall indicate on the application the date of completion.~~

~~10.156~~124 **Notification General Due Process Element 2: Notification.**

A. Content of Public Hearing Notice. The ~~notice~~ Public Hearing Notice provided shall:

- ~~(1)~~1. Explain the nature of the application and the proposed use or uses which could be authorized;
- ~~(2)~~2. List the applicable criteria from the Code and the Comprehensive Plan that apply to the application at issue;
- ~~(3)~~3. Set forth the street address or other easily understood geographical reference to the subject property;
- ~~(4)~~4. State the date, time and location of the hearing; or, for Type II applications state the date the decision will be rendered~~or, for Type II, state the date the decision will be rendered;~~
- ~~(5)~~5. State that failure to raise an issue in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal ~~to the Land Use Board of Appeals~~ based on that issue;
- ~~(6)~~6. Include the name of a local government representative to contact and the telephone number where additional information may be obtained;
- ~~(7)~~7. State that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;
- ~~(8)~~8. State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost. For a Type II application the staff report will be available on the day the decision is rendered; and
- ~~(9)~~9. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.

~~10.157~~**Notification, Publication and On-Site Posting.**

- (2)B. ~~On-Site Posting~~Public Hearing Signs. Public ~~notice-hearing~~ signs shall be posted on the project site for any proposed ~~Class-B, C, or D~~Type II, III or IV (minor) land use action according to the following:
- (a)1. Contents of sign. ~~Notice~~Public hearing signs shall include a description of the proposed land use action, the date of the public hearing, and the City of Medford file number for the proposed land use action.
 - (b)2. Location and number of signs. ~~A~~ posted notice sign must be placed on each existing street frontage of the project site. If a frontage is over 600 feet long, a notice sign is required for each 600 feet, or fraction thereof. Notice signs must be posted within 10 feet of a street lot line and must be visible to pedestrians and motorists. Notice signs may not be posted in a public right-of-way, unless the land use action specifically pertains to a public right-of-way. If posting must occur in the right-of-way, care should be taken to comply with Section 10.735, Clear View of Intersecting Streets.
 - (c)3. Sign posting schedule. The required sign(s) shall be posted ~~not later than 21 days prior to the first public hearing date of each~~ as specified below in Table 10.124-1~~body that hears the application~~. Posted signs shall be removed within 10 days following the final decision.
 - (d)4. Consequences of failing to post the property as required. Failure to post the signs as required by this section is a violation of the Medford Municipal Code.
- 10.158C. Notification, Affected Property Owners.
- 1. Notice of Type II land use action. In the case of Type II land use actions where there is no public hearing, notification shall be mailed to the applicant and all affected property owners no later than 20 days prior to the date the decision will be made by the Planning Director.
 - 2. Notice of Type III and IV land use actions. Notification shall be mailed to the applicant and all affected property owners no later than 20 days prior to ~~the scheduled meeting~~each public hearing date ~~before the approving authority~~.
 - 3. All addresses for mailed notices shall be obtained from the latest property tax rolls of the Jackson County Assessor's office.
 - 4. Affected property owners for each procedure type ~~of plan authorization~~ shall be determined as ~~follows~~indicated below in Table 10.124-1.
- (1)D. Publication. Unless otherwise indicated, ~~notification~~public hearing notices ~~of for~~ all proposed land use actions shall be published in a newspaper of general circulation prior to the scheduled ~~meeting~~public hearing date before the approving authority. The schedule of publication for each procedure type ~~plan authorization~~ shall be as ~~follows~~specified below in Table 10.124-1:

Table 10.124-1: Notice of Public Hearing Schedule by Procedure Type

<u>Procedure Type</u>	<u>Newspaper Publication</u>	<u>On-Site Public Hearing Sign</u>	<u>Affected Property Owners Notice</u>
<u>Type I</u>	None	<u>None</u>	<u>None</u>
⊖ <u>Type II</u>	None	<u>None</u>	<u>21 days prior to the decision date notice will be sent to All-all property owners of-property</u> within the project boundaries plus all property owners within 200 feet of the project boundaries
<u>Type III: Conditional Use Permit, Exception, Preliminary PUD Plan, Zone Change</u>	Shall be published in a newspaper of general circulation no <u>Notice shall be published no</u> later than 10 days prior to the scheduled meeting <u>public hearing</u> date before the approving authority.	<u>A sign shall be placed on the subject property 21 days prior to the public hearing date.</u>	<u>21 days prior to the public hearing date notice will be sent to aAll prop-erty owners of-property</u> within the project boundaries plus all property owners within 200 feet of the project boundaries. <u>For Preliminary PUD Plans, in addition to the above, The-the</u> owners of no less than seventy-five <u>75</u> tax lots shall be notified. If seventy-five <u>75</u> tax lots are not located within 200 feet of the exterior boundary of the PUD, the notification area shall be extended by successive 50-foot increments, until the minimum number of lots are included in the notification area. Owners of all tax lots within the ex-

Page 207

Table 10.124-1: Notice of Public Hearing Schedule by Procedure Type

<u>Procedure Type</u>	<u>Newspaper Publication</u>	<u>On-Site Public Hearing Sign</u>	<u>Affected Property Owners Notice</u>
			tended-notification area shall receive notice.
<u>Type III: Historic Review, Site Plan and Architectural Commission Review</u>	<u>None</u>	<u>A sign shall be placed on the subject property 21 days prior to the public hearing date.</u> AND <u>A notice shall</u> be posted in a public place no later than five days prior to the scheduled-meeting <u>public hearing</u> date before the approving authority.	<u>21 days prior to the public hearing date n</u> Notice will be sent to A <u>all property owners</u> of property within the project boundaries plus all property owners within 200 feet of the project boundaries.
<u>Type III: Subdivision Tentative Plat</u>	Notice shall be published in a newspaper of general circulation no later than 10 days prior to the scheduled-meeting <u>public hearing</u> date before the approving authority.	<u>A sign shall be placed on the subject property 21 days prior to the public hearing date.</u>	<u>21 days prior to the public hearing date notice will sent to A</u> all proper <u>ty owners</u> of property within the project boundaries plus all property owners within 200 feet of the project boundaries.
<u>Type IV: Minor Comprehensive Plan Amendment, General Land Use Plan Map Amendment, Transportation Facility Development</u>	Shall be published in a newspaper of general circulation no <u>Notice shall be published no</u> later than 10 days prior to the scheduled-meeting- <u>public hearing</u> date before the <u>Planning Commission (the</u> approving authority <u>advisory body)</u> AND <u>No later than 10 days prior to the public hearing date before City</u>	<u>A sign shall be placed on the subject property 21 days prior to the first public hearing date.</u>	<u>21 days prior to the</u> each <u>public hearing date notice will be sent to A</u> all <u>all property owners</u> of property within the project boundaries plus all property owners within 200 feet of the project boundaries.

Table 10.124-1: Notice of Public Hearing Schedule by Procedure Type

<u>Procedure Type</u>	<u>Newspaper Publication</u> <u>Council (the approving authority).</u>	<u>On-Site Public Hearing Sign</u>	<u>Affected Property Owners Notice</u>
<u>Type IV: Annexation</u>	<u>Notice shall be published o</u> Once each week for two successive weeks prior to the day of the <u>public</u> hearing date before the approving authority City Council (the approving authority).	Notice shall also be posted in four public places in the city for a like pe- riod <u>two successive weeks prior to the public hearing date.</u>	<u>21 days prior to the public hearing date notice will be sent to All-all</u> property owners of property within the project boundaries plus all property owners within 200 feet of the project boundaries.
<u>Type IV: Vacation of Public Right-of-Way</u>	<u>Not less than 14 days before the public hearing date before the ap-</u> <u>proving authority, notice shall be published o</u> Once a week for two consecutive weeks prior to the date of the hearing before the approving authority.	Within five days after publication of the first notice, <u>and not less than 14 days before the hearing, the City Re-</u> order a sign shall cause to be posted <u>placed</u> at or near each end of the proposed vacation a copy of the notice which shall be headed "Notice of Street Vacation", "Notice of Plat Vacation" or "Notice of Plat and Street Vacation" as the case may be; the notice shall be posted in at least two conspicuous places in the proposed vacation area. The posting and first day of publication of such notice shall be not less than 14 days before the hearing.	<u>21 days prior to the public hearing date notice will be sent to All-all</u> property owners within the area of a plat vacation or all abutting property and all attached real property within 200 feet laterally and 400 feet beyond the terminus of each right-of-way to be vacated.
<u>Type IV: Land Development Code Amendment, Major Comprehensive Plan Amendment, Major Zone</u>	<u>Notice shall be published no later than 10 days prior to the</u> scheduled meeting public hearing date before the advisory agency Planning Com-	<u>None</u>	Generally not applicable to a legislative action unless it meets ORS 227.186 criteria (<i>i.e.</i> , the change effectively rezones property).

<u>Table 10.124-1: Notice of Public Hearing Schedule by Procedure Type</u>			
<u>Procedure Type</u>	<u>Newspaper Publication</u>	<u>On-Site Public Hearing Sign</u>	<u>Affected Property Owners Notice</u>
<u>Change</u>	<u>mission</u> (the advisory body), <u>AND</u> No later than 10 days prior to the scheduled -public hearing date before the approving authority - <u>City Council</u> (the approving authority).		

Plan Authorization Class	Publication Schedule
"A" (All)	No later than 10 days prior to the scheduled meeting date before the advisory agency. No later than 10 days prior to the scheduled public hearing date before the approving authority.
"B" (Annexation)	Once each week for two successive weeks prior to the day of the hearing before the approving authority. Notice shall also be posted in four public places in the city for a like period.
"B" (Vacations)	Once a week for two consecutive weeks prior to the date of the hearing before the approving authority. Within five days after publication of the first notice, the City Recorder shall cause to be posted at or near each end of the proposed vacation a copy of the notice which shall be headed "Notice of Street Vacation", "Notice of Plat Vacation" or "Notice of Plat and Street Vacation" as the case may be; the notice shall be posted in at least two conspicuous places in the proposed vacation area. The posting and first day of publication of such notice shall be not less than 14 days before the hearing.
"B" (Minor Comp. Plan Amendments [quasi-judicial], transportation facility development)	Shall be published in a newspaper of general circulation no later than ten (10) days prior to the scheduled meeting date before the approving authority.
"C" (Zone changes, preliminary PUD plans, conditional use permits, exceptions)	Shall be published in a newspaper of general circulation no later than ten (10) days prior to the scheduled meeting date before the approving authority.
"C" (Site plan and architectural review, land divisions and historic review)	Shall be posted in a public place no later than five (5) days prior to the scheduled meeting date before the approving authority.

10.159126 Due Process Element 3: Disclosure.

There shall be provided to the applicant and other interested parties adequate opportunity to review the facts, findings, staff report and other exhibits as soon as practical, but not less than seven ~~(7)~~ days prior to the time in-at which a decision is to be made on a ~~plan authorization~~ land use application by the approving authority.

10.128 Due Process Element 4: Conflict of Interest.

See Section 10.130(E)(2).

10.161130 Due Process Element 5: Public Hearing.

The contents of this section shall govern the conduct of all quasi-judicial public hearings before an advisory body/approving authority. A copy of this section shall be available for public inspection at each quasi-judicial hearing and in the Planning Department. The conduct of public hearings on legislative matters shall be at the discretion of the presiding officer.

~~(1)~~**A. Nature of Hearing.** All parties with standing shall have an opportunity to be heard, to present and rebut evidence before an impartial tribunal, to have the proceedings recorded, and to have a decision rendered in accordance with the facts on record and the law.

B. Authority of Presiding Officer. The presiding officer of the advisory body/approving authority shall have authority to:

~~(a)~~**1.** Regulate the course and decorum of the meeting.

~~(b)~~**2.** Dispose of procedural requests and similar matters.

~~(c)~~**3.** Impose reasonable limitations on the number of witnesses heard and set reasonable time limits for oral presentation, questions, and rebuttal testimony.

~~(d)~~**4.** Question any person appearing, and allow other members to question any such person.

~~(e)~~**5.** Waive, at ~~his/her~~their discretion, the application of any rule herein where the circumstances of the hearing indicate that it would be expedient and proper to do so, provided that such waiver does not act to prejudice or deny any party ~~his/her~~their substantial rights as provided herein or otherwise by law.

~~(f)~~**6.** Take such other action as authorized by the approving authority to appropriately conduct the hearing.

C. Challenge or Reversal of Presiding Officer Ruling. A ruling of the presiding officer may be challenged by any member of that advisory body/approving authority present at the hearing. The challenge must be seconded. A ruling may be reversed by a majority of the members present and voting. A tie vote upholds the presiding officer's decision.

~~(2)~~**D. Conduct of Participants.** Proceedings shall at all times be orderly and respectful. The presiding officer may refuse to recognize or exclude from the hearing anyone who:

~~(a)~~**1.** Is disorderly, abusive, or disruptive.

~~(b)~~**2.** Takes part in or encourages audience demonstrations such as applause, cheering, display of signs, or other conduct disruptive to the hearing.

- (e)3. Testifies without first receiving recognition from the presiding officer and stating his full name and residence.
- (d)4. Presents irrelevant, immaterial, or repetitious evidence.
- (3)E. **Order of Procedure.** The presiding officer shall conduct the hearing in an orderly fashion, within the guidelines set forth herein. The hearing shall proceed in the following manner:
- (a)1. **Commencement:** At the commencement of a hearing under a *Comprehensive Plan* or land use regulation, a statement shall be made to those in attendance that lists the applicable substantive criteria; states that testimony and evidence must be directed toward the criteria described in this subsection or other criteria in the plan or land use regulation which the person believes to apply to the decision; and states that failure to raise an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal ~~to the Land Use Board of Appeals~~ based on that issue.
- (b)2. **Abstentions, Conflict of Interest and Challenges.** All members shall comply with ORS 244.120, and 244.130, ~~and 244.135~~ regarding actual or potential conflicts of interest. Any member who is disqualified or wishes to abstain from participation in the hearing on a proposal shall identify the reasons for the record and shall not thereafter participate in the discussion as a member or vote on the proposal. Any challenges to the impartiality shall also be decided at this time.
- (c)3. **Planning Director's Report.** The presiding officer shall request that the Planning Director or staff member report on the criteria and standards and the basic factual evidence applicable to the case and indicate the action required to be taken.
- (d)4. **Applicant's Case.** The presiding officer shall allow the applicant or applicant's representative to present evidence in support of the application. The applicant shall be allowed to produce witnesses on ~~his/her~~their behalf. Other parties in favor of the proposal shall thereafter be allowed to present their evidence. Applicant may then reserve time for rebuttal. The Planning Director may appear as an applicant on a staff proposal.
- (e)5. **Opponent's Case.** The presiding officer shall allow opponents to present evidence in opposition to the proposal. Opponents shall be allowed to produce witnesses o~~i~~n their behalf.
- (f)6. **Questioning of Witnesses.** Cross examination shall be permitted as per Section 10.~~161~~132-~~Cross Examination~~.
- (g)7. **Applicant's Rebuttal if Reserved.**
- (h)8. **Staff Summary and Recommendations.** The Planning Director or staff person may present any additional evidence, comments and recommendations at the close of the hearing.
- (i)9. **Final Discussion.** Upon conclusion of the evidence, members shall be allowed to openly discuss the proposal and further question any party appearing for or against the proposal as necessary.

- (j)10. Unless there is a continuance, if a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open for at least seven (7) days after the hearing. Such an extension shall not be subject to the limitations of ORS 227.178.
- (k)11. When the ~~City Council or Planning Commission~~ advisory body/approving authority re-opens a record to admit new evidence or testimony, any person may raise new issues which relate to the new evidence, testimony or criteria for decision-making which apply to the matter at issue.
- (h)12. The failure of the property owner to receive notice as provided in Section 10.158124 shall not invalidate such proceedings if the city can demonstrate by affidavit that such notice was mailed. The notice provisions contained of in Section 10.158124 shall not restrict the giving of notice by other means, including posting, newspaper publication, radio and television.

(4)F. **Standing.** A person has the right to appear as a party to a quasi-judicial proceeding if the person: (a1) received official written notice of the hearing or was entitled to receive such notice, or (b2) has interests which could be adversely affected by the decision. [MHB12]

10.162132 Due Process Element 6: Cross Examination.

- A. Prior to any quasi-judicial public hearing there shall be provided to all affected parties, upon request, the right to question the advisory body/approving authority, relative to any actual or potential conflict of interest. Once a member of the advisory body/approving authority is disqualified, no further questions shall be directed to him/her/them.
- B. Any witness may be questioned in an orderly fashion by any member of the advisory body/approving authority, applicant, proponent or opponent who has first been recognized by the presiding officer. Questions shall be brief and to the point. All questions shall be submitted to the witness through the presiding officer unless the presiding officer expressly permits the submission of questions directly to a witness.

10.163134 Due Process Element 7: Action, ~~and~~ Decision Time, and Notice of Decision.

- A. **Action.** After acceptance of an application, the approving authority (~~City Council~~) shall approve, approve with conditions, or deny the request. The decision of the approving authority (~~City Council~~) shall be based upon the application, the evidence and comments from ~~the~~ referral agencies and the public, and compliance with this chapter ~~and the Comprehensive Plan~~.
- B. **Decision Time.** Action on all ~~plan authorizations~~ land use reviews shall be taken within the time herein prescribed.
- C. **Notice of Decision.** For all ~~authorizations~~ land use reviews, the Planning Department shall, within five working days of the decision date, provide written notification of the land use decision to the applicant and all persons who testify orally or in writing on the ~~plan authorization-~~ land use review. The notice shall indicate the date that the decision will take effect, the approval's expiration date, and the final date for appeal.

~~10.164~~ — ~~Class "A", Action and Decision Time.~~

~~10.165~~ — ~~Class "B", Action and Decision Time.~~

10.136 Due Process Element 8: Findings of Fact
See Section 10.118.

~~10.169~~138 Due Process Element 9: Records.

The secretary to the advisory body/approving authority shall be present at each meeting and shall cause the proceedings to be recorded stenographically or electronically.

~~(1)~~A. Testimony shall be transcribed if required for judicial review or if ordered by the advisory body/approving authority.

~~(2)~~B. The total public record for any legislative or quasi-judicial action includes, but is not limited to, the application, the staff report, the hearing record, the appeal record, the decision or recommendation of all public bodies that considered the matter, and all additional information, correspondence and other items submitted to the city by any party or by the staff prior to the closing of the record. The record shall be deemed closed at the end of the last hearing on the matter, unless kept open to a later date as otherwise provided by law. Items submitted for the record do not have to be formally introduced and admitted at the hearing. The Planning Department shall create and maintain a separate file with a unique file number for each land use action and all items received by the city for that action shall be placed in the Planning Department file.

~~(3)~~C. The Planning Director shall, where practicable, retain as part of the record each item of physical or documentary evidence presented including the staff report, and shall have the items marked to show the identity of the person offering the same and whether presented on behalf of a proponent, opponent or staff. Exhibits received into evidence shall be retained in the file until after the applicable appeal period has expired, at which time the exhibits may be released to the person identified thereon, or disposed of by the Planning Director if not claimed within 60 days of the expiration of any appeal date.

~~(4)~~D. Included in the record shall be a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision, and explains the justification for the decision based on the criteria, standards and facts set forth.

~~(5)~~E. A person shall have access to the record of the proceedings and the exhibit file during normal working hours. A person shall be entitled to copies of the record at the person's own expense. The custodian of record shall make the copies for a fee equal to the actual cost of reproduction.

10.140 Appeal of Land Use Decision.

~~10.051~~ Appeals

A. Standing for Appeal.

1. Any person with standing may appeal ~~to the City Council any Type "C" or "D"~~ a land use decision of an approving authority (Planning Commission, Site Plan and Architectural Commission, Landmarks and Historic Preservation Commission, and Planning Director)

which approves conditionally, approves, or disapproves ~~an development permit, or plan authorization, as per Section 10.102, Plan Authorizations, of this chapter, appealable land use action per Subsection (E),~~ by filing a written notice together with the requisite filing fee with the ~~city recorder~~ Planning Department within ~~fourteen (14)~~ days after notice of the ~~development permit or plan authorization approval or disapproval by the approving authority decision~~ is mailed.

B-2. A person has standing if the person: (1) appeared in the initial proceedings orally or in writing; and (2) was entitled to a right of notice and hearing prior to the decision to be reviewed, or is aggrieved by the decision, or has interests adversely affected by the decision.

10.052 B. Notice of Appeal.

1. ~~All~~ notices of appeal shall be signed by the appellant or ~~his~~ their agent and shall contain:

~~(1)~~a. An identification of the decision sought to be reviewed, including the date of the decision.

~~(2)~~b. A statement demonstrating that the appellant has standing to appeal as required by ~~Section 10.051, Appeals. Subsection (A) above.~~

~~(3)~~c. A statement of the specific grounds which the appellant relies on as the basis for the appeal. If the appellant contends that the findings of fact made by the approving authority are incorrect or incomplete, the notice shall specify the factual matters omitted or disputed. If the appellant contends that the decision is contrary to ordinance, statute or other law, such errors shall be specifically identified in the notice along with the specific grounds relied upon for review.

2. Upon timely receipt of the notice of appeal and filing fee, the ~~City Recorder~~ Planning Department shall ~~set schedule~~ the appeal for a hearing before the City Council at its next regular meeting that falls not less than fourteen (14) days after the date of filing, before the appropriate appeal body at the next available hearing. The ~~City Recorder~~ Planning Department shall notify the appellant and other parties ~~who appeared in the initial proceedings, with standing,~~ of the time and place of the hearing by first class mail, enclosing a copy of the notice of appeal.

10.053 Scope of Review

* * *

C. Appeal Procedure. Only the appellant and other parties ~~who appeared in the initial proceedings with standing~~ may participate in the appeal hearing. Appellant shall make the initial presentation and shall be allowed rebuttal. Each participant in the appeal hearing shall present to the ~~council~~ appeal body those portions of the record which the participant deems relevant to the appeal. If a party wishes the ~~council~~ appeal body to review recorded testimony, the party shall present a written summary or transcript of such testimony to be read by the ~~council~~ appeal body in lieu of actually listening to the recording.

D. Scope of Review-Appeal.

1. Upon review, the ~~City Council~~ appeal body shall not re-examine issues of fact and shall limit its review to determining whether there is substantial evidence to support the find-

ings of the ~~tribunal which heard the matter~~ approving authority, or to determining if errors in law were committed ~~by such tribunal~~. Review shall in any event be limited to those issues set forth in the notice of appeal. The appellant is also precluded from raising an issue on appeal to the ~~Council~~ appeal body if he or she could have raised the issue ~~before the hearings body with the approving authority~~ but failed to do so.

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

~~10.056~~ City Council Decision.

E. Decision Regarding Appeals.

~~A.1.~~ Upon review of the appeal, ~~City Council~~ the appeal body may by order affirm, reverse or modify in whole or in part a determination or requirement of the decision that is under review. When the ~~City Council~~ appeal body modifies or renders a decision that reverses a decision of the approving authority, the ~~Council~~ appeal body, in its ~~resolution~~ final order, shall set forth its finding and state its reasons for taking the action encompassed in the order. When the ~~City Council~~ appeal body elects to remand the matter back to the approving authority for such further consideration as it deems necessary, it shall include a statement explaining the error to have materially affected the outcome of the original decision and the action necessary to rectify such.

~~B.2.~~ Action by the ~~City Council~~ appeal body shall be decided by a majority vote of its members present at the meeting at which review was made and shall be taken either at that or any subsequent meeting. The ~~City Council~~ appeal body shall render its decision within the time limits allowed by State law.

F. Appeal of Type I Land Use Decision.

1. With the exception of Riparian Corridor Reductions or Deviations, Final PUD Plan decisions and Minor Historic Review decisions, all other Type I land use decisions are final and not appealable under this chapter or any other provision of the Medford Municipal Code.
2. Riparian Corridor Reduction or Deviation decisions made by the Planning Director or designee may be appealed to the City Council^[MHB13].
3. Final PUD Plan decisions made by the Planning Director or designee may be appealed to the Planning Commission.
4. Minor Historic Review decisions made by the Planning Director or designee may be appealed to the Landmarks and Historic Preservation Commission.

G. Appeal of Type II Land Use Decisions.

Type II land use decisions made by the Planning Director or designee may be appealed to the Planning Commission.

H. Appeal of Type III Land Use Decision.

Type III land use decisions made by the approving authority (Planning Commission, Site Plan and Architectural Commission, or Landmarks and Historic Preservation Commission) may be appealed to the City Council.

I. Appeal of Type IV Land Use Decision.

Type IV land use decisions made by City Council may be appealed to the Land Use Board of Appeals (LUBA) pursuant to ORS 197.830.

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TYPE I APPLICATIONS. (10.142 – 10.160)

10.142 Type I Land Use Actions.

Type I Actions. Type I land use actions comprise the following land use reviews:

Land Use Actions

De Minimis Revision(s) to an Approved PUD Plan

Final PUD Plan

Minor Historic Review

Minor Modification(s) to Approved Conditional Use Permit

Minor Modification to a Site Plan and Architectural Review Approval

Pre-Application

Property Line Adjustment

Riparian Corridor Reduction or Deviation

Sign Permit

Subdivision/Partition Final Plat

10.144 De Minimis Revision(s) to an Approved PUD Plan. See Section 10.198.

10.146 Final PUD Plan. See Section 10.196.

10.148 Minor Historic Review. See Section 10.188.

10.150 Minor Modification to an Approved Conditional Use Permit. See Section 10.184.

10.152 Minor Modification to a Site Plan and Architectural Review Approval. See Section 10.200.

10.154 Nonconformities. See Sections 10.032 – 10.037.

~~10.176~~10.156 Preapplication Conference.

Prior to ~~applying for a development permit~~submitting a land use permit application, the applicant may ~~request~~apply for a preapplication conference with the Planning Department. ~~When requested~~Upon receipt of an application the ~~a~~ preapplication conference shall be scheduled. At the conference there shall be and shall provide an exchange of information regarding procedural requirements, required ~~planning authorizations~~land use applications, consistency with the Comprehensive Plan and this Chapter, scheduling and such other technical and design assistance as will aid the applicant in preparing a complete application. Upon conclusion of the conference the Planning Department shall provide the applicant with a written summary of the conference.

~~10.297~~10.158 Property Line Adjustments.

A. Property Line Adjustment Purpose.

The purpose of property line adjustments is to relocate or eliminate a common property line between abutting properties.

B. Property Line Adjustment Approval Criteria.

A property line adjustment shall be approved if it complies with the following:

- ~~(1)~~1. All properties were lawfully created;
- ~~(2)~~2. No new lots or parcels of land will result from the adjustment;
- ~~(3)~~3. The adjustment will not result in a unit of land that overlaps the city limit line, urban growth boundary, or zoning districts;
- ~~(4)~~4. The adjusted property configurations shall not create a substandard condition relative to the applicable standards of the Code. When one or more properties are less than the minimum required area or width, none of the resulting units of land shall be made smaller in area or narrower in width than the original smallest existing unit of land.

C. Property Line Adjustment Application Form.

Property line adjustments shall be submitted to the Planning Department on application forms supplied by the Planning Department. The Planning Director or designee may waive the submission of any of the materials or information that is deemed to be excessive, repetitive, or unnecessary. The application for property line adjustment shall require the following information:

- ~~(1)~~1. A site plan drawn to scale by a land surveyor registered in the State of Oregon showing the following:
 - ~~(a)~~a. Existing and proposed property lines, including dimensions and square footage, for all properties involved;
 - ~~(b)~~b. Assessor's map and tax lot identification for subject properties;

- (ii) A report from a title company prepared within 15 days listing the current vested owners, easements of record, encumbrances, and other matters of record;
- (iii) A copy of proposed easements to be recorded. Proposed easements may be included as a reservation on the property line adjustment deeds;
- (iv) Deeds which include a statement that identifies the associated conveyance of property as a property line adjustment and labeled as a "Property Line Adjustment." If a property line is being eliminated, the deeds shall be labeled "Property Line Adjustment – Lot Consolidation."
- (v) Property descriptions attached to the deeds shall either describe the resultant properties or otherwise specify that the conveyed land shall be consolidated with the property of the grantee. A property line adjustment deed shall contain the names of the parties, the description of the adjusted line, references to original recorded documents, and signatures of all parties with proper acknowledgment.

~~(b)~~b. Within ~~twenty-five (25)~~ days of submittal, the City will conduct the final review for consistency with the preliminary approval and the approval criteria. Upon approval, the survey will be signed by the City Surveyor and the Planning Director.

E. Property Line Adjustment Recordation and Expiration.

Within one year of the final decision date, the property line adjustment deeds must be filed with the Jackson County Recorder's Office. If the deeds are not filed within ~~the~~ one year, the application approval will expire.

10.160 Riparian Corridors, Reduction or Deviation. See Sections 10.920 – 10.928.

10.162 Subdivision and Partition Final Plats.

10.273 A. Final Plat Approval Required.

No person shall cause or permit the sale or development of any real property under ~~his~~their ownership or control, nor shall any development ~~[MHB14]~~ permit be issued for such development, until final approval therefor has been granted by the ~~approving authority (Planning Director)~~ in accordance with this chapter, and an approved final plat has been recorded with the Jackson County Recorder. The requirements of this section shall not be applicable to any of the following which are exempt from such provisions:

- ~~(1)~~1. Where final plat approval for the identical lot or site has been previously obtained from the City within ~~ten (10)~~ years prior to the date of application for a building permit, in accord with such ordinance requiring plat approval which was in effect at that time, and such final plat is of record evidencing such plat approval;

- (2)2. Developments made solely for the purpose of opening or widening a public street or alley, or those involving conveyance, transfer, access, sewer, water, or public utility, provided that no partitions or parcels of land are created other than those directly caused by such action.
- (3)3. Developments made solely because of the acquisition of lands by government agencies for freeways, parks, public buildings, flood control channels, or other public purposes, or for the sale of minor remnant parcels by such agencies to adjacent property owners where such land involved in the sale is not designated in the City's Comprehensive Plan as a recreational facility. In connection with the sale of any such minor remnant parcel, the person acquiring the property shall consolidate the acquired remnant parcel with his existing contiguous ownership;
- (4)4. Developments involving land dedicated for cemetery purposes; or
- (5)5. Developments caused by a conveyance for the purpose of adding land to one parcel by deducting it from another contiguous parcel, where such does not reduce the area of the parcel from which such portion is taken below the minimum area, frontage, width or depth prescribed for the zoning district in which said parcel is located, nor reduce any of the required yard spaces surrounding any structure or use on such parcel below the minimum prescribed for such zoning district.

10.276B. Final Plats, General.

The form and content of a final plat shall be in accord with the provisions of ORS 92.050 through 92.080, and [this code](#). ~~in addition shall comply with all the provisions of this code.~~ Final plats not submitted in accord with this code shall not be considered for approval.

10.277C. Form of Final Plat and Data to Appear Thereon.

Where identified by an "X", the final plat of subdivisions and partitions shall conform ~~with~~[to](#) the following provisions:

SUBD - PART

<u>Final Plat Provisions</u>	<u>Include on Subdivision Final Plat</u>	<u>Include on Partition Final Plat</u>
1. Title and subtitle of plat. The title sheet shall contain the name as approved by the Planning Commission. Below the title sheet shall appear a subtitle giving a general location of the property being developed by reference to the plats which have previously been recorded. In case the property included within the subdivision lies wholly in the city of Medford, the following words shall appear below the title, "In the City of Medford." ;	X	
2. Distances and bearings. Sufficient data to determine readily the bearing and length of every lot line, block line, and boundary line. Dimensions of lots shall be given as total dimensions, corner to corner and shall be shown in feet and hundredths of a foot. The plat shall show the basis of bear-	X	X

<u>Final Plat Provisions</u>	<u>Include on Subdivision Final Plat</u>	<u>Include on Par- tition Final Plat</u>
ings and lengths of straight lines and radii, and all arc lengths, central angle, or other data as necessary to define all curves within the subdivision.		
3. Boundary references and monuments. The plat shall show clearly what monuments (type and size) or other evidence is found on the ground to determine boundaries of the subdivision. The adjoining corners of all adjoining subdivisions shall be identified by lot and block number, and subdivision name. The plat shall show the location and description of monuments found or placed in making the survey for proper reference and data sufficient -for relocation and retracing of any and all exterior boundary lines and lot and block lines. Whenever the city or county engineer has established the centerline of a street adjacent to or in the proposed subdivision, the data shall be shown on the plat.	X	X
4. Additional Information. a. The plat shall note whether the subdivision or portion thereof are subject to periodic inundation by water as determined from the Federal Flood Insurance Rate Maps.	X	X
b. 5. The centerlines and sidelines of all streets, and total width thereof, and the widths of each side of the centerline and widths of any portion of a street being dedicated, the width of existing dedications, and the widths of any railway, drainage channel, or other rights-of-way shall be shown.	X	X
e. 6. The plat shall show all easements of record, or easements to be recorded, to which the lots will be subject. Such easements must be clearly labeled and identified if already of record, and record reference given. If any easement is not definitely located of record, a statement of such easement must appear on the plat. All easements other than for streets shall be denoted by fine broken lines and designated as to type. Easement widths and the lengths and bearings of the lines thereof, together with sufficient ties thereto, shall be set forth to definitely locate the easement with respect to the development.	X	X
d. 7. City boundary lines which bound, adjoin or cross the devel-	X	X

<u>Final Plat Provisions</u>	<u>Include on Subdivision Final Plat</u>	<u>Include on Par- tition Final Plat</u>
<p>opment, shall be clearly designated and referenced.</p> <p>e-8. Lot numbers shall begin with the number "1" and shall continue consecutively throughout the development with no omission or duplications, except that lot numbers in subsequent contiguous development units may expand the numbering sequence of the previous unit providing the commercial name of the development remains unchanged. Each block shall be shown on one (1) sheet when possible. Where adjoining blocks appear on separate sheets, the street adjoining both blocks shall be shown on both sheets, complete with centerline and property line data. All letters and figures within the development shall be conspicuous and solid.</p>	X	X
<p>f-9. The plat shall particularly define and designate all lots and parcels, including those reserved for private purposes, all parcels and easements offered for dedication for any purpose, with all the dimensions, boundaries, and courses clearly shown and defined in each case. Ditto (" ") marks shall not be used.</p>	X	X
<p>g-10. All street names, including those designated by numbers, and including the words "Avenue", "Boulevard", "Place", etc., shall be spelled out in full.</p>	X	X
<p>h-11. The plat shall also show and delineate all other data that is or may be required by other provisions of this chapter or otherwise by law.</p>	X	X
<p>5-12. Certificates: -on final plat. a. Areas dedicated to public use shall be free and clear of all encumbrances, except public utility easements which the City Engineer determines will not interfere with the use contemplated by the dedication. All mortgages, trust deeds, and other liens shall be released as to public use areas.</p>	X	<u>X</u>
<p>b-13. <u>Certificates:</u> Each final plat shall contain the requisite owner's certificate or dedication, release of liens, City Recorder's certificate, Surveyor's certificate, City Engineer's certificate, City Surveyor's certificate, County Recorder's certificate, and such other certificates as may hereafter be required by law. The form of each said certificate shall be prescribed by the City Attorney.</p>	<u>X</u>	<u>X</u>
<p>e-14. <u>Certificates:</u> The owner's dedication statement shall include offers of dedication of all streets and other easements shown on the final plat -intended for any public use, except</p>	X	X

<u>Final Plat Provisions</u>	<u>Include on Subdivision Final Plat</u>	<u>Include on Partition Final Plat</u>
those parcels of land which are intended for the exclusive use of the lot owners in the development, their licensees, visitors, tenants and employees, which private streets and other private easements shall be specifically designated as such on the plat.		
d-15. <u>15. Certificates:</u> The approving authority (Planning Director) certificate shall contain a statement that acknowledges compliance with all conditions of the development permit and recognition of same.	X	X
10.278 <u>10.162D.</u> Filing of Final Plat with City Engineer.		
1. Prior to filing <u>submitting</u> a final plat with <u>to</u> the Planning Department, the applicant shall:		
(1) <u>a.</u> Cause the proposed land division to be accurately surveyed and a final plat to be prepared substantially in accordance with the approved tentative plat;		
(2) <u>b.</u> Cause a minimum of five (5) copies of the final plat, with any and all alterations and changes required thereto, to be filed with the City Engineer for his approval. At the time of filing of the final plat with the City Engineer, the developer shall also file concurrently therewith the following:		
(a) <u>i)</u> A traverse sheet, giving the latitude and departures, or computer print-out, showing the mathematical closure, within allowable limits of error, of the exterior boundaries of the tract in all cases in which said boundaries are irregular or in which the tract is laid out in irregular blocks, and of the exterior boundaries of all irregular lots and blocks.		
(b) <u>ii)</u> Plans, profiles, details, and specifications for improvements conforming to all ordinances of the city and to the standards of this code which must show full details of all improvements and shall be to a scale of forty (40) or fifty (50) feet to the inch horizontal and four (4) or five (5) feet to the inch vertical.		
(c) <u>iii)</u> A detailed estimate of quantities and costs of the proposed improvements for approval by the City Engineer.		
(d) <u>iv)</u> A title report or subdivision guarantee by a title company doing business in Jackson County, showing names of all persons whose consent is necessary for the preparation of said plat and for any dedication to public use, and their interest therein, certified for the benefit and protection of the City that the persons therein named are all of the persons necessary to give clear title to the streets and other easements therein to be offered for dedication. Said title report shall be dated no later than fifteen (15) days from the date of submittal.		

- (~~ev~~) Two (~~2~~) copies of all proposed covenants, conditions, and restrictions or a statement in writing signed by the developer that no such restrictions will be established.
 - (~~fvi~~) Instruments prohibiting traffic over the side or rear lines of any street or other public way when and if the same is required by this chapter.
 - (~~gvii~~) Such streets, offers of dedication or other instruments affecting or conveying title or any interest in land as are required under the conditions of approval of the tentative plat.
 - (~~h viii~~) A statement that all applicable fees required by the city code have been paid.
 - (~~ix~~) Two (~~2~~) copies of the city's standard (or deferred) form of improvement agreement executed by the developer, together with two (~~2~~) executed copies of each labor and material and improvement bond guaranteeing payment of the cost of setting monuments (ORS 92.065) and county certification that the requisite tax bond has been posted (ORS 92.095) and such other agreements and bonds as may from time to time be required by law.
2. The City Engineer shall examine the final plat and accompanying data and shall within ~~fifteen (15)~~ working days determine:
- (~~1~~)a. Whether all engineering conditions of tentative plat approval have been satisfactorily completed, or if incomplete, are matters which can be included in a regular or deferred improvement agreement with the city;
 - (~~2~~)b. Whether said plat is technically correct.
3. Upon the City Engineer's determination that conformity with the foregoing has been made, ~~he~~they shall execute the City Engineer's certificate on said final plat and cause said plat to be forwarded to the Planning Department for ~~action~~ approval by the ~~approving authority~~ Planning Director.

~~10.279~~10.162E. Filing of the Final Plat with Planning Department.

1. No final plat shall be accepted ~~for filing~~ by the ~~P~~planning ~~D~~department unless, in addition to the above, the following is complied with:
- (~~1~~)a. An accepted final plat shall be considered by the ~~approving authority~~ (~~Planning Director~~) ~~ten (10) or more~~ working days following acceptance.
 - (~~2~~)b. The final plat is accompanied by:
 - (~~a~~)i A blue or black line print thereof;
 - (~~b~~)ii The approved improvement plans signed by the City Engineer;
 - (~~e~~)iii All documents and matters previously submitted to the City Engineer under ~~Section Subsection (D) above~~ above 10.278, Filing of Final Plat with City Engineer.
 - (~~3~~)c. All required fees by the developer have been paid.
 - (~~4~~)d. A print of the final plat signed off by all affected referral agencies and involved agencies.

2. The Planning Department shall examine the final plat and accompanying data and shall within five ~~(5)~~ working days determine:
- ~~(a)~~a. Whether the land division is substantially the same as shown on the tentative plat with only approved alterations thereof;
- ~~(b)~~b. Whether bonds and agreements guaranteeing improvement of all conditions of tentative plat approval have been completed pursuant to Section 10.666, Improvement Agreements, and Section 10.667, Faithful Performance Bond.

10.280F. **Action and Decision Time: Final Plat.**

1. The ~~approving authority~~ (Planning Director) shall within a period of not more than ~~twenty five (25)~~ working days after a final plat is submitted filing with to the Planning Department, approve or disapprove the final plat and acknowledge compliance with all conditions of the tentative plat.
2. If the final plat does not conform with all local code requirements applicable at the time of approval of the tentative plat and all rulings made thereunder, the ~~approving authority~~ (Planning Director) may disapprove said plat, or approve it; said approval to become unconditional at such time as said plat is made to comply with the approved tentative plat and such code requirements.
3. Upon disapproval of any final plat, the ~~approving authority~~ (Planning Director) shall return said plat to the applicant together with a written statement setting forth the reasons for such disapproval.
4. Upon approval by the ~~approving authority~~ (Planning Director) becoming unconditional, the ~~approving authority~~ (Planning Director) shall sign and affix the city seal to the approving authority certificate attached to said plat.
5. No land division will be recognized as complete until final plat is unconditionally approved by the ~~approving authority~~ (Planning Director) and no title to or interest in any property described in any offer of dedication on the final plat which is accepted by the ~~approving authority~~ (Planning Director) shall pass until recordation of said plat.
6. Within ~~ten (10)~~ days after recordation of the final plat, the applicant at ~~his~~ their own expense shall furnish to the Planning Department one ~~(1) mylar transparency and one (1) blue line print~~ copy.

TYPE II APPLICATIONS – ADMINISTRATIVE DECISIONS WITH NOTICE (10.168 – 10.172)

10.168 Type II Land Use Actions.

A. Type II actions. Type II actions comprise the following land use reviews:

Land Use Actions

Partition, Tentative Plat

Portable Storage Containers^[MHB15]

~~10.167 Class "D",~~

B. Type II Action and Decision Time. The ~~approving authority~~ Planning Director shall take final action within 120 days after the application is deemed complete ~~and shall at that time approve, approve with conditions, or deny the request. The decision of the approving authority (Planning Commission, Site Plan and Architectural Commission, or Landmarks and Historic Preservation Commission) shall be based upon the application, the evidence, written comments, and compliance with this chapter.~~ An applicant may make a written request to extend the 120-day period for a specified period of time. In no case may the total extensions exceed 245 days.

~~10.265~~**170 Application, Land Divisions** Partition Tentative Plat.

A. Final Plat Approval Required. The partitioning ~~or subdividing~~ of land shall be subject to the application requirements as herein set forth and shall include both the tentative and final platting requirements. The approval of a tentative partition plat is a ~~procedural Class "C" quasi judicial decision, with the Planning Commission~~ Type II administrative decision with notice and the Planning Director is being the approving authority. Final partition plat approval is a Type I ministerial action which relies on compliance with the requirements established at the time of tentative plat approval, and on the requirements set forth in ~~Code Sections 10.160~~10.273, Final Plat Approval Required, through 10.280, Action and Decision Time: Final Plat.

~~**B.10.266** Application for Tentative Partition Plat. Twenty-five (25) copies of the tentative plat for each proposed land division shall be filed with the Planning Department. Additional copies may be requested for the transmittal to the designated official of any affected local agency which has requested the same as provided in ORS 92.044. See Section 10.202(B).~~

~~**10.267C.** Form of Tentative Plat and Accompanying Data. See Section 10.202(C).~~

~~All tentative plats shall be clearly and legibly drawn on tracing paper of good quality and prepared by a civil engineer or land surveyor registered in the State of Oregon. It shall have a dimension of not less than eighteen (18) inches by twenty four (24) inches, and the scale shall be as follows: One (1) inch shall be equal to fifty (50) feet for twenty (20) acres or less, and one (1) inch shall be equal to one hundred (100) feet for all divisions of land over twenty (20) acres in area. The tentative plat shall contain the following data:~~

- ~~(1) Proposed land division name (if a subdivision), date, north arrow, scale, total acreage, and sufficient legal information to define the boundaries of the proposed development.~~
- ~~(2) A key map located in the upper right hand corner identifying the location of the development relative to section and township lines and to adjacent property and major physical features such as streets, railroads, and waterways.~~
- ~~(3) Names of abutting property owners on all sides, names and widths of adjoining rights-of-way, topographic features and all public improvements on adjacent property located within 200 feet of the project boundary.~~
- ~~(4) Name and address of the owner(s) of record, developer, and engineer or land surveyor registered in the State of Oregon who prepared the tentative plat.~~

- ~~(5) — Locations, names, widths, approximate intersection angle, centerline radii, center line slopes, and improvement section of all streets, highways and other ways in the proposed project.~~
- ~~(6) — Number of lots, dimensions of lots (to the nearest foot), including frontage, width, and area (to the nearest fifty [50] square feet).~~
- ~~(7) — Location and height of all existing structures to remain on property and distance from proposed property lines.~~
- ~~(8) — Location and character of all easements existing and proposed by the developer for drainage, sewage and public utilities.~~
- ~~(9) — Five (5) foot topographic contours describing the area. Where the grade of any part of the proposed land division exceeds ten percent (10%), or where the development abuts existing developed lots, an overall conceptual grading plan shall be required showing features adjacent to the development within a reasonable distance therefrom which could affect said project. Where a conceptual grading plan is required it shall show how runoff of surface water from individual lots will be achieved and the ultimate disposal of all development surface waters. All topographic information shall be based on city data.~~
- ~~(10) — A conceptual stormwater facility plan with associated landscape plan, if applicable, pursuant to Sections 10.486(B) or 10.729(B).~~
- ~~(11) — Location of all creeks, streams and other watercourses, showing top of existing bank and areas subject to inundation as shown on the latest Federal Flood Rate Insurance Maps.~~
- ~~(12) — Existing wells and irrigation canals, active or abandoned, and proposed disposition.~~
- ~~(13) — Public or common area proposed, if any.~~
- ~~(14) — The approximate distance to, and location of, the nearest sanitary sewer main.~~
- ~~(15) — Name of the irrigation district, if any, within which the project is located and whether it is currently being assessed.~~
- ~~(16) — Name of the school district within which the project is located.~~

10.270D. Land Division Partition Approval Criteria. The approving authority (Planning Commission Director) shall not approve any tentative partition plat unless it they can first finds determine that the proposed land division partition, together with the provisions for its design and improvement:

- ~~(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;
- ~~(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;
- ~~(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 bear-

~~ing that name and the block numbers continue those of the plat of the same name last filed;~~

~~(4)3.~~ 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;

~~(4)4.~~ 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)54.~~ Will not cause an unmitigated land use conflict between the land ~~division~~ partition and adjoining agricultural lands within the EFU (Exclusive Farm Use) zoning district.

~~10.269E.~~ Expiration of Tentative Partition Plat ~~A~~ Approval.

~~(1)~~ Approval of a tentative partition plat application shall take effect on the date the ~~final order-Planning Director's decision for approval~~ is signed, unless appealed, and shall expire two ~~(2)~~ years from the effective date unless the final plat has been approved by the Planning Director pursuant to Sections ~~10.276-158 - 10.280163~~. If a request for an extension of a tentative partition plat application approval is filed with the Planning Department within two ~~(2)~~ years from the date of the ~~final order-Planning Director's decision~~, ~~the Planning Commission shall grant~~ an extension not to exceed one ~~(1)~~ additional year shall be granted. Extensions shall be based on findings that the facts upon which the tentative partition plat application was first approved have not changed to an extent sufficient to warrant refiling of the application. ~~All approvals made prior to the adoption of this ordinance shall expire one (1) year from the date of adoption of this ordinance, notwithstanding permitted extensions and previous phasing authorizations.~~

~~(2) When it is the developer's intent to record and develop a tentatively platted land division in phases, the approving authority may authorize a time schedule for platting the various phases in periods exceeding one (1) year, but in no case shall the total time period for platting all phases be greater than five (5) years without having to resubmit the tentative plan. Phases platted after the passage of one (1) year from approval of the tentative plat will be required to modify the tentative plat as necessary to avoid conflicts with changes in the Comprehensive Plan or this chapter.~~

10.172 Portable Storage Containers. (See Section 10.840(d)(6)).

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TYPE III APPLICATIONS. (10.182 – 10.204)

10.220182 Class "~~C~~" Type III Land Use Actions.

A. Type III actions. ~~Class "C" Type III actions are comprised of the following plan authorizations~~ **land use reviews:**

- ~~(1) Zone Changes~~
- ~~(2) Planned Unit Development, Preliminary PUD Plan~~
- ~~(3) Conditional Use Permit~~
- ~~(4) Exceptions~~
- ~~(5) Site Plan and Architectural Review~~
- ~~(6) Land Divisions, Tentative Plats~~
- ~~(7) Historic Review~~

<u>Land Use Action</u>
<u>Conditional Use Permit</u>
<u>Exception</u>
<u>Historic Review</u>
<u>Preliminary PUD Plan</u>
<u>Site Plan and Architectural Review</u>
<u>Subdivision Tentative Plat</u>
<u>Zone Change</u>

10.166 B. Class "~~C~~", Type III Action and Decision Time.

1. ~~The approving authority shall take final action within 120 days after the application is deemed complete and shall at that time approve, approve with conditions, or deny the request.~~

~~The decision of the approving authority (Planning Commission, Site Plan and Architectural Commission, or Landmarks and Historic Preservation Commission) shall be based upon the application, the evidence, comments from the referral agencies, and compliance with this chapter and the Comprehensive Plan.~~

2. An applicant may make a written request to extend the 120-day period for a specified period of time. In no case may the total extensions exceed 245 days.

~~**10.221 Application, General.** Applications for Class "C" plan authorizations may be initiated by City Council, Planning Commission, or property owners representing the subject area. Class "C" applications shall be submitted to the Planning Department and shall consist of the materials specified for each type Class "C" procedural application.~~

~~Upon submittal of the application to the Planning Department, the date of receipt shall be indicated on each copy of the materials submitted. Within thirty (30) days of receipt, the Planning Department shall determine whether the application as submitted, along with the required information, is complete as per this chapter. If the Planning Department fails to provide notice to the applicant in writing within thirty (30) days of receipt, the application shall be deemed complete. For purposes of this section, the date of notice to the applicant shall be the date of mailing.~~

~~If it is determined that the application is incomplete or otherwise does not conform to the provisions of this chapter, the Planning Department shall notify the applicant in writing to submit the missing material. The application shall be deemed complete upon receipt of (a) all of the missing information; (b) some of the missing information and written notice from the applicant that no other information will be provided; or (c) written notice from the applicant that none of the missing information will be provided. If the application is deemed complete when first submitted, or the applicant submits the requested additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria applicable at the time the application was submitted.~~

~~On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information and has not submitted (a) all of the missing information; (b) some of the missing information and written notice that no other information will be provided; or (c) written notice that none of the missing information will be provided. Any applications that are resubmitted to the Planning Department shall be subject to the standards and criteria in effect at the time the application is resubmitted.~~

~~At the time an application is deemed complete, the Planning Department shall indicate on the application the date of completion.~~

~~10.222 Class "C", Referral and Review.~~

~~Within five (5) working days of a Class "C" application being deemed complete, the Planning Department shall transmit one (1) copy of the application, or appropriate sections thereof, to each referral agency for review and comment as specifically required of each type of Class "C" application.~~

~~If the referral agency does not comment within ten (10) working days from the date of acceptance, then the referral agency is assumed to have no comment, and standard conditions of development will be applied. If requested in writing, by a referral agency or the applicant, an extension of ten (10) working days may be granted.~~

~~10.224 C. Resubmission of Class "C" Type III Application. After sixty (60) working days of the final determination denying a Class "C" Type III action, the applicant may make appropriate alterations to a proposal and resubmit along with the payment of any additional fees as required by Article I, Section 10.070, Fees.~~

~~10.224-1 D. Effective Date of a Class "C" Type III Application. Approval of a Class "C" application A Type III land use decision shall take effect on the date the final order or resolution for approval is signed.~~

~~10.246184 Application, Conditional Use Permit.~~

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

~~10.247 Application Form.~~

~~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 of the proposed site.~~

- ~~(2) Assessor's map with subject site identified.~~
- ~~(3) Site plan drawn to scale on an eighteen inch by twenty four inch (18" x 24") sheet. Site plan shall identify all existing and proposed buildings, parking, drives, vegetation or landscaping, 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.~~
- ~~(6) A conceptual stormwater facility plan with associated landscape plan, if applicable, pursuant to Sections 10.486(B) or 10.729(B).~~
- ~~(7) A Landscape Plan, meeting the specifications and requirements in Section 10.780, if applicable.~~

10.247a-B. CUPs Conditional Use Permits Exempt from Site Plan and Architectural Commission Review.

1. Conditional Use Permits (CUPs) approved under this Section shall be exempt and there shall be no requirement to apply separately for Site Plan and Architectural Commission review or to demonstrate compliance with the approval criteria in Section 10.200(C)90. However, the Planning Director in his/her/their discretion may forward a CUP proposal or proposed revisions thereto to the Site Plan and Architectural Commission for review. When forwarded by the Planning Director, the Site Plan and Architectural Commission shall have authority to review the CUP plans and make recommendations to the Planning Commission.

(1) 2. Delegation of Authority. The Planning Commission may delegate authority to the Site Plan and Architectural Commission or to the Planning Director to approve in its name the plans for buildings or any other element of a CUP or revisions thereto after the Planning Commission has approved the CUP. The authority delegated by the Planning Commission under this Subsection shall be delimited in conditions attached to the approval. Notwithstanding any other provision of this Code, the approval of delegated matters shall be subject to a Class "C" Type III Procedure as set forth in Article II.

10.248C. Conditional Use Permit Approval Criteria.

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

(1)a. 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)b. 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.

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

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

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

~~Development~~—A conditional use requiring the mitigation of impacts under Subsection 10.248(2), (C)(1)(B) above Conditional Use Permit Criteria, must do one ~~(1)~~ of the following:

- ~~(1)~~1. Preserve unique assets of interest to the community.
- ~~(2)~~2. Provide a public facility or public nonprofit service to the immediate area or community.
- ~~(3)~~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.

~~10.250~~E. **Modifications and Expiration of a Conditional Use Permit.**

A1. Modifications.1—Major Modification of a CUP. Any modification that is not a minor modification is a major modification. A request to substantially modify a conditional use permit shall be processed in the same manner as a request for a conditional use permit in ~~10.246~~ this section. The Planning Director or designee may waive submittal requirements deemed unnecessary or inapplicable to the proposal.

2. Minor Modification of a CUP. A minor modification to an approved permit may be approved ~~by the Planning Director~~ provided the Planning Director can determines that the modification does not constitute a major modification. The purpose of the determination is to assure that a modification does not significantly affect other property or uses; will not cause any deterioration or loss of any natural feature, process or open space; nor significantly affect any public facility. A minor modification shall meet all of the following standards:

- (a) Meets all requirements of the Land Development Code and other legal requirements.

- (b) The amount of open space and landscaping is not decreased.
- (c) No relocation of vehicle access points and parking areas where the change will generate an impact that would adversely affect off-site or on-site traffic circulation.
- (d) No reduction or elimination of any project amenities such as recreational facilities, significant natural resources (streams, creeks, landform), fencing and other screening material.
- (e) Modifications to facilities and utilities conform to the adopted facility plans.
- (f) Modifications to any other components of the plan conform to standards of the Land Development Code.
- (g) No modification to any condition of approval.

BF. Expiration of Conditional Use Permit.: Within one ~~(1)~~ year following the final order date, ~~substantial construction on the development~~ issuance of building permit for vertical construction shall be completed, or if a use, the use shall have commenced ~~operation~~. If a request for an extension is filed with the planning department within one ~~(1)~~ year from the approval date of the final order, the ~~approving authority (Planning Commission)~~, may, upon written request by the applicant, grant a single extension of the expiration date for a period not to exceed one ~~(1)~~ year from the expiration date of the final order. An extension shall be based on findings that the facts upon which the conditional use permit was first approved have not changed to an extent sufficient to warrant re-filing of the conditional use permit.

10.251186 Application, Exception.

A. Exception, Purpose. The purpose of ~~Sections 10.251 to 10.253~~ this section is to empower the approving authority to vary or adapt the strict application of the public improvement and site development standards as contained in Article III, Sections 10.349 through 10.361, and 10.370 through 10.385, as well as Articles IV and V of this chapter. Exceptions may be appropriate for reasons of (1) exceptional narrowness or shape of a parcel, ~~for reasons of~~ (2) exceptional topographic conditions, (3) extraordinary and exceptional building restrictions on a piece of property, ~~or~~ (4) 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.

10.252 Application Form.

~~An application for an exception shall be made by the owner of the property for which the exception is requested to the approving authority for the plan authorization involving the exception. An exception application shall include the following:~~

- ~~(1) A list of the specific standard(s) for which an exception is being requested and a description of the degree of exception(s) being requested, including findings prepared by the applicant or applicant's representative addressing the criteria as set forth in Section 10.253, Criteria for an Exception.~~
- ~~(2) Vicinity map drawn at a scale of 1" = 1000' identifying the location of the site of the variance.~~
- ~~(3) Assessor's map with the subject site identified.~~

~~(4) Site plan showing in detail the circumstance(s) which justifies each exception.~~

10.253B. ~~Criteria for an Exception to the Approval Criteria.~~

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~~ land use review 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)~~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)~~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)~~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)~~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.

10.254C. ~~Expiration of an Exception.~~

Within one ~~(1)~~ year following the final order date, ~~substantial construction on the development~~ issuance of building permit for vertical construction shall be completed, or if a use, the use shall have commenced ~~operation~~. If a request for an extension is filed with the Planning Department within one ~~(1)~~ year from the approval date of the final order, the approving authority may, upon written request by the applicant, grant a single extension of the expiration date for a period not to exceed one ~~(1)~~ year from the expiration date of the final order. An extension shall be based on findings that the facts upon which the exception was first approved have not changed to an extent sufficient to warrant re-filing of the exception. An exception directly related to another ~~plan authorization~~ land use review(s), such as an exception which was filed concurrently with the other ~~plan authorization~~ land use review(s), and/or an exception which is integrally intertwined with and necessary to the development or use authorized by the other ~~plan authorization~~ land use review(s), shall expire when the related ~~plan authorization~~ land use review(s) expires.

10.256188 ~~Historic Review.~~

The Historic Review process is hereby established to assure compliance with the Historic Preservation Overlay, Sections 10.401 through 10.407, the *Oregon Administrative Rules, Oregon Revised Statutes*, and

to achieve consistency with *The Secretary of the Interior's Standards for the Treatment of Historic Properties*.

~~(1)A.~~ (1)A. –An application for Historic Review is required in the following instances:

~~(a)1.~~ (a)1. To request addition to or removal from the Historic Preservation Overlay for any area, parcel, or portion thereof. The property owner, Planning Director, Landmarks and Historic Preservation Commission, or City Council may request initiation of proceedings to change the extent of the Historic Preservation Overlay.

~~(b)2.~~ (b)2. For proposed exterior alteration and/or new construction within an Historic Preservation Overlay.

~~(c)3.~~ (c)3. Prior to application for a demolition or relocation permit for all or part of a building, structure, object or site in an Historic Preservation Overlay.

~~(2)B.~~ (2)B. Historic Review of proposed exterior alteration and/or new construction is required irrespective of whether a building permit or a development permit is required. Historic Review final actions shall be taken prior to application for a building permit or proceeding with work that does not require a permit.

10.257 Historic Review, Application Content.

~~An application for Historic Review shall include the information and materials listed below:~~

~~(1) Application form.~~

~~(2) All information requested on the application form.~~

~~(3) Findings of fact demonstrating compliance with the approval criteria in Section 10.258, Historic Review, Approval Criteria.~~

~~(4) Appropriate fee.~~

~~In addition to that listed, the City may require the applicant to submit additional information deemed necessary to take action on an application in accordance with this Code and applicable State laws.~~

~~[Added, Sec. 5, Ord. No. 2006-199, Sept. 7, 2006; Amd. Sec. 14, Ord. No. 2008-236, Nov. 20, 2008.]~~

10.260 Historic Review, Appeal.

~~Final Historic Review decisions by the Landmarks and Historic Preservation Commission may be appealed to the City Council pursuant to Sections 10.051 through 10.056. Minor Historic Review decisions by the Planning Director may be appealed to the Landmarks and Historic Preservation Commission.~~

10.258 C. Historic Review, Approval Criteria.

Approval of Historic Review applications shall require findings that the proposal is consistent with the indicated approval criteria:

(1) Changes to the Historic Preservation Overlay. The extent of the Historic Preservation Overlay may be changed to include an historic resource other than those specified in Section 10.402 (1), (2), and (3) through a **Class 'C' Type III** Historic Review process if findings can be made substantiating that the proposal is consistent with the criteria below:

(a) It has been demonstrated that the designation of the historic resource is consistent with the purposes of the Historic Preservation Overlay in Section 10.401; and,

(b) It has been demonstrated that the designation of the historic resource is appropriate, considering the historic value of the resource and any other conflicting values, and will not result in a loss of substantial beneficial use of the property; and,

(c) It has been demonstrated that the historic resource has a significance rank of "primary" or "secondary" on an historical survey conducted in conformance with the standards of the Oregon State Historic Preservation Office; or, the historic value of the resource has sufficient local significance to merit designation as a Local Historic Resource.

(2) **Exterior Alteration and/or New Construction.** The ~~approving authority~~ (Landmarks and Historic Preservation Commission) shall approve an Historic Review application for exterior alteration and/or new construction within an Historic Preservation Overlay after consideration during a public hearing, if findings can be made substantiating that the proposal is consistent, or can be made consistent through the imposition of conditions, with all of the following criteria:

~~(a)~~a. It has been demonstrated that the proposed exterior alteration and/or new construction is consistent with the purposes of the Historic Preservation Overlay in Section 10.401; and,

~~(b)~~b. It has been demonstrated that the proposed exterior alteration and/or new construction will preserve the historic character, form, and integrity of the historic resource; and,

~~(c)~~c. It has been demonstrated that the proposed exterior alteration and/or new construction is consistent with the most current version of the *The Secretary of the Interior's Standards for the Treatment of Historic Properties*; and,

~~(d)~~d. It has been demonstrated that the proposed exterior alteration and/or new construction is compatible with the historical and architectural style of the historic resource, of adjacent historic properties, and of the historic district within which it is located, if any. Assessment of compatibility may include consideration of the design, arrangement, proportion, detail, scale, color, texture, and materials, and the way new features will be differentiated from the old; and,

~~(e)~~e. It has been demonstrated that the proposed exterior alteration and/or new construction is consistent with all other applicable provisions of this Code.

(3) **Minor Historic Review.** Minor Historic Review of certain exterior alterations may be conducted by the Planning Director, according to standards adopted by the Landmarks and Historic Preservation Commission. The Planning Director shall approve a Minor Historic Review application if the proposal conforms to approval criteria adopted by the Landmarks and Historic Preservation Commission. These approval criteria are available at the Planning Department.

Minor Historic Review shall be limited to the review of:

- Aa.** Changes in roofing materials and exterior paint colors in residentially-zoned Historic Preservation Overlay Districts as per the *Paint and Roofing Approval Criteria* adopted in December 2007;
- Bb.** Changes in exterior paint colors in commercially-zoned Historic Preservation Overlay Districts, when new paint colors are chosen from the adopted color palette;
- Cc.** Changes in awning fabric materials without a change in the shape of the awning frame, in Historic Preservation Overlay Districts, if the new fabric is either solid or striped and the fabric colors are chosen from the adopted color palette;
- Dd.** Change of sign face/copy as defined in Section 10.1010.
- (4) Demolition and Relocation.** The Landmarks and Historic Preservation Commission shall temporarily delay issuance of a demolition or relocation permit for all or part of a building, structure, object or site in an Historic Preservation Overlay, unless, during a public hearing:
- (a)a.** It is demonstrated that a temporary suspension of the demolition or relocation permit would not aid in avoiding the demolition or relocation of the historic resource; in informing the owner of the benefits of renovation; nor in pursuing public or private acquisition or restoration; and,
- (b)b.** In the case of a demolition, it is demonstrated that there is no practical opportunity to relocate the historic resource to another site, nor to salvage historic or architectural elements; and,
- (c)c.** It is demonstrated that the proposed demolition or relocation would not adversely affect the protection, enhancement, perpetuation, improvement, or use of any historic district or other historic resource; and,
- (d)d.** It is demonstrated that the benefits of protecting the historic resource no longer outweigh the benefits of allowing the demolition or relocation.
- (5) Temporary Suspension of a Demolition or Relocation Permit.**
- (a)a.** In the case of temporary suspension of a demolition or relocation permit by the Landmarks and Historic Preservation Commission, issuance of the permit shall be delayed for a period of 120 days from the date of application for Historic Review or for the demolition or relocation permit, whichever is earlier.
- (b)b.** The Landmarks and Historic Preservation Commission may invoke an extension of the suspension period for an additional period not exceeding ~~ninety~~ (90) days if it determines during a subsequent public hearing that there is a program underway that could result in public or private acquisition, or preservation or restoration of such building, structure, object, or site, and that there are reasonable grounds to believe that such a program will be successful.
- (c)c.** During the period of suspension, no permit shall be issued for demolition or relocation, nor shall any person demolish or move the building, structure, object, or site.
- (d)d.** At the end of the suspension period, if all such programs have been unsuccessful, the Medford Building Safety Director shall issue a demolition or relocation

permit as long as the application otherwise complies with all other city ordinances.

~~10.259D.~~ Historic Review, Conditions of Approval.

In approving an Historic Review application, the Landmarks and Historic Preservation Commission may impose conditions necessary to ensure compliance with the standards of this Code and the criteria in ~~Section 10.258~~this section, and to otherwise protect the health, safety and general welfare of the surrounding area and community as a whole. These conditions may include, but are not limited to the following:

- ~~A1.~~** Limiting the number, height, location and size of signs;
- ~~B2.~~** Requiring the installation of appropriate public facilities and services and dedication of land to accommodate public facilities when needed;
- ~~C3.~~** Limiting the visibility of mechanical equipment through screening or other appropriate measures;
- ~~D4.~~** Requiring the installation or modification of irrigated landscaping, walls, fences or other methods of screening and buffering;
- ~~E5.~~** Limiting or altering the location, height, bulk, configuration or setback of buildings, structures and improvements;
- ~~F6.~~** Requiring the improvement of an existing, dedicated alley which will be used for ingress or egress for a development;
- ~~G7.~~** Controlling the number and location of parking and loading facilities, points of ingress and egress and providing for the internal circulation of motorized vehicles, bicycles, public transit and pedestrians;
- ~~H8.~~** Requiring the retention of existing natural features;
- ~~I9.~~** Modifying architectural design elements including exterior construction materials and their colors, roofline, fenestration and restricting openings in the exterior walls of structures;
- ~~J10.~~** Restricting the height, directional orientation and intensity of exterior lighting.

~~10.261E.~~ Historic Review Approval, Expiration.

~~A1.~~ Approval of a Historic Review application shall take effect on the date the final order for approval is signed, unless appealed, and shall expire two ~~(2)~~ years from the effective date. Within two ~~(2)~~ years following the effective date, ~~substantial construction~~issuance of building permit for vertical construction must have occurred or an extension of the approval shall be necessary. If a request for an extension of a Historic Review application approval is filed with the Planning Department within two ~~(2)~~ years from the effective date, the Landmarks and Historic Preservation Commission may grant an extension not to exceed one ~~(1)~~ additional year if based upon findings that the facts upon which the Historic Review application was first approved have not changed to an extent sufficient to warrant re-filing of the application.

B2. When it is the developer's intent to complete an approved project in phases, the ~~approving authority~~ Landmarks and Historic Preservation Commission may authorize a time schedule for the issuance of building permits for a period exceeding two ~~(2)~~ years, but in no case shall the total time period for the issuance of building permits be greater than five ~~(5)~~ years without having to re-submit a new application for Historic Review. Phases developed after the passage of two ~~(2)~~ years from approval of the Historic Review application shall be required to modify the plans if necessary to avoid conflicts with changes in the *Comprehensive Plan* or this chapter.

~~10.262 F.~~ Major Revisions or Amendments to Historic Review Approval.

Major revisions or amendments to plans approved through Historic Review shall require re-application.

~~10.262 G.~~ Issuance of Building Permits, Consistent with Historic Review Approval.

A1. All applications for a building permit, wherein Historic Review has been required, shall be consistent with the plans as approved and all conditions of approval imposed thereon and shall be accompanied by an accurate and correct plan.

B2. Security for Completion of Public Improvements: If all required public improvements, as specified in the conditions of Historic Review approval, have not been satisfactorily completed before issuance of a building permit, the developer shall enter into a written agreement (provided by the City) to secure full and faithful performance thereof, according to Sections 10.666 and 10.667(A) respectively.

PLANNED UNIT DEVELOPMENT, PRELIMINARY PLANS, TYPE III. (10.190 – 10.194)

~~10.230190~~ Planned Unit Development (PUD) – Application and Approval Provisions ~~General Provisions.~~

A. **Purpose and Intent of PUDs:** The PUD approach permits flexibility to allow creative and imaginative urban development that would otherwise not be possible under the strict requirements of this Code. The intent is to promote more efficient use of urban land and urban services while protecting natural features, creating common open space, promoting the development of transit-oriented design along designated transit corridors and within designated transit-oriented development (TOD) areas, and encouraging a mixture of land uses and housing types that are thoughtfully planned and integrated.

CB. **PUD Stepped Process: Consolidated Applications Authorized:** Approval of a PUD shall be a two-step process involving approval of a Preliminary PUD Plan by the Planning Commission as a Type III land use action as the first step and approval of a Final PUD Plan by the Planning Director as a Type I land use action as the second step. As used in ~~MLDC~~ Sections 10.230190 through ~~10.245194~~, the Planning Director shall mean the Director of the Medford Planning Department or ~~his/her~~ their designee. Except applications for annexations and comprehensive plan amendments, applications authorized in Article II may be consolidated with an application for a Preliminary PUD Plan per Section 10.114.

10.235(B)C. Application for a Preliminary PUD Plan.

1. An application for Preliminary PUD Plan shall be on forms supplied by the City. A complete application shall include the materials and information listed in this Subsection on the application. However, the Planning Director, in his/hers/their discretion, may waive the submittal of any of the materials or information that are deemed to be excessive, repetitive or unnecessary based upon the size and nature of the PUD. ~~If an application for a PUD is accepted by the City as complete under ORS 227.178 but the application does not contain all of the items listed below, the missing items shall be deemed to have been waived by the Planning Director. Unless waived by the Planning Director, the following items shall be required to constitute a complete application for a Preliminary PUD Plan:~~

- ~~1. Current assessor map with the boundaries of the proposed PUD identified.~~
- ~~2. Preliminary PUD Plan (16 copies) and supplemental materials conforming to the Site Plan and Architectural Review application requirements in Section 10.287. Additionally, such plans shall include preliminary plans for providing public water and sanitary sewer service. The Preliminary PUD Plan shall indicate boundaries within the property which distinguish areas devoted to different land uses pursuant to Subsections 10.235(B)(3)(f), 10.230(D)(7) and 10.230(D)(8). Where different land uses are separated by streets, railroad rights-of-way, drainage channels or other water courses, the centerlines of such features shall be their boundaries. One copy of the Preliminary PUD Plan shall be a reduced size suitable for photocopy. If a tentative plat for a land division is submitted concurrently with a Preliminary PUD Plan, the Preliminary PUD Plan and tentative plat shall be on separate sheets. It is further provided that:
 - ~~a. Unless otherwise required in this Code, architectural plans for single family detached dwellings and landscaping plans for lots occupied by single family detached dwellings are not subject to review or approval as part of a PUD. However, nothing shall prevent an applicant from supplying architectural or landscaping plans for single family detached housing as a means to comply with one or more approval criteria.~~
 - ~~b. If private or non-city standard street lighting is proposed, a street lighting plan shall be provided which provides a detail of the proposed lighting fixture(s). The Preliminary PUD Plan shall indicate the location of proposed private or non-city standard light fixtures.~~~~
- ~~2.~~ An applicant may postpone the submission and approval of architectural plans for proposed buildings and to have such plans approved later as a separate matter under Subsection 10.235(G)192(l) after the Preliminary PUD Plan has been approved. When the approval of architectural plans has been postponed, the Preliminary PUD Plan shall show a conceptual footprint for each planned building and each building footprint shall be separately enclosed by a dashed line which shall be called and labeled a building envelope. Building envelopes shall reasonably anticipate and define the maximum extent of the footprint for each building in the PUD.
- ~~3. A narrative description of the PUD which shall cover:
 - ~~a. The rationale for planning this development as a PUD.~~~~

- ~~b. The nature, planned use, future ownership and method of perpetual maintenance of land to be left in natural or developed open space or which will be held in common ownership.~~
- ~~c. A listing of all modified applications of the Code that are proposed, followed by a brief explanation which covers the nature of, extent of, and reason for each modification.~~
- ~~d. If one or more signs are intended to vary from the provisions of this Code, then a detailed plan for all signs which require a sign permit shall be submitted. The sign plan shall specify the size, number, type, height and location of all signs which require a sign permit and shall clearly indicate all proposed modifications.~~
- ~~e. A proposed development schedule. If the PUD will be constructed in phases, the development schedule for each phase shall be keyed to a plan that indicates the boundaries of each phase.~~
- ~~f. The gross acreage devoted to the various proposed land uses and housing types.~~
- ~~4. Written findings of fact and conclusions of law which address the approval criteria in Subsection 10.235(D).~~

53. Extended Notification Area, PUD. The application for Preliminary PUD Plan shall include

- ~~t~~The names and mailing addresses of the owners of record of tax lots, obtained by the latest tax rolls of the Jackson County Assessor's Office, located within 200 feet of the exterior boundary of the whole PUD. The owners of no less than seventy-five (75) tax lots shall be notified of the pending land use hearing. If seventy-five (75) tax lots are not located within two-hundred (200) feet of the exterior boundary of the PUD, the notification area shall be extended by successive fifty (50) foot increments, until a minimum of seventy-five (75) tax lots are included in the notification area. The owners of all tax lots within the extended notification area shall receive written notice; therefore, noticing of more than seventy-five (75) tax lots may be required. The names and mailing addresses shall be typed on mailing labels and shall include the assessor map and tax lot numbers for each parcel.
- ~~6. A conceptual stormwater facility plan with associated landscape plan, if applicable, pursuant to Sections 10.486(B) or 10.729(B).~~
 - ~~7. Documentation of pre-submittal PUD Neighborhood Meeting. Documentation shall include:~~
 - ~~a. A copy of a Certificate of Mailing for the neighborhood meeting notification mailing pursuant to Section 10.235(2);~~
 - ~~b. A completed Verification of Neighborhood Meeting form attesting to the contents of the materials provided or reviewed at the meeting;~~
 - ~~c. A set of the notification materials listed in Section 10.235(A)(2); and,~~
 - ~~d. The signature sheet(s) from the Neighborhood Meeting. 10.235(C) — Action on an Application for a Preliminary PUD Plan: The Planning Commission may approve, approve with conditions or deny a Preliminary PUD Plan.~~

10.235(D) D. Approval Criteria for Preliminary PUD Plan: The Planning Commission shall approve a Preliminary PUD if it concludes that compliance exists with each of the following criteria:

- 1. The proposed PUD:
 - a. preserves an important natural feature of the land, or
 - b. includes a mixture of residential and commercial land uses, or

- c. _____ includes a mixture of housing types in residential areas, or
 - d. _____ includes open space, common areas, or other elements intended for common use or ownership, or
 - e. _____ is otherwise required by the Medford Land Development Code.
2. _____ The proposed PUD complies with the applicable requirements of this Code, or
- a. _____ the narrative describes the proposed modified ~~applications~~standards of the Code and how they are related specifically to the implementation of the rationale for the PUD as described in ~~Section 10.235(B)(3)(a)~~the application, and
 - b. _____ the proposed modifications enhance the development as a whole resulting in a more creative and desirable project, and
 - c. _____ the proposed modifications to the limitations, restrictions, and design standards of this Code will not materially impair the function, safety, or efficiency of the circulation system or the development as a whole.
3. _____ The property is not subject to any of the following measures or if subject thereto the PUD can be approved under the standards and criteria thereunder:
- a. _____ Moratorium on Construction or Land Development pursuant to ORS 197.505 through 197.540, as amended.
 - b. _____ Public Facilities Strategy pursuant to ORS 197.768 as amended.
 - c. _____ Limited Service Area adopted as part of the Medford Comprehensive Plan.
4. _____ The location, size, shape and character of all common elements in the PUD are appropriate for their intended use and function.
5. _____ If the Preliminary PUD Plan includes uses not allowed in the underlying zone pursuant to Subsection 10.~~230(D)~~192(B)(7)(c), the applicant shall alternatively demonstrate that either:
- ~~a1)~~ Ddemands for the Category "A" public facilities listed below are equivalent to or less than for one or more permitted uses listed for the underlying zone, or
 - ~~2b)~~ By the time of development the property can be supplied ~~by the time of development~~ with the following Category "A" public facilities ~~which can be supplied~~ in sufficient condition and capacity to support development of the proposed use:
 - ai. _____ Public sanitary sewerage collection and treatment facilities.
 - bii. _____ Public domestic water distribution and treatment facilities.
 - ciii. _____ Storm drainage facilities.
 - div. _____ Public streets.
- Determinations of compliance with this criterion shall be based upon standards of public facility adequacy as set forth in this Code and in goals and policies of the comprehensive plan which by their language and context function as approval criteria for comprehensive plan amendments, zone changes or new development. In instances where the Planning Commission determines that there is insufficient public facility capacity to support the development of a particular use, nothing in this criterion shall prevent the approval of early phases of a phased PUD which can be supplied with adequate public facilities.

6. ____ If the Preliminary PUD Plan includes uses proposed under Subsection 10.230(D)192(B)(7)(c), approval of the PUD shall also be subject to compliance with the conditional use permit criteria in Section 10.248184.
7. ____ If approval of the PUD application includes the division of land or the approval of other concurrent ~~development permits~~land use applications as authorized in Subsection 10.230(C)190(B), approval of the PUD shall also be subject to compliance with the substantive approval criteria in Article II for each of the additional ~~development~~land use applications.

10.235(E)E. Conditions of Preliminary PUD Plan Approval: If the Planning Commission approves a Preliminary PUD Plan, in addition to conditions of approval authorized under Section 10.291200(F), it may attach conditions to the Preliminary PUD Plan approval which are determined to be reasonably necessary to ensure:

1. ____ The Final PUD Plan will be substantially consistent with the approved Preliminary PUD Plan and specifications related thereto.
2. ____ Development of the PUD will be consistent with the approved Final PUD Plan and specifications related thereto. To ensure satisfactory completion of a PUD in compliance with the approved plans, the Planning Commission may require the developer to enter into an agreement with the City as specified under Section 10.296200(I).
3. ____ The PUD will comply with the *Comprehensive Plan*, the *Medford Municipal Code* and all provisions of this Code except the specific provisions for which there are approved modifications.
4. ____ There are appropriate safeguards to protect the public health, safety and general welfare.
5. ____ There will be ongoing compliance with the standards and criteria in this Section.
6. ____ To guarantee that streets, public facilities and utilities can be appropriately extended from one PUD phase to each successive future phase in accordance with the approved Preliminary PUD Plan, the City may require the conveyance of easements or other assurances.

10.240(B)F. Time Limit for Expiration of Preliminary PUD Plan Approval: Preliminary PUD Plan approval shall be valid for three ~~(3)~~years and may not be extended. The three-year period shall begin the date the Final Order approving the Preliminary PUD Plan ~~was~~is signed by the Planning Commission Chairperson. If a Preliminary PUD Plan is appealed, the three-year period shall begin on the date on which all appeals ~~were~~are resolved, including the resolution of all issues on remand. Within the three-year time period, an application for a Final PUD Plan must be filed for the entire site or for the first phase if the PUD has been approved for phased development.

10.240D.G. Time Limit Between PUD Phases: After Final PUD Plan approval for the first phase of a PUD having approved multiple phases, and for each successive phase thereafter, no more than five ~~(5)~~years shall lapse between the approval of phases. If more than five ~~(5)~~years pass between the Final PUD Plan approval of any two ~~(2)~~PUD phases after the first phase, the Planning Commission may, without the consent of the owner(s) of the PUD, initiate action to terminate undeveloped portions of the PUD under ~~Subsection~~ 10.245198(B).

10.240EH. Binding Effect; Previously Approved PUDs: A PUD Plan approval shall run with the land and shall be binding upon all successors in interest in all land within the whole PUD. It is further provided that a Preliminary PUD Plan approval shall remain in full force and effect unless the approval expires or is terminated by action of the City pursuant to Subsection 10.245198(B). Preliminary plans submitted prior to the adoption date of this ordinance, and final plans resulting from those preliminary plans, are subject to the regulations for PUDs in effect at the time the preliminary plan application was submitted.

10.192 Preliminary PUD Plan – General Provisions.

10.230(B)A. Minimum Acreage Limitation for a PUD: PUDs must contain one ~~(1)~~ acre or more at the time of application filing.

10.230(D)B. Modified Application of Standards Authorized for PUDs: To fulfill the purpose and intents of the standards set forth in Section 10.230190(A), authority is herewith granted for the approval of PUDs which vary from the strict standards of this Code. The nature and extent of potential modifications shall be limited to the categories below described, provided that the City, in approving such modifications, shall not violate substantive provisions of the Oregon Transportation Planning Rule:

1. **___ Lots and Parcels in PUDs:** Limitations, restrictions and design standards pertaining to the size, dimension, location, position and coverage of lots, and restrictions related to through lots.
2. **___ Yards, Setbacks and Building Height in PUDs:** Limitations, restrictions and design standards pertaining to the location, size, height, yards and setbacks for buildings and other structures.
3. **___ Parking, Bicycle and Pedestrian Standards in PUDs:** Limitations, restrictions and design standards pertaining to off-street vehicle and bicycle parking and loading, and standards related to pedestrian access.
4. **___ Frontage, Access, Landscaping and Signs in PUDs:** Limitations, restrictions and design standards pertaining to lot frontage, access, required landscaping, signs and bufferyards.
5. **___ Streets Generally in PUDs:** Streets within PUDs may be either city streets dedicated for public use or private streets owned and maintained by an association of owners, and may exceed maximum block length and perimeter standards provided in Section 10.426(C)(1) ~~C-1~~. Streets within or adjacent to a PUD shall comply with the following:
 - a. **___** Collector and arterial streets shall be dedicated city streets, the existence and general location of which shall be determined by the ~~C~~omprehensive ~~P~~lan.
 - b. **___** City streets shall comply fully with the strict requirements of this Code, provided that the City in approving a PUD may permit the width of parking lanes for city streets to be less than the Code otherwise requires.
 - c. **___** The City may require any proposed PUD street or segment thereof to be constructed and dedicated as a city street.

6. **Private Streets in PUDs**: Private streets may vary from the limitations, restrictions and design standards pertaining to streets with respect to length, width, position, aspect, intersection standards, grades, curve radii, cul-de-sac turnarounds, street lights, easements, sidewalks, curbs and driveway approaches for streets within the PUD, provided:
 - a. With respect to the amount, quality and installation of construction materials, private streets shall be structurally equivalent to or better than city-standard streets.
 - b. The City Fire Marshall shall approve the design of all private streets for access by emergency vehicles before approval of the Preliminary PUD.
 - c. Private streets shall be posted as private streets and shall connect to the public street system. The applicant shall convey to the City and all appropriate utility companies a perpetual easement over the private street(s) for use by emergency vehicles and employees of the City and utility company(s) in the maintenance of public facilities and utilities.
7. **Allowed Uses ~~and~~ and Housing Types in PUDs**: The following uses and housing types shall be permitted as part of a PUD subject to the following:
 - a. In addition to permitted uses, any portion of a PUD may contain any housing type listed in Subsection 10.314(1-3). In approving housing types, the Planning Commission may waive or reduce any of the special use regulations or standards contained in Sections 10.811 through 10.838 (~~"Special Use Regulations"~~).
 - b. Any conditional use listed for the underlying zone may be permitted without addressing the Conditional Use Permit criteria in Section 10.184 except when the conditional use is within 200 feet of the perimeter of the PUD. This exemption does not apply to conditional uses within Riparian Corridors pursuant to Section 10.925 ~~"Conditional uses within Riparian Corridors"~~.
 - c. Use(s) not permitted in the underlying zone may, nevertheless, be permitted and approved to occupy up to 20% of the gross area of the PUD provided that no portion of the use(s), including its parking, is located nearer than 200 feet from the exterior boundary of the PUD. If any portion of the use(s) is nearer than 200 feet from the exterior PUD boundary, then said use(s) shall be considered to be a conditional use and may be approved subject to compliance with the conditional use permit criteria in Section 10.248184. However, this provision shall not apply where the land outside the PUD which is nearer than 200 feet from proposed use(s) is inside a zone in which the proposed use(s) is permitted.
8. **Mixed Land Use Designations in PUDs**. Unless otherwise prohibited, PUDs that have more than one General Land Use Plan designation or Southeast Plan land use category shall have the flexibility to mix or relocate such designations within the boundaries of the PUD in any manner and/or location as may be approved by the Planning Commission.

10.230(E)C. Common Elements in PUDs: A multi-family residential PUD must include a minimum of 20% of the land area as common area unless otherwise modified by the Planning Commission. This common area shall be for the purpose of providing protection for natural features, common recreational space, landscaped area, or commonly enjoyed amenities other than parking areas or private streets. Where a PUD has open spaces, private streets, parking or other elements to be owned or maintained in common by the owners or future owners of land or improvements within the PUD, the Final PUD Plan shall not be approved and no unit shall be sold or conveyed until the PUD has been found to comply with the following requirements, as applicable:

1. **PUD Planned Community.** If the PUD is a planned community under ORS Chapter 94, the declaration and tentative plat for the planned community shall be submitted with the Final PUD Plan for approval by the Planning Director before recording in the official records of Jackson County.
2. **PUD Condominium.** If the PUD is a condominium under ORS Chapter 100, a copy of the recorded declaration and plat shall be submitted to the City after it has been approved by the Oregon Real Estate Commissioner and recorded in the official records of Jackson County. A condominium declaration and plat shall not be reviewed and approved by the Planning Director and the Planning Director shall have no authority under this Subsection to require changes thereto.
3. **PUD Common Ownership.** If the PUD contains elements intended for common ownership but ORS Chapters 94 and 100 do not apply, there shall be appropriate legal documents which assure that the common elements will be improved and perpetually maintained for their intended purposes. The legal documents in such instance shall be submitted to the Planning Director for approval as part of the Final PUD Plan before recording in the official records of Jackson County.
4. **Phased PUDs.** When a PUD is proposed to be developed in phases, the phased provision of improved common elements shall be roughly proportional with the development of housing and other elements intended for private ownership. Unless approved by the Planning Commission as part of a phasing plan pursuant to ~~Subsection 10.235(A)(3)(c)~~ or which was approved by the Planning Commission prior to the adoption of this ordinance, no significant common element shall be postponed to the final phase of a PUD. Nothing in this Subsection shall prevent the provision of improved common elements at a rate that is proportionally greater than the development of housing and other elements intended for private ownership.
5. **Public Dedications and PUDs.** Land shown on the Final ~~Development~~ **PUD** Plan as a common element or which is intended for public dedication shall be conveyed under one of the following options:
 - a. To a public entity which shall agree in writing to perpetually maintain the common element(s) being conveyed.
 - b. To an association of owners created pursuant to ORS Chapters 94 or 100 or as otherwise created under Subsection ~~10.230(E)(3)~~ **192(C)(3)** in which instance the

legal document which establishes the association shall provide that the association cannot be terminated or discontinued without the City's prior consent.

6. **Private Streets in PUDs.** If the PUD will have private streets, the legal document which establishes the association of owners shall provide that the City may enforce the maintenance or protection of its easements or public facilities.

~~10.230(F)~~**D.** **PUDs Exempt from Site Plan and Architectural Review:** PUDs approved under this Section shall be exempt and there shall be no requirement to apply separately for Site Plan and Architectural Review or to demonstrate compliance with the criteria in Section ~~10.290~~**200**. However, the Planning Director in ~~his/her~~**their** discretion may forward a Preliminary PUD Plan or proposed revisions thereto to the Site Plan and Architectural Commission for review. When forwarded by the Planning Director, the Site Plan and Architectural Commission shall have authority to review the PUD plans and make recommendations to the Planning Commission.

~~10.230(G)~~**E.** **Delegation of Authority:** The Planning Commission may delegate authority to the Site Plan and Architectural Commission or to the Planning Director to approve in its name the plans for buildings or any other element of a PUD or revisions thereto after the Planning Commission has approved the Preliminary PUD Plan. The authority delegated by the Planning Commission under this Subsection shall be delimited in conditions attached to the approval. Notwithstanding any other provision of this Code and subject to an applicant's written request, the approval of delegated matters, where eligible, shall be procedurally treated as an Expedited Land Division pursuant to ORS 197.360 through 197.380, as amended. Lacking a written request from the applicant, approval of delegated matters shall be subject to a ~~Class "C"~~**Type III** Procedure as set forth in ~~this~~ **Article II**.

~~10.230(H)~~**F.** **Building Permits, Development and Operation of a PUD:** ~~Development and Operation of a PUD:~~ All building and construction plans submitted to the City for the purpose of obtaining building and other site improvement permits shall be consistent with the approved Final PUD Plan. The development and operation of the PUD shall conform in all respects with the approved Final PUD Plan.

~~10.230(I)~~**G.** **Residential Density in PUDs:**

~~(1)~~**1.** **Residential Density Calculation.** Minimum and maximum ~~permitted~~ residential densities in PUDs shall be calculated pursuant to Section 10.708, except, in PUDs having residential and non-residential land uses within a residential zoning district, including mixed-use buildings as defined herein, the minimum and maximum number of dwelling units shall be calculated using the gross area of the residentially zoned land including any to be occupied by non-residential uses. "Natural unbuildable areas" may be excluded at the developer's option as provided in Section 10.708.

~~(2)~~**2.** **Residential Density Bonus.** In PUDs larger than five ~~(5)~~ acres, the residential density may be increased by up to ~~twenty percent (20%)~~ more than the maximum density permitted by Subsection (1) above.

~~10.235(F)~~**H.** **Revised Preliminary PUD Plans:** In instances where ~~approval conditions~~ **conditions of approval result in substantial, complex or unpredictable changes to a proposed Preliminary PUD Plan, the Planning Commission, as a condition of Preliminary PUD Plan approval, may require an**

applicant to incorporate the changes into a revised Preliminary PUD Plan. When required, the revised plans shall be approved by the Planning Commission and when approved, the revised plans shall become the approved Preliminary PUD Plan and any conditions satisfied by the revised plans shall be stricken or appropriately altered.

10.235(G). **Postponed Preliminary PUD Plan Approval for Building Architecture:** When the approval of architectural plans for buildings in the PUD has been postponed under ~~Subsection 10.235(B)(2)(c)~~ 190(C)(2), no Final PUD Plan shall be approved until the architecture of buildings has been approved by the Planning Commission, or by the Site Plan and Architectural Commission pursuant to ~~MLDC Subsection 10.230(G)(E) above~~, and the Final Order for such approval has been appended to the earlier approval of the Preliminary PUD Plan.

10.235(H). **Engineering Construction Plans, Preliminary PUD Plans:** Engineering construction plans, profiles, details and specifications for all public facility and utility improvements shall be prepared by a qualified engineer registered in Oregon. The engineering plans shall be approved by the City before the start of construction. Unless specifically authorized by the Planning Commission in the Preliminary PUD Plan approval, all public facilities and utilities shall be designed and constructed in accordance with the standards and procedures of the City or other public entity to which ownership will be conveyed. The procedures for engineering design, plan approval and inspection shall in all respects be the same as for land divisions under this Code.

10.235(A)194 Preliminary PUD Plan - ~~Application Procedures~~ **Neighborhood Meeting Requirement.**

A. ~~Neighborhood Meeting Requirement~~Purpose of Neighborhood Meeting Requirement for Preliminary PUD Plans. To ensure neighborhood knowledge of proposed development and to provide an opportunity for direct communication, the applicant shall present the development proposal at a neighborhood meeting prior to submitting the land use application to the City-Planning Department. The applicant shall arrange and conduct the neighborhood meeting. City staff need not attend. Attendees shall be asked to sign a signature sheet and provide their mailing address. Attendance at the neighborhood meeting does not give an attendee legal standing for appeal.

B. ~~Neighborhood Meeting Presentation, Preliminary PUD Plans.~~1- The presentation at the neighborhood meeting shall include at a minimum the following:

- a1.** A map depicting the location of the subject property proposed for development; and,
- b2.** A visual description of the project including a tentative site plan, tentative subdivision plan and elevation drawings of any structures, if applicable; and,
- c3.** A description of the nature of the proposed uses and physical characteristics, including but not limited to, sizes and heights of structures, proposed lot sizes, density; and,
- d4.** A description of requested modifications to code standards; and.
- e5.** Notification that attendance at the neighborhood meeting does not give legal standing to appeal to the City Council, the Land Use Board of Appeals, or Circuit Court.

2C. ~~Scheduling and Noticing Neighborhood Meeting, Preliminary PUD Plans.~~ It shall be the responsibility of the applicant to schedule the neighborhood meeting and provide adequate notification of the meeting. The applicant shall send mailed notice of the neighborhood meeting to the owners of no less than ~~seventy-five (75)~~ of the nearest tax lots regarding the neighborhood meeting. If ~~seventy-five (75)~~ tax lots are not located within ~~two hundred (200)~~ feet of the exte-

rior boundary of the PUD, the notification area shall be extended by successive ~~fifty (50)~~-foot increments, until a minimum of ~~seventy-five (75)~~ tax lots are included in the notification area. The owners of all tax lots within the extended notification shall receive written notice; therefore, noticing of more than ~~seventy-five (75)~~ tax lots may be required. In addition to the affected property owners, the applicant shall also provide notice to the ~~City~~ Planning Department. The applicant shall use the Jackson County Tax Assessor's property owner list from the most recent property tax assessment roll. The notice shall be mailed a minimum of ~~fifteen (15)~~ days prior to the neighborhood meeting which shall be held in Medford on a weekday evening. A certificate of mailing attesting to the date of mailing and the name and signature of the agent responsible for mailing said notices shall be prepared and submitted to the Planning Department in accordance with the materials identified in ~~Section 10.235 (B)(7)~~ the application for Preliminary PUD Plan. The notice for PUD neighborhood meeting shall include:

- a1. ___ Date, time and location of the neighborhood meeting; and,
- b2. ___ A brief written description of the proposal; and,
- e3. ___ The location of the subject property, including address (if applicable), nearest cross streets and any other easily understood geographical reference, and a map (such as a tax assessor's map) which depicts the subject property.

PLANNED UNIT DEVELOPMENT, FINAL PUD PLANS, TYPE I. (10.196 & 10.198)

10.240196 Final PUD Plan - Application Procedures.

A. ___ **Application for a Final PUD Plan:** Application for a Final PUD Plan shall be on forms supplied by the City Planning Department. The Final PUD Plan shall contain ~~in final form~~ all information and materials ~~required by Subsection 10.235(B)~~ listed on the application unless certain items are or have been waived by the Planning Director as therein provided. However, there shall be no burden to demonstrate compliance with the criteria in Subsection ~~10.235(D)~~ 190(D). As appropriate, the Final PUD Plan shall incorporate all conditions imposed ~~in on~~ the Preliminary PUD Plan approval. The application for a Final PUD Plan shall include a written narrative explaining how the Final PUD Plan complies with the Final PUD Plan approval criteria in Subsection 10.240(G)(D) below, ~~Approval Criteria for Final PUD Plan, including and the compliance with the conditions of approval.~~

~~B. **Time Limit for Preliminary PUD Plan Approval:** Preliminary PUD Plan approval shall be valid for three (3) years and may not be extended. The three-year period shall be the date the Final Order approving the Preliminary PUD Plan was signed by the Planning Commission Chairperson. If a Preliminary PUD Plan is appealed, the three-year period shall begin on the date on which all appeals were resolved, including the resolution of all issues on remand. Within the three-year time period, an application for a Final PUD Plan must be filed for the entire site or for the first phase if the PUD has been approved for phased development.~~

CB. ___ Phased PUD: The Final PUD Plan may be submitted for the entire project or for each phase consistent with the approved Preliminary PUD Plan. If a Preliminary PUD Plan was not approved

as a phased project, nothing in this ~~Sub~~section shall prevent the Planning Director from approving a Final PUD Plan in phases provided that ~~the Planning~~ they Director approves a phasing plan pursuant to ~~Subsections 10.235(B)(3)(c) and 10.230(E)(4)~~ Sections 10.190(G) and 10.192(C)(4) as part of the Final PUD Plan approval, and provided further that the phasing plan ensures that essential services such as roads, fire access, storm drain, and sewer are available to serve each successive phase. After Final PUD Plan approval for the first phase, Final PUD Plans for all subsequent phases must be filed with the City Planning Director ~~for any subsequent phases~~.

~~D. Time Limit Between Phases: After Final PUD Plan approval for the first phase of a PUD having approved multiple phases, and for each successive phase thereafter, no more than five (5) years shall lapse between the approval of phases. If more than five (5) years pass between the Final PUD Plan approval of any two (2) PUD phases after the first phase, the Planning Commission may, without the consent of the owners of the PUD, initiate action to terminate undeveloped portions of the PUD under Subsection 10.245(B).~~

~~E. Binding Effect; Previously Approved PUDs: A PUD Plan approval shall run with the land and shall be binding upon all successors in interest in all land within the whole PUD. It is further provided that a Preliminary PUD Plan approval shall remain in full force and effect unless the approval expires or is terminated by action of the City pursuant to Subsection 10.245(B). Preliminary plans submitted prior to the adoption date of this ordinance, and final plans resulting from those preliminary plans, are subject to the regulations for PUDs in effect at the time the preliminary plan application was submitted.~~

CF. Final Plat for Land Division: Application for the approval of a Final PUD Plan may occur before or concurrent with the approval of a final plat for a land division. However, no building permits shall be issued by the City and no buildings intended for human occupancy shall be constructed and no lot shall be sold until the Final PUD Plan has been approved by the Planning Director.

DG. Approval Criteria for Final PUD Plan: A Final PUD Plan shall be approved by the Planning Director if the Director concludes that ~~compliance exists~~ it complies with each of the following criteria:

1. Provisions for the establishment and maintenance of elements to be held in common ownership, if any, have or will comply with the standards in ~~Subsection 10.230(E)~~ 192(C).
2. The Final PUD Plan is substantially consistent with the Preliminary PUD Plan and with any and all conditions imposed by the Planning Commission which were attached to the approval of the Preliminary PUD Plan.

E. The Planning Director in ~~his/her~~ their discretion may forward a Final PUD Plan to the Planning Commission for written clarification regarding whether the Final PUD Plan is substantially consistent with the Preliminary PUD Plan. When forwarded by the Planning Director, the Planning Commission shall have authority to review the PUD plans and advise the Planning Director.

F. Modification of a phasing plan shall be considered substantially consistent with the Preliminary PUD Plan unless the revised phasing plan affects the provision of essential services such as public streets, sewer or storm drain to serve the successive phases.

G. A Final PUD Plan shall be found to be inconsistent with the Preliminary PUD Plan when any of the following ~~are found to~~ apply. If such inconsistencies are identified, an application for revision to the Preliminary PUD Plan shall be required:

- a1.** The exterior boundaries of the PUD have changed except for slight deviations which result from the resolution of boundary errors or inconsistencies discovered when the PUD property was surveyed,
- b2.** The number of housing units has increased,
- ~~**e3.** The number of housing units has decreased by more than five percent (5%),~~
- d4.** Modifications to the provisions of this Code have been included which were not approved as part of the Preliminary PUD Plan under Section 10.230(D) 192(B).

~~**10.241** ——— **Action and Decision Time; Appeal Rights; A.** ——— Upon submittal of the Final PUD Plan application to the Planning Director, the date of receipt shall be indicated on each copy of the materials submitted. Within thirty (30) days of receipt, the Planning Director shall determine whether the application as submitted, along with the required information, is complete as per this chapter. If the Planning Director fails to provide notice to the applicant in writing within thirty (30) days of receipt, the application shall be deemed complete. For purposes of this section, the date of notice to the applicant shall be the date of mailing.~~

~~**B.** If it is determined that the application is incomplete or otherwise does not conform to the provisions of this chapter, the Planning Director shall notify the applicant in writing to submit the missing material. The application shall be deemed complete upon receipt of (a) all of the missing information; (b) some of the missing information and written notice from the applicant that no other information will be provided; or (c) written notice from the applicant that none of the missing information will be provided.~~

~~**C.** Within twenty five (25) working days after an application is deemed complete, the Planning Director shall approve or disapprove the Final PUD Plan and acknowledge compliance with all conditions of the Preliminary PUD Plan. If the Final PUD Plan is not substantially consistent with the Preliminary PUD Plan and all conditions thereto, the Planning Director may disapprove the Final PUD Plan, and require the applicant to apply for a revision to the Preliminary PUD Plan. Upon disapproval of any Final PUD Plan, the Planning Director shall return the Final PUD Plan to the applicant together with a final order of denial setting forth the reasons for such denial and advising the applicant of the applicant's appeal rights pursuant to Section 10.241(E).~~

~~**D.** Upon approval by the Planning Director, the Planning Director shall prepare and sign a final order of approval.~~

~~**E.** Within fourteen (14) days of the date of the final order for denial, an applicant may submit a written notice of appeal to the Planning Department. The notice of appeal shall be signed by the appellant or his agent and shall contain:~~

- ~~(1) An identification of the decision sought to be reviewed, including the date of decision; and~~
~~(2) A statement of the specific grounds upon which the appellant relies as a basis for appeal. Within thirty (30) days of the Planning Department receiving the notice of appeal, the Planning Department shall set the appeal as a written communication before the Planning Commission. The Planning Commission, on appeal, shall review the application for Final PUD Plan approval de novo, pursuant to the provisions of Section 10.240(G) and shall approve or deny said application. Appellant shall not have the right to a public hearing on appeal. The decision of the Planning Commission upon appeal is final.~~

10.245198 Revision or Termination of a PUD.

- A. **Revision of a Preliminary or Final PUD Plan:** The expansion or modification of a PUD approved under earlier PUD ordinances of the City or the revision of a Preliminary or Final PUD Plan shall follow the same procedures required for initial approval of a Preliminary PUD Plan in this Section, provided:
1. **Applicant for Revision; Filing Materials; Procedures:** An application to revise an approved PUD Plan shall be on forms supplied by the City Planning Department. The application form shall bear the signature of the owner(s) who control a majority interest in more than ~~fifty percent (50%)~~ of the vacant land covered by the approved PUD and who are also the owner(s) of land and improvements within the PUD which constitute more than ~~fifty percent (50%)~~ of the total assessed value of vacant portion of the PUD. For changes deemed by the Planning Director to be minor but not de minimis, the Planning Director shall exercise appropriate discretion under Section 10.235(B)190(C)(1) to limit or waive the submittal of filing materials deemed to be excessive, repetitive or unnecessary based upon the scope and nature of the proposed PUD revisions. PUD revisions shall follow the same procedures used for initial approval of a Preliminary PUD Plan.
 2. **Consolidated Procedure:** At the discretion of the Planning Director, revisions to an approved PUD Plan may be consolidated into a single procedure, the effect of which will be the approval of both a Preliminary PUD Plan and Final PUD Plan by the Planning Commission.
 3. **Burden of Proof; Criteria for Revisions:** The burden of proof and supporting findings of fact and conclusions of law for the criteria in ~~Subsections 10.235(D)190(D)~~ or ~~10.240(G)196(D)~~, as applicable, shall be strictly limited to the specific nature and magnitude of the proposed revision. However, it is further provided that the design and development aspects of the whole PUD may be relied upon in reaching findings of fact and conclusions of law for the criterion at ~~Subsection 10.235190(D)(5)~~. It is further provided that before the Planning Commission can approve a PUD Plan revision, it must determine that the proposed revision is compatible with existing developed portions of the whole PUD.
 4. **De Minimis Revisions:** Notwithstanding ~~Subsection 10.230(G)192(E)~~, the Planning Director may approve revisions to an approved Preliminary or Final PUD

Plan that ~~he/she~~they determines ~~are-is~~ de minimis. Proposed revisions shall be considered de minimis if the Planning Director determines the changes to be slight and inconsequential and will not violate any substantive provision of this Code. The Planning Director's written approval of a de minimis revision(s) shall be appended to the Final Order of the Planning Commission or Final Approval of the ~~Planning Director of the~~ Final PUD Plan. Revisions that are de minimis shall not require public notice, public hearing or an opportunity to provide written testimony. However, if, while the record is open, any party requests in writing to be notified of future de minimis revisions of a Preliminary PUD Plan, then all de minimis revisions of a Preliminary PUD Plan shall be subject to review as a ~~Class 'C' Procedure~~Type III land use action or such other procedure as may be permitted by law.

B. Termination of a PUD: A PUD may be terminated by action of the Planning Commission subject to the following procedures:

1. ~~If substantial development of the PUD~~issuance of building permits for vertical construction has not occurred or if no lots or units therein have been sold, the PUD may be terminated as provided in this Subsection ~~10.245(B)(1)~~. Termination proceedings may be initiated by filing with the City a written petition signed by the owner(s) who control a majority interest in more than ~~fifty percent (50%)~~ of the land covered by the approved PUD and which also constitutes more than ~~fifty percent (50%)~~ of the total assessed value of land and improvements of the PUD. Upon receipt of a valid petition, the Planning Commission shall consider the matter in an open meeting and shall declare the PUD terminated. The Planning Commission's termination of a PUD shall be evidenced by a Final Order declaring the same. When the Final Order is signed the PUD shall be terminated and previous PUD Plan approvals shall be considered void and of no further effect. Termination of a PUD shall not affect other land use actions taken by the City which concern the PUD property.
2. ~~If substantial development of the PUD~~issuance of building permits for vertical construction has occurred or if lots or units within the PUD have been sold, the PUD may be terminated as provided in this Subsection ~~10.245(B)(2)~~. Termination proceedings may be initiated by filing with the City a written petition signed by the owner(s) who control a majority interest in more than ~~fifty percent (50%)~~ of the vacant land covered by the approved PUD which also constitutes more than ~~fifty percent (50%)~~ of the total assessed value of vacant land within the PUD. If there is an association of owners established within the boundaries of the whole PUD, the owner(s) petitioning for termination of the PUD shall also supply the City with the correct mailing address of the association which shall be notified along with others entitled to notice under this Subsection. Upon receipt of the petition, the Planning Commission shall ~~give~~provide public notice~~notification~~ of the proposed PUD termination and conduct a public hearing on the matter. The Notice and public hearing shall be subject to Class "C" Procedure Type III procedures.

The Planning Commission shall declare the PUD terminated if it concludes that the termination will not produce greater than minimal harm to the public health, safety or general welfare. The Planning Commission's termination of a PUD shall be evidenced by a Final Order declaring the same and after the Final Order is signed the PUD shall be terminated and previous PUD Plan approvals shall be considered void and of no further effect. Termination of a PUD shall not affect other land use actions taken by the City which concern the PUD property.

10.285200 Application, Site Plan and Architectural Review.

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

B. **Site Plan and Architectural Review is Required for**: Projects which are not exempt from a **Development Permit Site Plan and Architectural Commission Review** pursuant to **Section 10.031 Subsection (C) below**, except that exterior alterations to a building or site and new construction in a Historic Overlay shall require Historic Review pursuant to **Section 10.256188**, but shall not require Site Plan and Architectural Review.

10.031C. Exemptions from the Development Permit Site Plan and Architectural Commission Review Requirement.

A1. An exemption from **the development permit requirement Site Plan and Architectural Commission (SPAC) review** does not exempt the use or development from compliance with the applicable standards of this chapter, including but not limited to access, parking, riparian protection, and landscaping.

E2. The following uses or developments do not require **a development permit SPAC review**.

(1)a. Parking lots and parking lot additions, when not associated with building construction required to be reviewed by the Site Plan and Architectural Commission, except any parking lot or parking lot additions located within a Historic Overlay requires Historic Review. (Effective Dec. 1, 2013.)

(2)b. Construction of a new building if it does not increase motor vehicle trip generation by more than **ten (10)** average daily trips, unless within a Historic Overlay, in which case, Historic Review is required for all new construction. (Effective Dec. 1, 2013.)

- (3)c. A building addition similar to the existing building in architectural style and exterior building materials and that is no more than a 20 percent or 2,500 square-foot increase in gross floor area, whichever is less, unless within a Historic Overlay, in which case, Historic Review is required for all building additions and exterior alterations. (Effective Dec. 1, 2013.)
- (8)d. Detached single-family residential development on a lot within a final platted land division or on an otherwise legally created lot, unless within a Historic Overlay, in which case, Historic Review is required for all single-family residential development. (Effective Dec. 1, 2013.)
- (9)e. Solar Photovoltaic/Solarvoltaic energy systems, as defined in ORS 757.360, except when located on historic landmarks or within historic districts, in which case the review authority shall be the Landmarks and Historic Preservation Commission.
- (10)f. One duplex dwelling divided by a lot-line or on a single, vacant lot within a final platted land division or on an otherwise legally created lot, unless within a Historic Overlay, in which case, Historic Review is required.
- (11)g. Airport accessory structure(s) including hangars, aircraft storage, maintenance facilities, warehouse storage, and office buildings to be located on airport property within the secured fence area (as shown on the Medford Zoning Map) not intended for public use.

~~CD. ___ Site Plan and Architectural Review approval and a development permit applications shall be submitted to the Planning Department required prior to the application for a building permit.~~

~~10.287 Site Plan and Architectural Review Application Form.~~

~~The application for Site Plan and Architectural Review (SPAR) shall contain the following plans, submitted in the quantity and sizes specified on the Site Plan and Architectural Review application form, including legible reduced copies of all plan documents.~~

~~A. Landscape Plan meeting the specifications and requirements in Section 10.780.~~

~~B. Building Construction Plans: A site plan and architectural plan which are clearly and legibly drawn to scale shall be provided. Building construction plans shall include north arrow, orientation of building elevations indicating full dimensions and providing the following information:~~

~~(1) Site Plan:~~

- ~~(a) Lot dimensions.~~
- ~~(b) All proposed and existing buildings and structures: location, size, height, proposed use.~~
- ~~(c) Public and private yards and open space between buildings.~~
- ~~(d) Walls and fences: location, height and material.~~
- ~~(e) Existing and proposed off-street parking: location, number, type and dimensions of spaces, parking area, internal circulation pattern.~~
- ~~(f) Access: pedestrian, vehicular, service, points of ingress and egress.~~
- ~~(g) Loading: location, dimension, number of spaces, type of space (A or B), internal circulation.~~
- ~~(h) Lighting: location and general nature, hooding devices.~~
- ~~(i) Street dedication and improvements.~~
- ~~(j) Drainage plan.~~

~~(k) Location of existing public improvements including streets, curbs, sidewalks, street trees, utility poles, light fixtures, traffic signs and signals, and such other data as may be required to permit the Site Plan and Architectural Commission to make the required findings.~~

~~(l) Location and screening of mechanical equipment.~~

~~(m) Location and screening of outdoor trash bins.~~

~~(2) Architectural Plans:~~

~~(a) Roof plan.~~

~~(b) Floor plan.~~

~~(c) Architectural elevations.~~

~~(d) Materials and Colors.~~

~~(3) A conceptual stormwater facility plan with associated landscape plan, if applicable, pursuant to Sections 10.486(B) or 10.729(B).~~

10.290E. **Site Plan and Architectural Review Approval Criteria.** The Site Plan and Architectural Commission shall approve a site plan and architectural review application if it can find that the proposed development conforms, or can be made to conform through the imposition of conditions, with the following criteria:

~~(1)1.~~ 1. The proposed development is compatible with uses and development that exist on adjacent land, and

~~(2)2.~~ 2. The proposed development complies with the applicable provisions of all city ordinances or the Site Plan and Architectural Commission has approved (an) exception(s) as provided in ~~MLDC~~ Section 10.253186.

10.291F. **Site Plan and Architectural Review Conditions of Approval.** In approving a site plan and architectural review application, the Site Plan and Architectural Commission may impose, in addition to those standards expressly specified in this code, conditions determined to be reasonably necessary to ensure compliance with the standards of the code and the criteria in Subsection 10.290(E) above, and to otherwise protect the health, safety and general welfare of the surrounding area and community as a whole. These conditions may include, but are not limited to the following:

~~(1)1.~~ 1. Limiting the number, height, location and size of signs;

~~(2)2.~~ 2. Requiring the installation of appropriate public facilities and services and dedication of land to accommodate public facilities when needed;

~~(3)3.~~ 3. Limiting the visibility of mechanical equipment through screening or other appropriate measures;

~~(4)4.~~ 4. Requiring the installation or modification of irrigated landscaping, walls, fences or other methods of screening and buffering;

~~(5)5.~~ 5. Limiting or altering the location, height, bulk, configuration or setback of buildings, structures and improvements.

~~(6)6.~~ 6. Requiring the improvement of an existing, dedicated alley which will be used for ingress or egress for a development;

~~(7)7.~~ 7. Controlling the number and location of parking and loading facilities, points of ingress and egress and providing for the internal circulation of motorized vehicles, bicycles, public transit and pedestrians;

- ~~(8)~~8. __ Requiring the retention of existing natural features;
- ~~(9)~~9. __ Modifying architectural design elements including exterior construction materials and their colors, roofline, fenestration and restricting openings in the exterior walls of structures;
- ~~(10)~~10. Restricting the height, directional orientation and intensity of exterior lighting.
- 10.292G.** Expiration of a Site Plan and Architectural ~~Commission Review A~~ approval.
- ~~(1)~~1. __ Approval of a Site Plan and Architectural Commission application shall take effect on the date the final order for approval is signed, unless appealed and shall expire two ~~(2)~~ years from the effective date. Within two ~~(2)~~ years following the effective date, ~~substantial construction~~ issuance of building permit for vertical construction must have occurred or an extension of the approval will be necessary. If a request for an extension ~~of a Site Plan and Architectural Commission application approval~~ is filed with the Planning Department within two ~~(2)~~ years from approval of the final order, the Site Plan and Architectural Commission shall grant an extension not to exceed one ~~(1)~~ additional year. Extensions shall be based on findings that the facts upon which the Site Plan and Architectural Commission application was first approved have not changed to an extent sufficient to warrant re_filing of the application. ~~All approvals made prior to the adoption of this ordinance shall expire one (1) year from the date of adoption of this ordinance, notwithstanding permitted extensions and previous phasing authorizations.~~
- ~~(2)~~2. __ When it is the developer's intent to complete an approved project in phases, the approving authority may authorize a time schedule for the issuance of building permits for a period exceeding one ~~(1)~~ year, but in no case shall the total time period for the issuance of building permits be greater than five ~~(5)~~ years without having to resubmit a new application for Site Plan and Architectural Commission review. Phases developed after the passage of one ~~(1)~~ year from approval of the Site Plan and Architectural Commission application will be required to modify the plans as necessary to avoid conflicts with changes in the *Comprehensive Plan* or this chapter.
- 10.294H.** Modifications of an Approved Site Plan and Architectural Review.
- A1.** **Major Modification.** Any modification that is not a minor modification is a major modification. When modification to an approved plan is determined to be a Major Modification, the plan shall be processed ~~in the same manner as a request for a site plan and architectural review in 10.285~~ as a Type III application for Site Plan and Architectural Review. The Planning Director may waive submittal requirements deemed unnecessary or inapplicable to the proposal.
- B2.** **Minor Modification.** A minor modification to an approved plan may be made by the Planning Director provided the Planning Director can make the determination that the modification does not constitute a major modification. A minor modification shall meet all of the following standards:
- ~~(1)~~a. Meets the exemption standards of ~~10.031~~ Subsection (C) above.
- ~~(2)~~b. No increase in the number of dwelling units.

- ~~(3)~~c. The amount of open space or landscaping is decreased by no more than 10% of the previously approved area, provided the resulting area does not drop below the minimum standards as required by the code.
- ~~(4)~~d. No relocation of vehicle access points and parking areas where the change will generate an impact that would adversely affect off-site or on-site traffic circulation.
- ~~(5)~~e. No reduction or elimination of any project amenities such as recreational facilities, significant natural resources (streams, creeks, landforms), fencing and other screening material.
- ~~(6)~~f. Modifications to facilities and utilities conform to the adopted facility plans.
- ~~(7)~~g. Modifications to any other components of the plan conform to standards of the ~~Land Development~~ Code.
- ~~(8)~~h. No modification to any condition of approval.

~~10.296~~l. **Issuance of Building Permits, Consistent with Site Plan and Architectural Review Approval.** All applications for a building permit, wherein ~~s~~Site ~~p~~Plan and ~~A~~Architectural ~~R~~Revue has been required, shall be consistent with the ~~site and architectural~~ plans as approved and all conditions of approval imposed thereon and shall be accompanied by an accurate and correct site plan.

- A1. Security for Completion of Public Improvements:** If all required public improvements, as specified in the conditions of site plan and architectural review approval, have not been satisfactorily completed before issuance of a building permit, the developer shall enter into a written agreement (provided by the City) to secure full and faithful performance thereof, according to Sections 10.666 and 10.667(A) respectively.
- B2. Agreement for Completion of Private Improvements:** (for projects with signed agreements prior to January 1, 2015): The following regulations shall apply to all Building Site Improvement Agreements (BSIA) signed prior to January 1, 2015. After said date, the provisions of Building Site Improvement Agreements (BSIA) shall no longer be used as a means to ensure the completion of private improvements. If all required private improvements, as specified in the conditions of site plan and architectural review approval, have not been satisfactorily completed before issuance of a building permit, the permit shall not be issued unless the owner and all other parties having an interest in the property enter into a written and recorded agreement, called a Building Site Improvement Agreement (BSIA), (provided by the City) with the City. The agreement shall be in a form acceptable to the City Attorney and shall specify that, within six ~~(6)~~ months after signing the agreement or such longer time period as specified by the Site Plan and Architectural Commission, all improvement work shall be completed according to the approved plans. The Planning Director or other person designated by the City Manager shall sign the agreement on behalf of the City.
- a. Extension.** If a request for an extension of a Building Site Improvement Agreement is filed with the Planning Department within six ~~(6)~~ months after signing the agreement, the Planning Director may grant an extension not to exceed six ~~(6)~~ additional months. Extensions shall be based on findings that the extension is necessary for good cause, such as: circumstances beyond the developer's control that are causing delay in completing private improvements (i.e., ODOT work, weather-related delays, building permit delays), so long as no applicable development standards have changed.
- b. Procedure and Enforcement.** The agreement shall be recorded in the Official Records of Jackson County, and once recorded, the burdens of the agreement shall run with the title of the affected property. The property affected by the agreement shall be the property depicted on the approved site plan. The agreement shall provide that, if the work is not completed in accordance with its terms within the allotted time, the property may not thereafter be occupied or used until all deficiencies are corrected. The agreement shall provide for enforcement by the City through a civil suit for injunction and provide that the prevailing party shall be awarded costs and reasonable attorney's fees. When made in substantial compliance with this section, such an agreement shall be enforceable according to its terms, regardless of whether it would be enforceable as a covenant at common law.

c. Satisfaction. Once improvements have been satisfactorily completed according to the approved plans, a Satisfaction of Building Site Improvement Agreement shall be signed by the Planning Director or other person designated by the City Manager. The agreement shall be recorded in the Official Records of Jackson County.

10.265202 Application, Land ~~D~~Subdivisions Tentative Plat.

A. Application. The ~~partitioning or~~ subdividing of land shall be subject to the application requirements as herein set forth and shall include both the tentative and final platting requirements. The approval of a tentative plat is a ~~procedural Class "C" quasi-judicial decision~~ **Type III procedure**, with the Planning Commission being the approving authority. Final plat approval is a **Type I ministerial action procedure** which relies on compliance with the requirements established at the time of tentative plat approval, and on the requirements set forth in ~~Code Sections 10.273-158, Final Plat Approval Required, through 10.280, Action and Decision Time: Final Plat.~~

10.266B. Application for Tentative Plat.

~~Twenty five (25) copies of t~~The tentative plat for each proposed land division shall be filed with the Planning Department. ~~Additional copies may be requested for the transmittal to the designated official of any affected local agency which has requested the same as provided in ORS 92.044.~~

10.267C. Form of Tentative Plat and Accompanying Data. All tentative plats shall be clearly and legibly drawn on tracing paper of good quality and prepared by a civil engineer or land surveyor registered in the State of Oregon. It shall have a dimension of not less than ~~eighteen (18) inches by twenty-four (24) inches~~, and the scale shall be as follows: One ~~(1)~~ inch shall be equal to ~~fifty (50) feet~~ for ~~twenty (20) acres~~ or less, and one ~~(1)~~ inch shall be equal to ~~one hundred (100) feet~~ for all divisions of land over ~~twenty (20) acres~~ in area. The tentative plat shall contain the following data:

- ~~(1)~~**1.** Proposed land division name (if a subdivision), date, north arrow, scale, total acreage, and sufficient legal information to define the boundaries of the proposed development.
- ~~(2)~~**2.** A key map located in the upper right hand corner identifying the location of the development relative to section and township lines and to adjacent property and major physical features such as streets, railroads, and waterways.
- ~~(3)~~**3.** Names of abutting property owners on all sides, names and widths of adjoining rights-of-way, topographic features and all public improvements on adjacent property located within 200 feet of the project boundary.
- ~~(4)~~**4.** Name and address of the owner(s) of record, developer, and engineer or land surveyor registered in the State of Oregon who prepared the tentative plat.
- ~~(5)~~**5.** Locations, names, widths, approximate intersection angle, centerline radii, center line slopes, and improvement section of all streets, highways and other ways in the proposed project.
- ~~(6)~~**6.** Number of lots, dimensions of lots (to the nearest foot), including frontage, width, and area (to the nearest ~~fifty (50) square feet~~).
- ~~(7)~~**7.** Location and height of all existing structures to remain on property and distance from proposed property lines.

- ~~(8)~~8. Location and character of all easements existing and proposed by the developer for drainage, sewage and public utilities.
- ~~(9)~~9. Five ~~(5)~~ foot topographic contours describing the area. Where the grade of any part of the proposed land division exceeds ~~ten percent (10%)~~, or where the development abuts existing developed lots, an overall conceptual grading plan shall be required showing features adjacent to the development within a reasonable distance therefrom which could affect said project. Where a conceptual grading plan is required it shall show how runoff of surface water from individual lots will be achieved and the ultimate disposal of all development surface waters. All topographic information shall be based on city data.
- ~~(10)~~10. A conceptual stormwater facility plan with associated landscape plan, if applicable, pursuant ~~to~~ Sections 10.486(B) or 10.729(B).
- ~~(11)~~11. Location of all creeks, streams and other watercourses, showing top of existing bank and areas subject to inundation as shown on the latest Federal Flood Rate Insurance Maps.
- ~~(12)~~12. Existing wells and irrigation canals, active or abandoned, and proposed disposition.
- ~~(13)~~13. Public or common area proposed, if any.
- ~~(14)~~14. The approximate distance to, and location of, the nearest sanitary sewer main.
- ~~(15)~~15. Name of the irrigation district, if any, within which the project is located and whether it is currently being assessed.
- ~~(16)~~16. Name of the school district within which the project is located.
- 10.269D.** Expiration of Tentative Plat ~~A~~ Approval.
- ~~(1)~~1. Approval of a tentative plat application shall take effect on the date the final order for approval is signed, unless appealed, and shall expire two ~~(2)~~ years from the effective date unless the final plat has been approved by the Planning Director pursuant to Sections ~~10.276~~158 ~~–10.280~~. If a request for an extension of a tentative plat application approval is filed with the Planning Department within two ~~(2)~~ years from the date of the final order, the Planning Commission shall grant an extension not to exceed one ~~(1)~~ additional year. Extensions shall be based on findings that the facts upon which the tentative plat application was first approved have not changed to an extent sufficient to warrant re-filing of the application. ~~All approvals made prior to the adoption of this ordinance shall expire one (1) year from the date of adoption of this ordinance, notwithstanding permitted extensions and previous phasing authorizations.~~
- ~~(2)~~2. When it is the developer's intent to record and develop a tentatively platted land division in phases, the ~~approving authority~~Planning Commission may authorize a time schedule for platting the various phases in periods exceeding one ~~(1)~~ year, but in no case shall the total time period for platting all phases be greater than five ~~(5)~~ years without having to re-submit the tentative plan. Phases platted after the passage of one ~~(1)~~ year from approval of the tentative plat will be required to modify the tentative plat as necessary to avoid conflicts with changes in the Comprehensive Plan or this chapter.
- 10.270E.** Land Division Approval 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)~~1. ___ Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, including Neighborhood Circulation Plans, and all applicable design standards set forth in Articles IV and V;
- ~~(2)~~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)~~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)~~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~~ Planning Commission determines it is in the public interest to modify the street pattern;
- ~~(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;
- ~~(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.

~~10.225~~ 10.204 ~~Application, Zone Change,~~

A. Zone Change Initiation. A zoning district boundary change may be initiated by the Planning Commission either on its own motion or at the request of the City Council, or by application of the property owner(s) in the area subject to the zone change.

~~10.226~~ Application Form.

~~A zone change application shall contain the following items:~~

- ~~(1) Vicinity map drawn at a scale of 1" = 1,000' identifying the proposed area of change.~~
- ~~(2) Assessor's map with proposed zone change area identified.~~
- ~~(3) Legal description of area to be changed. — Legal description shall be prepared by a licensed surveyor or title company.~~
- ~~(4) Property owner'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 representative addressing the criteria for zone changes as per Section 10.227, Zone Change Criteria.~~

10.227B. Zone Change Approval Criteria. The ~~approving authority~~ (Planning Commission) shall approve a quasi-judicial, minor zone change if it finds that the zone change complies with subsections (1) and (2) below:

~~(1)~~ 1. The proposed zone is consistent with the Transportation System Plan (TSP) and the General Land Use Plan Map designation. A demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule.

2. Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections ~~(12)~~(a), ~~(12)~~(b), ~~(12)~~(c), or ~~(12)~~(d). Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria below.

~~(a)~~ a. For zone changes to SFR-2, the zoning shall be approved under either of the following circumstances:

- (i) ___ if at least ~~seventy percent~~ (70%) of the area proposed to be re-zoned exceeds a slope of ~~fifteen percent~~ (15%),
- (ii) ___ if other environmental constraints, such as soils, geology, wetlands, and flooding, restrict the capacity of the land to support higher densities.

~~(b)~~ b. For zone changes to SFR-6 or SFR-10 where the permitted density is proposed to increase, one ~~(1)~~ of the following conditions must exist:

- (i) ___ At least one ~~(1)~~ parcel that abuts the subject property is zoned the same as the proposed zone, either SFR-6 or SFR-10 respectively; or
- (ii) ___ The area to be re-zoned is five ~~(5)~~ acres or larger; or
- (iii) ___ The subject property, and any abutting parcel(s) that is(are) in the same General Land Use Plan Map designation and is(are) vacant, when combined, total at least five ~~(5)~~ acres.

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

- (i) ___ The overall area of the C-N zoning district shall be three ~~(3)~~ acres or less in size and within, or abutting on at least one ~~(1)~~ boundary, with residential zoning. In determining the overall area, all abutting property(s) zoned C-N shall be included in the size of the district.
- (ii) ___ The overall area of the C-C zoning district shall be over three ~~(3)~~ acres in size and shall front upon a collector or arterial street or state highway. In determining the overall area, all abutting property(s) zoned C-C shall be included in the size of the district.
- (iii) ___ The overall area of the C-R zoning district shall be over three ~~(3)~~ acres in size, shall front upon an arterial street or state highway, and shall be in a centralized location that does not otherwise constitute a neighborhood shopping center or portion thereof. In determining the overall area, all abutting property(s) zoned C-R shall be included in the size of the district. The C-R zone is

ordinarily considered to be unsuitable if abutting any residential zones, unless the applicant can show it would be suitable pursuant to ~~(12)~~(e) below.

- (iv) ___ The C-H zone shall front upon an arterial street or state highway. The C-H zone may abut the General Industrial (I-G), Light Industrial (I-L), and/or any commercial zone. The C-H zone is ordinarily considered to be unsuitable if abutting any residential ~~and or~~ I-H zones, unless the applicant can show it would be suitable pursuant to ~~(12)~~(e) below.

~~(d)~~d. ___ For zone changes to any industrial zoning district, the following criteria shall be met for the applicable zoning sought:

- (i) ___ The I-L zone may abut residential and commercial zones, and the General Industrial (I-G) zone. The I-L zone is ordinarily considered to be unsuitable when abutting the Heavy Industrial (I-H) zone, unless the applicant can show it would be suitable pursuant to ~~(12)~~(e) below.

- (ii) ___ The I-G zone may abut the Heavy Commercial (C-H), Light Industrial (I-L), and the Heavy Industrial (I-H) zones. The I-G zone is ordinarily considered to be unsuitable when abutting the other commercial and residential zones, unless the applicant can show it would be suitable pursuant to ~~(12)~~(e) below.

- (iii) ___ The I-H zone may abut the General Industrial (I-G) zone. The I-H zone is ordinarily considered to be unsuitable when abutting other zones, unless the applicant can show it would be suitable pursuant to ~~(12)~~(e) below.

~~(e)~~e. ___ For purposes of ~~(12)~~(c) and ~~(12)~~(d) above, a zone change may be found to be "suitable" where compliance is demonstrated with one ~~(1)~~ or more of the following criteria:

- (i) ___ The subject property has been sited on the General Land Use Plan Map with a GLUP Map designation that allows only one ~~(1)~~ zone;

- (ii) ___ At least ~~fifty percent (50%)~~ of the subject property's boundaries abut zones that are expressly allowed under the criteria in ~~(12)~~(c) or ~~(12)~~(d) above;

- (iii) ___ At least ~~fifty percent (50%)~~ of the subject property's boundaries abut properties that contain one~~(1)~~ or more existing use~~(s)~~ which are permitted or conditional use~~(s)~~ in the zone sought by the applicant, regardless of whether the abutting properties are actually zoned for such existing use~~(s)~~; or

- (iv) ___ Notwithstanding the definition of "abutting" in Section 10.012 and for purposes of determining suitability under Subsection ~~(12)~~ (e), the subject property is separated from the "unsuitable" zone by a public right-of-way of at least ~~sixty (60)~~ feet in width.

~~(f)~~f. ___ For zone changes to apply or to remove ~~the an~~ overlay zones (Limited Industrial, Exclusive Agricultural, Freeway, Southeast, Historic) the crite-

ria can be found in the applicable overlay section (Sections 10.345 through 10.413).

~~(2)~~3. It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in Section 10.462 as well as the Public Facilities Element and Transportation System Plan in the Comprehensive Plan.

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

~~(b)~~b. Adequate streets and street capacity must be provided in one ~~(1)~~ of the following ways:

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

(ii) Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or

(iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one ~~(1)~~ proposed or anticipated ~~development~~ land use, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one ~~(1)~~ of the following occurs:

(a) the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two ~~(2)~~ years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or

(b) ~~when~~ an applicant funds the improvement through a reimbursement district pursuant to the ~~MLDC~~ Section 10.432. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.

(iv) ___ When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.

~~(e)~~c. ___ In determining the adequacy of Category A facilities, the ~~approving authority~~ (Planning Commission) may mitigate potential impacts through the imposition of special development conditions, stipulations, or restrictions attached to the zone change request. Special development conditions, stipulations, or restrictions shall be established by deed restriction or covenant, ~~which and~~ must be recorded at the County Recorder's office with proof of recordation returned to the Planning Department. Such special development conditions shall ~~and may~~ include, but are not limited to the following:

- (i) ___ ~~Restricted Zoning is a~~ restriction of uses by type or intensity; ~~however, i~~ In cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development, on the subject property or adjacent parcels. In no case shall residential densities be approved ~~which that~~ do not meet minimum density standards;
- (ii) ___ Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule;
- (iii) ___ Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.

10.228C. **Removal of Special Development Conditions on Zone Changes and General Land Use Plan (GLUP) Map Amendments.** Deed restrictions, covenants, or conditions of approval on zone changes established in order to comply with Section 10.227204, or General Land Use Plan (GLUP) Map amendments established in order to comply with Section 10.184220, shall only be removed by the following actions:

~~(1)~~1. ___ If an improvement is made to any facility that was lacking adequacy, or if a level of service standard is changed so that the facility is now determined to be adequate, the property owner(s) may submit a letter to the Planning Department requesting that development conditions be removed. If the ~~department~~ Planning Director agrees that the facility is adequate and the condition(s) is no longer necessary, the special development condition can be removed. The letter, ~~with the approval signature of~~ signed by the ~~department~~ Planning Director, shall be appended to the original approval resolution or ordinance. In making the determination of facility adequacy, the ~~department~~ Planning Director may ask the property owner(s) for information to demonstrate facility adequacy.

- (2)2. For Zone Change: If the development condition is not removed through the method described in (1) above, the condition may be removed pursuant to a Type III minor zone change procedure.
- (3)3. For GLUP Map Amendments: If the development condition is not removed through the method described in (1) above, the condition may be removed pursuant to a Type IV Comprehensive Plan Map Amendment procedure.

TYPE IV APPLICATIONS (10.214 – 10.226)

~~10.180~~214 Class "A" Type IV Land Use Actions.

A. Type IV Actions. ~~Class "A" actions comprise the following plan authorizations that involve such a substantial area and number of property owners or such broad public policy changes that administrative processing would be inappropriate.~~ Type IV actions comprise the following plan authorizationsland use reviews:

- ~~(1) Major Comprehensive Plan Amendments;~~
- ~~(2) Code Amendments;~~
- ~~(3) Major Zoning Map Amendments;~~
- ~~(4) Any other change deemed legislative.~~

~~10.185~~ Class "B" Actions.

~~Class "B" actions comprise the following plan authorizations:~~

- ~~(1) Minor Comprehensive Plan Amendment~~
- ~~(2) Annexation, except as provided in Section 10.199~~
- ~~(3) Vacation~~
- ~~(4) Transportation Facility Development~~

Type IV Land Use Application
Annexation, except as provided in Section 10.216
Land Development Code Amendment
Major Comprehensive Plan Amendment
Major General Land Use Plan Map Amendment
Major Urban Growth Boundary Amendment
Major Zoning Map Amendment
Minor Comprehensive Plan Amendment
Minor General Land Use Plan Map Amendment
Minor Urban Growth Boundary Amendment
Transportation Facility Development
Vacation of Public Right-of-Way

~~10.181~~ Initiation of Class "A" Actions, General.

B. ~~Class "A" authorizations~~ Major Type IV land use reviews including amendments to the Land Development Code are legislative actions and may only be initiated by the Planning Commission or City Council. ~~Class "A" amendments are legislative actions and include adoption or revisions of:~~

- ~~(1) — The following components of the Medford Comprehensive Plan:~~
- ~~(a) — General Land Use Plan Map, major.~~
- ~~(b) — Comprehensive Plan Elements.~~
- ~~(c) — Goals, policies, conclusions, or implementation strategies.~~
- ~~(d) — Special area plans or neighborhood circulation plans.~~
- ~~(e) — Significant resource inventories.~~
- ~~(f) — Transportation System Plans:
Street Functional Classification Plan
Bicycle Facilities Plan
Major Pedestrian Facilities Plan
Major Transit Routes and Stops
Designated Truck Routes~~
- ~~(g) — By reference, separate functional plans, such as public facility plans (parks, sewer, stormwater, etc.) and capital improvement plans.~~
- ~~(h) — Urban Growth Boundary.~~
- ~~(i) — Review and Amendments chapter.~~
- ~~(j) — Urban Reserve.~~
- ~~(k) — Urban Reserve Management Agreement (URMA) between City and County.~~
- ~~(l) — Urban Growth Boundary Management Agreement (UGMA) between the City and County.~~
- ~~2. — Land Development Code.~~
- ~~3. — Zoning Map, major.~~

See Review & Amendments chapter of the Comprehensive Plan for definitions of "major" and "minor."

~~**10.190 Application, Minor Comprehensive Plan Amendment.**~~

~~A minor revision to the Comprehensive Plan is one typically focused on specific individual properties and therefore considered quasi-judicial. Applications for minor Comprehensive Plan amendments shall contain the information as herein required.~~

~~**10.186 Application, General.**~~

~~**C. Minor Type IV land use reviews including Annexations, Transportation Facility Developments and Vacations are quasi-judicial actions and Applications for Class "B" plan authorizations may be initiated by the Planning Commission, City Council, or property owners representing the subject area. An exception to the preceding rule is that the Planning Commission does not initiate annexations.**~~

~~Class "B" procedural applications shall be submitted to the Planning Department and shall consist of the materials specified for each type Class "B" procedural application as set out below.~~

~~Upon submittal of the application to the Planning Department, the date of submission shall be indicated on each copy of the materials submitted. Within thirty (30) working days from the date of submission, the Planning Department shall determine whether the application as submitted, along with the required information, is complete as per this chapter.~~

~~If it is determined that the application is incomplete or otherwise does not conform to the provisions of this chapter, the Planning Department shall notify the applicant. An application which has been refused for non-compliance with this code may be resubmitted to the planning department when such application complies with this code.~~

~~At the time of acceptance of the application, the Planning Department shall indicate on the application the date of acceptance.~~

~~10.187 Class "B", Referral and Review.~~

~~Within five (5) working days of accepting a Class "B" application, the Planning Department shall transmit one (1) copy of the application or appropriate sections thereof to each referral agency for review and comment as specifically required of each type of Class "B" application. If a referral agency does not comment within thirty (30) working days, then the referral agency is assumed to have no comment and standard conditions of development will be applied. If requested in writing, by a referral agency or the applicant, an extension of thirty (30) working days may be granted.~~

~~Upon conclusion of the thirty (30) day comment period, the Planning Department shall study and investigate the request and prepare a Staff Report setting forth a recommended action based on compliance with the Comprehensive Plan and this chapter and also setting forth conditions of development as recommended by the referral agencies.~~

~~Except in the case of annexation, the advisory agency (Planning Commission) shall consider the request and Staff Report and make a recommendation to the approving authority (City Council). For an annexation, the City Council makes a decision without recommendation by the Planning Commis~~

~~10.165 Class "B" Action and Decision Time.
After acceptance of an application, the approving authority (City Council) shall approve, approve with conditions, or deny the request.~~

D. Type IV Action and Decision Time Approving Authorities. For Type IV actions the City Council is the approving authority and the Planning Commission acts as an advisory body to City Council. At a public hearing the Planning Commission will consider the request and make a recommendation to City Council to approve or deny the request. For annexations, the City Council makes a decision without a recommendation from the Planning Commission. ~~10.164 Class "A", Action and Decision Time.~~ Following completion of a recommendation by the ~~advisory agency (Planning Commission), the it request~~ shall be scheduled for a public hearing before the City Council. ~~10.165~~ The decision of the ~~approving agency (City Council)~~ shall be based upon the application, the evidence, comments from ~~the referral agencies,~~ comments from affected property owners (if any), the Planning Commission's recommendation (if applicable), and compliance with the Statewide Planning Goals and Guidelines, ~~and with~~ this code and the Comprehensive Plan.

10.216 Annexation.

A. Annexation is the action taken to incorporate land into a city. The state requires annexation of property that is contiguous to city limits and within the city's Urban Growth Boundary.

~~10.195B.~~ Application for Annexation. Except for the annexation of unincorporated territory surrounded by the city as provided in Subsection 10.199(E) below, applications for annexation shall, in addition to requirements contained ~~herein~~ in the application form, be subject to the provisions of ORS 222.111 to 222.180 or 222.840 to 222.915.

~~10.196~~ **Application Form.**

~~An application for annexation shall contain the following information:~~

- ~~(1) Vicinity Map drawn at a scale of 1" = 1,000' identifying the proposed area of annexation and existing city limits.~~
- ~~(2) Assessor's Maps of the proposed annexation area. The assessor's maps shall have identified those parcels for which consents to annex have been acquired and adjacent right-of-way to be annexed.~~
- ~~(3) Consent to annex forms completed and signed by all consenting property owners within the proposed annexation area.~~
- ~~(4) Legal metes and bounds or lot and block description of the annexation area including to the centerline of the adjacent right of way in electronic form per the instructions of the City of Medford Planning Department.~~
- ~~(5) Specific information on each parcel within the proposed annexation area:
 - ~~(a) Current assessed valuation shown on County Assessor's tax rolls.~~
 - ~~(b) Acreage of both public and private property to be annexed.~~
 - ~~(c) Map and tax lot number.~~~~
- ~~(6) Addresses of all dwelling units and businesses located within the annexation area and names of all residents and whether they are registered voters.~~
- ~~(7) The following information shall be supplied by the applicant:
 - ~~(a) Existing land uses within annexation area.~~
 - ~~(b) Existing zoning within the annexation area.~~
 - ~~(c) Existing improvements:
 - ~~-water system~~
 - ~~-streets~~
 - ~~-sanitary sewer~~
 - ~~-storm drainage~~~~
 - ~~(d) Special Districts within the area:
 - ~~-water district~~
 - ~~-irrigation district~~
 - ~~-fire district~~
 - ~~-school district~~
 - ~~-Rogue Valley Sewer Services~~
 - ~~-other~~~~
 - ~~(e) A completed Census Information Sheet for all parcels being considered for annexation.~~
 - ~~(f) Written findings indicating compliance with all of the annexation criteria 1 through 3 contained in Section 10.197, Annexation Criteria.~~~~
- ~~(8) Property owners' (and agents') names, addresses and map and tax lot numbers within 200 feet of the subject site, typed on mailing labels.~~

10.197

C. Annexation Approval Criteria. The City Council must find that the following State requirements are met in order to approve an annexation:

1. The land is within the City's Urban Growth Boundary,
2. The land is contiguous to the current city limits, and

3. Unless the land being considered for annexation is enclaved by the City or the City chooses to hold an election, a majority of the land owners and/or electors have consented in writing to the annexation per ORS 222.125 or ORS 222.170.

~~10.198~~D. **Zoning of Annexed Property.** At the time of annexation, the City ~~will~~ shall apply a City zoning designation comparable to the previous County zoning designation. Where no comparable City zoning designation exists, the SFR-00 (Single-Family Residential – one dwelling unit per existing lot) zone or the I-OO (Limited Industrial Overlay) ~~will~~ shall be applied.

~~10.199~~E. **Annexation of Territory Surrounded by the City.**

- ~~(1)~~1. As authorized in ORS 222.750, the City Council may, by ordinance, annex territory surrounded by the corporate boundaries of Medford with or without the consent of any owner of property within the territory or resident of the territory.
- ~~(2)~~2. Such annexation may be initiated at the request of the Planning Department or City Council and shall not be subject to the requirements of Sections ~~10.122, 10.146, 10.150, 10.157, 10.158, 10.185 to 10.187, or 10.196 to 10.198~~ 10.106, 10.110(D), 10.112, 10.124, 10.214, and 10.216.
- ~~(3)~~3. A public hearing shall be held prior to the Council's adoption of an ordinance for annexation.
- ~~(4)~~4. Prior to the public hearing, notification shall be mailed to all owners of property within the area proposed for annexation ~~no later than twenty (20) days prior to the public hearing.~~
5. For property that is zoned for, and in, residential use when annexation is initiated by the City, the City shall specify an effective date for the annexation that is at least three years and not more than 10 years after the date the City proclaims the annexation approved.
6. The City shall notify the Jackson County Clerk of the territory subject to delayed annexation not sooner than 120 days and not later than 90 days before the annexation takes effect.

~~10.184~~10.218 **Land Development Code Amendment Approval Criteria.**

~~(2) Land Development Code Amendment.~~—The Planning Commission shall base its recommendation and the City Council its decision on the following criteria:

- A. Explanation of the public benefit of the amendment.
- B. The justification for the amendment with respect to the following factors:
1. Conformity with goals and policies of the Comprehensive Plan considered relevant to the decision.
 2. Comments from applicable referral agencies regarding applicable statutes or regulations.
 3. Public comments.
 4. Applicable governmental agreements.

~~10.184~~220 **Class "A" Major Type IV Amendments**

A. Major Type IV Amendments are those land use changes that have widespread and significant impact beyond the immediate area, such as changes capable of producing large

volumes of traffic, changes to the character of the land use itself, or changes that affect large areas or involve many different ownerships. Major Type IV Amendments include:

1. Major Comprehensive Plan, including separate plans adopted by reference;
2. Major General Land Use Plan Map;
3. Major Urban Growth Boundary;
4. Major Zoning Map Amendment;
4. Urban Reserves;
5. Urban Growth Management Agreement; or
6. Urban Reserve Management Agreement.

B. Major Type IV Amendment Approval Criteria. ~~(1) Comprehensive Plan Amendment.~~

Refer to the Review and Amendment section of the Comprehensive Plan, except in the case of the ~~two~~ following three actions:

- ~~(3)~~1. Major Zoning Map Amendment. ~~Major. The Planning Commission shall base its recommendation and the City Council its decision on the same criteria as in subsection (2) preceding. Refer to the approval criteria for Land Development Code Amendments in Section 10.218.~~
- ~~(a)~~2. Urban Growth Boundary Amendment. Refer to Urbanization Element of the Comprehensive Plan.
- ~~(b)~~3. Urban Reserve Adoption/Amendment. Refer to ORS 1957.137-145 and OAR 660-021.

10.190222 Application, Minor Comprehensive Plan Type IV Amendments.

A. ~~A minor revision to the Comprehensive Plan is one~~ Minor Type IV Amendments typically focused on specific individual properties and are therefore considered quasi-judicial. ~~Applications for minor Comprehensive Plan amendments shall contain the information as herein required. Minor Type IV Amendments include:~~

1. Minor Comprehensive Plan Amendment;
2. Minor General Land Use Plan Map Amendment;
3. Minor Urban Growth Boundary Amendment;
4. Transportation Facility Development; or
5. Vacation of Public Right-of-Way.

10.191 Application Form.

An application for a minor Comprehensive Plan amendment shall contain the following items:
(1) ~~A vicinity map drawn at a scale of 1" = 1,000' identifying the proposed area to be changed on the General Land Use Map.~~

(2) ~~Written findings which address the following:~~

- ~~(a) Consistency with applicable Statewide Planning Goals.~~
- ~~(b) Consistency with the goals and policies of the Comprehensive Plan.~~
- ~~(c) Consistency with the applicable provisions of the Land Development Code.~~

10.192

B. Minor Comprehensive Plan Type IV Amendment Approval Criteria. For minor amendments to the Comprehensive Plan, General Land Use Plan Map, or Urban Growth Boundary ~~R~~refer to the Review and Amendment section of the Comprehensive Plan. For

Transportation Facility Development approval criteria refer to Section 10.224(B). For the approval criteria for Vacation of Public Right-of-Way refer to Section 10.226(B).

~~10.205~~**224 Application**—Transportation Facility Development.

A. Where the City intends to improve a new or existing street and the improvement is to be built with public funds, the improvement standards set forth in this code are not binding on the City and the City Council may authorize such exceptions to the standards as it deems proper in the exercise of its sole and absolute discretion without regard to the exceptions process of Section 10.251~~186~~. However, the City shall follow the procedure prescribed ~~below in Sections 10.206 through 10.208~~ through this Subsection (10.224) in authorizing such projects. ~~All transportation projects must be consistent with the adopted Transportation System Plan (TSP).~~ Land use issues decided at the time of approval of the Transportation System Plan (TSP) do not have to be reexamined at the time of project development.

~~Land use issues decided at the time of approval of the TSP do not have to be reexamined at the time of project development.~~

~~10.206~~—**Application Form.**

~~Preliminary plans required for the transportation facility approval process shall show the following items:~~

- ~~(1) The location and alignment of the project.~~
- ~~(2) The number of street lanes, bike lanes or sidewalks as applicable.~~
- ~~(3) The extent or limits of such work.~~
- ~~(4) Any exceptions to the design standards established in Sections 10.437 through 10.455.~~

~~The City shall cause to be prepared six (6) copies of preliminary project plans which shall be filed with the Planning Department. Additional copies may be required for transmittal to local agencies which may be affected by the street improvement.~~

~~10.207~~**B.** Transportation Facility Development Approval Criteria. Preliminary plans for transportation facility development projects shall be consistent with the following criteria:

- ~~(1)~~**1.** Transportation facility development projects shall be consistent with the Transportation Goals and Policies of the Comprehensive Plan.
- ~~(2)~~**2.** Transportation facility projects should not prevent development of the remainder of the property under the same ownership or development of adjoining land.
- ~~(3)~~**3.** If the project includes the creation of new streets, such streets should be laid out to conform ~~with~~ to the plats of land divisions already approved for adjoining property.

~~10.205~~ * * * **4.** All transportation projects must be consistent with the adopted Transportation System Plan (TSP).

~~10.208~~**C.** City Council Action on Transportation Facility Development. ~~The City Council shall hold a quasi-judicial public hearing to review the preliminary project plan and the Planning Commission report and shall adopt a~~ The resolution or ordinance approving, modifying or disapproving such ~~preliminary plan(s).~~ The resolution or ordinance ~~development~~ shall identify all exceptions to the design and improvement standards of this

Code which are being authorized. ~~The resolution or ordinance shall contain findings demonstrating compliance with the Comprehensive Plan and the Transportation System Plan.~~ The City Engineer shall prepare detailed final construction plans and specifications in accordance with such resolution and solicit bids for the construction of the improvements.

10.226 Vacation of Public Right-of-Way.

A. Vacations of public rights-of-way are a means of returning ownership of unneeded public streets and alleys to adjacent property owners. Vacations of plats and public utility easements (PUEs) are a means of removing unnecessary easements or plat designations from a parcel of land.

10.200B. Application, Vacation of Public Right-of-Way Application. A request to vacate a public street, alley, easement, plat, or public place shall, in addition to the requirements contained herein, be subject to ORS Chapter 271.

C. Vacation of Public Right-of-Way Initiation.

Vacations of public rights-of-way shall be initiated either by petition under ORS 271.080 or by City Council under ORS 271.130.

10.201 Application Form.

~~Petitioners or persons requesting a vacation shall file an application containing the following items:~~

- ~~(1) Vicinity Map drawn at a scale of 1" = 1,000' identifying the proposed area of vacation.~~
- ~~(2) Legal description of area proposed to be vacated in electronic form per the instructions of the City of Medford Planning Department.~~
- ~~(3) A letter requesting City Council initiation, or, if initiated by petition rather than by Council, consent to vacate forms completed and signed by owners of all abutting property and of not less than two thirds in area of the real property affected as defined in ORS 271.080~~
- ~~(4) Assessor's maps of the proposed vacation area identifying abutting and affected properties. The assessor's maps shall identify those parcels for which consents to vacate have been acquired.~~
- ~~(5) Names and addresses of property owners within the area of a plat vacation or all abutting property and all attached real property within 200 feet laterally and 400 feet beyond the terminus of each right of way to be vacated, including map and tax lot numbers typed on mailing labels.~~
- ~~(6) Findings that address the approval criteria in Section 10.202, Vacation Criteria.~~

10.202D. Vacation of Public Right-of-Way Approval Criteria. A request to vacate shall only be approved by ~~the approving authority (City Council)~~ when the following criteria have been met:

- ~~(1)~~**1.** Compliance with the Public Facilities Element of the Comprehensive Plan, including the Transportation System Plan.
- ~~(2)~~**2.** If initiated by petition under ORS 271.080, the findings required by ORS 271.120.
- ~~(3)~~**3.** If initiated by the Council, the applicable criteria found in ORS 271.130.

Exhibit B

Proposed Amendment – Affected Sections

(Deleted text is ~~struck-through-and-red~~, new text is blue and underlined, text moved to a new location is double underlined and green.)

AFFECTED SECTIONS

ARTICLE I

10.012 Definitions, Specific.

When used in this chapter, the following terms shall have the meanings as herein ascribed:

* * *

Appeal. A means of obtaining review of a decision, determination, order, or failure to act pursuant to the terms of this chapter as expressly authorized by the provisions of Article II, Sections 10.148, 10.165 and 10.174 ~~10.051, Appeals.~~

* * *

Approving Authority. The designated official or official body charged with the duty of investigating and reporting on the design, improvement and use of proposed developments of real property, the imposing of requirements or conditions thereon and the authority to approve, conditionally approve or disapprove development permits and ~~plan authorizations~~ land use reviews as per this chapter.

* * *

Development permit. The written acknowledgment by the city that a specific development proposal has complied with all required ~~plan authorizations~~ land use reviews determined necessary for development.

* * *

Exceptions. Permission to depart from the literal requirements of this code granted pursuant to Article II, Section 10. ~~186251, Application for Exceptions.~~

* * *

Land Development Committee. A land use/development review and advisory committee comprised of representatives from all referral agencies as identified in Article II, Section 10.445110.

* * *

Planned Unit Development (PUD). A planned unit development (PUD) is any development approved by the City under Sections 10.230190 through 10.198 or under earlier PUD ordinances of the City.

* * *

Site plan. A plan, prepared to scale, showing accurately and with complete dimensioning, all of the uses as required by Article II, Section 10.287, Application General in the land use review applications.

* * *

Street, private. A street providing public access to more than one lot. It is a separate tax lot that is owned and maintained by private parties. Private streets are only allowed in Planned Unit Developments (PUDs) (See Section 10.230(D)(5) 192(B)(5)).

* * *

10.021 Development Permit Required,

~~No person shall engage in or cause a development nor shall any person create any street for the purpose of subdividing or partitioning an area or tract of land, or to dispose of, transfer or sell any lot or parcel of land if same constitutes or is part of a process of subdivision or partitioning as herein defined, or to record a final plat thereof without first complying with all of the applicable provisions of this chapter. A building permit shall not be issued for the construction, reconstruction or the alteration, use or occupancy of a structure for which a development permit is required and has not been issued pursuant to Section 10.101, The Development Permit Application, or unless exempted as per Section 10.031, Exceptions to the Development Permit Requirement.~~

10.031 Exemptions from the Development Permit Requirement,

- ~~A. — An exemption from the development permit requirement does not exempt the use or development from compliance with the applicable standards of this chapter, including but not limited to access, parking, riparian protection, and landscaping.~~
- ~~B. — Exemptions under this section do not apply to uses subject to a conditional use permit or major modifications thereof.~~
- ~~C. — The following uses or developments do not require a development permit.
(1) — Parking lots and parking lot additions, when not associated with building construction required to be reviewed by the Site Plan and Architectural Commis-~~

- ~~sion, except any parking lot or parking lot additions located within a Historic Overlay requires Historic Review. (Effective Dec. 1, 2013.)~~
- ~~(2) Construction of a new building if it does not increase motor vehicle trip generation by more than ten (10) average daily trips, unless within a Historic Overlay, in which case, Historic Review is required for all new construction. (Effective Dec. 1, 2013.)~~
 - ~~(3) A building addition similar to the existing building in architectural style and exterior building materials and that is no more than a 20 percent or 2,500 square-foot increase in gross floor area, whichever is less, unless within a Historic Overlay, in which case, Historic Review is required for all building additions and exterior alterations. (Effective Dec. 1, 2013.)~~
 - ~~(4) An emergency measure resulting from fire, an act of God, or a public enemy or other calamity, which is necessary to protect and save property and lives.~~
 - ~~(5) The reconstruction of a legal main structure or legal accessory structure which has been destroyed by fire, an act of God, or a public enemy or other calamity, and restoration is started within one (1) year from such destruction and is diligently pursued to completion.~~
 - ~~(6) Temporary uses as identified in Section 10.840, Temporary Uses and Structures.~~
 - ~~(7) The erection, construction, alteration, maintenance or termination of a public utility service facility, such as a public safety communication tower, that is being developed to provide service to development authorized by this chapter.~~
 - ~~(8) Detached single family residential development on a lot within a final platted land division or on an otherwise legally created lot, unless within a Historic Overlay, in which case, Historic Review is required for all single family residential development. (Effective Dec. 1, 2013.)~~
 - ~~(9) Solar Photovoltaic/Solarvoltaic energy systems, as defined in ORS 757.360, except when located on historic landmarks or within historic districts, in which case the review authority shall be the Landmarks and Historic Preservation Commission.~~
 - ~~(10) One duplex dwelling divided by a lot line or on a single lot within a final platted land division or on an otherwise legally created lot, unless within a Historic Overlay, in which case, Historic Review is required.~~

* * *

10.051 Appeals

- ~~A. Any person with standing may appeal to the City Council any Type "C" or "D" decision of an approving authority (Planning Commission, Site Plan and Architectural Commission, Landmarks and Historic Preservation Commission, and Planning Director) which approves conditionally, approves, or disapproves a development permit, or plan authorization, as per Section 10.102, Plan Authorizations, of this chapter, by filing a written notice together with the requisite filing fee with the city recorder within fourteen (14) days after notice of the development permit or plan authorization approval or disapproval by the approving authority is mailed. (Effective Dec. 1, 2013.)~~
- ~~B. A person has standing if the person: (1) appeared in the initial proceedings orally or in writing; and (2) was entitled to a right of notice and hearing prior to the decision to be~~

~~reviewed, or is aggrieved by the decision, or has interests adversely affected by the decision.~~

~~C. Class "E" Ministerial Decisions are final and, with the exception of Final PUD Plan applications (see 10.241(E)), are not appealable under the Medford Land Development Code or any other provision of the Medford Code.~~

10.052 Notice of Appeal.

~~All notices of appeal shall be signed by the appellant or his agent and shall contain:~~

- ~~(1) An identification of the decision sought to be reviewed, including the date of the decision.~~
- ~~(2) A statement demonstrating that the appellant has standing to appeal as required by Section 10.051, Appeals.~~
- ~~(3) A statement of the specific grounds which the appellant relies on as the basis for the appeal. If the appellant contends that the findings of fact made by the approving authority are incorrect or incomplete, the notice shall specify the factual matters omitted or disputed. If the appellant contends that the decision is contrary to ordinance, statute or other law, such errors shall be specifically identified in the notice along with the specific grounds relied upon for review.~~

~~Upon timely receipt of the notice of appeal and filing fee, the City Recorder shall set the appeal for hearing before the City Council at its next regular meeting that falls not less than fourteen (14) days after the date of filing. The City Recorder shall notify the appellant and other parties who appeared in the initial proceedings, of the time and place of the hearing by first class mail, enclosing a copy of the notice of appeal.~~

10.053 Scope of Review.

~~Upon review, the City Council shall not re-examine issues of fact and shall limit its review to determining whether there is substantial evidence to support the findings of the tribunal which heard the matter, or to determining if errors in law were committed by such tribunal. Review shall in any event be limited to those issues set forth in the notice of appeal. The appellant is also precluded from raising an issue on appeal to the Council if he or she could have raised the issue before the hearings body but failed to do so. Review shall be based on the record of the initial proceedings. The record shall consist of the application and all materials submitted with it; documentary evidence, exhibits and materials submitted at the initial hearing; recorded testimony; the decision of the approving authority, including the findings and conclusions; and the notice of appeal. Only the appellant and other parties who appeared in the initial proceedings may participate in the appeal hearing. Appellant shall make the initial presentation and shall be allowed rebuttal. Each participant in the appeal hearing shall present to the council those portions of the record which the participant deems relevant to the appeal. If a party wishes the council to review recorded testimony, the party shall present a written summary or transcript of such testimony to be read by the council in lieu of actually listening to the recording.~~

10.056 City Council Decision.

~~A. Upon review of the appeal, City Council may by order affirm, reverse or modify in whole or part a determination or requirement of the decision that is under review. When the City Council~~

~~modifies or renders a decision that reverses a decision of the approving authority, the Council, in its resolution, shall set forth its finding and state its reasons for taking the action encompassed in the order. When the City Council elects to remand the matter back to the approving authority for such further consideration as it deems necessary, it shall include a statement explaining the error to have materially affected the outcome of the original decision and the action necessary to rectify such.~~
~~B. Action by the City Council shall be decided by a majority vote of its members present at the meeting at which review was made and shall be taken either at that or any subsequent meeting. The City Council shall render its decision within the time limits allowed by State law.~~

ARTICLE III

* * *

10.305 Purpose of Zoning Districts.

Each zoning district represents a land use category which has common location, development, and use characteristics. Minor (~~Class 'C' Type III~~) zone changes shall be based upon the criteria in Section 10.227204. Major (~~Class 'A' Type IV~~) zone changes shall be based on the criteria in Section 10.184220. The following sections specify the purpose of each zoning district, and the use and intensity standards applicable to land within each district.

10.306 Residential Land Use Classification.

The residential land use classification provides a wide range of residential density alternatives and dwelling types designed to provide for the housing needs of the community as identified in the "Housing Element" of the *Comprehensive Plan*. Each district is intended to provide for specific dwelling types and densities in a quality living environment, conforming to the Urban, Urban Medium, and Urban High Density Residential designations of the *Comprehensive Plan*. The maximum number of dwelling units (DU) per acre (the density factor or "gross density" as defined herein) can be increased in a Planned Unit Development per Section 10.230(1)192(G)(2). Examples of minimum and maximum residential density calculations are provided in Article 5, Section 10.708. The residential land use classification is comprised of eight (8) zoning districts as specified in the following sections of this Article.

* * *

10.314 Permitted Uses in Residential Land Use Classification.

The following table sets forth the uses allowed within the residential land use classification by zoning district. Uses not identified herein are not allowed. (See Article I, Section 10.012, for the definition of each listed use.)

These symbols indicate the status of each listed use:

"P" = Permitted Use.

"C" = Conditional Use; permitted subject to approval of a Conditional Use Permit.

(See Article II, Sections 10.246184)

* * *

PERMITTED USES IN RESIDENTIAL ZONING DISTRICTS	SFR 00	SFR 2	SFR 4	SFR 6	SFR 10	MFR 15	MFR 20	MFR 30	Special Use or Other Code Section(s)

3. SPECIAL RESIDENTIAL DEVELOPMENTS

(a) Planned Unit Development	X	PD	10.230- 245 190- <u>10.200</u> & 10.412							
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* * *

10.345 Purpose of Overlay Districts.

Overlay districts impose additional or different land development regulations or procedures on certain parcels or areas of the City. They generally coincide with a special area plan or implement a specific Comprehensive Plan policy, such as identifying those parcels containing historic resources that are subject to specific regulations. Overlay districts address issues not addressed by the underlying zoning district. The boundaries of each overlay district are shown on the official zoning map of the City of Medford. See Section ~~10.251-186~~ regarding Exceptions to the site development standards contained in the overlay districts.

10.348 Limited Industrial Overlay District, I-00.

* * *

C. Application:

- (1) Upon annexation of a parcel(s) having County industrial zoning if transportation facility adequacy has not been proven; or
- (2) To approve an industrial zone if transportation facilities have been shown to be inadequate per Section ~~10.227(2)(c)~~10.204(B)(3) or facility adequacy has not been proven.

D. Removal: The Limited Industrial Overlay may be removed per zone change procedures outlined in Sections ~~10.225 through 10.227~~10.204 and when transportation facilities have been shown to be adequate or have been made adequate to support the types of uses permitted by the underlying City industrial zone.

* * *

10.358 Central Business District, C-B.

* * *

(2) **Residential Development Standards.** All residential development standards contained in Article III, Zoning Districts, and Article V, Site Development Standards, shall be waived in lieu of the following:

* * *

- (c) Residential development which results from conversion or remodel of existing structures, or new residential construction which exceeds the residential density standard of the MFR-30 zone. Such residential development shall be subject only to the off-street parking and loading requirements as provided in (a) above and shall be allowed only as a conditional use pursuant to Article II, Section ~~10.184-246~~Conditional Use Permit, through 10.250, Expiration of a Conditional Use.

* * *

10.360 Exclusive Agricultural Overlay District, E-A.

* * *

C. **Criterion for Removal of E-A.** The E-A overlay may be removed utilizing ~~Class C~~ Type III zone change procedures. *

10.371 Scope and Applicability of Southeast (S-E) Overlay District Regulations.

* * *

B. **Adjustments:** The boundaries of the S-E Overlay District may be adjusted by the City Council in conjunction with amendments of the Southeast Plan Map according to Comprehensive Plan amendment procedures found in Sections ~~10.180 – 10.184~~ 214 – 10.226.

* * *

10.374 Planned Unit Development and Master Plan Requirements, S-E.

A. **Planned Unit Development.**

1. **Requirements.**

All new developments consisting of one or more acres shall require approval of a Planned Unit Development pursuant to Sections ~~10.230-190~~ through ~~10.245-200~~ and all applicable provisions of the S-E Overlay District. Regardless of the size of the property or number of dwellings, all zone change applications for projects in the Commercial Center (Area 7B) shall be accompanied by a Preliminary PUD Plan application.

* * *

3. **Approvals.**

In approving PUD applications for projects within the S-E Overlay District, the Planning Commission shall find that the application conforms to the S-E Overlay District standards. The Planning Commission may grant modifications of City standards, including provisions of the S-E Overlay District, under Section ~~10.230(D)~~ 190(B), except for height standards in Section 10.375(3) and the prohibited uses in Section 10.378(4).

* * *

10.384 Greenways - Special Design and Development Standards, S-E.

* * *

3. **Maintenance of Greenway Improvements.**

Greenway improvements dedicated to the City for any purpose, whether in fee-simple or as easements, shall be maintained by the City. However, the City may relinquish the maintenance of any Greenway improvements to an association of owners established pursuant to Section ~~10.230(E)~~ 192(C).

* * *

10.403 Historic Preservation Overlay, Designation.

* * *

(4) The extent of the Historic Preservation Overlay may be changed pursuant to the review process for ~~Class C~~ Type III Historic Review applications, to include or exclude any area, parcel, or portion thereof that was not included pursuant to paragraphs (1), (2), or (3). Decisions to change the extent of the Historic Preservation Overlay shall adhere to the criteria set forth in Section ~~10.258(1)~~ 188(C)(1).

* * *

10.406 Historic Preservation Overlay, Exterior Alteration or New Construction.
No person may alter any building, structure, object, or site in an Historic Preservation Overlay in such a manner as to affect its exterior appearance, nor may any new structure be constructed, unless said exterior alteration or new construction has been approved through the process for ~~Class 'C' Type III~~ Historic Review applications or Minor Historic Review.

10.407 Historic Preservation Overlay, Demolition or Relocation.
No person may demolish or relocate all or part of any building, structure, object, or site in an Historic Preservation Overlay unless said demolition or relocation has been reviewed through the process for ~~Class 'C' Type III~~ Historic Review applications; except in the following instances:

* * *

10.411 Limited Service Administrative Mapping Category.

* * *

C. Inclusion or Removal: Inclusion in or removal of the Limited Service area on the *Medford General Land Use Plan (GLUP) Map* is according to *Comprehensive Plan* Amendment procedures outlined in Sections ~~10.184~~214 – 10.226.

10.412 Planned Unit Development Administrative Mapping Category, P-D.

A. Purpose: For tracking and mapping of parcels that have received Preliminary Planned Unit Development (PUD) Plan approval as set forth in Section ~~10.230~~190.

B. Removal: Upon expiration of a Preliminary PUD Plan or if a PUD is terminated according to procedures outlined in Section ~~10.245(B)~~198(B).

10.413 Restricted Zoning Administrative Mapping Category, R-Z.

A. Purpose: For tracking and mapping of parcels that have received a zone change with conditions of approval or stipulations as set forth in Section ~~10.227(2)(c)~~204(B)(3) or a General Land Use Plan (GLUP) Map amendment with conditions of approval or stipulations. The applicable conditions or stipulations are recorded by deed restriction or covenant, and may also be viewed at the Medford Planning Department.

B. Removal: Upon satisfaction of the conditions of approval or stipulations per Section ~~10.228~~204(C).

10.414 Airport Fence Line.

A. Purpose: For mapping of airport property that is not intended for public use.

B. Applicability: Airport accessory structures to be located within the secured fence area shall be exempt from development permit per Section ~~10.031~~200(C)(211)(g).

ARTICLE IV

10.431 Street Improvement.

All new street improvements required as a condition of development shall be improved to the standards set forth in this chapter unless otherwise specified herein or excepted as per Section ~~10.251~~186, ~~Application for Exception~~. For purposes of this section, the term new street shall be defined as an unimproved street or existing street which does not have curb and gutter.

10.458 Street Renaming, Public and Private.

This section applies to the change of name of an existing street or alley, or to the naming of an already-existing but unnamed street or alley. The purpose of the street renaming procedures is

to ensure use of clear and unique street names so that emergency personnel may find the streets without being hindered by similar or confusing names. Approval of street names is not a land use decision.

A. **Procedures, Street Renaming, Public and Private.**

- (1) **Public Streets.** A public street renaming application shall be processed using ~~Class-B~~Type IV procedures with the City Council being the approving authority. The decision of the City Council is final. A certified copy of the approving ordinance and exhibits shall be filed with the County Recorder, Assessor, and Surveyor for the name change to become effective.
- (2) **Private Streets or Driveways.** A private street or driveway renaming application shall be processed according to Type II land use review procedures a ~~procedural Class-D~~Type II decision, with the Planning Director being the approving authority. The decision of the Planning Director may be appealed to the ~~City Council~~ Planning Commission per Section 10.051140.
 - ~~(a) After an application for private street renaming has been received by the Medford Planning Department, the Planning Department shall send copies to affected agencies and City departments for review.~~
 - ~~(b) Within 25 working days after the application is received, the Medford Planning Department shall send written notification to the applicant indicating:
 - ~~(i) The application is missing information required in Section 10.458C. (Note: Once the missing information has been received, the City will have 25 working days to complete the review); or,~~
 - ~~(ii) The application has been approved consistent with Section 10.458; or,~~
 - ~~(iii) The application has been disapproved because it is not consistent with Section 10.458.~~~~

B. **Approval Criteria, Street Renaming, Public and Private.**

The approving authority shall not approve any street name unless it finds that the proposed name is consistent with the following criteria:

- (1) Proposed names shall not be the same or similar to any other street name in Jackson County;
- (2) The proposed street name must not sound the same, although spelled differently (a homonym), as any other street name in Jackson County;
- (3) The proposed street name must be simple to pronounce;
- (4) The proposed street name shall not contain Cardinal directions (north, south, east, west)
- (5) The proposed street name shall not contain offensive or derogatory terms;
- (6) The proposed street name shall not contain punctuation or special characters;
- (7) When a street makes a directional change of approximately 90 degrees or more, the street name shall change;
- (8) Street names shall continue across intersections and roundabouts;
- (9) A street may not loop around in such a way that it creates two intersections with one other street, unless the street name at one intersection is different; and,
- (10) The proposed street name must have a suffix from Table 10.458-(1), *Permitted Medford Street Suffixes* below.

Table 10.458-(1)
 Permitted Medford Street Suffixes

<i>Suffix</i>	<i>Abbreviation</i>	<i>Description</i>
Avenue	AVE	Street that is continuous and not limited to a single subdivision
Boulevard	BLVD	Street with a landscaped median dividing the right-of-way
Circle	CIR	Permanently Dead-End Street Terminating in a Cul-de-sac
Court	CT	Permanently dead-end street or termination in a cul-de-sac, not longer than 660 feet in length
Drive	DR	Curvilinear Street
Lane	LN	Lower-Order Street
Parkway	PKWY	Higher-Order Street with a Median
Place	PL	Permanently Dead-End Street, Termination in a Cul-de-sac, or Short Through Street, Not Longer than 450 Feet in Length
Road	RD	Higher-Order Street
Street	ST	Common or Default Suffix
Way	WAY	Curvilinear Street

C. Application, Street Renaming, Public and Private.

Street renaming applications shall be submitted to the Medford Planning Department on applications forms supplied by the Planning Department.

- (1) **Public Streets.** The application for public street renaming shall require the following:
- (a) Signed application form
 - (b) Jackson County Assessor's map(s) showing entire length of subject street;
 - (c) Typed mailing labels for:
 - (i) Property owners with property abutting subject street; and
 - (ii) Property owners with property that has an address, or may have an address in the future, on subject street.
 - (d) Application fee in amount established by City Council paid upon application submittal.
 - (e) Street sign fee in amount as required to replace all necessary street signs per the standards and specifications established by the City of Medford and/or the Department of Motor Vehicles of the State of Oregon.

- (2) Private Streets. The application for private street renaming shall require the following:
- (a) All items listed in section 10.458 (C)(1).
 - (b) Signatures of all affected property owners.
 - (c) If the application is approved, a signed and recorded copy of a *Declaration of Private Street/Driveway* form must be provided to the Medford Planning Department for the name change to become effective.

* * *

10.463 Traffic Control Devices and Traffic Signal Spacing.

* * *

(2) The minimum center-of-intersection to center-of-intersection spacing for new traffic signals shall be 1,320 feet for arterial streets, and 1,000 feet for collector streets. When part of a ~~Class C Plan Authorization~~ [Type III land use review](#), the Public Works Director or designee shall forward a recommendation on minimum traffic signal spacing standards to the approving authority. The recommendation shall be based on the progression analysis described below. When not part of a ~~Class C Plan Authorization~~ [Type III land use review](#), the Director of Public Works or designee may approve a variance from this minimum spacing requirement. * * *

* * *

10.550 Access Standards.

* * *

(3) Driveway Spacing and Locational Standards.

* * *

c. Alternative Access Spacing and Location

* * *

(1) Approval of Alternative Access Locations: When part of a ~~Class C Plan Authorization~~ [Type III land use review](#), the Public Works Director or designee shall forward a recommendation on alternative access spacing and locations to the approving authority. When not part of a ~~Class C Plan Authorization~~ [Type III land use review](#), the Public Works Director or designee may authorize an administrative adjustment to the access spacing and locational standards in 10.550 (3.) (a) and/or (b) above under one or both of the following circumstances:

* * *

(2) Redevelopment: Redevelopment as used in this section means that a parcel(s) has existing legal access and physical improvements and the property owner is seeking ~~procedural Class C plan authorizations~~ [Type III use review](#) for new development permits. In the case of redevelopment, the approving authority may require the provision of cross-access easements and geometric/physical improvements to any and all accesses in accordance with current standards. Redevelopment applications shall propose changes to the number and/or centerline location(s) of existing driveway(s), and shall demonstrate that the proposed changes will bring the parcel into, or at a minimum, closer to compliance with existing standards.

* * *

(4) New Development: At an applicant's request, the approving authority will evaluate alternative access spacing and location on a project basis in conjunction with ~~procedural Class C plan authorizations~~ [Type III land use review](#). Evaluation of alternative access location and spacing for projects shall be based upon a Transportation Impact Analysis (TIA) pre-

pared by a professional engineer licensed in the State of Oregon with expertise in transportation. The Public Works Director (or designee) will provide a scope of work for the TIA and will issue a report to the approving authority stating his/her professional opinion as to the technical adequacy of the TIA and whether it demonstrates compliance with the criteria for access spacing and location for the project. The TIA will consider motorists, cyclists and pedestrians. The approving authority will evaluate the project's access spacing and location, in one of the following ways: * * *

* * *

10.666 Improvement Agreements.

If all of the required public improvements, as specified in the conditions of a ~~plan authorization-~~
land use approval, have not been satisfactorily completed before the application is filed for Final Plat, or building permit, the developer may enter into a written agreement (provided by the City) with the City in a form acceptable to the City Attorney specifying that within one (1) year (or such other period of time as agreed upon by the parties) all public improvement work shall be completed in accord with this code and the applicable approved improvement plans and specifications and that said developer shall warrant the materials and workmanship of said improvements in good condition and repair for an additional period of one (1) year from date of satisfactory completion and notification of same by the City.

ARTICLE V

10.743 Off-Street Parking Standards.

* * *

(3) Exceptions to Required Off-Street Parking for Non-Residential Uses. The approving authority may allow exceptions to the number of parking spaces in Table 10.743-1 for specific uses without complying with Section 10.~~186251~~ if they find that the applicant's detailed description of the proposed use demonstrates that the number of needed parking spaces is less than the minimum required or more than the maximum allowable based upon one or both of the following: * * *

* * *

10.813 Agricultural Services and Animal Services.

* * *

(2) A kennel or canine daycare may petition to reduce the setback requirement via the conditional use permit process in Sections ~~10.246-10.250~~184 but, in no case, shall the setback be reduced to less than fifty (50) feet. Among the conditions allowed under Section 10.~~184248(C2)(1)(b)~~, the approving authority should particularly consider the manner and hours of operation, mitigation of noise and odor, and fencing.

* * *

* * *

10.824 Wireless Communication Facilities.

* * *

C. Conditional Use.

Approval of a Conditional Use Permit is required for new Wireless Communication Support Structures, subject to the Conditional Use Permit procedural requirements of Sections ~~10.246–10.250~~184.

- (1) Submittals - Applications for conditional use permit approval of Wireless Communication Facility Support Structures shall include any materials necessary to demonstrate compliance with the design standards contained in Section 10.824(D), any submittals required in ~~Section 10.247~~the Conditional Use Permit application, and the following:

* * *

D. Design Standards.

* * *

- (2) General Requirements:

* * *

(h) Any proposal that has elements that deviate from the standards of (f) and/or (g) above may be approved by the Site Plan and Architectural Commission or Landmarks and Historic Preservation Commission through a ~~Class "C" plan authorization~~Type III land use review, based upon evidence showing that the standards cannot otherwise be met and that the degree of relief approved by said Commission is the minimum necessary to allow for facility operation. ~~(Effective Dec. 1, 2013.)~~

(i) Each addition of a Wireless Communication Systems Antenna to an existing support structure must be in conformance with any approved Conditional Use Permit, with the exception of buildings, only requires administrative approval of a building permit, unless the additional Wireless Communication Systems Antenna increases the height of the support structure more than ten feet, in which case it must be approved by the Planning Commission as a Conditional Use Permit in accordance with Sections ~~10.248–10.250~~184.

* * *

* * *

10.827 Mines, Quarries, Gravel Pits.

Extractions from deposits of rock, stone, gravel, sand, earth, minerals, or building or construction materials shall not be construed to be a permitted use in any district established by this code unless a conditional use permit shall first have been obtained as provided in Article II Section ~~10.246~~184, ~~Conditional Use Permit~~, except for on-site improvement project. The Planning Commission shall have power to grant conditional use permits which are valid for a specified period of time, or are revocable, to permit extractions from deposits of rock, stone, gravel, sand, earth, minerals, or building or construction materials. It shall be clearly demonstrated by the applicant that odor, dust, noise, or drainage will not adversely impact adjacent properties.

* * *

10.840 Temporary Uses and Structures.

* * *

D. Types of Temporary Uses and/or Temporary Structures.

* * *

- (6) Portable Storage Containers.

(a) Applicability.

1. A temporary Portable Storage Container permit is a ~~Class-D plan authorization~~ Type II land use action (~~10.102 et seq.~~ Section 10.108) and is required for placement of any portable storage container, except for the following:

* * *
(d) Permit Process.

2. Permit applications are subject to the routing and notification procedures for ~~Class-D plan authorizations~~ Type II land use review. The approving authority shall base its decision on the application's compliance with the standards under (6)(b) and (6)(c), above, which constitute the criteria for decision making.

3. In the event of a denial, the applicant may resubmit one time without having to pay another application fee. However, the decision time prescribed in ~~10.167~~ 10.168 (B) will reset to the starting point.

* * *

10.873 Application; New Parks or Extensions.

Application for a new park or modification of an existing park shall be filed with the Planning Department on forms provided by the City and accompanied by the documents required ~~by Section 10.246, Conditional Use Permits~~ in the Conditional Use Permit application. No development permit shall be approved for a park unless the area for which the park is proposed is zoned to permit the same and the conditional use permit required by this chapter has been granted.

* * *

10.878 Delegation of Authority, Mobile Home and Manufactured Dwelling Parks.

The Planning Commission may review and approve landscape plans and recreational area details as part of the conditional use permit review, or delegate the review of these features to the Site Plan and Architectural Commission or Landmarks and Historic Preservation Commission as applicable. Approval of any delegated review to one of these Commissions shall be subject to a ~~Class "C" procedure~~ Type III procedures as set forth in Article II.

* * *

10.897 Conditions of Approval, Mobile Home and Manufactured Dwelling Parks.

The Planning Commission may include conditions of approval as listed for conditional use permits in Section ~~10.248~~ 184, or for Site Plan and Architectural Commission approval as listed in Section ~~10.291~~ 200(F), or for Historic Review pursuant to Section ~~10.259~~ 188. The Commission may also require more than a single access point onto public streets. The Commission can also require a warning statement, to be a part of the lease or rental agreement, notifying prospective tenants of adjacent agricultural uses pursuant to Section 10.801 Agricultural Buffering, or other land uses that may have an impact on residential development.

* * *

10.922 Riparian Corridors, Applicability.

A. The provisions of Sections 10.920 through 10.928, "Riparian Corridors," shall be applied to:

* * *

(2) The provisions shall apply regardless of whether or not a building permit, development permit, or ~~plan authorization~~land use approval is required, and do not provide any exemption from state or federal regulations.

* * *

B. Applications for ~~plan authorizations~~land use review (except Annexations), development permits, or building permits, and plans for proposed public facilities on parcels containing a riparian corridor, or a portion thereof, shall contain a to-scale drawing that clearly delineates the top-of-bank and riparian corridor boundary on the entire parcel or parcels.

C. When reviewing ~~plan authorization~~land use applications or development permit applications for properties containing a riparian corridor, or portion thereof, the approving authority should consider the purpose statements in section 10.920, "Riparian Corridors, Purposes" in determining the extent of the impact on the riparian corridor.

D. The Planning Commission shall be the approving authority for applications for exceptions to the provisions herein pertaining to Riparian Corridors. In addition to the provisions of Sections ~~10.185251 through 10.254 "Exception Application,"~~ such a request shall be submitted to the Oregon Department of Fish and Wildlife for a habitat mitigation recommendation pursuant to O.A.R. 635-415 "Fish and Wildlife Habitat Mitigation Policy."

E. In lieu of the provisions of this section, the significance of individual stream reaches may be determined per the provisions in OAR 660-023-0090. Such a proposal shall be pursued through a Comprehensive Plan Amendment, consistent with Sections ~~10.181214-10.184~~ through 10.226.

* * *

10.923 Riparian Corridors, Location.

* * *

D. In lieu of the provisions of Sections 10.924 through 10.928, the degree of protection for significant riparian corridor reaches may be determined per the provisions of OAR 660-023-0050. Such a proposal shall be pursued through a Comprehensive Plan Amendment, consistent with Sections ~~10.181214-10.184~~226.

* * *

10.925 Conditional Uses within Riparian Corridors.

The following activities, and maintenance thereof, are allowed within a riparian corridor if compatible with Section 10.920, "Riparian Corridors, Purposes," and if designed to minimize intrusion. Such activities shall be subject to approval of a Conditional Use Permit, which may be considered separately or in conjunction with another ~~plan authorization~~land use review. The approving authority must determine that the proposal complies with at least one of the Conditional Use Permit criteria. Applicable permits, if any, from the Oregon Department of State Lands and the U.S. Army Corps of Engineers shall subsequently be obtained. All development and improvement plans shall be submitted to the Oregon Department of Fish and Wildlife for a habitat

mitigation recommendation pursuant to O.A.R. 635-415 "Fish and Wildlife Habitat Mitigation Policy."

* * *

* * *

10.928 Conservation and Maintenance of Riparian Corridors.

When approving applications for the following ~~plan authorizations~~ land use actions: Land Divisions, Planned Unit Developments, Conditional Use Permits, and Exceptions, or for development for properties containing a riparian corridor, or portion thereof, the approving authority shall assure long term conservation and maintenance of the riparian corridor through one of the following methods:

* * *

* * *

10.931 General Standards.

A. Application of Provisions.

* * *

(3) ~~Class 'C' applications~~ Type III land use reviews (except for zone changes) shall comply with Sections 10.929 to 10.933; building permit applications shall comply with Sections 10.929 to 10.931.

B. Requirement for Slope Analysis.

For parcels containing Slopes greater than fifteen percent (15%), as shown on the 2009 City of Medford Slope Map, a copy of which is maintained on file in the Planning Department, a Slope Analysis is required to be submitted with:

- (1) ~~Class "C"~~ Type III land use applications (except for zone changes); and,
- (2) Building permit applications, if a Slope Analysis of the parcel was not previously submitted with a development application.

The Slope Analysis shall be reviewed by the City Director of Public Works or designee.

C. Pre-Existing Approvals of Development on Slopes of Fifteen Percent (15%) or Greater.

(1) Unexpired Class 'C' Type III Land Use Approvals. Unexpired ~~Class 'C'~~ Type III land use approvals granted prior to enactment of Sections 10.929 to 10.933 ("Pre-Existing Approvals") shall not be subject to Sections 10.929 to 10.933. Subsequent ~~Class 'C'~~ Type III land use applications related to a Pre-Existing Approval and filed after enactment of Sections 10.929 to 10.933 shall be subject to Sections 10.929 to 10.933, provided that the application of Sections 10.929 to 10.933 to the subsequent ~~Class 'C'~~ Type III land use application does not result in an irreconcilable conflict with the Pre-Existing Approval. For purposes of this Section, an irreconcilable conflict includes, but is not limited to, the following:

* * *

10.932 Pre-Application Conference Requirement.

A pre-application conference is required for all ~~Class 'C'~~ Type III land use applications, except for zone changes, for development on Slopes of greater than thirty-five percent (35%). In addition to the items listed on the pre-application conference form, the following additional items shall be submitted: a Constraints Analysis required by Section 10.933; a Slope Analysis required by Section 10.931(B); and a conceptual site plan. * * *

10.933 Constraints Analysis.

Prior to submitting a ~~Class 'C'~~ Type III land use application (except for zone changes), a Constraints Analysis identifying physical constraints and proposing mitigation measures shall have been submitted and deemed "complete" by the City Engineer or designee within ~~ten (10) business-working~~ days of submission. A "complete" Constraints Analysis is one that contains all items in Sections 10.933(A) (1)-(7) and 10.933(B) (1)-(4).

B. Hydrology and Grading Report.

(4) A grading plan as required by Sections 10.727 and 10.~~278~~162D, including proposed grades, and cuts and fills for streets.

ARTICLE VI

* * *

10.1200 Signs in Single-Family Residential Zoning Districts (SFR-00,2,4,6,10).

* * *

(2) Institutional uses, as defined in Section 10.012, are permitted 40 square feet of signage per street frontage. * * *

* * *

(c) Electronic Message Signs: Electronic message signs are a conditional use. A Conditional Use Permit may authorize institutional uses to have one electronic message sign as a permitted ground or wall sign. Regardless of the number of street frontages, one of the permitted ground or wall signs may be an electronic message sign, provided it complies with the following provisions:

(i) Electronic message signs shall apply for and receive approval for a Conditional Use Permit pursuant to Section 10.~~250~~184.

* * *

b. Existing conditional uses shall apply for an amendment to their existing approved CUP to request an electronic message sign, pursuant to Section 10.~~250~~184.

* * *

10.1300 Signs in Multiple-Family Residential Districts (MFR-15), (MFR-20) and (MFR-30).

* * *

(2) Institutional uses, as defined in Section 10.012, are permitted 40 square feet of signage per street frontage. * * *

* * *

(c) Electronic Message Signs: Electronic message signs are a conditional use. A Conditional Use Permit may authorize institutional uses to have one electronic message sign as a permitted ground or wall sign. Regardless of the number of street frontages, one of the permitted ground or wall signs may be an electronic message sign, provided it complies with the following provisions:

(i) Electronic message signs shall apply for and receive approval for a Conditional Use Permit pursuant to Section 10.~~250~~184.

* * *

- b. Existing conditional uses shall apply for an amendment to their existing approved CUP to request an electronic message sign, pursuant to Section ~~10.250~~184.

* * *

* * *

10.1410 Service Commercial and Professional Office (C-S/P): Additional Special Signs.

Additional special signs shall be permitted as follows in the C-S/P district:

* * *

- (2) Hospital Signs: Signs exceeding the dimensional standards of Article VI may be approved subject to Section ~~10.248~~184. ~~Conditional Use Permit Criteria, through 10.250~~
~~180 Expiration of a Conditional Use Permit.~~

10.1500 Signs In Neighborhood Commercial District (C-N): Basic Regulations.

Signs shall be permitted as follows in the C-N district:

- (1) Ground Signs: * * *

* * *

- (d) Electronic Message Signs are permitted subject to Sections ~~10.248~~184 through ~~10.250~~, and the following criteria:

* * *

- (2) Wall Signs: Wall signs are permitted subject to the following limitations:

- (c) Electronic Message Signs are permitted as a primary or secondary facade wall sign subject to Sections ~~10.248~~184 through ~~10.250~~, and the following criteria:

* * *

Exhibit C

Proposed Amendment – Comprehensive Plan (CP-17-063)

(Deleted text is ~~struck-through-and-red~~, new text is blue and underlined, text moved to a new location is double underlined and green.)

REVIEW AND AMENDMENTS

[Amended July 1, 2010, Ordinance No. 2010-159;](#)

Amend September ~~XX~~, 2017; [Ordinance No. 2017-XXX](#)

INTRODUCTION

Planning is a process; it is naïve to assume that a single document can answer all the questions or resolve all the problems for all times. Conditions change, resources are shifted, and community goals are revised.

For these reasons it is essential that means exist to keep the Plan dynamic. Oregon's statewide planning program addresses this need in two ways. First, a *post-acknowledgement plan amendment* review process exists to assure that local amendments to a state-acknowledged Plan or its implementing codes and ordinances are consistent with the statewide planning goals and with the plans of other affected agencies. The second statewide approach to assuring the maintenance of local comprehensive plans is by means of a more thorough *periodic review* program which will occur cyclically beginning at least five years after Plan acknowledgment. The *periodic review* program emphasizes internal plan consistency as well as overall compliance with new and revised state rules and statutes.

In addition to these state-administered programs, a well-defined local process to review and revise the *Comprehensive Plan* is essential. The local Plan amendment process should reflect a balance between the desire for maintaining a dynamic and locally responsive plan and the need to provide a reasonable degree of certainty and stability in the rules and processes governing land use. Such a plan amendment process is presented below.

TYPES OF AMENDMENTS

Because of the diverse structural nature of the *Comprehensive Plan*, it is necessary to categorize plan amendments in several different ways (bearing in mind that all plan amendments are land use actions as defined by state statutes). This Plan contains a variety of components: Data; Conclusions; Goals and Policies; Implementation Strategies; a General Land Use Plan Map; a City-County adopted Urban Growth Boundary and Urbanization Policies; and several other components. Specific procedural requirements for all land use actions are codified in Article II of the *Land Development Code*. Two different procedural classifications will apply to *Comprehensive Plan* amendments as follows:

Procedural Classifications for *Comprehensive Plan* Amendments

Class A Type IV

Conclusions	Urban Reserve
Goals and Policies	Urban Growth Management Agreement
Implementation Strategies	Urban Reserve Management Agreement
General Land Use Plan Map (major <u>minor</u>)	Citizen Involvement Program <u>General</u>
<u>Land Use Plan Map (major)</u>	
<u>Urban Growth Boundary (major</u> minor)	Review and Amendment Proce-
dures <u>Urban Growth Boundary (major)</u>	
<u>Citizen Involvement Program</u>	<u>Review and Amendment Procedures</u>

~~Class B~~

- ~~Urban Growth Boundary (minor)~~
- ~~General Land Use Plan Map (minor)~~

The distinction between major and minor plan amendments is based on the following definitions which were derived from the Guidelines associated with Statewide Goal 2:

Major Amendments are those land use changes that have widespread and significant impact beyond the immediate area, such as quantitative changes producing large volumes of traffic; a qualitative change in the character of the land use itself, such as conversion of residential to industrial use; or a spatial change that affects large areas or many different ownerships.

Minor Amendments are those land use changes that do not have significant effect beyond the immediate area of the change and should be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change should be established.

Disputes. When there is a question or dispute over the type of amendment, the director of the Planning Department shall issue a written decision.

CRITERIA FOR PLAN AMENDMENTS

Because of the important functional differences among the various Plan components, no common set of criteria can be used to assess all proposed Plan amendments. Below are listed the criteria which must be considered when evaluating proposed amendments to each of the specified Plan components. While all of the criteria may not apply to each proposed amendment, all must be considered when developing substantive findings supporting final action on the amendment, and those criteria which are applicable must be identified and distinguished from those which are not.

Conclusions. Amendments shall be based on the following:

1. A change or addition to the text, data, inventories, or graphics which substantially affects the nature of one or more conclusions.

Goals and Policies. Amendments shall be based on the following:

1. A significant change in one or more Conclusion.
2. Information reflecting new or previously undisclosed public needs.
3. A significant change in community attitude or priorities.
4. Demonstrable inconsistency with another Plan provision.
5. Statutory changes affecting the Plan.
6. All applicable Statewide Planning Goals.

Implementation Strategies. Amendments shall be based on the following:

1. A significant change in one or more Goal or Policy.
2. Availability of new and better strategies such as may result from technological or economic changes.
3. Demonstrable ineffectiveness of present strategy(s).
4. Statutory changes affecting the Plan.
5. Demonstrable budgetary constraints in association with at least one of the above criteria.
6. All applicable Statewide Planning Goals.

Street Re-classifications, including the re-classification of a lower order street to either a collector or arterial street, or when re-classifying a collector street to an arterial street, and when the re-classification is not a part of a major (~~Class A~~Type IV) legislative amendment. Amendments shall be based on the following:

1. A demonstrated change in need for capacity which is consistent with other plan provisions.
2. Consideration of alternatives to the proposed revision which includes alternative vehicle routes and alternative travel modes that would better preserve the livability of affected residential neighborhoods.
3. A significant change in one or more Goal or Policy.

4. Statutory changes affecting the Plan.
5. Demonstrable budgetary constraints in carrying out the existing plan.
6. All applicable Statewide Planning Goals.

Map Designations. Amendments shall be based on the following:

1. A significant change in one or more Goal, Policy, or Implementation strategy.
2. Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.
3. The orderly and economic provision of key public facilities.
4. Maximum efficiency of land uses within the current urbanizable area.
5. Environmental, energy, economic and social consequences.
6. Compatibility of the proposed change with other elements of the *City Comprehensive Plan*.
7. All applicable Statewide Planning Goals.

Urban Growth Boundary. *See Urbanization Element.*

Urban Reserve. *See Urbanization Element.*

Urban Growth Management Agreement. *See Urbanization Element.*

Urban Reserve Management Agreement. *See Urbanization Element.*

Citizen Involvement Program. Amendments shall be based on recommendations from the Committee for Citizen Involvement (CCI) and on Statewide Goal 1 and any other applicable Statewide Goals.

Review and Amendment Procedure. Amendments shall be based on Statewide Goal 2 and any other applicable Statewide Goals.

REVISIONS OF DATA, INVENTORIES AND GRAPHICS

Revisions of those portions of the Plan document which do not affect a Plan Conclusion, Goal, Policy, Implementation Strategy, General Land Use Plan Map designation, Urban Growth Boundary, Citizen Involvement Program or Review and Amendment Procedures may be made when needed by order of the Planning Director. Such revision shall be transmitted to the Planning Commission, City Council, and all other recorded holders of the *Comprehensive Plan*.

Exhibit D
Summary of Proposed Changes
Within Article II

**DCA-15-088 LAND DEVELOPMENT CODE AMENDMENT
REORGANIZING ARTICLE II - PROCEDURAL REQUIREMENTS**

10.100 Purpose of Article II.

- Stayed the same with minor language changes.

~~10.101 The Development Permit Application~~

- No longer applicable. Development permits are not a planning function, land use reviews are.

10.102 Land Use Review.

- The term land use review replaced plan authorization. Removed Class A, B, etc... as they are now in Section 10.106 as the Procedural Types (Type I, II, etc...)

10.104 Land Use Decision. (New Section)

- The term land use review replaced plan authorization. Removed Class A, B, etc... as they are now in Section 10.106 as the Procedural Types (Type I, II, etc...)

- Incorporates Sections 10.021 Development Permit Required and 10.031 Exemptions from the Development Permit Requirement

10.106 Procedural Types. (Re-worked Section)

- Includes Section 10.105. Changes Class A, B...to Type I, II etc. and further explains the extent of the various procedural types.

10.108 Land Use Review Procedure Types. (New Section)

- Adds table 10.108-1 in which the various land use reviews are assigned a procedural type in which the approving authority, standards, and 120 day rule applicability are also shown

10.110 Designation and Duties of Approving Authorities. (Combination of Several Sections)

- Condenses the various Sections that described the roles and duties of the approving authorities which included Sections: 10.111, .120, .122, .123, .124, .132, .133, .134, .135, .136, .137, .138, and .140

10.112 Referral Agencies.

- Currently Sections 10.145, .146, .183, and .223. Removes the agency referral list to prevent the need for a code amendment as the list changes over time and directs individuals to refer to the Planning Department for the list.

10.114 Concurrent Land Use Review (New Section)

- Takes language in Section 10.101 and separates to make an easier to read standard.

10.116 Application Submittals. (New Section)

- Created to clarify the need for a land use application submittal, which is currently a development permit. With the change to a land use application this section becomes necessary.

10.118 Findings of Fact.

- Currently Section 10.168 Findings. Expanded the detail to better explain the needed submittals regarded the findings of fact to aid in development of findings.

10.120 Due Process.

- Currently Section 10.155. Re-frames information into table 10.120-1 to clearly state which part of the process is required for each procedural type. Outlines the next nine sections in a clear step-by-step process in which previously they Sections were scattered throughout Article II

10.122 Due Process Element 1: Completeness Review

- Currently Section 10.221. Cleans up and makes easier to read.

10.124 Due Process Element 2: Notification.

- Incorporates Sections 10.156-.158 into one Section, all of which related to notification.

10.126 Due Process Element 3: Disclosure.

- Currently 10.159

10.128 Due Process Element 4: Conflict of Interest. (New Section)

- Points to part of the Code referring to this part of the due process.

10.130 Due Process Element 5: Public Hearing.

- Currently 10.161, cleans up format.

10.132 Due Process Element 6: Cross Examination.

- Currently 10.162, cleans up format.

10.134 Due Process Element 7: Action, Decision Time, and Notice of Decision.

- Currently 10.163, cleans up format.

10.136 Due Process Element 8: Findings of Fact (New Section)

- Points to part of the Code referring to Findings of Fact, a part of the due process.

10.138 Due Process Element 9: Record.

- Currently 10.169, cleans up format.

10.140 Appeal of Land Use Decision.

- Pulls in Section 10.051, .052, .053, and .056 from Article I. Appeals are a procedural "requirement" as they follow a process. Having this part of the Code in Article I did not logically flow.

10.142 Type I Land use actions. (New Section)

- This section describes Type I Land use actions (Previously Class E). Type I land use decisions are non-discretionary and are often decided by the Planning Director or designee. These decisions are not appealable, except for Final PUD Plans and Minor Historic Reviews. It further clarifies that pre-applications, sign permits, minor modifications to SPAC approval, De Minimis Revision to approved PUD, and minor modifications to CUP are a Type I procedural requirement which was previously not addressed. These land use actions are not directly addressed in the current code with a distinct section.

10.144 De Minimis Revision(s) to an Approved PUD Plan. (New Section)

- Points to part of the Code referring to this procedural requirement. 10.198

10.146 Final PUD Plan (New Section)

- Points to part of the Code referring to this procedural requirement. 10.196

10.148 Minor Historic Review (New Section)

- Points to part of the Code referring to this procedural requirement. 10.188

10.150 Minor Modification to an Approved Conditional Use Permit. (New Section)

- Points to part of the Code referring to this procedural requirement. 10.184

10.152 Minor Modification to a Site Plan and Architectural Review Approval (New Section)

- Points to part of the Code referring to this procedural requirement. 10.200

10.154 Preapplication Conference.

- Currently 10.176, cleaned up language and format.

10.156 Property Line Adjustment.

- Currently 10.297, cleaned up language and format.

10.158 Subdivision and Partition Final Plats.

- Currently 10.273, .276, .277, .278, .279, and .280 cleaned up language and format.

10.168 Type II Land use actions.

- Currently Section 10.167. Describes what Type II Land use actions are, currently they are a Class D procedural types (Administrative Decisions/Planning Director Decision). Additionally, tentative land partition plats were added as a Type II Land use action, which are currently a Class C (now Type III) land use decision needing Planning Commission review/approval. Partitions are currently classified as land divisions under Class C actions.

The proposed changes have taken land divisions and created two new land use actions, one being a partitions and the other being a subdivision (subdivision has remained a Type III Land use action, or what is currently Class C) addressed within the land division criteria in the current code. Partitions are a Type II Land Use Action due in part to the lack of discretion needed to determine compliance as they will not include the creation of more than three lots, where subdivisions often will have more than three lots, roads, common spaces, and other design features needing more thorough review to determine compliance.

10.170 Land Partition Tentative Plat.

- Currently Sections 10.265, .266, .267, .269, and .270. Cleans up language, format, and removes the items required on a plat as it is redundant since it is repeated in the section pertaining to Final Plats (10.202). Language regarding phasing and naming of the subdivision has also been removed.

10.172 Portable Storage Containers. (New Section)

- Points to section of code referencing Portable Storage Containers.

10.182 Type III Land use actions.

- Currently Sections 10.220, .166, .224, and .224-1. This section describes what Type III land use actions are, which they are currently a Class C land use actions. Land divisions have been separated into two new land use actions. One being partition tentative plats (addressed above), which is proposed as a Type II Land use actions and the other being subdivision tentative plats, which is proposed as a Type III land use action; currently both are a Class C Action under the action of land division. Subdivisions will remain a Type III (Class C) land use action as they require larger amounts of discretion to determine compliance, as stated above.

10.184 Conditional Use Permit.

- Currently Sections 10.246, .247, .247a, .248, .249, and .250. Removed the criteria for the application form and condensed all of the various sections in the current code to one section while simplifying the language and format.

10.186 Exception.

- Currently Sections 10.251, .252, .253, and .254. Removed the criteria for the application form and condensed all of the various sections in the current code to one section while simplifying the language and format.

10.188 Historic Review.

- Currently Sections 10.256, .252, .253, and .254. Removed the criteria for the application form and condensed all of the various sections in the current code to one section while simplifying the language and format.

10.190 Planned Unit Development (PUD) – Application and Approval Provisions.

- Currently Sections 10.230, .235(B), .235 (D), .235 (E), .240 (B), .240 (D), and .240 (E). Removed the criteria for the application form and condensed all of the various sections in the current code to one section while simplifying the language and format.

10.192 Preliminary PUD Plan – General Provisions.

- Currently Sections 10.230 (B), .230(D), .230 (E), .230 (F), .230 (G), .230 (H), .230 (I), .235 (F), .235 (G) and .235 (H). The proposal condenses all of the various sections in the current code to one section while simplifying the language and format.

10.194 Preliminary PUD Plan - Neighborhood Meeting Requirement.

- Currently Section 10.235 (A). The proposed changes simplify the language with minimal changes.

10.196 Final PUD Plan - Application Procedures.

- Currently Sections 10.240 and .241. The proposed text removes Section 10.241 as it refers to the action and decision time, which is redundant as Section 10.122 in the proposed amendment states the same language which is currently in 10.241. Furthermore, language pertaining to time limits of Preliminary PUD plan approvals and phasing has been removed to limit restrictions of approvals. The remaining changes to this portion of the code pertain to simplifying language or moving language to other portions of the proposed amendment.

10.198 Revision or Termination of a PUD.

- Currently Section 10.245. The proposed changes simplify the language with minimal changes.

10.200 Site Plan and Architectural Review.

- Currently Sections 10.285, .031, .287, .290, .291, .292, .294, and .296 The proposal condenses all of the various sections in the current code to one section while simplifying the language and format. Section 10.287 has also been removed as that pertains to the application criteria, which staff is proposing to remove from Article II.

10.202 Subdivision Tentative Plat.

- Currently Sections 10.265, .266, .267, .269, and .270. The proposal condenses all of the various sections in the current code to one section while simplifying the language and format. Any information pertaining to application submittal has been removed.

10.204 Zone Change.

- Currently Sections 10.225, .226, .227, and .228. The proposal condenses all of the various sections in the current code to one section while simplifying the language and format. Section 10.226 pertaining to application submittals has been removed.

10.214 Type IV Land use actions.

- Currently Sections 10.180, .185, .181, .190, .187, and .165. Sections 10.187 and .165 have been removed as they refer to review and decision time as well as referral requirements. The proposed changes condense the various sections into one and simplify the language and clarify items not previously identified.

10.216 Annexation.

- Currently Sections 10.195, .196, .197, .198, and .199. The proposal condenses all of the various sections in the current code to one section while simplifying the language and format. Section 10.196 pertaining to application submittals has been removed.

10.218 Land Development Code Amendment Approval Criteria.

- Currently Section 10.184 (split into two sections), minimal changes.

10.220 Major Type IV Amendments

- Currently Section 10.184 (split into two sections). The proposal describes the various types of Major Type IV land use actions and removes any language pertaining to application submittals.

10.222 Minor Type IV Amendments.

- Currently Sections 10.190, .191, and .192. The proposal describes the various types of Minor Type IV land use actions and removes any language pertaining to application submittals (Section 10.191).

10.224 Transportation Facility Development.

- Currently Sections 10.205, .206, .207, and .208. The proposal keeps much of language regarding transportation facility development and removes Section 10.206 pertaining to application submittals.

10.226 Vacation of Public Right-of-Way.

- Currently Sections 10.200, .201, and .202. The proposal keeps much of language regarding vacations and removes Section 10.201 pertaining to application submittals.

Exhibit E
Agency Comment –
Medford Fire Department - June 12, 2017



Medford Fire Department

200 S. Ivy Street, Room #180
Medford, OR 97501
Phone: 774-2300; Fax: 541-774-2514;
www.medfordfirerescue.org

LAND DEVELOPMENT REPORT - PLANNING

To: Kyle Kearns

LD Meeting Date: 06/21/2017

From: Greg Kleinberg

Report Prepared: 06/12/2017

Applicant:

File #: DCA - 15 - 88

Site Name/Description:

Consideration of a Land Development Code Amendment to reorganize Article II (Sections 10.100-10.297). Article II serves in large part as the procedural requirements for the various planning procedures of the Planning Department and it has remained relatively unchanged since 1987. Without any substantive changes to Article II it has become inconsistent with current land use and planning practices throughout the State. The intent of DCA-15-088 is to update Article II and reorganize it to make it easier to read, more user friendly, and consistent with other municipalities in the State. Changes to the procedures within Article II are minimal, the only change being the distinguishing of a partition and subdivision, which currently function under the same criterion. City of Medford, Applicant; Kyle Kearns, Planner.

DESCRIPTION OF CORRECTIONS	REFERENCE
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Requirement	ADDITIONAL REQUIREMENTS/COMMENTS	MEDFORD	OTHER
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10.112 E3	This section links the Fire Department and the Water Commission, who are two separate entities. In the LD process, the Fire Department typically makes comments on fire apparatus access roads (public and private) and fire protection water supplies (fire hydrants). The Water Commission makes comments, among other things, on what infrastructure is in place, easements and what infrastructure improvements need to be made. Although we consult each other, I wonder if it makes sense to give each entity a separate section.		
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10.192 6b spelling correction: "Marshal" instead of "Marshall"

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.

Exhibit F
Agency Comment –
Public Works and Public Works Addressing
- June 21, 2017



Continuous Improvement Customer Service

CITY OF MEDFORD

LD Date: 6/21/2017
File Number: DCA-15-088

PUBLIC WORKS DEPARTMENT STAFF REPORT

**Development Code Amendment
Reorganization of Article II**

Project: Consideration of a Land Development Code Amendment to reorganize Article II (Sections 10.100-10.297). Article II serves in large part as the procedural requirements for the various planning procedures of the Planning Department and it has remained relatively unchanged since 1987. Without any substantive changes to Article II it has become inconsistent with current land use and planning practices throughout the State. The intent of DCA-15-088 is to update Article II and reorganize it to make it easier to read, more user friendly, and consistent with other municipalities in the State. Changes to the procedures within Article II are minimal, the only change being the distinguishing of a partition and subdivision, which currently function under the same criterion.

Applicant: City of Medford

Planner: Kyle Kearns

Public Works has no comments on the proposed Land Development Code amendment.

Prepared by: Doug Burroughs

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Page 1

Kyle W. Kearns

From: Jennifer L. Ingram
Sent: Wednesday, June 21, 2017 8:28 AM
To: Dustin J. Severs, Kyle W. Kearns
Subject: LDC 6/21/17

Good morning Dustin & Kyle,

I won't be attending the LDC meeting this morning. I don't have any comments on any of the projects.

Thank you!

Jennifer Ingram

Address / Database Technician
City of Medford
541-774-2069

Exhibit G
Public Comment –
CSA Planning, LTD. - May 8, 2017

Kyle W. Kearns

From: Carla G. Paladino
Sent: Wednesday, May 31, 2017 4:30 PM
To: 'Jay Harland'; Matt H. Brinkley
Cc: Kelly A. Akin; Mike Savage; Beverly Thruston; Raul Woerner; Lori Hollis (Loretta); Kyle W. Kearns
Subject: RE: COM PC study session RE: code amd

Hi Jay,

Thank you for contacting us about the Article II Code Amendment underway. This reorganization of Article II has been in the works for some time now internally and we are excited to get the amendment into the hearing process. We do understand there are some specific application types that need reworking (the Planning Commission discussed changes to the PUD section) but we are not getting into that level of detail with this amendment. We explained this to the Planning Commission as well and they want us to continue moving forward. There is discussion in the near future that a more comprehensive re-write or overhaul of Chapter 10 would occur that would look at all of these various pieces. So if you can save those comments for a later amendment that would be appreciated.

If you have comments you would like to provide for the work we are currently proposing, please submit those by the end of June/early July. The plan is to have this in front of the Planning Commission on July 27th and the City Council by September 7th.

Let me know if you have any questions.

Carla

Carla G. Angeli Paladino
Principal Planner - Long Range Division
City of Medford Planning Department
Lausmann Annex
200 South Ivy Street, Medford, Oregon 97501
541-774-2395 (direct)

Office Line: 541-774-2380

Fax: 541-618-1708

www.ci.medford.or.us

From: Jay Harland [<mailto:jay@csaplanning.net>]
Sent: Monday, May 08, 2017 10:49 AM
To: Matt H. Brinkley
Cc: Kelly A. Akin; Carla G. Paladino; Mike Savage; Beverly Thruston; Raul Woerner; Lori Hollis (Loretta)
Subject: FW: COM PC study session RE: code amd

Director Brinkley,

This is the first we have seen of this code update proposal.

I have not had time to study it in depth. I did skim it and a lot of the changes look sensible to me. CSA fully supports an update to this code section.

However, we do have some preliminary thoughts/questions:

1. The statement in the staff report is that a major update to the procedures section is needed to modernize the code. As such, an amendment to this Section should not just be editorial in nature. There are some major procedural problems with the City's code. The most glaring issue that comes to mind is the process to deal with design issues for Conditional Use Permits - which is one of the most awkward procedures for any permit action IMHO. We would welcome the opportunity to work with the City to get this issue fixed as part of this amendment. I think a discussion about changes to the exception criteria that creates different procedural levels for different levels of exceptions (variances) would also be very helpful and this type of "grading" of exceptions is very common in most urban development codes.
2. We would appreciate the opportunity to make suggestions on some of the procedural details. We have a lot of experience working with this code and many others around the State. What is your recommendation on input timing and how our input can be the most constructive?

Thank you for your attention to this matter,

Jay Harland
CSA Planning Ltd.

From: Lori Hollis [<mailto:lori@csaplanning.net>]
Sent: Monday, May 8, 2017 9:44 AM
To: 'Harland, Jay (CSA Planning Ltd)'; 'Raul'; 'Mike Savage'; 'Beverly Thruston'
Subject: COM PC study session RE: code amd

FYI

Exhibit H
Minutes – Planning Commission
Study Session October 26, 2015



Planning Department

from Study Session on **October 26, 2015**
Working with the community to shape a vibrant and exceptional city.

The study session of the Medford Planning Commission was called to order at noon in the Lausmann Annex Room 151-157 on the above date with the following members and staff in attendance:

Commissioners Present

David McFadden, Chair
Patrick Miranda, Vice Chair
Tim D'Alessandro
David Culbertson
Norman Fincher
Joe Foley
Bill Mansfield
Mark McKechnie
Jared Pulver

Staff Present

Jim Huber, Planning Director
Bianca Petrou, Assistant Planning Director
Kelly Akin, Principal Planner
John Adam, Senior Planner
Kevin McConnell, Deputy City Attorney
Praline McCormack, Planner II

Subject:

1. DCA-15-088 Article II Reorganization Amendment

Praline McCormack, Planner II, reported that frustrated by the disorganization in Article II, staff is proposing an amendment to reorganize it. Ms. McCormack reviewed the summary of the proposed major changes to Article II.

1. Change the words "plan authorization" throughout the Code to either land use action or land use review depending on how the word is used. The reason for the change: "Plan authorization" does not mean anything to most people and it is not defined in the Code.
2. Change the five procedural types that are currently classified as Class A through E to Type I, II, III, etc. The reason for the change: It is standard practice to classify procedures as Types.
3. Reduce the number of procedural types from five to four. The procedural types are proposed to change as follows:
 - Class A and Class B become Type IV applications. These types of applications go before the Planning Commission for recommendation to the City Council. City Council makes the final decision. The decision can be appealed to LUBA.

- Class C becomes Type III applications that decisions would be appealed to City Council.
 - Class D becomes Type II applications that are administrative decisions with notice. The decision can be appealed to the Planning Commission.
 - Class E becomes Type I applications that the decision is ministerial. These applications are usually not appealable except for final Planned Unit Development plans.
4. Remove Section 10.146, the referral agency distribution table. The reason for the change: This would add two and a half pages to Article II. Also, if there are any changes to the table it requires a code amendment to update the table. It would be easier to maintain and update the table if it is done administratively, when necessary, by staff.
 5. Under each application type there is a section that lists the application submittal requirement. Staff is proposing to remove these from the code. The reason for the change: Anytime there is a change to the number of copies required, or there is an additional submittal requirement to add, it requires a code amendment. It would be easier to maintain and update the applications if it is done administratively, when necessary, by staff.
 6. Currently, land partitions are a Class C quasi-judicial procedure and the approving authority is the Planning Commission. Staff proposed to change land partitions to a Type II, Planning Director decision, with notice to adjacent property owners. The reason for the change: Land partitions are straight-forward and merely requires an analysis to ensure that the resultant lot(s) meet code requirements for the underlying zoning district. By making these a Type II Planning Director decision, with notice, it removes an unnecessary local regulation and streamlines the partition process.

Commissioner Fincher asked if an application is denied, what is their course of action? Ms. McCormack reported that it would get appealed to the Planning Commission.

Commissioner McKechnie asked if this is basically a lot split; one lot turned into two? John Adam, Principal Planner stated up to three. That is the definition in State law for a partition. Four or more is a subdivision.

Commissioner McKechnie asked if it would still go through Land Development? Kelly Akin, Principal Planner, reported that the process would be the same. There would not

be a public hearing. There would still be the 21-day, 200 foot notice to surrounding property owners, unless there is an appeal.

Ms. McCormack reported that the notice would not be for a public hearing but for an application received and that there will be an upcoming decision. After the decision is made there would be a notice of the decision.

Commissioner Mansfield stated that he thinks they all agree that they want to make this as simple as possible. Anytime there is an appeal from an administrator to the Planning Commission or from the Planning Commission to the City Council the scope of review needs to be carefully specified. Business licenses are misnamed in the Code. They are not licenses at all. They are taxes. They have no regulatory function.

Commissioner McKechnie stated that he likes leaving in the Code what is required for a specific application. Leave out the certain number of copies. Mr. Adam reported that staff continues to have that debate. They may consolidate it into a table.

Vice Chair Miranda stated that when reviewing the description of the Planning Commission on the website it quotes Section 10.111 and speaks to Class A, B and all of Class C. Would that be updated? Ms. McCormack reported that she would update anywhere in the Code and website that refers to the different Classes.

Mr. Adam asked the Planning Commissioners what was their comfort level of making partitions an administrative decision?

Vice Chair Miranda and Chair McFadden stated that it makes sense.

Commissioner Foley stated that he agrees with the earlier comment on the table. It makes more sense. He gets a little nervous about taking all that out.

Commissioner Pulver reported that on the first three proposed changes he defers them to the other Planning Commissioners. Terms should be defined. When making changes to the tables would they let the Planning Commission know or would staff take it to Jim Huber, Planning Director, for his approval or disapproval? Mr. Huber stated that staff's thoughts were how much of the specific items should be land use decisions? Should staff take several of the unnecessary submittal requirements and create administrative rules that go along with the Code?

Ms. McCormack commented that the City is moving towards a paperless system.

There was discussion regarding making zone change decisions administrative or have the City Council make the decision. Other cities have city council make the decision because they consider it a legislative decision.

Commissioner Mansfield reported that the last time he reviewed the Oregon Revised Statutes it requires zone changes to be made by the Council. The Planning Commission does not have the power to make a zone change. It would have to go to the legislature unless it has been changed in recent years. Kevin McConnell, Deputy City Attorney, stated that he would have to research that. Annexations are the same way.

Commissioner D'Alessandro stated he agrees that simplifying the process will pay in dividends for most involved. As long as there are mechanisms in place for oversight in the event it is considered appealable. He is hearing from constituents in the southwest area regarding planter strips between the curb and sidewalks. Once they are installed there is little responsibility of who deals with them and how. It is unsightly.

Mr. Huber replied that it is a topic on the City Council's agenda. They have a full agenda and is not considered top priority. Part of the problem is authority. There are approximately ten different references in the Code that states it is part the responsibility of Public Works and other part is the Parks Department.

Mr. McConnell stated that this issue came to the Legal Department of who is responsible for the park strips. It looks like Public Works and the Parks Department are treating this differently. Mr. McConnell recommended that they change the Code to make it clear of who is responsible for those park strips. Appearance, water free and who is responsible for the maintenance needs to be addressed.

Commissioner McKechnie asked if they could discuss eliminating all the ridiculous things in the Code that have to do with landscaping? Can they get that on the agenda? Some of his concerns are: 1) How composition of structural soil is to be put together; 2) Who in City staff goes out and looks at that; and 3) Details on irrigation systems.

Bianca Petrou, Assistant Planning Director, stated that she thought that was just added to the Code. Ms. Akin replied they did. Commissioner McKechnie stated to get rid of them. It does not belong there. It is a construction specification that does not belong in a zoning code.

Mr. Huber replied that if the Commission wants to discuss this issue they could get some people from the Water Commission to speak to the Planning Commission. Approximately five years ago they appeared before the City Council and asked that the City Council revamp all of the landscaping ordinance provisions. They addressed that during winter months there is a certain water usage but in the summer months it sky rockets.

They attributed it to the inefficiency of soil, slopes, inefficient irrigation systems and wrong materials. There was a Water Conservation Site Development Committee that met for four years that came up with the code amendment. It is complex.

Commissioner McKechnie stated that it is the most complex one that he has seen anywhere, regardless of where he has worked in the country. Mr. Huber commented that they are not wed to it but the goal is to stop wasting water.

Exhibit I
Minutes – Planning Commission
Study Session May 8, 2017



The study session of the Medford Planning Commission was called to order at 12:05 p.m. in the Lausmann Annex Room 151-157 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
E. J. McManus

Staff Present

Kelly Akin, Assistant Planning Director
Kevin McConnell, Deputy City Attorney
Carla Paladino, Principal Planner
Kyle Kearns, Planner II

Commissioners Absent

Mark McKechnie, Unexcused Absence
Alex Poythress, Excused Absence
Jared Pulver, Excused Absence

Subject:

20.1 DCA-15-088 – Article II Reorganization

NOTE: The recorder at this meeting had a malfunction and did not record the meeting. The notes were taken from staff's PowerPoint Presentation and from staff members in attendance.

Kyle Kearns, Planner II, reported that the major articles of the Medford Land Development Code are:

- Article I – General Provisions
- Article II – Procedural Requirements
- Article III – Zoning Districts
- Article IV – Public Improvement Standards
- Article V – Site Development Standards
- Article VI - Signage

The Medford Land Development Code was adopted in 1987 with only minor changes to Article II in 30 years.

Typical code amendments pertain to land use/zoning and development.

There have been many changes in Planning in 30 years.

The lack of updates to Article II means:

- Language is out of date
- Procedures have changed
- Procedures are outdated

The proposed changes within Article II are meant to create an easier and more adaptable Land Use Code to meet the needs of planning as it is today.

The following updates to Article II include:

- Re-organization
- Format Changes
- Tentative Land Divisions/Partitions
- Removal of Submittal Criterion
- Updates to the entire Medford Land Development Code

A portion of the update is required to create an Article II that is easier to follow and read. It includes:

- Combination of related sections
- Moved Sections from Article I to Article II; 10.021, 10.031, 10.052, and 10.056
- Deleted redundant or unnecessary language.

Another portion of the update is proposed to create a more current land use code with current planning practices. It includes:

- Change plan authorization to land use action or review
- Proposing procedural typed to change to:
 - Class A and B become Type IV
 - Class C becomes Type III
 - Class D becomes Type II
 - Class E becomes Type I
- Changed Language to simpler terms
- Converted masculine pronouns (he to neutral (they) words

Tentative Land Divisions/Partitions are currently Class C land use actions.

The proposal makes:

- Partitions (3 or less parcels) a Type II Land Use Action
- Land Divisions (>3 parcels) remains Type III (Class C)

Partitions are often simple in nature with little discretion needed to achieve approval.

Other changes include:

- Removal of submittal criteria
- Updated to the entire Medford Land Development Code

The next steps are as follows:

- Send to agencies for comment
- Ensure ORS compliance/consistency
- Planning Commission hearing

The Planning Commission discussed the changes that pertain to tentative land divisions and partitions.

Vice Chair McFadden and Commissioner Foley raised concerns about controversial applications, including a particular case on White Oak Drive where there was a high amount of discretion needed as it was a concern of surrounding neighbors. They were concerned that taking land partitions away from the Planning Commission review may cause some issues in the future for more complex cases and the lack of a public hearing. Staff pointed out that partition applications accompanied by an Exception, such as the White Oak application, would go to the Planning Commission.

The Planning Commission discussed the possibility of adding a number threshold of citizen comments that would trigger a public hearing. The Planning Commission acknowledged this cannot be a criteria.

The Commission asked staff to double check it is in fact just the simple partitions that would be going to the Planning Director for review.

It was asked, can the Planning Director submit to the Planning Commission for assistance on tougher cases? Commissioner Mansfield pointed out that it is possible to give the Planning Director the authority to forward applications to the Planning Commission for a public hearing. Staff agreed to add language to that effect.

The Planning Commission asked, would this have any effect on the 120 day rule? Staff stated it will not. Part of this proposal is to give the Planning Commission appeal authority in partitions. The City Council would not hear this kind of appeal, the next step would be LUBA.

The Planning Commission was generally supportive of the changes to land partitions.

The Planning Commission was generally supportive of the overall changes to Article II with not much in terms of substantive comments

The Planning Commission gave some direction regarding more specific changes to Article II procedures. They want the amendments in two phases:

- Phase 1: What staff is currently doing
- Phase 2: Specific procedural requirements such as changes to the Site Plan and Architectural Commission review, conditional use permit process and other changes be done separately from this code amendment.

Staff noted receipt of comments from CSA Planning received this morning. They would like to make changes to specific application procedures, particularly the conditional use permit. Staff agreed with the Planning Commission's direction to limit the amendment to reorganization at this time.

30. Adjournment

The meeting was adjourned at 12:30 p.m.

Submitted by:
Terri L. Rozzana
Recording Secretary