

PLANNING COMMISSION AGENDA JULY 28, 2016



Commission Members

Tim D'Alessandro
David Culbertson
Joe Foley
Bill Mansfield
David McFadden
Mark McKechnie
Patrick Miranda
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 28, 2016

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 PUD-16-024 Final Order of a request for a revision to the Cedar Landing Planned Unit Development (PUD) (see list below). The request for PUD Revision primarily applies to the portion of Cedar Landing located on the NORTH side of Cedar Links Drive. There is one PUD Modification request that is applicable to the entire development.

Proposed PUD revision applicable to the NORTH & SOUTH SIDE of the development:

- 1) Allow a 55% lot coverage maximum for single-family residential units under 25 feet; units more than 25 feet in height will remain subject to zoning provision maximum lot coverage of 40%.

Proposed PUD revisions applicable to the NORTH portion of the development:

- 1) Reconfiguration of the Multi-Family, Commercial, Congregate Care and Open Space land uses to a mixture of Single Family, Multi-Family, Commercial and Open Space
- 2) Allow for optional land use for a scaled-down congregate Care Facility in lieu of single-family cottage units;
- 3) Serve a portion of the property with a private street;
- 4) Increased maximum building height for multi-family structures within "The Village" sub-area to provide more architecturally appealing rooflines on three story units;
- 5) Allow a 10-foot front yard setback exclusive of garages for "The Cottages" sub-area;
- 6) Allow a 75-foot lot depth and minimum lot size of 3,800 square feet within "The Cottages" sub-area;
- 7) Allow up to 75% lot coverage for single family units under 25 feet in height within the "The Cottages" sub area;
- 8) Permit a minimum lot size of 5,800 square feet for lots within "Sky Lakes at The Village, Phase I & II".
- 9) Allow a minimum of 1.4 parking spaces for multi-family units rather than 1.5
- 10) Allow flexibility between multi-family unit counts and commercial square footages in a manner commensurate with the total parking provided on site.

- 11) Allow option of mixed residential and comical within the commercial buildings subject of final design review, as required by the MLDC.
- 12) Allow meandering sidewalk design
- 13) Eliminated requirement for public pedestrian access from Cul-De-Sac to Callaway Drive.
- 14) Permit driveway access from Cedar Links Drive to Commercial area of the "Villages"
- 15) Allow mix of uncovered and covered parking for multi-family units.
- 16) Allow street tree landscaping requirement relief in location affected by the MWC water line easement. (Cedar Investment Group LLC, Applicant; CSA Planning Ltd., Agent)

LDS-16-025 Final Order of a request for a revision to the Cedar Landing tentative plat for "*Cascade Terrace at Cedar Landing Phases 1 through 5*"). The site is located in the north portion of the Cedar Links development project, north of Cedar Links Drive and west of Wilkshire Drive within a SFR-4/PUD (Single Family Residential 4 units per gross acre with Planned Unit Development Overlay). Applicant is requesting approval for a 98-lot residential subdivision tentative plat revision for the purpose of modifying phase boundaries and renaming the two tentative plats to *Cascade Terrace at Cedar Landing, Phase 1 through 5*. The subject request pertains only to project phasing and proposed name change. Lot configurations, open space, streets and infrastructure remain identical to the previously approved tentative plats (LDS-14-137, LDS-14-138). (Cedar Investment Group LLC, Applicant; CSA Planning Ltd., Agent)

LDS-16-026 Final Order of a request to authorize a replat of Lots 91 and 94 of the "Sky Lakes Village at Cedar Landing Phase 7A – A Planned Community". (Cedar Investment Group LLC, Applicant; CSA Planning Ltd., Agent)

LDS-16-027 Final Order of a request for approval of the tentative plat for "Sky Lakes at Cedar Landing Phases 1 through 4", "The Village at Cedar Landing", and "The Cottages at Cedar Landing" within an area previously identified as "The Village at Cedar Landing Phases 2 and 3", consisting of 54 lots on approximately 34.24 acres. (Cedar Investment Group LLC, Applicant; CSA Planning Ltd., Agent)

20.2 **ZC-16-067** Final Order of a request for a zone change from SFR-00 (Single Family Residential, one dwelling unit per existing lot) to SFR-6 (Single Family Residential, six dwelling units per gross acre) on approximately 0.70 acres located on the east side of Cherry Street, approximately 370 feet north of Key Drive. (Joseph & Carole Eselin, Applicant/Agent)

20.3 **CUP-16-059** Final Order of a request for a Conditional Use Permit to allow the construction of a park on two parcels totaling approximately 3.08 acres located at the southwest corner of Lone Oak Drive and Shamrock Drive, within the MFR-20/SE (Multiple-Family Residential – 20 dwelling units per gross acre/Southeast Overlay) zoning district. (Mahar Homes, Inc., Applicant; Galbraith & Associates, Agent)

30. Minutes

30.1 Consideration for approval of minutes from the July 14, 2016, 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.**

Old Business

50.1 **PUD-16-060** Consideration of plans for a revision of a Final Planned Unit Development (PUD) Plan to add both temporary and permanent recreational vehicle (RV) storage to the existing mini storage facility on 6.7 acres located at 2012 Kingswood Drive within the SFR-6 (6 dwelling units per gross acre) zoning district (372W23AC6000, 372W23AC6001, 372W14D8000, 372WAB14601, 372WAB14600) (Climate Control Mini Storage, LLC., Applicant; Scott Sinner Consulting, Inc., Agent)

New Business

50.2 **PUD-16-065** Consideration of a PUD Revision to the Delta Center Planned Unit Development to allow for the reallocation of unutilized commercial use square footage permitted and located within Phase 1 of the currently approved PUD Plan. Applicant proposes that commercial square footage permitted for the development be allowed to be sited anywhere within the boundary of the PUD as needed. Proposed PUD Revision also summarizes previously approved de minimus revisions made to the PUD project. Delta Center PUD currently consists of 22.33 net acres, generally located west and north the intersection of Crater Lake Highway (OR 62) and Delta Waters Road, and located within an I-L/PUD (Light Industrial/Planned Unit Development Overlay) zoning district. (Nash LLC., Applicant; Richard Stevens & Associates, Inc., Agent)

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 PLANNING COMMISSION FILE PUD-16-024)
APPLICATION FOR REVISIONS TO CEDAR LANDING PLANNED UNIT) **ORDER**
DEVELOPMENT SUBMITTED BY CEDAR INVESTMENT GROUP LLC)

ORDER granting approval for a revision to the approved Preliminary PUD Plan described as follows:

Revision to the Cedar Landing Planned Unit Development (PUD) (see list below). The request for PUD Revision primarily applies to the portion of Cedar Landing located on the NORTH side of Cedar Links Drive. There is one PUD Modification request that is applicable to the entire development.

Proposed PUD revision applicable to the NORTH & SOUTH SIDE of the development:

- 1) Allow a 55% lot coverage maximum for single-family residential units under 25 feet; units more than 25 feet in height will remain subject to zoning provision maximum lot coverage of 40%.

Proposed PUD revisions applicable to the NORTH portion of the development:

- 1) Reconfiguration of the Multi-Family, Commercial, Congregate Care and Open Space land uses to a mixture of Single Family, Multi-Family, Commercial and Open Space
- 2) Allow for optional land use for a scaled-down congregate Care Facility in lieu of single-family cottage units;
- 3) Serve a portion of the property with a private street;
- 4) Increased maximum building height for multi-family structures within "The Village" sub-area to provide more architecturally appealing rooflines on three story units;
- 5) Allow a 10-foot front yard setback exclusive of garages for "The Cottages" sub-area;
- 6) Allow a 75-foot lot depth and minimum lot size of 3,800 square feet within "The Cottages" sub-area;
- 7) Allow up to 75% lot coverage for single family units under 25 feet in height within the "The Cottages" sub area;
- 8) Permit a minimum lot size of 5,800 square feet for lots within "Sky Lakes at The Village, Phase I & II".
- 9) Allow a minimum of 1.4 parking spaces for multi-family units rather than 1.5
- 10) Allow flexibility between multi-family unit counts and commercial square footages in a manner commensurate with the total parking provided on site.
- 11) Allow option of mixed residential and comical within the commercial buildings subject of final design review, as required by the MLDC.
- 12) Allow meandering sidewalk design
- 13) Eliminated requirement for public pedestrian access from Cul-De-Sac to Callaway Drive.
- 14) Permit driveway access from Cedar Links Drive to Commercial area of the "Villages"
- 15) Allow mix of uncovered and covered parking for multi-family units.
- 16) Allow street tree landscaping requirement relief in location affected by the MWC water line easement.

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Land Development Code, Section 10.245(A), Revision of a Preliminary or Final Planned Unit Development Plan; and
2. The Medford Planning Commission has considered in an open meeting the applicant's request for a revision to the approved Preliminary PUD Plan described above; and
3. Evidence and recommendations were received and presented by the applicant's representative and Planning Department staff; and
4. After consideration and discussion, the Medford Planning Commission, upon a motion duly seconded, approved a revision to the approved Preliminary PUD Plan described above.

THEREFORE LET IT BE HEREBY ORDERED that the approval for a revision to the approved Preliminary PUD Plan described above, per the Planning Commission Report dated July 14 2016.

Accepted and approved this 28th day of July, 2016.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative



PLANNING COMMISSION REPORT

for a Type-C quasi-judicial decision: PUD Revision

PROJECT Cedar Landing
Applicant: Cedar Investment Group LLC; Agent: CSA Planning Ltd.

FILE NO. PUD-16-024

DATE July 14, 2016

BACKGROUND

Proposal

Consideration of a request for Revision to the Cedar Landing Planned Unit Development (PUD). The request for PUD Revision primarily applies to the portion of Cedar Landing located on the NORTH side of Cedar Links Drive. One PUD Modification request is pertains to the entire development PUD project. The Cedar Landing PUD is located on approximately 116 acres on the north and south sides of Cedar Links Drive, west of Foothill Road within an SFR-4/PD (Single-Family Residential – 4 dwelling units per gross acre / Planned Development) zoning district.

Proposed PUD revision applicable to the NORTH & SOUTH SIDE of the development:

- 1) Allow a 55% lot coverage maximum for single-family residential units under 25 feet; units more than 25 feet in height will remain subject to zoning provision maximum lot coverage of 40%.

Proposed PUD revisions applicable to the NORTH portion of the development:

- 1) Reconfiguration of the Multi-Family, Commercial, Congregate Care and Open Space land uses to a mixture of Single Family, Multi-Family, Commercial and Open Space
- 2) Allow for optional land use for a scaled-down congregate Care Facility in lieu of single-family cottage units;
- 3) Serve a portion of the property with a private street;
- 4) Increased maximum building height for multi-family structures within "The Village" sub-area to provide more architecturally appealing rooflines on three story units;
- 5) Allow a 10-foot front yard setback exclusive of garages for "The Cottages" sub-area;
- 6) Allow a 75-foot lot depth and minimum lot size of 3,800 square feet within "The Cottages" sub-area;
- 7) Allow up to 75% lot coverage for single family units under 25 feet in height within the "The Cottages" sub area;

- 8) Permit a minimum lot size of 5,800 square feet for lots within “Sky Lakes at The Village, Phase I & II”.
- 9) Allow a minimum of 1.4 parking spaces for multi-family units rather than 1.5
- 10) Allow flexibility between multi-family unit counts and commercial square footages in a manner commensurate with the total parking provided on site.
- 11) Allow option of mixed residential and comical within the commercial buildings subject of final design review, as required by the MLDC.
- 12) Allow meandering sidewalk design
- 13) Eliminated requirement for public pedestrian access from Cul-De-Sac to Callaway Drive.
- 14) Permit driveway access from Cedar Links Drive to Commercial area of the “Villages”
- 15) Allow mix of uncovered and covered parking for multi-family units.
- 16) Allow street tree landscaping requirement relief in location affected by the MWC water line easement.

Subject Site Characteristics

Zoning SFR-4
GLUP UR (Urban Residential)
Use Vacant Golf Course

Surrounding Site Characteristics

North	SFR-4	Single Family Dwellings
South	SFR-4	Single Family Dwellings
East	SFR-4	Single Family Dwellings
West	SFR-4	Single Family Dwellings

Related Projects

PUD-05-035	Cedar Landing PUD
LDS-05-036	Cascade Terrace Subdivision
LDS-05-037	Sky Lakes Subdivision
PUD-05-035	Termination of 5.47 acre portion of PUD for park property in 2011
LDS-13-121	Sky Lakes Village Subdivision Phases 7A & 7B
PUD-13-119	PUD Revision
E-14-059	Exception to required right-of-way dedication
PUD-14-136	PUD Revision
LDS-14-137	Sky Lakes Village Phase 1 Tentative Plat
LDS-14-138	The Village at Cedar Landing Phase 1 Tentative Plat
PUD-15-043	South portion of Cedar Landing PUD Revision for reconfiguring area into the High Cedars subarea, phases 1 through 5 and modifying land use.
LDS-15-044	Tentative plat for High Cedars Subdivision Phases 1 through 5 (176 lots).

Applicable Criteria

Medford Municipal Code

Planned Unit Development, §10.235(C)

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.

Revision or Termination of a PUD, §10.245(A)(3)

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) or 10.240(G), 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 10.235(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.

Corporate Names

The application lists Cedar Investment Group, LLC as the owner of the subject property. As per the State of Oregon Business Registry, Eric Artner is listed as the registered agent.

ISSUES AND ANALYSIS

Project History

On April 27, 2006, the Planning Commission approved Cedar Landing Planned Unit Development (PUD-05-035), a master plan for the redevelopment of the 122.12-acre site to provide a mixture of residential uses, commercial development and a preservation of existing open space. The overall project was organized into four sub areas with multiple phases that are described as follows:

1. High Cedars (43.0 ± acres) consists of five (5) phases including single-family lots, 55 and older, pad lots and common area/open space.
2. The Village at Cedar Landing (21.42 ± acres) is made up of five (5) phases of single-family lots, condominiums, retirement facilities and common area/open space.
3. Cascade Terrace (15.4 ± acres) is comprised of two (2) phases of small single-family lots targeted for detached dwellings and residents aged 55 or older.
4. Sky Lakes Village (41.6 ± acres) consists of single-family residential lots and common area/open space.

Three phases of the original project have final plan and plat approvals. Sky Lakes Village Phases 5, 6, and 7A have received final plat and plan approvals. In addition, a request was approved to allow the termination of portions of Cascade Terrace and Sky Lakes Village. The 5.47 acre terminated portion of the project was sold to the City for use as a public park.

In 2013, a revision to the PUD was approved which included modifications for naming, numbering, and design. An important item discussed in the Public Works Report at that time was the realignment of Cedar Links Drive at Foothills Road. A traffic signal and the realigned intersection have recently been completed.

In January 2015, an exception was approved for the reduction of required right-of-way dedication for Cedar Links Drive. The Planning Commission approved modifications to the street design as part of the original approval in order to preserve existing Cedar trees on the north side of Cedar Links Drive. An Exception was necessary in order to reduce the amount of right-of-way dedication.

In April 2015, the Planning Commission approved a revision to the PUD regarding changes to the north side of Cedar Links Drive and tentative plats for Sky Lakes Phase 1 and The Village Phase 1. The changes to the PUD on the north side of Cedar Links Drive

are similar to those presented in this application and specifically addressed street design, number of lots, the relocation of paths, a reduction in the front yard setback, and an increase in maximum lot coverage.

In May of 2015, the applicant received approval to revise the portion of the PUD south of Cedar Links Drive (PUD-15-043). Specifically, major revisions to the plan consisted of reconfiguring the entire area into 5 phases; changing all commercial, multi-family, and condominium uses to single-family detached residential; removing the below grade pedestrian crossing at Cedar Links Drive; creating a single access point to Foothill Road at Normil Terrace and eliminating the second access point at Tree Top Drive. Concurrently, with the PUD amendment, the applicant received approval of a 176-lot tentative plat (LDS-165-044) extending over the entire project area south of Cedar Links Drive.

Current Proposal

The applicant is now requesting a subsequent PUD revision along with three corresponding land division applications. The requested revisions for the PUD have been listed above on the first and second pages of this report. Staff will provide comment to each revision and modification further below. The three land divisions directly correspond to the proposed revisions identified in the PUD revision and to address project phasing. Specifically, the three land divisions address the following:

LDS-16-025: *Revision to “Cascade Terrace Phase 1 through 5”.*

This area was previously platted as “*Sky Lakes Village at Cedar Landing – Phase I*” and “*The Village – Phase I*”. The applicant seeks to amend the phasing boundaries of each of the subject plats previously approved. Thus, the revised phasing boundaries are identified. Additionally, the applicant has combined the two plat areas into one tentative plat and has renamed both plats. The platted area will be known as “*Cascade Terrace - Phases 1 through 5*”. In providing this new tentative plat, there have been no changes made to the lot configuration, lot count, circulation or infrastructure when compared to the Planning Commission approval of two previously approved plats. This plat is completely consistent with earlier approved plats.

LDS-16-026: *Replat of “Sky Lakes Village – Phase 7A”.*

This is a proposed Replat of Lot 91 and 94 of the Sky Lakes Village 7A plat to revise the underlying reserve lots to be consistent with the proposed PUD revisions provided within this application. The Replat also creates revises the lot lines so that the underlying reserve acreage lots are consistent with the proposed changes of the phasing plan provided on the plat for “*Sky Lakes Village at Cedar Landing – Phase I*” (LDS-16-026)

LDS-15-027: Tentative Plat for “Sky Lake Village at Cedar Landing , Phase 1 through 4, The Village at Cedar Landing and the Cottages at Cedar Landing”

This plat relates to “Sky Lakes Village – Phases 1 through 4” the plat area previously identified as “The Village – Phases 2 and 3”. The purpose of this plat is to create 23 standard single family lots, 22 cottage unit residential lots and open space tract for the development of cottage units. Additionally, this plat provides 7 pad lots within a common open space lot for the development of the apartment complex and commercial buildings.

PUD Revisions and Proposed PUD Modification Requests

Proposed PUD revision applicable to the NORTH & SOUTH SIDE of the development:

1. *Allow a 55% lot coverage maximum for single-family residential units under 25 feet; units more than 25 feet in height will remain subject to zoning provision maximum lot coverage of 40%.*

Staff supports the applicant’s request for modification. A higher percentage of permitted for residential units under 25 feet may result in the development of more single level homes in the project. With a larger percentage, a home owner can opt for a larger square footage home without the need to build a two story unit. Incentive for building larger one story units may have the effect of preserving some view sheds toward Roxy Ann Peak and to the mountains surrounding the Valley. This modification request applies to the entire Cedar Landing development. Units greater than 25 feet in height will be required to comply with the MLDC standard of 40% maximum lot coverage.

Decision: The Planning Commission approved the Applicant’s requested modification.

Proposed PUD revisions applicable to the NORTH portion of the development:

2. *Reconfiguration of the Multi-Family, Commercial, Congregate Care and Open Space land uses to a mixture of Single Family, Multi-Family, Commercial and Open Space*

Revised Land Use Area Changes (North of Cedar Links Drive) – Cottage Option

Land Use/Housing Type	Currently Approved PUD	Proposed Revision (PUD-16-024)
Commercial square footage	24,213 sq ft	8,000 -21,000 sq ft
Single-Family Dwellings	0	23
Condominium Units (Over Commercial)	24	0
Cottage Units	0	22
Apartment Units	0	75-100
Congregate Care Units	150 (66,600 sq ft)	0

Revised Land Use Area Changes (North of Cedar Links Drive) – Congregate Care Option

Land Use/Housing Type	Currently Approved PUD	Proposed Revision (PUD-16-024)
Commercial square footage	24,213 sq ft	8,000 -21,000 sq ft
Single-Family Dwellings	0	23
Condominium Units (Over Commercial)	24	0
Cottage Units	0	0
Apartment Units	0	75-100
Congregate Care Units	150 (66,600 sq ft)	64 (24,000 sq ft)

Staff will provide specific recommendations in the sections below regarding the proposed land uses. These proposed revisions to the PUD do not result in a significant change in density. The approximate 116 acres included in the PUD with the underlying zoning of SFR-4, results in an allowable residential density range of roughly 290 units up to about 556 units with a 20 percent density bonus due to the large nature of the PUD. In this portion of the PUD, although the housing types of the area to be amended to be a mix of single family, apartment, cottage homes or congregate care, the total number of units decrease from 174 total units to 145 under the “Cottage Option” and increases slightly to 187 total units under the “Congregate Care Option”. Together with the northern portion of the PUD, the total number of proposed housing units is 462 to 487 depending on the proposed option, which falls well within the allowable range.

Decision: The Planning Commission approved the Applicant’s requested revisions to the Cedar Landing Preliminary Development Plan.

3. *Allow for optional land use for a scaled-down congregate Care Facility in lieu of single-family cottage units;*

Staff supports the applicant’s proposal to opt for either 22 units of small lot single family “cottage” units or provide a scaled down 24,000 square foot congregate care facility. The applicant’s findings provide, with high specificity, the configuration of streets and lots associated with the cottage units (Exhibit 11) and the general configuration of the 24,000 square foot congregate care facility (Exhibit 14).

Under either scenario, the cottage unit development, or reduced congregate care facility, presents a much smaller building mass and less intensity than the currently approved 66,600 square foot- three story congregate care facility. Either proposal would provide a transitional land use that is more appropriate in scale with relation to the surrounding single family development. Should the developer opt to develop the smaller congregate care facility, the project will need to have a subsequent public hearing before the Site Plan and Architectural Commission to approve a site plan, building elevations and landscape.

Decision: The Planning Commission approved the Applicant’s requested modification to allow for the developer to opt for 22 cottage units or a 24,000 square foot congregate care facility.

4. *Serve a portion of the property with a private street;*

The approved plan contains a public street that separates the existing congregate care site on the north from the commercial development to the south. In this proposed amendment, the Applicant proposes to utilize a private street, having a paved section of 24 feet in width that will separate the apartment complex site from the cottage unit/congregate care site. Parking would not be permitted on this street. No dwelling unit takes direct access from this alignment.

Decision: The Planning Commission approved the Applicant’s requested modification.

5. *Increased maximum building height for multi-family structures within “The Village” sub-area to provide more architecturally appealing rooflines on three story units;*

The current maximum height established for the PUD is 35 feet. The applicant is proposing a modification to the PUD that would allow a 40 foot height for the three apartment buildings. The purpose stated in the applicant’s findings is that the 40-foot height allowance would provide more attractive roof architecture for the proposed three story structures. Staff concurs with the applicant that a three story structure would be more attractive with the allowed increase of 5 feet as it would yield a greater pitch to the roof structure. A three story structure with a 35 foot high limitation would be limited to a flat roof with parapet wall or perhaps a pitched roof with relatively minor slope.

Staff has received written public correspondence from area residents Tom Michaels and Jim Greathouse raising concern about the proposed 40 foot maximum height (Exhibit H). The communication identifies that the Planning Commission had previously considered an increased maximum height for the PUD and concluded that all development of the PUD should meet the standard maximum height for the SFR-4 zoning district of 35 feet. The second issue raised by the letter is that there is neither a specific, nor general exhibit that demonstrates the elevations and how the five-foot change would positively impact building appearance of a three story structure. The letter indicates that the Commission could not knowingly evaluate the requested modification request without such documentation. While staff supports the request and believes that it would improve the building architecturally, the residents make a strong point that there currently is no evidence for the Commission to weigh as to consider the applicant’s request.

Decision: The Planning Commission approved the Applicant’s requested modification, subject to compliance with the multi-family development standards provided in the Kistler, White and Small design narrative, dated July 6, 2016.

6. *Allow a 10-foot front yard setback exclusive of garages for “The Cottages” sub-area;*

Staff supports the applicant’s request. The 75 foot deep cottage unit lots are not intended to have significant yard space. The housing type provides a good option for home buyers not seeking to maintain large areas of outdoor space. If the cottage unit configuration is approved with the 75-foot depth it would be important to allow a shallower setback to the living space of the unit to maximize lot efficiency and perhaps allow design option that would place more space to the rear of the structure. The Land Development Code was recently amended to allow for a 15-foot setback to living space for these purposes. However, with a 75-foot depth, the 10 foot setback is more appropriate.

Decision: The Planning Commission approved the Applicant’s requested modification.

7. *Allow a 75-foot lot depth and minimum lot size of 3,800 square feet within “The Cottages” sub-area;*

As noted above, these smaller cottage units present an alternative housing choice, which providing a single family unit with little outdoor space to maintain. Staff supports the applicant’s request.

Decision: The Planning Commission approved the Applicant’s requested modification.

8. *Allow up to 75% lot coverage for single family units under 25 feet in height within the “The Cottages” sub area;*

Staff supports the applicant’s request as it would allow a home builder to offer a single story unit within the cottages that would be reasonably sized.

Decision: The Planning Commission approved the Applicant’s requested modification.

9. *Permit a minimum lot size of 5,800 square feet for lots within “Sky Lakes at The Village, Phase I & II”.*

Staff supports the subject modification.

Decision: The Planning Commission approved the Applicant’s requested modification.

10. *Allow a minimum of 1.4 parking spaces for multi-family units rather than 1.5*

Given the range presented by the applicant of 75 to 100 apartment units, dependent on the size of the commercial structures and parking needs, this would result in 8 to 10 less parking spaces for the apartment complex. The preliminary development plan shows a total of 199 parking spaces for both commercial development and the apartment complex. Staff acknowledges that there are existing conditions associated with the general area such as the Butte Springs Water Line Easement and existing wetlands that cause some inefficiencies in site development. There are alternatives, such as reducing the number of apartment units or decreasing commercial square footage that would bring the development into compliance with the standard. It is feasible that a lot fronting Yamsey Drive could also be utilized for additional parking space. As such, staff does not support the requested modification as presented. Staff recommends that the approval of a 5% reduction in overall parking be permitted as a possible consideration of SPAC in a site plan application submittal once specific building square footages and uses are determined.

Decision: The Planning Commission did not approved the Applicant's requested modification as submitted. The Planning Commission deferred the decision to SPAC once additional information regarding uses, square footage, and total number of units was determined. The Commissions also authorized SPAC to determine the bufferyard width between the single family homes and the apartment complex at time of site plan review.

11. *Allow flexibility between multi-family unit counts and commercial square footages in a manner commensurate with the total parking provided on site.*

Staff believes that flexibility is good for minor adjustments depending on end user or market demand needs. However the zoning also needs provide a certain level of assurance to both the developer and community regarding future development. Staff supports the notion of a degree of flexibility as to limit processes that may be unwarranted based on the magnitude of a small change. However, the range provided for the commercial development and apartments seem too significant in staff's opinion. The preliminary development plan shows a total of 10,500 square feet of neighborhood commercial space, and calls out a range of square Commercial Square in the findings of 8,000 to 21,000 square feet the top end being twice as much, or a 100% increase as what is shown in plan. It is difficult to conceive how the parking would be met, while hitting the target ranges. As noted above, staff does not recommend the range presented but believes a certain level of flexibility would be beneficial.

Decision: The Planning Commission approved the Applicant’s revised modification to allow for up to 50 % increase in commercial square footage than shown in the preliminary development plan (15,750 square feet). Rational included the significant amount of commercial inventory that has been removed from the PUD plan. The Planning Commission determined that if the area could support the additional square footage than it should be permissible. Thus, the Commission agreed to the Applicant’s stipulation to limit commercial expansion square footage to no more than 50%.

12. Allow option of mixed residential and commercial within the commercial buildings subject of final design review, as required by the MLDC.

Staff supports mixed use residential development. However, the number of units is not identified. Staff does not have sufficient information to provide a recommendation. Additionally, it is unclear how parking requirements would be met if these are additional units to the apartment complex.

Decision: The applicant agreed and stipulated to limiting second stories to office or storage area. The Planning Commission approved the Applicant’s revised modification request.

13. *Allow meandering sidewalk design*

Staff supports this request.

Decision: The Planning Commission approved the Applicant’s requested modification.

14. *Eliminated requirement for public pedestrian access from cul-de-sac to Callaway Drive.*

Block length requirements are easily met by the surrounding streets. Staff does not see a substantial benefit to requiring pedestrian access between the homes from Callaway Drive to the cul-de-sac.

Decision: The Planning Commission approved the Applicant’s requested modification.

15. *Permit driveway access from Cedar Links Drive to Commercial area of the “Villages”*

The Planning Department understands that the Public Works has no objection to the southerly driveway access.

Decision: The Planning Commission approved the Applicant’s requested modification.

16. Allow mix of uncovered and covered parking for multi-family units.

The MLDC does not provide any requirement for covered parking for multi-family units. Staff believes that a mix of covered and uncovered parking is appropriate. Staff recommends that the Commission consider a minimum percentage of covered parking.

Decision: The Planning Commission approved the Applicant's requested modification without any limitation to the percentage of covered parking spaces.

17. Allow street tree landscaping requirement relief in location affected by the MWC water line easement.

Relief to landscaping requirements for specific conflicts is permitted by the Medford Land Development Code. The Medford Water Commission does have concern regarding large trees being placed with or near the easement. Staff recommends that a certain level of flexibility regarding the number of street trees be provided as it relates to the water line easement.

Decision: The Planning Commission supports this request. There are current provisions in the code to address circumstances such as these without need of filing a formal exception request.

ADDITIONAL DOCUMENTATION SUBMITTED FOR THE RECORD, JUNE 23, 2016

At the June 23, Public Hearing, the Applicant provided a memorandum (Exhibit I) regarding the concerns raised within the June 16, 2016 staff report and staff's recommended amendments to the modifications within the application findings. The letter provided by the Applicant included additional rationale in support of the requested modifications, along with a project description for the architectural character of the proposed apartment complex component.

At the public hearing of June 23, 2016, a resident of the area requested that the record be held open so that the public could review and provide response to the new information presented to the Planning Commission. The Planning Commission continued the public hearing of the subject application to the July 14, Planning Commission meeting.

Roof height

The Applicant's June 23, 2016, correspondence also included an attachment containing a design narrative regarding the intent and primary design objectives with the aim of adding value to the multifamily project and supporting the modification for a 40 foot

building height. The description included information regarding project amenities, scale and proportion, floor to floor and ceiling height, exterior base-middle-top exterior building articulation, roof architecture, and landscaping.

Staff finds the project narrative beneficial in understanding the design intent for the future apartment complex and further finds that it supports the applicant's position that the building would benefit aesthetically by permitting a 40 foot height.

Public Comment

In response to the letter submitted by the Applicant on June 23, 2016 (Exhibit I), Jim Greathouse submitted a letter, dated June 29, 2016 (Exhibit J), addressed to the Planning Commission. In summary, Mr. Greathouse requests the design narrative and concepts be adopted as multi-family standards if the modifications sought by the applicant are approved.

The Applicant met with Mr. Greathouse and Tommy Michaels on July 6, 2016, to discuss some minor edits to the design narrative sought by the applicant for the inclusion of the narrative as the design concept that will be followed for the multi-family component for the development.

Staff received a revised design narrative on July 7, 2016, from Kistler + Small + White Architects, updated July 6, 2016, with cover letter signed by Jim Greathouse, Tommy Michaels requesting the revised document to be adopted into the record as the design concept to be followed for the multi-family component. NEMEC supports the request for the modification for the 40 foot building height, 5% parking reduction and all other items identified in the application and June 23, 2016, memorandum from Mike Savage of CSA.

Staff has included, as a discretionary condition of approval, that the July 6, 2016, design narrative by Kistler + Small + White Architects be entered into the record as the multi-family design concept to be followed and applied by the Site Plan and Architectural Commission in the future review of a site plan for the multi-family component.

As noted on Modification # 5, The Planning Commission approved the Applicant's requested modification, subject to compliance with the multi-family development standards provided in the Kistler, White and Small design narrative, dated July 6, 2016.

FINDINGS AND CONCLUSIONS

The Planning Commission has reviewed the applicant's findings and conclusions (Exhibit B). The Planning Commission hereby approves all modifications as represented in this commission report with exception to modification number 10, which has SPAC has been authorized to considering the issue at site plan submission. The Planning Commission hereby adopts all findings and modifications, except as noted above.

RECOMMENDED ACTION

Adopt the modified findings as recommended by staff and direct staff to prepare a Final Order for approval per the revised staff report dated July 7, 2016, including Exhibits A-1 through L.

ACTION TAKEN

Adopted the Applicant's findings, as modified by the findings of Commission in this report, and directed staff to prepare a Final Order for approval per the revised staff report dated July 7, 2016, including Exhibits A-2 through L.

EXHIBITS

A-2 Conditions of Approval

B Applicant's Findings of Fact and Conclusions of Law, Received June 10, 2016, with the following exhibits:

- Jackson County Assessor Map depicting property
- City of Medford Zoning depicted on Aerial Map
- City of Medford General Land Use Plan Map
- 2014 Aerial Photo Map
- Proposed preliminary PUD
- Proposed Replat of Lots 91 and 94 of Sky Lakes at Cedar Landin Phase 7A
- Proposed Tentative Plat for Sky Lakes Village Phase 1-4, The Village and the Cottages
- Proposed tentative plat map for Cascade Terrace Phases 1-5
- Proposed landscape plan for Sky Lakes Village Phase 1-4, the cottage's and the Village
- Preliminary Grading and Stormwater Detention Plan for sky lakes Village, phase 1- 4, the Cottages and the Village
- Covenants, Conditions and Restriction's (CCR's)
- Congregate Care Option Exhibit within the "Cottages" subarea
- Pedestrian path detail
- Wetlands Plan
- Proposed lot Coverage exhibit Map
- Open Space plan for overall project
- Copy of latest PUD plan approved prior his application submittal
- Approved phasing plan south portion of PUD below Cedar Links Drive.

C Public Works Staff Report, dated May 25, 2016

D Medford Water Commission Memo, dated May 25, 2016

E Fire Department Report, prepared May 20, 2016

- F Address Technician Memo, received May 25, 2016
- G E-mail correspondence from Oregon Department of Aviation, received May 20, 2016
- H Public Testimony - Letter from Mr. Tom Michaels and Jim Greathouse, received June 15, 2016
- I CSA Memorandum, dated June 23, 2016, including multi-family design narrative
- J Public Testimony - Letter from Jim Greathouse, received June 29, 2016, in response to June 23, 2016 CSA Memorandum
- K Agreement between Northeast Medford Neighborhood Coalition and Cedar Investment Group L.L.C., received July 7, 2016; including revised multi-family project description by Kistler + Small + White Architects dated July 6, 2016.
- L CSA Memorandum dated and received July 7, 2016.
Vicinity map

MEDFORD PLANNING COMMISSION

Patrick Miranda, Chair

PLANNING COMMISSION AGENDA:

**JUNE 23, 2016
JULY 14, 2016
JULY 28, 2016**

EXHIBIT A-2

**Cedar Landing PUD Revision – June 2016
Conditions of Approval
July 14, 2016**

All conditions of the Preliminary PUD plan approval (PUD-05-035) are still in effect, other than those modified by this revision request.

CODE CONDITIONS

- 1. With exception of providing a pedestrian pathway at the cul-de-sac to Calaway Drive, comply with the Public Works Staff Report received dated May 25, 2016 (Exhibit C);**
- 2. Comply with the Medford Water Commission Memorandum dated May 25, 2016 (Exhibit D);**
- 3. Comply with the Medford Fire Department Report prepared May 20, 2016 (Exhibit E);**
- 4. Comply with the Address Technician Memorandum received May 25, 2016 (Exhibit F).**

DISCRETIONARY CONDITIONS

- 5. Allow 5% overall reduction to the overall required parking of the commercial and multi-family component to be only considered and determined by SPAC when a site plan application with specific commercial uses and square footages have been determined.**
- 6. Permit a 50% increase in commercial building square footage (15,750 square feet), subject to meeting the commercial code standards for parking.**
- 7. The design concept narrative, prepared by Kistler, + Small + White Architects, , dated July 6, 2016, shall serve as the design concept to be followed and applied by the Site Plan and Architectural Commission in consideration and review of a site plan submittal for the multifamily component.**
- 8. The second story of any commercial buildings shall be limited to office or storage use.**

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

IN THE MATTER OF A REVISION TO THE TENTATIVE PLAT APPROVAL OF)
)
CASCADE TERRACE AT CEDAR LANDING PHASES 1-5 [LDS-16-025]) **ORDER**

ORDER granting approval of a request for a revision to the Cedar Landing tentative plat for "Cascade Terrace at Cedar Landing Phases 1 through 5") described as follows:

The site is located in the north portion of the Cedar Links development project, north of Cedar Links Drive and west of Wilkshire Drive within a SFR-4/PUD (Single Family Residential 4 units per gross acre with Planned Unit Development Overlay). Applicant is requesting approval for a 98-lot residential subdivision tentative plat revision for the purpose of modifying phase boundaries and renaming the two tentative plats to *Cascade Terrace at Cedar Landing, Phase 1 through 5*. The subject request pertains only to project phasing and proposed name change. Lot configurations, open space, streets and infrastructure remain identical to the previously approved tentative plats (LDS-14-137, LDS-14-138).

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 as described above, with the public hearing a matter of record of the Planning Commission on June 23, 2016.
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 the request as described above and directed staff to prepare a final order with all conditions and findings set forth.

THEREFORE LET IT BE HEREBY ORDERED that the request as described above stands approved per the Staff Report dated June 16, 2016, 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 as describe above hereafter supported by the findings referenced in the Staff Report dated June 16, 2016.

BASED UPON THE ABOVE, the Planning Commission determined that the request as described above 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 28th day of July, 2016.

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 REPLAT APPROVAL OF LOTS 91 AND 94 OF THE)
)
SKY LAKES VILLAGE AT CEDAR LANDING PHASE 7A [LDS-16-026]) ORDER

ORDER granting approval of a request to authorize a replat of lots 91 and 94 of the Sky Lakes Village at Cedar Landing Phase 7A.

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 to authorize a replat of lots 91 and 94 of the Sky Lakes Village at Cedar Landing Phase 7A, with the public hearing a matter of record of the Planning Commission on June 23, 2016.
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 the request to authorize a replat of lots 91 and 94 of the Sky Lakes Village at Cedar Landing Phase 7A and directed staff to prepare a final order with all conditions and findings set forth.

THEREFORE LET IT BE HEREBY ORDERED that the request to authorize a replat of lots 91 and 94 of the Sky Lakes Village at Cedar Landing Phase 7A stands approved per the Staff Report dated June 16, 2016, 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 to authorize a replat of lots 91 and 94 of the Sky Lakes Village at Cedar Landing Phase 7A hereafter supported by the findings referenced in the Staff Report dated June 16, 2016.

BASED UPON THE ABOVE, the Planning Commission determined that the request as described above 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 28th day of July, 2016.

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 TENTATIVE PLAT APPROVAL FOR SKY LAKES PHASES 1-4, THE)
) ORDER
VILLAGE AND THE COTTAGES AT CEDAR LANDING [LDS-16-027])

ORDER granting approval of a request to authorize tentative plat approval described as follows:

For "Sky Lakes at Cedar Landing Phases 1 through 4", "The Village at Cedar Landing", and "The Cottages at Cedar Landing" within an area previously identified as "The Village at Cedar Landing Phases 2 and 3", consisting of 54 lots on approximately 34.24 acres

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 above request, with the public hearing a matter of record of the Planning Commission on June 23, 2016.
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 the above request and directed staff to prepare a final order with all conditions and findings set forth.

THEREFORE LET IT BE HEREBY ORDERED that the above request stands approved per the Staff Report dated June 16, 2016, 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 the above request is hereafter supported by the findings referenced in the Staff Report dated June 16, 2016.

BASED UPON THE ABOVE, the Planning Commission determined that the request as described above 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 28th day of July, 2016.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative

Exhibit "B"

CTI #28875

2.00

WARRANTY DEED
(Granted as Tenants by Entirety)

CRATER TITLE INSURANCE CO. P.O. BOX 336- 604 W. MAIN ST., - MEDFORD, OREGON

74-16040

aka NANCY HENSON

KNOW ALL MEN BY THESE PRESENTS, That CHESTER N. HENSON and NANCY O. HENSON /
husband and wife

in consideration of TWENTY-EIGHT THOUSAND FIVE HUNDRED and NO/100 (\$28,500.00) Dollars
to them granted by TROY M. GARRISON and NORMA N. GARRISON

husband and wife, grantees, do hereby grant, bargain, sell and convey unto the said grantees, as tenants by the entirety, their heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Jackson and State of Oregon, bounded and described as follows, to-wit:

Beginning at a point 110 feet North of the Southwest corner of Lot 1, Block 2, NICKELL ADDITION to the City of Medford, Jackson County, Oregon; thence North along the West line of said lot, 100.0 feet; thence East 305 feet, to the East line of said lot; thence South, along the East line, 100.0 feet; thence West, 305 feet, to the point of beginning.

SUBJECT TO:

1. These premises are situated in the Medford Irrigation District, and subject to the levies and assessments thereof, if any, and regulations concerning the same.
2. The premises herein described are within and subject to the statutory powers of the Bear Creek Valley Sanitary Authority.

Jackson County, Oregon
Recorded
OFFICIAL RECORDS

8:30 DEC 10 1974 A.M.

HARRY CHIPMAN
CLERK and RECORDER

By *James H. McCraw* Deputy

To Have and to Hold the above described and granted premises unto the said grantees, their heirs and assigns forever, as above stated.

And the grantor do covenant that they are lawfully seized in fee simple of the above granted premises free from all incumbrances, except as hereinabove stated

and that they will and their heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever.

Witness our hand and seal this 6th day of December, 1974

Chester N. Henson (SEAL)
Chester N. Henson

Nancy O. Henson (SEAL)
Nancy O. Henson

Nancy Henson (SEAL)
Nancy Henson

STATE OF OREGON,

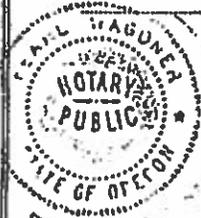
County of Jackson } ss. On this 6th day of December, 1974

before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named CHESTER N. HENSON and NANCY O. HENSON aka NANCY HENSON

known to me to be the identical individual described in and who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Paul Oganes
Notary Public for Oregon
My Commission expires 9-21-77



WARRANTY DEED

CRATER TITLE INSURANCE CO.
P.O. BOX 336
MEDFORD, OREGON

State of Oregon }
County of Jackson } ss. c
I hereby certify that the within instrument of writing was received and filed at _____ o'clock M. the _____ day of _____ 19____ and is recorded in _____ Records for Jackson County, Oregon.
County Clerk By _____ Deputy

RETURN TO
MAIL TAX STATEMENTS TO:
Troy H. Garrison and
Norma N. Garrison
819 Cherry Street
Medford, Oregon 97501

RECEIVED
MAY 20 2016
PLANNING DEPT.

ESCROWS

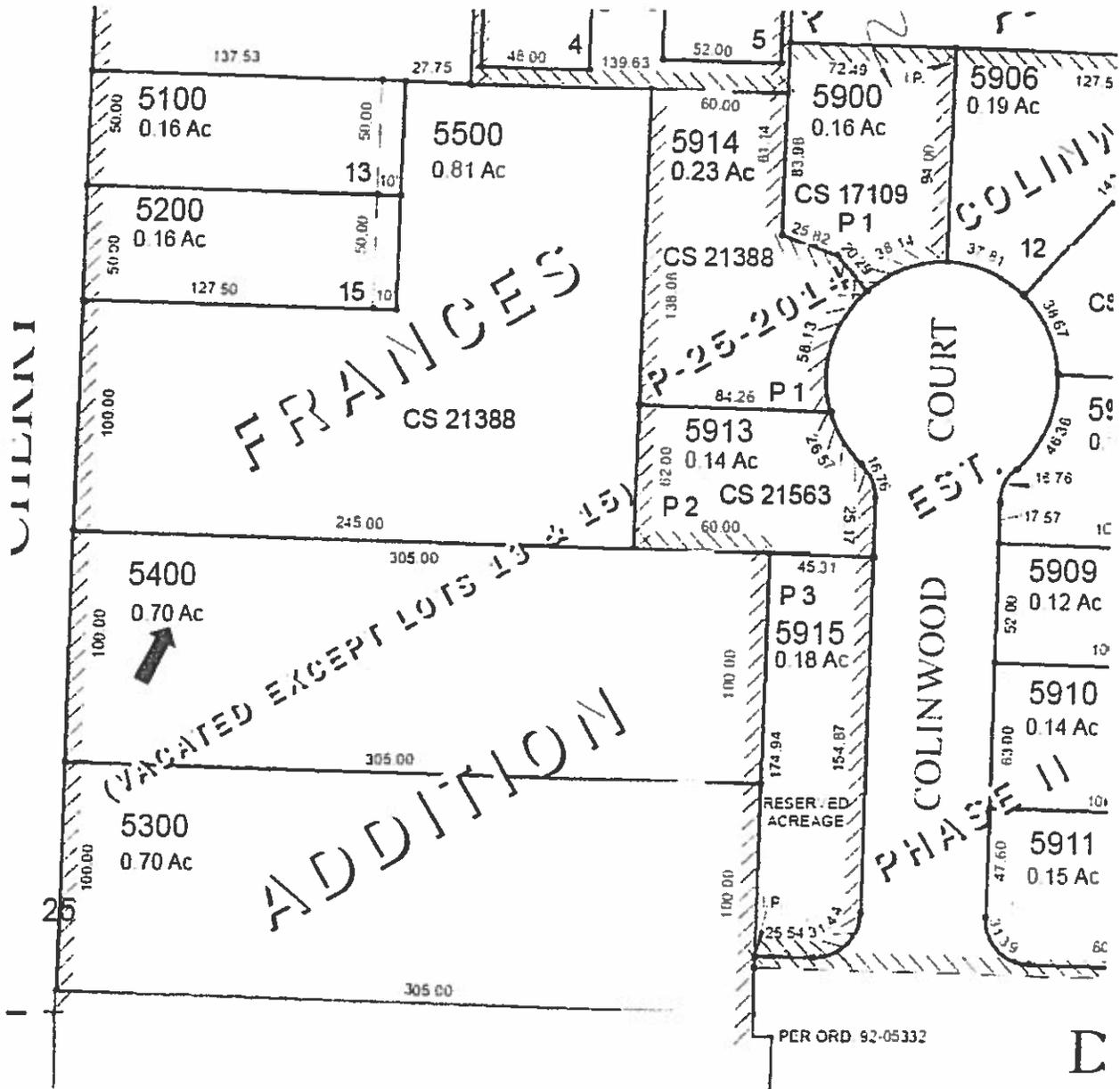
TITLE INSURANCE

PHONE 772-5263

CITY OF MEDFORD
EXHIBIT #
File # ZC-16-067

8

Map & Tax Lot: 72W25CC 5400





Planning Commission

Minutes

From Public Hearing on July 14, 2016

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
Tim D'Alessandro
Joe Foley
Bill Mansfield
Jared Pulver

Staff Present

Jim Huber, Planning Director
Kelly Akin, Principal Planner
Kevin McConnell, Deputy City Attorney
Alex Georgevitch, City Engineer
Greg Kleinberg, Fire Marshal
Debbie Strigle, Recording Secretary
Kristina Heredia, Planner II
Desmond McGeough, Planner III
Dustin Severs, Planner II

Commissioners Absent

Patrick Miranda, Chair, Excused Absence
Mark McKechnie, Excused Absence

10. Roll Call

20. Consent Calendar/Written Communications.

20.1 LDS-16-053 Final Order for a tentative plat for Westridge Village at Vista Pointe Phase 7, a 12-lot residential subdivision on approximately 6.18 acres located on the westerly side of East McAndrews Road at Chablis Terrace within the SFR-4/PD (Single Family Residential, 4 dwelling units per gross acre/Planned Development Overlay) zoning district (Tax Lot 371W22AD291). (Michael T. Mahar Retirement Plan & Trust, Applicant; Neathamer Surveying, Inc., Agent)

20.2 LDS-16-051 / E-16-052 Final Order for Silky Oaks Phase 5, a 14-lot residential subdivision along with an Exception requesting relief from the width requirement for the creation of a flag lot on approximately 2.26 gross acres located along the north side of Maple Park Drive and 353 feet east of Ross Lane N within the SFR-00 (Single Family Residential, one dwelling unit per existing lot) zoning district (372W23DD TL 600 & 601) (Horton Homes, LLC., Applicant; Scott Sinner Consulting, Inc., Agent)

Motion: Adopt the consent calendar as submitted.

Moved by: Commissioner D'Alessandro

Seconded by: Commissioner Culbertson

Voice Vote: Motion passed, 6-0.

30. Minutes

30.1. The minutes for June 23, 2016, 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 – Old Business

50.1 PUD-16-024 Consideration of a request for a revision to the Cedar Landing Planned Unit Development (PUD) (see list below). The request for PUD Revision primarily applies to the portion of Cedar Landing located on the NORTH side of Cedar Links Drive. There is one PUD Modification request that is applicable to the entire development.

Proposed PUD revision applicable to the NORTH & SOUTH SIDES of the development:

1. Allow a 55% lot coverage maximum for single-family residential units under 25 feet in height; units more than 25 feet in height will remain subject to zoning provision maximum lot coverage of 40%.

Proposed PUD revisions applicable to only the NORTH side of the development:

2. Reconfiguration of the Multi-Family, Commercial, Congregate Care and Open Space land uses to a mixture of Single Family, Multi-Family, Commercial and Open Space.
3. Allow for optional land use for a scaled-down congregate Care Facility or single-family cottage units.
4. Serve a portion of the property with a private street.
5. Increased maximum building height for multi-family structures within "The Village" sub-area to provide more architecturally appealing rooflines on three story units.
6. Allow a 10-foot front yard setback exclusive of garages for ""The Cottages"" sub-area.
7. Allow a 75-foot lot depth and minimum lot size of 3,800 square feet within ""The Cottages"" sub-area.
8. Allow up to 75% lot coverage for single family units under 25 feet in height within the ""The Cottages"" sub area.
9. Permit a minimum lot size of 5,800 square feet for lots within "Sky Lakes at The Village, Phases I & II". (Cedar Investment Group LLC, Applicant; CSA Planning Ltd., Craig Stone, Agent)

LDS-16-025 Consideration of a request for a revision to the Cedar Landing tentative plat for "*Cascade Terrace at Cedar Landing Phases 1 through 5*"). The site is located in the north portion of the Cedar Links development project, north of Cedar Links Drive and west of Wilkshire Drive within a SFR-4/PUD (Single Family Residential 4 units per gross acre with Planned Unit Development Overlay). Applicant is requesting approval for a 98-lot residential subdivision tentative plat revision for the purpose of modifying phase boundaries and renaming the two tentative plats to *Cascade Terrace at Cedar Landing, Phase 1 through 5*. The subject request pertains only to project phasing and proposed name change. Lot configurations, open space, streets and infrastructure remain identical to the previously approved tentative plats (LDS-14-137, LDS-14-138). (Cedar Investment Group LLC, Applicant; CSA Planning Ltd., Craig Stone, Agent)

LDS-16-026 Consideration of a request to authorize a replat of Lots 91 and 94 of the "*Sky Lakes Village at Cedar Landing Phase 7A – A Planned Community*". (Cedar Investment Group LLC, Applicant; CSA Planning Ltd., Craig Stone, Agent)

LDS-16-027 Consideration of a request for approval of the tentative plat for "*Sky Lakes at Cedar Landing Phases 1 through 4*", "*The Village at Cedar Landing*", and "*The Cottages at Cedar Landing*" within an area previously identified as "*The Village at Cedar Landing Phases 2 and 3*", consisting of 54 lots on approximately 34.24 acres. (Cedar Investment Group LLC, Applicant; CSA Planning Ltd., Craig Stone, Agent)

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

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.

Desmond McGeough, Planner III, read the Planned Unit Development, Planned Unit Development Revision and the land division criteria into the record. Mr. McGeough gave a brief project overview.

Vice Chair McFadden stated that Mr. McGeough mentioned a smaller congregate care facility. What was the approved square footage of the initial approval? Mr. McGeough reported that the initial approval was a maximum of 35 feet in height and 64,000 square feet. If the applicant moves forward with a congregate care facility at that location it will be a single-story of 24,000 square feet.

The public hearing was opened.

a. Mike Savage, CSA Planning Ltd., 4497 Brownridge Terrace, Suite 101, Medford, Oregon, 97504-9173. Mr. Savage stated that staff did a thorough presentation. At the last hearing the reason for the extension was so that a couple of the neighbors could review some of the materials that were provided that day. Staff pointed out that the

neighbors did have a chance to review those with the applicant and have come to full support of the project.

Staff and the applicant are on the same page for 99% of this project. They differ just a little bit on the parking ratios and commercial square footage. This project as a whole provides 20 acres of open space. Counting the 5 acres that the City now owns for park purposes that is 26 acres of park intermingled with trails and pedestrian paths. This is a situation where the applicant has taken the more impacting commercial and multi-family and put it into a compact form within the particular portion of the property they are calling The Village. The portion of commercial will ultimately accommodate the immediate neighborhood vicinity. The multi-family is immediately adjacent to the commercial. The applicant thinks that a significant portion of the clientele will generate from the multi-family and surrounding neighborhood. They will use walkways and paths. It is their opinion that it is a reasonable request for a 5% reduction in parking because people will probably walk and ride their bikes to the commercial operations. Farmington Avenue will make for an easy mechanism for neighborhoods beyond to make quick stops at the commercial area. It is very unlikely that the surrounding neighborhood would need that parking for single family residents. In the alternative the applicant has an area on the west side that they can take out the green space and put in additional parking. It is not something they want to do. They want to stay with the theme and provide open space with nice vegetation. Staff came up with an alternative to defer the 5% reduction in parking to the Site Plan and Architectural Commission. The applicant requests that the Planning Commission under their authority modify the standards. The Code has some allowances for reduced parking. It is different than the modification to the parking standards.

Regarding the commercial square footage the original Planned Unit Development had approximately close to 50,000 square feet. The applicant has reduced it down to 10,500 square feet. That is the target square footage marketable for this particular area. However, if the market actually requires a little more demand the applicant would like to accommodate that. From a design perspective the buildings will still be in the same identified building footprint. It is just a matter whether they are two or single story finished space.

The access way and the cul-de-sac the applicant requests that the Planning Commission recognizes that the cul-de-sac is necessary in order for that block to develop.

There was a question at the first hearing regarding lot coverage. Lot coverage is 50% on the south side plus the northeast and east side of the project. The southwest portion was already approved for different lot coverage than the standard. The Cottages will have 75% lot coverage for single story limited 25 feet.

In staff's most recent report requested that the Planning Commission provide a minimum percentage for covered parking. The applicant had requested in their

application that they allow for covered parking which the Code allows. The applicant thinks it is odd that staff would request a minimum percentage for something that is not required of the Code. The applicant would like doing covered parking but there are no guarantees they will.

Kelly Akin, Principal Planner, with regard to the parking the Planning Commission does have the authority to modify the parking standards. Staff's recommendation is two-fold. First, there are a lot of questions as far as what is going to happen. It is known that there is a certain amount of square footage that is proposed. What the applicant has asked for is the flexibility in balancing the commercial area with the apartments and having a number there then reducing it. There are a lot of questions. Staff feels it should be deferred to the Site Plan and Architectural Commission once they know exactly what is going to be constructed. Generally, staff likes the idea of reduced parking. It works great in areas where there is transit. There is no mass transit that serves this area. As far as removing the landscaping along the west side of the apartments and single family residences the Code does not specifically require buffer yards. It is a zone to zone requirement and this is not a differing zone but the uses are different. Staff feels that the buffer is important as far as the livability of the single family residences.

Commissioner Foley wanted to understand the issues they are having as a debate between staff and the applicant to make sure when the Commission gets to making a motion they know what they are talking about. They discussed the parking spaces. There was the question on the square footage of the commercial whether it should be 35% or the 50% that the applicant had requested. The covered parking and the path size was a question. Did he list all the differences that are currently built into the recommendations and the requests from the applicant?

Mr. McGeough stated that the initial proposal was in the range of 8,000 and 21,000 square feet. Shown on the preliminary planned unit development plan is 10,500 square feet of office/commercial development. The applicant initially indicated they wanted to double that footprint. Staff felt that was too much. In the June 23, 2016 memorandum that was submitted to the Planning Commission the applicant indicated they would be amenable to a 50% increase to the square footage from the 10,500 square feet. Staff recommended 35% which would be equivalent to 14,175 square feet.

Staff thought they had identified the covered parking as an issue at the first hearing. They did not receive a response from the applicant or have it identified as an issue by the Planning Commission.

The initial Public Works staff report indicated that a pathway was required from the street to the east into the cul-de-sac. That block is small in nature and easily meets block length requirements. The applicant is requesting that it not be required.

Commissioner D'Alessandro stated that Ms. Akin reported that staff does not recommend removing the buffer in lieu of parking. Was there any type of alternate to the applicant's recommendation for meeting the parking requirements? Mr. McGeough reported that staff has indicated that it is important that the buffer remains.

Alex Georgevitch, City Engineer, reported that the access way under Code Section 10.464 allows flexibility. If paths are multi-use they should be built to AASHTO standards. If they are not going to be multi-use paths opened to the public then it is no longer an issue of Public Works. That is a decision the applicant has to decide if it is opened to the public or a private facility only within the homeowners association. Public Works did not see that clearly depicted so Public Works is recommending that they be built to AASHTO standards.

Vice Chair McFadden stated that he did not think any of the walkways that are being proposed provide direct access into neighboring already developed properties. Is that true? Mr. Georgevitch stated that he believes that is correct. They are only shown internally. He believes the applicant has been working with the Parks Department to see about making them parks facilities. If they are going to build them as park facilities then they should be built as Public Works recommendation as multi-use paths of 10 feet wide. If there are exceptions in the AASHTO guidelines then Public Works would be acceptable to those.

Mr. Savage reported that throughout the project intermingled with the development improvements the applicant has requested that be 5 to 7 feet meandering sidewalks. Within the larger block open space areas the applicant would like those to be multi-use paths. The Planning Commission found that the 5 to 7 feet was sufficient on the south side and the applicant requests that is what the Planning Commission approves here. He does not believe that the AASHTO standards have been adopted into the City of Medford Code. However, if the City wants to rely on the AASHTO standard and there is a flexibility to go down to 8 feet with the multi-use paths area that is something the applicant would be amenable to.

With regards to the buffer strip on the west side of the parking it is roughly 11 feet. If they provide parallel parking that would only take up 7 to 8 feet. It would leave a 3 or 4 foot buffer that they could fully vegetate.

Commissioner D'Alessandro asked how many parking spaces the applicant would get with parallel parking. Mr. Savage reported they could fit 10 parking spaces in that area.

The public hearing was closed.

Commissioner Pulver stated that it is his opinion that this body has never really discussed the Planning Commission's position on the 16 various modifications to the Planned Unit Development that is being proposed. He prefers to tackle more difficult

one first and he would be an advocate trying to go through these modifications one by one and get a sense what the body feels like doing before crafting a motion.

Commissioner Mansfield agreed with that procedure.

Commissioner Mansfield started off with two of the main issues that one was the height of the building whether it was 35 or 40 feet and the other one was whether or not the Planning Commission allows The Cottages or the Congregate Care Facility.

Motion: Limit the building height to 35 feet.

Moved by: Commissioner Mansfield

Seconded by:

Commissioner Mansfield listened carefully at the last meeting to Mr. Michaels' and Mr. Greathouse's comments. They were shocked at the entire project and the only thing they got out of it was the limit of the building height to 35 feet. Commissioner Mansfield agrees with that. He is not opposed to the project but he is sure it was a shock to the neighboring residents.

Commissioner Foley pointed out the letter that Mr. Michaels and Mr. Greathouse submitted stating that when the neighborhood group met with them they agreed to the 40 foot building height. That is the same group opposing to it in the letter the Commission received as Exhibit K.

Commissioner Mansfield stated that if everyone affected agrees to the 40 feet then he will withdraw his motion.

Mr. McConnell stated that he does not want to get into parliamentary procedures. The Planning Commission can get a consensus one by one then they can take a break and someone can craft a motion with all the consensuses.

Vice Chair McFadden stated that with The Cottages and/or the congregate care facility it was one or the other not both. If the market shows it can support a congregate care facility the applicant may go with a smaller size or at the time of development economically The Cottages may be better.

Ms. Akin reported that there is sufficient information in the proposal to know what would happen. It would either be the 22 units or the congregate care facility.

Commissioner Pulver stated that in his mind approving the Planned Unit Development with apartment buildings within the Code and the applicant goes to the Site Plan and Architectural Commission requesting an exception that allows the public to testify at that point. His preference is not permit the 40 feet at this time, be silent on it stating in accordance with the Code, then if the applicant wants to propose a 40 foot apartment

building to the Site Plan and Architectural Commission at that time they can request an exception.

Commissioner Mansfield concurred with Commissioner Pulver. If the Commission is silent on it then it remains at 35 feet.

Vice Chair McFadden stated to specifically mention in the motion that it should be reviewed by the Site Plan and Architectural Commission.

Commissioner Pulver asked if an applicant could ask for an exception at the Site Plan and Architectural Commission review for building height. Ms. Akin reported they could. The Planning Commission is familiar with the four exception criteria. They would have to meet all four of the exception criteria. It is his opinion that the applicant would have a difficult time meeting the exception criteria. He is fine with the 40 feet.

The Planning Commission agreed with either The Cottages or the congregate care facility.

The options for the parking ratio are to remain at the 1.4, staff's recommendation of 1.5 or go to the 5%.

Commissioner D'Alessandro asked if the 10 parking spaces that Mr. Savage talked about brought it to Code compliance. Ms. Akin replied yes based on what was shown on the plan.

The Planning Commission deferred the decision to the Site Plan and Architectural Commission once additional information regarding uses, square footage, and total number of units was determined. The Planning Commission also authorized the Site Plan and Architectural Commission to determine the buffer yard width between the single family homes and the apartment complex at time of site plan review.

Regarding the commercial square footage staff recommended 35% which would be equivalent to 14,175 square feet. The applicant requested 15% with logical rationale. The Planning Commissioner's agreed with staff's recommendation.

The Planning Commission agreed with Public Works recommendation that the meandering sidewalks remain at 5 to 7 feet as shown. The multi-use paths should be built as Public Works recommendation of 10 feet wide.

The Cottages lot coverage would be 75% and single story.

Leave the covered parking open.

- 1) Allow a 55% lot coverage maximum for single-family residential units under 25 feet; units more than 25 feet in height will remain subject to zoning provision maximum lot coverage of 40%. The Planning Commission agreed.

- 2) Reconfiguration of the multi-family, commercial, congregate care and open space land uses to a mixture of single-family, multi-family, commercial and open space. The Planning Commission agreed.
- 3) Allow for optional land use for a scaled-down congregate care facility in lieu of single-family cottage units. The Planning Commission agreed.
- 4) Serve a portion of the property with a private street. The Planning Commission agreed.
- 5) Increased maximum building height for multi-family structures within "The Village" sub-area to provide more architecturally appealing rooflines on three story units. The Planning Commission agreed subject to compliance with the multi-family development standards provided in the Kistler, White and Small design narrative, dated July 6, 2016.
- 6) Allow a 10-foot front yard setback exclusive of garages for "The Cottages" sub-area. The Planning Commission agreed.
- 7) Allow a 75-foot lot depth and minimum lot size of 3,800 square feet within "The Cottages" sub-area. The Planning Commission agreed.
- 8) Allow up to 75% lot coverage for single family units under 25 feet in height within the "Cottages: sub area. The Planning Commission agreed.
- 9) Permit a minimum lot size of 5,800 square feet for lots within "Sky Lakes at The Village, Phase I & II. The Planning Commission agreed.
- 10) Allow a minimum of 1.4 parking spaces for multi-family units rather than 1.5. Discussed this earlier.
- 11) Allow flexibility between multi-family unit counts and commercial square footages in a manner commensurate with the total parking provided on site. Discussed earlier.
- 12) Allow option of mixed residential and commercial within the commercial buildings subject of final design review, as required by MLDC. Discussed earlier.
- 13) Allow meandering sidewalk design. Discussed earlier.
- 14) Eliminate requirement for public pedestrian access from cue-de-sac to Callaway Drive. Discussed earlier.
- 15) Permit driveway access from Cedar Links Drive to Commercial area of "The Villages". Discussed earlier.
- 16) Allow mix of uncovered and covered parking for multi-family units. Discussed earlier.
- 17) Allow street tree landscaping requirement relief in location affected by the MWC water line easement. Discussed earlier.

Motion: The Planning Commission directs staff to prepare a Final Order for approval of PUD-16-024 per the revised staff report dated July 7, 2016, covering modifications 1-17 listed above and including Exhibits A-1 through L.

Mr. McConnell stated that as long as the Planning Commission understands what has been done the motion maker could state that he adopts the motion of his own made my Vice Chair McFadden.

Moved by: Commissioner Foley

Seconded by: Commissioner Mansfield

Voice Vote: Motion passed, 6-0.

Motion for LDS-16-025: The Planning Commission adopts the modified findings as recommended by staff and directs staff to prepare a Final Order for approval of LDS-16-025 per the staff report dated June 16, 2016, including Exhibits A through M.

Moved by: Commissioner Mansfield

Seconded by: Commissioner Pulver

Voice Vote: Motion passed, 6-0.

Motion for LDS-16-026: The Planning Commission adopts the modified findings as recommended by staff and directs staff to prepare a Final Order for approval of LDS-16-025 per the staff report dated June 16, 2016, including Exhibits A through M.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Mansfield

Voice Vote: Motion passed, 6-0.

Motion for LDS-16-027: The Planning Commission adopts the modified findings as recommended by staff and directs staff to prepare a Final Order for approval of LDS-16-025 per the staff report dated June 16, 2016, including Exhibits A through M.

Moved by: Commissioner Mansfield

Seconded by: Commissioner Pulver

Voice Vote: Motion passed, 6-0.

New Business

50.2 ZC-16-067 Consideration of a request for a zone change from SFR-00 (Single Family Residential, one dwelling unit per existing lot) to SFR-6 (Single Family Residential, six dwelling units per gross acre) on approximately 0.70 acres located on the east side of Cherry Street, approximately 370 feet north of Key Drive. (Joseph & Carole Eselin, Applicant/Agent)

Vice Chair McFadden inquired whether any Commissioners have a conflict of interest or ex-parte communication they would like to disclose. Vice Chair McFadden disclosed that Mr. Eselin does secondary work for his corporation but it would not affect his decision.

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.

Kelly Akin, Principal Planner, read the zone change criteria into the record and gave a staff report.

The public hearing was opened.

a. Gary Whittle, 1588 Upland Place, Medford, Oregon, 97504. Mr. Whittle reported that Ms. Akin did a good job on the staff report and reserved rebuttal time if necessary.

Motion: The Planning Commission adopts the findings as recommended by staff and directs staff to prepare a Final Order for approval of ZC-16-067 per the staff report dated July 7, 2016, including Exhibits A through M.

Moved by: Commissioner Mansfield

Seconded by: Commissioner Pulver

Voice Vote: Motion passed, 6-0.

50.3 CUP-16-059 Consideration of a request for a Conditional Use Permit to allow the construction of a park on two parcels totaling approximately 3.08 acres located at the southwest corner of Lone Oak Drive and Shamrock Drive, within the MFR-20/SE (Multiple-Family Residential – 20 dwelling units per gross acre/Southeast Overlay) zoning district. (Mahar Homes, Inc., Applicant; Galbraith & Associates, Agent)

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

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.

Kelly Akin, Principal Planner, read the conditional use permit criteria and gave a staff report.

Commissioner Pulver stated that there was mention of landscape materials that were high water use not in compliance with the requirements. Does that have to do with the grass and the slope? Ms. Akin replied yes.

Commissioner Pulver stated that there was mention that the park does not tie into the greenway. He was thrown by that. Ms. Akin stated it accommodates the greenway trail. The Southeast Plan in this area has the greenway separated from the trail.

Vice Chair McFadden stated that Ms. Akin reported that the detention area would fill first and if it overflowed it would flow back into the play area. Is that correct? Ms. Akin reported that is her understanding of how it functions.

The public hearing was opened.

a. John Galbraith, Galbraith & Associates, 318 South Grape Street, Medford, Oregon, 97501. Mr. Galbraith reported that staff did a really nice presentation. The greenway trail will start at Chrissy Park and end at Village Center. The restrooms will move up.

There will be drinking fountains. The park will be built to state of the art. Mr. Galbraith reserved rebuttal time if necessary.

b. Ann Fraser, 503 Windsong Way, Medford, Oregon, 97504. Ms. Fraser has been anticipating this park. It is a walking neighborhood. Michael Park Drive is apparently going to be extended to the west from Lone Oak. Will that be finished at the same time as the park? Ms. Akin stated that she saw a no from the agent. Ms. Fraser is concerned that the parking for the cottages across the street. It could become a congested area if people other than the neighbors walk and park in that area. She is curious where the 11 parking spaces will be. She is also concerned with the retention pond.

c. Randy Jones, Mahar Homes, 815 Alder Creek Road, Medford, Oregon, 97504. Mr. Jones reported that the extended detention area to the west will be wet all the time. On the north side of the turf area there is a 42-inch drain pipe underground well below the level of the detention area. There will not be any water flowing into the turf play area.

There will be parking on Shamrock Drive and the extension of Shamrock to the west. There will be no housing on the south side. The housing on the north side will have parking in front of them. It will take a major event to clog the neighborhood.

Vice Chair McFadden asked if the slope down into the detention area would be mowable. Mr. Jones replied yes.

Commissioner Pulver asked if the detention area was fenced. Mr. Jones stated there will be a 4-foot wrought iron fence with gates around it.

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 CUP-16-059 per the staff report dated July 7, 2016, including Exhibits A through R.

Moved by: Commissioner D'Alessandro Seconded by: Commissioner Foley

Voice Vote: Motion passed, 6-0.

50.4 PUD-16-060 Consideration of plans for a revision of a Final Planned Unit Development (PUD) Plan to add both temporary and permanent recreational vehicle (RV) storage to the existing mini storage facility on 6.7 acres located at 2012 Kingswood Drive within the SFR-6 (6 dwelling units per gross acre) zoning district (372W23AC6000, 372W23AC6001, 372W14D8000, 372WAB14601, 372WAB14600) (Climate Control Mini Storage, LLC., Applicant; Scott Sinner Consulting, Inc., Agent)

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

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 II, stated that staff has received four new exhibits that will be added to the record as Exhibits I-L. Electronic copies of the exhibits were forwarded to the Planning Commission earlier today. Exhibits I, J and K consist of emails from neighbors in opposition to the proposal. Exhibit L is an email from the applicant's agent agreeing to a stipulation to specify the vehicle types to be used on the site.

The writing on the public hearing signs faded completely off. Mr. Severs is taking full responsibility that apparently the marker he used was not permanent or it was defective. Mr. Severs was contact by the applicant's agent explaining the situation and redo the signs. Mr. Severs did do that. Mr. Severs apologized to the neighbors for the mishap.

Mr. Severs gave a staff report. The Planned Unit Development criteria were read with the first application this evening.

Commissioner D'Alessandro stated that it looks like the applicant is already using the site for the requested purpose. Mr. Severs replied it appears so in the aerial views. He did not see any enforcement actions were taken against the applicant in the past. It is apparent looking at past years of aerial views it has been consistently used for RV storage.

Commissioner D'Alessandro stated that also in the aerial views provided he sees a couple of RV's in the entire neighborhood which leads him to believe there is something in the CC&R's that deals with RV parking in that area.

The public hearing was opened.

a. Scott Sinner, Scott Sinner Consulting, Inc., 4401 San Juan Drive, Medford, Oregon, 97504-9343. Mr. Sinner reported that Dennis Sullivan is representing management and is in the audience this evening. Mr. Sinner stated that he heard in the staff report that staff was allowing the applicant to use the graveled areas for the RV storage area. Also, there was a condition that within there is paved drive aisles. The applicant is stipulating to the paved drive aisles for the permanent RV storage area. The applicant was more specific, at staff's request, to describe exactly what type of RV's they area storing. They are motor homes, travel trailers, recreational boats; typical recreational and using scale vehicles.

Commissioner Foley stated that looking at the aerial views there is obviously vehicles being stored there now. Would he address how many units are being stored there now

compared to a permanent basis? Mr. Sinner reported that the peak storage was 37 units at one time. Currently they are down to 27 units. The permanent storage would be 24 at the most.

Commissioner Culbertson asked of the current RV's that are in there how many of those are owned by residents in the Candlewood Subdivision? Mr. Sinner stated that approximately 80% of the RV's are owned by the residents in the Candlewood Subdivision.

Mr. Sinner reserved time for rebuttal if necessary.

b. Jackie Green did not provide address on sign-in sheet or before giving her testimony. Ms. Green is concerned that this change does not meet the criteria of 2b and 2c. Her concern is that Kingswood Drive is the primary school bus location for children to be picked-up and dropped-off for the entire subdivision. There are twelve stops in the morning and afternoon. The children's safety is her concern.

Mr. McConnell stated that Ms. Green submitted an email to staff on July 13, 2016 listed as Exhibit K. She complained that the public notice that was posted was defective. They were blank. The pictures provided were taken on June 27, 2016. Does she happen to know if and/or when that defect was cured for the signs? Ms. Green stated it was only recently. Probably within the last 10 days.

Vice Chair McFadden asked Ms. Green if she received a notice in the mail regarding the public hearing. Ms. Green replied yes but her neighbors did not.

Commissioner Mansfield asked Ms. Green if she was withdrawing her claim that the proponent intentionally erased the information on the drawing board or is she continuing to maintain her claim? Ms. Green stated that she cannot say either way. All she knows is that the signs went up they initially had writing on them and very shortly after they were posted the information to the public was gone. Commissioner Mansfield commented that she really did not know, did she? Ms. Green replied she does not.

Mr. McConnell reported that if the Planning Commission accepts Exhibit K as it was presented and the notices were blank, that would be a defective notice. Code Section 10.157 indicates that the notice signs shall be posted no later than 10 days prior to the scheduled meeting date. It is unclear if that was cured in that amount of time. He is not saying the Planning Commission cannot move forward if the signs were blank but it would be an issue if someone that may have standing could appeal to the Land Use Board of Appeals.

Mr. Severs stated that even though the signs were blank they still have the contact information.

Mr. Sinner stated that they have an email trail between Mr. Severs and himself on exactly when the sign issue was noticed and when it was clarified. The signs were actually posted at the minimum requirement of 21 days. The applicant was called in advance before the Land Division meeting when they usually receive the signs. The signs were posted 4 weeks in advance instead of the 21 days.

Ms. Green had stated that this application would not enhance the development. It is clear with the testimony that 80% of the RV's are owned by residences in the development. That is an enhancement. It does meet the criteria for enhancement of the neighborhood.

Staff adequately addressed the circulation concerns.

Mr. McConnell stated that he does see in Code Section 10.157 that the required sign shall be posted not later than 21 days prior to the first public hearing date not 10 days. Consequences of failing to post the signs as required, is a violation of the Medford Municipal Code.

Vice Chair McFadden commented that it is Mr. McConnell's call of whether or not this is leaving the City exposed to legal action of any kind and whether or not to postpone this application until those signs can be posted and have another hearing where everyone knows to attend.

Mr. McConnell stated that he does not know if this was cured before the 21 days. Mr. Sinner stated that there is a trail. Code Section 10.157 (2)(a) states: "Notice 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". If the Planning Commission accepts Exhibit K as it is the signs did not meet the provisions of the Code.

Mr. Sinner reported that the applicant posted the signs the same day that they received them. They were posted prior to 21 days.

Commissioner Pulver commented that with all due respect to the applicant he recommends that this application be continued to the Planning Commission's next public hearing.

Mr. Sinner stated that the sign was posted in accordance with the Code. Also, there was a mailing to the 200 foot notice area that also served as notice. There was also the notice in the Mail Tribune.

Mr. Sinner reported that if they posted 28 days in advance and they demonstrate 3 days that the sign was not readable and they were corrected immediately, they have posted more than 21 days.

Mr. Sinner stated that the applicant will grant a continuance until Thursday, July 28, 2016 but they are in protest because of the problem with the signage.

The public hearing was closed.

The public hearing was reopened

Motion: The Planning Commission continued PUD-16-060, as per the applicants approval, until the Thursday, July 28, 2016, Planning Commission meeting.

Moved by: Commissioner Mansfield

Seconded by: Commissioner Pulver

Commissioner Pulver stated that he would like staff to provide the Planning Commission with the correspondence from the applicant of when the signs were corrected prior to the next meeting.

Voice Vote: Motion passed, 6-0.

60. Reports

60.1 Site Plan and Architectural Commission.

Commissioner D'Alessandro reported that the Site Plan and Architectural Commission met on Friday, July 1, 2016. They approved a medical office in the Stewart Meadows development. Also, there was a continued conversation regarding 3,750 square foot addition off Table Rock Road near Bateman. The Site Plan and Architectural Commission denied the exception request for the street dedication. There was a compromise but the Site Plan and Architectural Commission thought it was important to send it to the City Council and let them make the decision.

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, Principal Planner, welcomed Kristina Heredia to the Planning Department staff. She is a Planner II in the current planning division.

There is a study session scheduled for Monday, July 25, 2016. The discussion will be public zoning district amendment.

There is business scheduled for the Planning Commission on Thursday, July 28, 2016, Thursday, August 11 and Thursday, August 25, 2016.

Last week the City Council upheld the Planning Commission's decision on the exception for the 2 White Oak partition.

City Council has a study session scheduled with Jeff Condit, the contracted attorney for the UGB, on Thursday, July 28, 2016. It is on the City Council's agenda for consideration on Thursday, August 18, 2016.

Next week City Council will adopt the resolution for the 2 White Oak partition appeal.

70. Messages and Papers from the Chair. None.
80. Remarks from the City Attorney. None.
90. Propositions and Remarks from the Commission.
100. Adjournment

The meeting was adjourned at 8:40 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 Vice Chair

Approved: July 28, 2016



Planning Department

Working with the community to shape a vibrant and exceptional city

STAFF REPORT - REVISED

for a Type-C quasi-judicial decision: PUD Revision

PROJECT Climate Control Mini Storage - PUD Revision
Applicant: Climate Control Mini Storage, LLC.
Agent: Scott Sinner Consulting, Inc.

FILE NO. PUD-16-060

TO Planning Commission *for 07/28/2016 hearing*

FROM Dustin Severs, Planner II

REVIEWER Kelly Akin, Principal Planner

DATE July 18, 2016

BACKGROUND

Proposal

Consideration of plans for a Revision of a Final Planned Unit Development (PUD) Plan to add both temporary and permanent Recreational Vehicle (RV) storage to the existing mini storage facility on 6.7 acres located at 2012 Kingswood Drive within the SFR-6 (Single Family Residential-6 dwelling units per gross acre) zoning district (372W23AC6000, 372W23AC6001, 372W14DC8000, 372WAB14601, 372WAB14600).

Subject Site Characteristics

Zoning SFR-6
GLUP UR (Urban Residential)
Use Mini storage facility

Surrounding Site Characteristics

North	I-H (Heavy Industrial)	UPS Customer Center, Walkabout Brewing Company, First Student, Inc.
South	Jackson County (Exclusive Farm-Use Zone)	Wes Howard Memorial Sports Park
East	I-H	No Frills Flooring
West	SFR-6	Residential subdivision

Related Projects

PUD-04-101 Candlewood PUD
AC-06-250 Climate Control Mini Storage SPAC review

Applicable Criteria

Medford Municipal Code Section 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:

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.

MLDC Section 245: Revision or Termination of a PUD.

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) or 10.240(G), 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 10.235(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.

Corporate Names

The Oregon Secretary of State business registry lists Lloyd Bendickson as the registered agent and manager of Climate Control Mini Storage, LLC.

ISSUES AND ANALYSIS

Project History

The subject site is part of the Candlewood Planned Unit Development (PUD) which was approved in 2004 as a six phase PUD project consisting of a mixed use of single-family residential, commercial retail, and a mini storage facility.

The subject site is the location of the approved mini-storage facility, identified as phases 2 and 6 of the Candlewood PUD, which received Site Plan and Architectural Review (SPAC) approval, along with Final PUD Plan approval, in 2007 and 2012, respectively.

A De Minimis Revision to the Final PUD Plan for Phase 2 was approved in 2015 to allow an increase in building height and an additional mini-storage building.

Current Proposal

The applicant is now requesting a revision of the Final PUD in order to allow both temporary and permanent storage of Recreational Vehicles (RV), which includes boats and trailers, on vacant portions of the site north of the existing mini-storage buildings. As identified on the submitted site plan, temporary RV storage is proposed for the area which has already been approved for additional buildings per the PUD, while permanent storage is proposed for the northerly section of the site where development was not part of the approved Final PUD Plan.

In the applicant's Findings of Fact (Exhibit C), it is stated that it is the intent of the developer to utilize the designated area approved for additional buildings as a temporary location for RV storage until construction commences for the approved buildings. Once construction begins on the approved buildings, the RVs will be removed from the area. The area proposed for permanent storage will make use of an undeveloped area at the northerly section of the site encumbered by existing stormwater infrastructure and easements, which prevents the development of permanent structures. The request to use the northerly area of the site for permanent RV storage, effectively allows the developer to utilize an undevelopable portion of the property for a use in which is unimpeded by the existing constraints. Once construction is completed and all approved buildings built out, all RV's will be located to the permanent storage area at the north of the property.

The applicant is requesting revisions strictly for the uses allowed on the site, and is not proposing the construction of additional buildings or requesting changes to any other element of the approved PUD; therefore, the required submittals for the requested revision are limited to a site plan.

Pursuant to MLDC 10.245(4), the applicant initially requested that these revisions be approved by the Planning Director as a de minimis revision which would preclude the request from having to go through the public hearing process. However, a determination was made by Planning Director that the request did not meet the requirements to be considered de minimis, but rather the request constituted a minor revision of the approved Final PUD subject to review as

a Class "C" Procedure, which includes a public hearing process. Pursuant to MLDC Section 10.245(2), the review process will be consolidated into a single procedure in which the binding decision of both the Preliminary PUD Plan and the Final PUD Plan will be made by the Planning Commission at a single hearing.

Unpaved parking

In addition to the two revision requests, the applicant is also requesting that the parking surface for both the temporary and permanent RV storage areas consist of gravel in lieu of pavement.

MLDC Section 10.746 states, in part, the following:

With the exception of storage of trailered items and recreational vehicles at single-family residences, all parking, loading, driveway, and vehicle maneuvering areas, including but not limited to, wheeled-vehicle sales lots, truck trailer parking areas, and on-site single-family residential driveways etc., shall be paved and improved

In the applicant's submitted findings (Exhibit C), the applicant states that relief from the Code to allow a gravel surface for the RV storage area is warranted based on the following:

Allowing the gravel RV parking area in the area approved for the additional mini storage buildings will facilitate the construction of the buildings and eliminate the waste of removing pavement for the new buildings at the time of construction.

Allowing the gravel area for RV parking in the permanent RV area will promote storm water infiltration without the need for additional storm water facilities.

It is further argued in the applicant's findings that the City has made distinctions between vehicular parking and vehicular storage in past land use cases, with the applicant citing several past land use approvals in which established the precedent of this distinction as the prevailing interpretation of the MLDC in regards to paved parking requirements.

Staff is supportive of the applicant's request for relief in order to use a gravel surface to serve the proposed RV storage area because the long-term nature of RV storage is a distinguishable use from a conventional parking lot. It is staff's view that relief can be granted in keeping with the purpose and intent of the MLDC. However, it is staff's view that this distinction should apply exclusively to the parking areas, with the driveways that serve the parking areas be paved consistent with the MLDC Section 10.746.

Traffic Circulation

The submitted site plan identifies three access points for ingress/egress, with all three points coming off of Kingswood Drive, a residential street serving the single family homes of both Candlewood and Hampton Place subdivisions located west of the subject site. The first access point is the front entrance of the Climate Control Mini Storage facility, which has a controlled

security gate, and is accessed through their customer parking lot. The second access point is off of Willowdale Drive which is a public street located at roughly the midpoint of Kingswood Drive, and the third access point is off of a private drive owned by the applicant which is located at the far north of Kingswood Drive. Both Willowdale Drive and the Private drive have a security fence inhibiting outside vehicular access to the subject site.

In conversations between staff and the applicant's agent, Scott Sinner of Sinner Consulting, Mr. Sinner explained that vehicular ingress access to Climate Control Mini Storage facility is only accessible through the front security gate entrance off of the facility's front customer parking lot. He further explained that ingress access is not permitted via Willowdale Drive or the Private drive located to the north, with these two drives being used exclusively for egress out of the facility, and with both drives providing a gated fence prohibiting ingress access to the site.

In sum, the traffic flow design for all vehicles entering the Climate Control Mini Storage facility allows for vehicles to access the facility through the front security gate, and then the motorists have the option of exiting the facility via Willowdale Drive or the private drive at the north of the subject site. Motorists also have the third option of exiting the facility through the front security gate at the entrance of the facility from which they entered the site. While many motorists who currently come to the site to access their mini storage building utilize the main entrance as their exit point, it is unlikely that motorists bound for the proposed RV storage areas, which are to the far north of the subject site, will attempt to navigate back through the congested mini storage area of the site, and will more than likely opt for the much more convenient exits at Willowdale Drive and the site's northerly private drive.

Staff has been contacted by neighbors with residences along Kingswood Drive which have expressed concern with the prospect of Kingswood Drive being used to serve the proposed RV storage area, citing safety and nuisance issues with an increase in traffic volume on the residential street. Kingswood Drive was constructed as a fully improved Minor Residential street with a total paved width of 28 feet, and allows on-street parking on both sides of the street. The limited width of the road, combined with on-street parking being permitted on both sides of the road, makes for a congested street. In staff's conversations with the concerned residents living along Kingswood Drive, suggestions have been made that, in light of the existing congestion compounded with the potential of larger vehicles travelling through the street with the proposed storage facility, that a condition be placed on approval requiring an alternative traffic plan which would effectively mitigate additional traffic on Kingswood Drive.

Suggestions from neighbors included a condition in which requires all traffic of the subject site, both ingress and egress, to utilize the front entrance as the sole point of access, thereby avoiding Kingswood Drive all together north of Hampton Way. A second suggestion was made that the City restrict on-street parking on one side of Kingswood Drive, alleviating the congestion on the street which would then accommodate the additional traffic generated by the proposed storage facility. On-street parking and other traffic management issues are the purview of the Traffic Coordinating Committee and the Public Works Department. The Planning Commission has no authority to restrict on-street parking.

The mini-storage facility approved as Phases 1-2 of the Candlewood PUD was intended to serve as an effective buffer between the large residential area west of the subject site and the Heavy Industrial zoning district abutting the subject site to the east. The applicant's traffic plan for the existing Climate Control Mini Storage facility and the proposed RV storage area is consistent with the approved Final PUD plan, utilizes both existing public and private drives per the approved Final Plat, and does not propose the creation of any new roadways to serve the proposed storage area. Further, it is staff's view that the types of vehicles (boats, trailers, etc.) proposed to be stored at the facility, are vehicle types commonly found in a residential neighborhood. The vehicles, commonly used for personal/recreational purposes, are suitable for routine travel on a minor residential street. The proposal is for RV storage, and not the large commercial or industrial type vehicles in which would may be considered to be incompatible with the residential character of the neighborhood, oversized for routine travel on a minor residential street, and potentially adverse to the health, safety, and welfare of the residents.

A correction was made to the submitted staff report at the meeting held on July 14th with staff stating during the presentation that the initial information provided to staff from the applicant's agent concerning the applicant's intent to use the Willowdale Avenue drive and the private drive exclusively for egress, as stated in the report, was inaccurate. Staff further explained to the Commission that Mr. Sinner later clarified to staff that in subsequent conversations between him and the applicant had made it clear that the applicant did, in fact, intend to utilize all three access points for both egress and ingress. It was further explained to staff by Mr. Sinner that it is the intention of the applicant to install a security gate with a keypad entry for the access point off the private drive (which currently is served with a locked chain linked fence) identical to the security gates currently located at the front entrance of the mini storage facility and at the drive off of Willowdale Avenue.

During the presentation, staff also recommended the inclusion of an additional condition of approval which was not included as a recommended condition in the submitted staff report, and had been subsequently agreed to by the applicant. Staff had concerns with the broad language used in identifying the vehicle types in the applicant's submitted findings. In staff's view, simply permitting "trailers" to be stored at the designated storage areas allowed the applicant tremendous discretion in the type of trailers that could be potentially travel on Kingswood Drive to access the subject site. The predominate concern expressed by neighbors in opposition to the proposed use was the potential of large commercial or industrial type vehicles being permitted to routinely travel on Kingswood Drive, citing nuisance and safety issues. So, in discussing this concern with the applicant's agent, the applicant agreed to stipulate to a condition of approval that specifically described the type of vehicles that will be allowed to be stored at the location (Exhibit L). Staff feels that the inclusion of this condition of approval would make it clear, unequivocally, that large commercial or industrial type vehicles or equipment will not be permitted to travel on Kingswood Drive.

A total of six exhibits have been added to the record since the initial staff report submittal, including exhibits I-N.

Existing U-Haul business

The southernmost tax lot of the subject site fronting Highway 238 has been used commercially as a U-Haul truck rental business. While the commercial use is consistent with the approved PUD, the trucks are displayed and maneuvered on a gravel surface in violation of MLDC Section 10.746 concerning paved parking. Staff is supportive of the applicant's request for relief in order to use a gravel surface to serve the proposed RV storage area, but staff does not agree that a U-Haul parking lot meets the same level of scrutiny. The frequency of use inherent in a U-Haul rental facility is more consistent with a conventional parking lot and should be held by the established parking standards of the MLDC. Therefore, staff recommends as a condition of approval that the parking and maneuvering area of the existing U-Haul business either have the parking and maneuvering area paved with an approved surface consistent with the MLDC, or have the U-Haul trucks and trailers relocated to an area with a paved surface.

The existing U-Haul business was not addressed in the applicant's submitted Findings of Fact, and the applicant and agent were informed of staff's concerns and intention to recommend the condition.

Public Improvements

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

Committee Comments

No comments were received from committees such as BPAC.

DECISION

At the meeting held on July 14, 2016, the applicant's agent, Mr. Sinner, requested a continuance of the application due to a potential procedural error concerning neighbor notification. In a letter emailed to staff (Exhibit K) by Jackie Green, a resident of Candlewood subdivision, and in testimony provided by Ms. Green during the public hearing, she expressed frustration in the fact that the writing on the public hearing signs posted at three points on the subject site, which included the description of the proposal and the date of the hearing, were temporarily blank. Staff affirmed this incident during the presentation, explaining that rain or condensation had caused the script on the signs to run and, ultimately, vanish.

Deputy City Attorney, Kevin McConnell, sitting as legal counsel to the Planning Commission during the proceedings, expressed concerns with the fact that the public hearing signs were temporarily blank, citing a potential procedural violation in failing to provide adequate

notification through the on-site public notice signs. Mr. McConnell referenced MLDC Section 10.157 (2) (c-d), which states the following:

(c) Sign posting schedule. The required sign(s) shall be posted not later than 21 days prior to the first public hearing date of each body that hears the application. Posted signs shall be removed within 10 days following the final decision.

(d) 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.

Based on counsel's interpretation of the Code, Ms. Green's photo showing the blank signs dated June 27th confirmed that the posted public notice signs could not have been compliant with the Code in meeting the aforementioned ordinance requiring the signs be posted no later than 21 day prior to the public hearing date, as the hearing date was July 14th.

Mr. Sinner agreed to a continuance of the application to the next meeting date scheduled for July 28th, allowing time for the applicant to provide the Commission with documentation confirming the date in which staff reposted the signs with adequate descriptions and dates scripted on the signs (Exhibit M).

The email correspondence between Mr. Sinner and staff dated June 27th and 28th shows that, at the request of the applicant, Mr. Sinner emailed staff explaining that the writing on the public notice signs had diminished, and that staff responded the following day stating that the signs would be rewritten that day, June 28th (Exhibit M).

The official re-posting of the notice signs on June 28th, would provide a total of 31 days of notice to the neighbors from the date of the subsequent meeting scheduled for July 28th, compliant with the on-site posting requirements outlined in MLDC Section 10.157.

FINDINGS AND CONCLUSIONS

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

- The applicant shall pave the parking and maneuvering area used for the existing U-Haul business located on tax lot 372W23AC6001 consistent with MLDC Section 10.746, or have the vehicles associated with the business relocated to an area with an approved surface within 60 days of the approval of the Final Order.
- All parking and maneuvering areas shall be paved per MLDC 10.746, with the exception of the RV storage stalls. Gravel may be used for the areas where the RV's will be stored, but the drive aisles adjacent to the gravel areas must be paved.

- **The recreational vehicle (RV) types permitted at the designated storage site shall be limited to RV motorhomes, RV travel trailers including slide-in campers, and recreational pleasure boats on trailers.**

RECOMMENDED ACTION

Adopt the modified findings as recommended by staff and adopt a Final Order for approval of PUD-16-060 per the revised staff report dated July 18th, 2016, including Exhibits A through N.

EXHIBITS

- A-1 Conditions of Approval**
- B Site Plan**
- C Applicant's Findings of Fact and Conclusions of Law, Received May 3, 2016**
- D Public Works Staff Report, Received on June 15, 2016**
- E Medford Water Commission Report, Received June 15, 2016**
- F Medford Fire Department Report, Received on June 15, 2016**
- G Right of way and easement survey, received May 3, 2016**
- H Jackson County Assessor's maps (1-3), received May 3, 2016.**
- I Neighbor letter and photo from Scott Witter (1-2), received July 13, 2016.**
- J Neighbor letter from Karolyn A. Samuels, received July 14, 2016.**
- K Neighbor letter and photos from Jackie Green, received July 13, 2016.**
- L Scott Sinner stipulation agreement email, received July 14, 2016.**
- M Email correspondence between staff and Scott Sinner, received on June 27, 2016.**
- N Email from Scott Sinner requesting a continuation, an extension of the 120 day deadline, and the adoption of the Final Order on the July 28th meeting, received July 15, 2016.**
Vicinity map

PLANNING COMMISSION AGENDA:

JULY 14, 2016

JULY 28, 2016

EXHIBIT A

Climate Control Mini Storage – PUD Revision
PUD-16-060
Conditions of Approval
July 18, 2016

DISCRETIONARY CONDITIONS

1. The applicant shall have the parking/maneuvering area used for the existing Uhaul business located on tax lot 372W23AC6001, paved consistent with MLDC Section 10.746, or have the vehicles associated with the business relocated to an area with an approved surface, within 60 days following the date of the Final Order of approval.
2. All parking and maneuvering areas shall be paved per MLDC 10.746, with the exception of the RV storage stalls. Gravel may be used for the areas where the RV's will be stored, but the drive aisles adjacent to the gravel areas must be paved.
3. The recreational vehicle (RV) types permitted at the designated storage site shall be limited to RV motorhomes, RV travel trailers including slide-in campers, and recreational pleasure boats on trailers.

CODE CONDITIONS

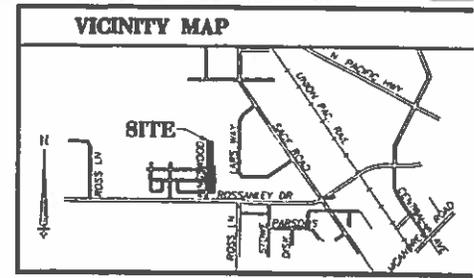
1. The applicant shall comply with all conditions stipulated by Medford Public Works Department (Exhibit D).
2. The applicant shall comply with all conditions stipulated by the Medford Water Commission (Exhibit E).

CITY OF MEDFORD
EXHIBIT A-1
FILE # PUD-16-060

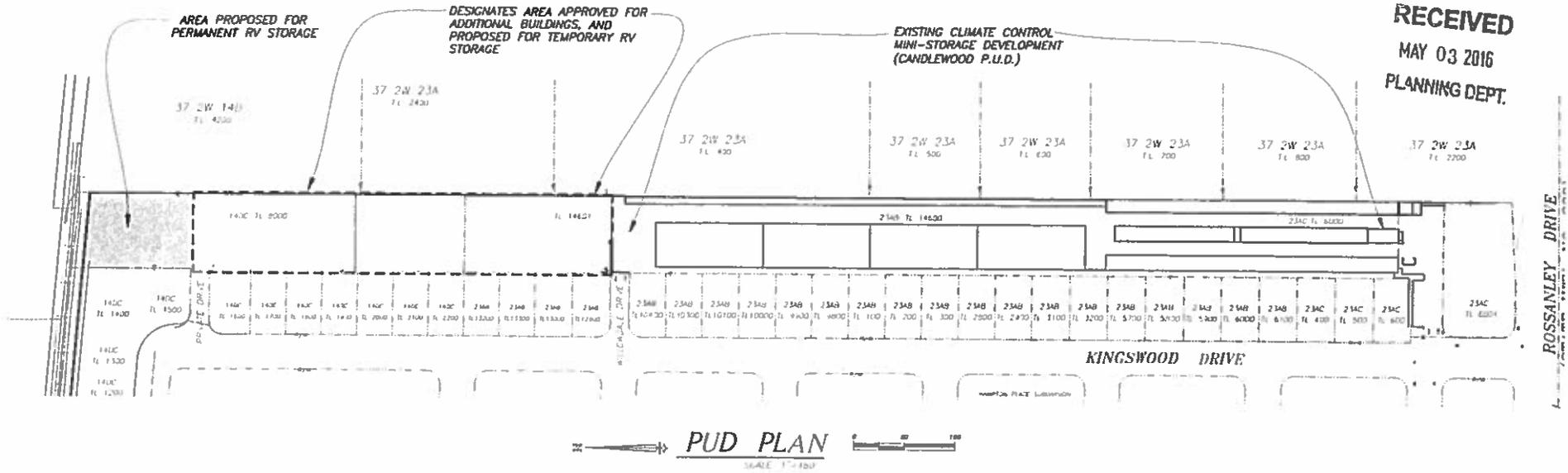
PUD REVISION - RV STORAGE

CLIMATE CONTROL MINI-STORAGE, CANDLEWOOD PUD

LOCATED IN: MEDFORD, JACKSON COUNTY, OREGON



RECEIVED
MAY 03 2016
PLANNING DEPT.



Page 59

CITY OF MEDFORD
EXHIBIT
FILE # PUD-16-060

DATE	5-1-16
BY	REVISION

PRELIMINARY

CANDLEWOOD PUD

PUD REVISION - RV STORAGE
1945 ROSSANLEY ROAD
MEDFORD, OREGON

RECEIVED
MAY 03 2016
PLANNING DEPT.

CITY OF MEDFORD
EXHIBIT R
FILE # PUD-16-060

MAY 03 2016

BEFORE THE PLANNING COMMISSION OF THE CITY OF MEDFORD, OREGON: PLANNING DEPT.

IN THE MATTER OF AN APPLICATION FOR)	
A PUD REVISION OF PROPERTY IDENTIFIED AS)	
T37-R2W-23AC-TL 6000, 6001, T37-R2W-23AB)	FINDINGS OF FACT
TL 14600, 14601 AND T37-R2W-23DC TL 8000)	AND
CLIMATE CONTROL MINI STORAGE, L.L.C.)	CONCLUSIONS
<u>SCOTT SINNER CONSULTING, INC. AGENT</u>)	OF LAW

I. BACKGROUND INFORMATION

Applicant:

Climate Control Mini Storage, L.L.C.
1985 Rossanley Dr
Medford, OR 97501

Agent:

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

Properties

372W23AC TL 6000
2012 Kingswood Drive
Medford, OR 97501
.55 acres SFR-6 zoning

372W23AC TL 6001
2012 Kingswood Drive
Medford, OR 97501
.74 acres SFR-6 zoning

372W23AB TL 14600
2012 Kingswood Drive
Medford, OR 97501
3.05 acres SFR-6 zoning

372W23AB TL 14601

CITY OF MEDFORD
EXHIBIT C
FILE # PUD-16-060

2012 Kingswood Drive
Medford, OR 97501
.65 acres SFR-6 zoning

372W14DC TL 8000
2012 Kingswood Drive
Medford, OR 97501
1.78 acres SFR-6 zoning

4.99 Total acreage

Application Summary

This application is a request for a minor, yet not de minimis revision, of the approved Final PUD Plan for the Candlewood PUD. This revision only affects the approved plan for Phases 2 and 6 containing the Climate Control Mini Storage.

This revision is submitted to allow Recreational Vehicle (RV) Storage in designated vacant areas of the approved PUD. The use of "RV" in this application includes boats and trailers. The image below indicates the area currently approved for additional mini storage buildings and the area proposed for the requested revision to allow permanent RV Storage.



The applicants have submitted construction documents for approved new mini storage buildings in the area above with the white hatching. The approved PUD allows for additional mini storage units for the remainder of the area indicated by the red rectangle.

The approval of this request will permit the temporary storage of RVs before the construction of approved mini storage buildings.

The area indicated with the yellow rectangle is proposed for permanent RV Storage. This area is currently developed with storm water infrastructure and encumbered with easements preventing the expansion of any permanent improvements of additional buildings.

The applicant also requests to park the RVs in both the temporary and permanent area on gravel instead of pavement. These areas are currently improved with rolled gravel over rock base.

Allowing the gravel RV parking area in the area approved for additional mini storage buildings will facilitate the construction of the buildings and eliminate the waste of removing pavement for the new buildings at the time of construction.

Allowing the gravel area for RV parking in the permanent RV area will promote storm water infiltration without the need for additional storm water facilities.

The requested revisions will have no effect on the previously approved PUD. Since the requested revision is only a use and does not propose any new buildings, the appropriate submittals for the requested revision are limited to a site plan.

The applicant and agent have submitted documentation for a neighborhood meeting conducted on March 2, 2016 as required by the MLDC.

Approval Criteria

The Medford Land Development Code (MLDC) provides the requirements for a PUD Revision as sited below:

10.245 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. 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) 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) or 10.240(G), 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 10.235(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), the Planning Director may approve revisions to an approved Preliminary or Final PUD Plan that he/she determines are 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 or such other procedure as may be permitted by law.

Findings of Fact

1. Applicant for Revision; Filing Materials; Procedures: An application to revise an approved PUD Plan shall be on forms supplied by the City. 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) 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.

A review of the current published County Assessor's data and a windshield survey indicated the residential element of the Candlewood PUD is 100% built out. The Applicant owns TL 8000, 14601, and 6001. The Applicant owns 100% of the vacant land in the PUD.

The three parcels identified above are currently vacant with a combined assessed valuation of \$453,880.00. This represents 100% of the assessed valuation of the vacant land in the PUD.

The requested revision in this application is to allow for the temporary storage of RVs in the area of the site that is currently approved for additional mini storage buildings. The approval of the requested revision will allow RVs to be stored on the site until the applicant commences constructions of the approved new mini storage buildings. After the new buildings are built, RVs will no longer be stored in this area.

The second requested revision is to allow for the permanent storage of RVs at the north end of the property. This area is fully developed with storm water facilities and the existing easements and facilities would preclude further development of mini storage buildings. The approval of this revision will allow for the permanent storage of RVs in this area.

The Applicant originally requested these revisions to be considered de minimus. The Planning Director determined the revisions dealt with a "use" of the site and determined the revision would be a minor revision.

The revision does not alter the approved buildings on the site. The Applicant requested a review of the PUD application submittal requirements and requested submittals to be waived. The applicant has complied with the Staff's submittal requirements deemed to be relevant to support the Planning Commission's approval process.

Conclusions of Law

The Planning Commission can conclude the Applicant owns more than 50% of the remaining vacant land and more than 50% of the assessed valuation of the vacant portion of the PUD and the required submittals have been submitted or waived by the Planning Director.

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.

Findings of Fact

The Final PUD Plan has been approved for this PUD. Since the Preliminary PUD Plan was approved and the Final PUD Plan has been approved, the necessary procedure for this application is to revise the Final PUD Plan.

The requested revision is submitted as a quasi-judicial land use action with the Planning Commission being the approving authority. The Planning Commission will conduct a public hearing and issue a binding decision in a single procedure.

Conclusions of Law

The Planning Commission can conclude the approval of the revision will be a consolidated revision of the Preliminary and Final PUD Plan.

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) or 10.240(G), 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 10.235(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.

Findings of Fact

The original PUD application and approval did not specifically address the storage of RVs on the subject properties. Since this particular mini storage is part of the PUD and is the component that comprises the 20% of the gross area of uses not permitted in the underlying zone, these findings will demonstrate the request is compatible with the existing developed portions of the whole PUD.

This ministorage was presented in the original PUD as a buffer between the residential uses in the Candlewood PUD and the industrial uses immediately east of the PUD. The mini storage element was reviewed and approved, and subsequently amended to the current final form. The approval of the revision associated with the current application will allow RV storage in the designated areas and will not change any other element of the approved PUD.

The MLDC specific definition for Mini-Warehouse is contained below.

Mini-warehouse. A building or group of buildings in a controlled access compound that contains various sizes of individual, compartmentalized, and

controlled-access stalls or lockers for the dead storage of a customer's goods or wares. No sales, service, or repair activities other than the rental of dead storage units are permitted on the premises.

The request for RV storage certainly is within the definition above as “controlled-access stalls” as the entire area is fenced with a management controlled access to the storage area and the RVs are parked in stalls. The management enforces the “no sales, service, or repair activities” and the all storage units and stalls are considered dead storage.

The approval of this revision will allow RV storage on vacant portions north of the existing mini storage buildings. The approval of the request will have no impact on any approved elements, including buffering requirements on the west side of the mini storage buildings as shown in the approved plans.

As indicated on the PUD Revision exhibit, the requested revision will allow for the storage of RVs on the vacant areas that are currently approved for mini storage buildings. Once the applicant begins construction on the approved buildings, the RVs will be removed in this area. RVs would not be stored between buildings once the buildings are constructed.

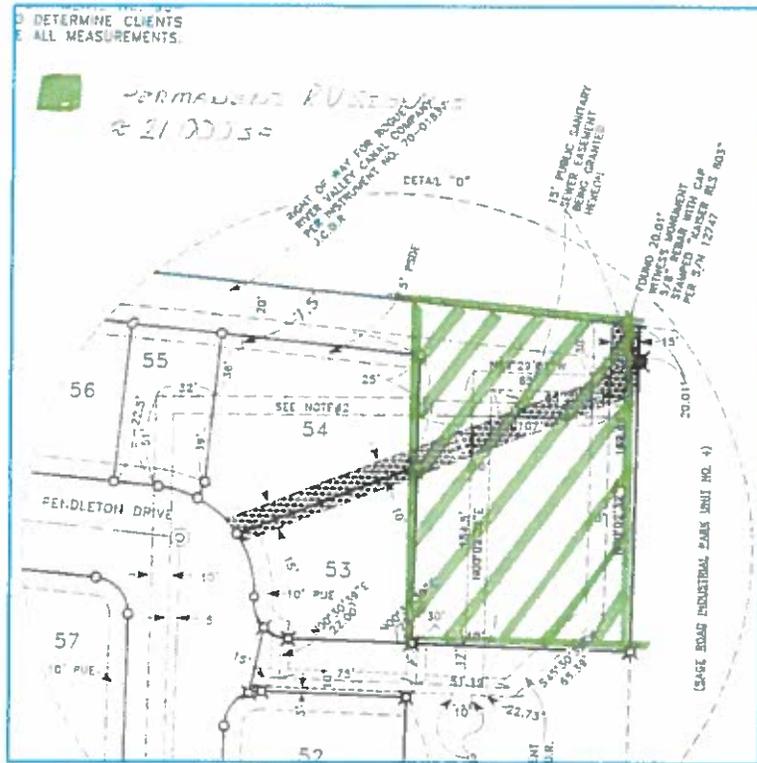
At the time all buildings are built out, all RVs would be at the north end of the property. This area is encumbered with stormwater facilities and easements and this area will not be developed with buildings. Permitting the RV storage on the existing rock and gravel base will promote infiltration.

The ministorage site is currently developed with an engineered storm drainage system. This system includes the collection and storage of storm water within the Mini storage area and then the storm water is conveyed to the developed storm storage and treatment facilities at the north end of the Candlewood PUD.

The applicant seeks approval to store the RVs in the designated areas on the existing rock and gravel surface. The approval to use the existing surfaces for storage will allow the applicant to store the RVs in their designated stalls in the area that is currently approved for buildings without the waste of materials and resources when the approved buildings are constructed.

The far northern portion of the site is currently encumbered with significant engineered stormwater facilities. These storm facilities have been engineered, approved and constructed to meet the design requirements in place at the time of construction.

The engineered plans did not anticipate additional impervious surfaces in the area of the permanent RV storage. The storage of RVs on the existing base will have no effect on the amount of infiltration in this area as the water draining off the roofs of the stored RVs will simply infiltrate as if the RVs were not there.



The MLDC includes requirements for the paving of vehicular parking spaces. The MLDC does not contain such language for the paving of storage areas for the outdoor storage of vehicles. A review of the following land use approvals, the City has distinguished between vehicular parking and vehicular storage areas, and has allowed the vehicular storage areas to contain graveled surfaces, as evidenced by the following examples.

The above policy is based on the frequency of use. Vehicles being stored will be used infrequently. The proposed areas will provide nearby storage for the residents of the Candlewood and Hampton Estates subdivision, which with its SFR-6 zoning, comprises small lots that do not afford much on-site vehicle storage area for the occupants.

1. All American Storage - 820 East Vilas Road (AC-94-87) The approval by the Site Plan and Architectural Commission included the provision to allow graveled storage for vehicles on areas identified for future phases. Such storage is now located along the west side of the development.
2. Meadow View Estates Manufactured Home Park - 2552 Thorn Oak Drive (CUP-96-7 and AC-97-125) The Conditional Use Permit and Site Plan and Architectural Commission approvals include 2 RV storage areas within the park.

The two storage areas, which are now situated at the northwest and southeast corners of the development, have gravel surfaces.

3. San George Estates Manufactured Home Park - 10 E. South Stage Road (CUP-96-11, AC-97-204, and CUP-01-167) The Site Plan and Architectural Commission approval included a graveled RV storage area adjacent to the Medford Water Commission facility adjacent to South Stage Road and South Pacific Highway. The area for the graveled storage was subsequently moved and was constructed at the southeast corner of the development.
4. A Best Mini Storage - 3071 Samike Drive. The development includes a large graveled RV storage area over most of the yet to be constructed, Phase 2 portion of the mini storage facility.
5. Myra Lynn Manufactured Home Park - 924 Carol Rae (CUP-90-14) The park includes a large graveled area for the storage of RV vehicles access from the southern extension of Stowe Avenue.
6. Sun Oaks - 878 Black Oak Drive. The residential development includes a graveled RV storage area near the northwest corner of the subdivision.
7. BLM/Forest Service Office - 3040 Biddle Road. The facility includes a large graveled area adjacent to the northeast corner of the site, which provides for the storage of vehicles.
8. U.S. Geologic Survey Facility - 4390 Runway Road. The facility includes a large graveled area on the east side of the site to provide for the storage of vehicles.

Additional Criteria

10.235 Preliminary PUD Plan - Application Procedures 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 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.

The Candlewood PUD was originally reviewed and approved by the Planning Commission in PUD-04-101 in September 2004. The original PUD contemplated and ministorage element in the approval. All subsequent revisions and approvals contemplated the full build out of mini storage for the site and this revision only seeks to allow the storage of RVs on approved and as of yet undeveloped areas of the site on a temporary basis and then the permanent storage at the north end of the site.

Sanitary Sewer

The revision to allow the both the temporary and permanent storage of RVs on the site will have no effect on the sanitary system. Sanitary sewer facilities will not be extended from the current location on the site and the revision will not change the impacts.

Public Domestic Water

The revision to allow the both the temporary and permanent storage of RVs on the site will have no effect on the Domestic water supply or distribution system. There are no plans to extent a public water line in the area subject to this review. In the event the applicant determines a need for domestic water in this area, any extension would be an extension of a private distribution line and would not affect a public water line.

Storm Water Facilities

The site is currently improved with storm drainage facilities to meet the needs of the existing development. The vacant area currently approved for additional mini storage buildings is currently a rock and gravel base and storm water in this area infiltrates.

The new construction documents in for City review at this time will include storm water facilities for the new impervious areas and will connect to the existing storm water facilities for the PUD. The existing storm facilities were sized to accommodate all of the approved development at full build out. Temporary RV storage in this approved area will

be on the existing rock and gravel base and will infiltrate, there will be no impact to the storm facilities for this revision.

The area at the north end of the site proposed as a permanent RV storage area is also an existing rock and gravel base. This area was not included in the impervious surface calculations for the existing storm facilities for the entire PUD. Allowing the storage of RVs in this area on a permanent basis on the existing rock and gravel base will have no impact on the storm water facilities as all runoff of the RVs will infiltrate.

Public Streets

The revision to allow the temporary storage of RVs on the site that has been approved for mini storage buildings have been contemplated in prior review and there will be no impact to the public street system.

The revision to allow the storage of RVs on a permanent basis was not contemplated in any of the previous reviews. According to the Institute of Transportation Engineers (ITE) Trip Generation Manual 9th edition, a mini-warehouse produces .26 PM Peak Hour trips per 1,000 square feet. The permanent storage area is 21,600 square feet so the traffic impact is 5.61 PM Peak Hour Trips.

The area is projected to be suitable for two rows of RV storage, one on the west property line and one on the east property line. Each row will have approximately 15 stalls for 30 total RV storage stalls. The impact of the approval of this revision is not significant.

Conclusions of Law

The Planning Commission can conclude the proposed PUD revision is compatible with earlier approvals and there is adequate capacity of the Category A facilities.

4. De minimis Revisions: Notwithstanding Subsection 10.230(G), the Planning Director may approve revisions to an approved Preliminary or Final PUD Plan that he/she determines are 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 or such other procedure as may be permitted by law.

Findings of Fact

The applicant submitted a request of the Planning Director for a de minimis review of the requested revision. The Planning Director indicated the request was a minor revision and not a de minimis revision. So here we are. This revision is being submitted as a Class C application.

Conclusions of Law

The Planning Commission can conclude the requested revision is proposed as a minor revision and not a Planning Director approved de minimis revision.

Application Summary and Conclusion

This application has been prepared to comply with all requirements for a revision of a final PUD plan as contained in the MLDC. The revision was deemed to be a minor revision and not a de minimis revision by the Planning Director.

The applicant conducted a neighborhood meeting noticed to more than 75 owners of tax lots in the vicinity. The meeting provided with interested parties with the proposed revisions.

The proposed revision is adding the use of RV storage on the undeveloped portions of the mini storage site. The approval of the revision will allow the applicant to store RVs as a temporary basis in the areas of the PUD that are currently approved for additional buildings. The approval of the revision will allow storage of RVs on a permanent basis on the north end of the development as indicated on the PUD Revision RV Storage exhibit.

The applicant has demonstrated the City has determined through numerous approvals of similar applications, there is a distinction between parking areas and storage areas and a gravel base for RV Storage areas in mini storage facilities and related applications is an appropriate surface for RV Storage areas.

The burden of proof is on the applicant to submit findings of fact supporting the application. The applicant has demonstrated compliance with the MLDC relating to PUD Revisions, and the Planning Commission can conclude the application is consistent with the PUD revision criteria.

On behalf of the applicants, I respectfully request the approval of this application.

Scott Sinner, President
Scott Sinner Consulting, Inc.



Continuous Improvement Customer Service

RECEIVED

JUN 15 2016

PLANNING DEPT

CITY OF MEDFORD

LD Date: 6/15/2016
File Number: PUD-16-060
(Reference: PUD-04-101)

PUBLIC WORKS DEPARTMENT STAFF REPORT Candlewood PUD Phase 2 (REVISION)

- Project:** Consideration of plans for a Revision of a Final Planned Unit Development (PUD) Plan to add both temporary and permanent Recreational Vehicle (RV) storage to the existing mini storage facility.
- Location:** Located on tax lots 800 & 14600 at 2012 Kingswood Drive, within the SFR-6 zoning district (372W14DC800 & 372W23AB14600).
- Applicant:** Climate Control Mini Storage, LLC, Applicant (Scott Sinner Consulting, Inc., Agent). Dustin Severs, Planner.

Applicability: The Planning Commission adopted the Final Order for approval of the Preliminary Planned Unit Development (PUD) Plan for Candlewood PUD in October of 2004. In April of 2007, the Planning Commission approved Final PUD Plan for Phase 1. The City of Medford Planning Director approved on July 30th 2012, the Final PUD Plan for Phase 2 of Candlewood PUD, consisting of a 38,500 square foot mini-storage warehouse facility. The Medford Planning Director administratively approved Candlewood PUD Phase 2 to allow an increase in building height and an additional mini-storage building within the commercial portion of the project located off of Kingswood Drive at the eastern terminus of Willowdale Avenue on August 21st 2015. **The adopted conditions by each of these actions shall remain in full force as originally adopted except as amended or added to below.**

The following items shall be completed and accepted prior to the respective events under which they are listed:

- Approval of Final Plat:
 - Right-of-way, construction and/or assurance of the public improvements in accordance with Medford Land Development Code (MLDC), Section 10.666 & 10.667 (Items A, B & C)
- Issuance of first building permit for residential construction:
 - Construction of public improvements (Items A through E)

- Issuance of Certificates of Occupancy for individual units:
 - Sidewalks (Items A2)

A. STREETS

1. Dedications

No additional dedications are required for this project.

2. Public Improvements

a. Public Streets

No additional public improvements are required for this project.

b. Street Lights and Signing

No street lights or signage are required for this project.

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 the Developer.

c. Pavement Moratoriums

There is no pavement cutting moratorium currently in effect along this frontage.

B. SANITARY SEWERS

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

C. STORM DRAINAGE

1. Hydrology

The Engineer of Record shall provide an investigative report of the off-site drainage on the subdivision perimeter, a distance not less than 100 feet in all directions. All off-site drainage affecting the subdivision shall be addressed on the subdivision drainage plan. A hydrology map depicting the amount of area the subdivision will be draining shall be submitted with hydrology and hydraulic calculations. The opening of each curb inlet shall be sized in accordance with ODOT design standards. These calculations and maps shall be submitted with the public improvement plans for approval by the Engineering Division.

2. Stormwater Detention and Water Quality Treatment

This development shall provide stormwater detention in accordance with MLDC, Section 10.486, and water quality treatment in accordance with the Rogue Valley Stormwater Quality Manual.

If a gravel surface is allowed, the gravel needs to be an open graded product to be eligible to eliminate Water Quality and Stormwater Detention requirements.

Upon completion of the project, the Engineer of Record shall provide written certification to the Engineering Division that the construction of the controlled storm water release drainage system was constructed per plan. This letter shall be received by the City of Medford Public Works Engineering Department prior to approval of the Final Plat.

3. Grading

The Engineer of Record shall submit for approval with the public improvement plans a comprehensive grading plan showing the relationship between adjacent property and the proposed subdivision. 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.

4. Mains and Laterals

In the event the lot drainage should drain to the back of the lot, the developer shall be responsible for constructing a private drain line, including a tee at the low point of each lot to provide a storm drain connection. All roof drains and foundation drains shall be connected directly to a storm drain system.

A storm drain lateral shall be constructed to each building lot prior to approval of the Final Plat. Easements shall be shown on the Final Plat for storm drain laterals crossing lots other than the one being served by the lateral.

All public storm drain mains shall be located in paved public streets or within easements. All manholes shall be accessible by paved, all-weather roads. All easements shall be shown on the Final Plat and the public improvement plans.

5. Erosion Control

Subdivisions/PUD's of one acre and greater require a run-off and erosion control permit from DEQ. The approved permit must be submitted to the Engineering Division prior to public improvement plan approval. The erosion prevention and sediment control plan shall be included as part of the plan set. All disturbed areas shall have vegetation cover prior to final inspection/"walk-through" for this subdivision.

D. GENERAL CONDITIONS

1. Site Improvements

Unless approved otherwise, 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.

2. System Development Charges (SDCs)

Buildings in this development are subject to storm systems development charges. These SDC fees shall be paid at the time individual building permits are taken out.

Prepared by: Doug Burroughs

SUMMARY CONDITIONS OF APPROVAL

Candlewood PUD Phase 2 (REVISION)

PUD-16-060

NOTE: Applicability of previously adopted conditions of approval remains in effect. See full report(s).

A. Streets

1. Street Dedications to the Public:

- No additional dedications are required for this project.

2. Improvements:

a. Public Streets

- No additional public improvements are required for this project.

b. Lighting and Signing

- No street lights or signage are required for this project.

B. Sanitary Sewer:

- Contact RVSS for sanitary sewer connections.

C. Storm Drainage

- Provide an investigative drainage report.
- Provide water quality and detention facilities.
- Provide a comprehensive grading plan.
- Provide storm drain laterals to each tax lot.
- Provide Erosion Control Permit from DEQ.

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

RECEIVED

TO: Planning Department, City of Medford
FROM: Rodney Grehn P.E., Water Commission Staff Engineer
SUBJECT: PUD-16-060
PARCEL ID: 372W23AC TL 6000, 6001 & 372W14DC TL 8000 & 372WAB TL 14601, 14600
PROJECT: Consideration of plans for a Revision of a Final Planned Unit Development (PUD) Plan to add both temporary and permanent Recreational Vehicle (RV) storage to the existing mini storage facility located on tax lots 800 & 14600 at 2012 Kingswood Drive, within the SFR-6 zoning district (372W14DC800 & 372W23AB14600); Climate Control Mini Storage, LLC, Applicant (Scott Sinner Consulting, Inc., Agent). Dustin Severs, Planner.
DATE: June 15, 2016

JUN 15 2016

PLANNING DEPT

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

CONDITIONS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.
3. The existing 8-inch water line shall be protected in place within the existing 10-foot wide easement. The easement shall be kept clear of obstructions that would prevent MWC from performing routine and/or emergency water line repair. Proposed RV parking shall be limited to areas outside of existing easement.

COMMENTS

1. Off-site water line installation is not required.
2. On-site water facility construction is not required. (See Condition 3 above)
3. MWC-metered water service does exist to this property. There is an existing "Vacant" water meter located on the north side of the "private" street at the east end adjacent to an existing fire hydrant.
4. Access to MWC water lines is available. There is an existing 8-inch water line located within an existing 10-foot wide easement per JCOR 2005-069716. (See Condition 3 above)



Medford Fire Department

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

RECEIVED

JUN 15 2016

PLANNING DEPT

LAND DEVELOPMENT REPORT - PLANNING

To: City of Medford Public Works

LD Meeting Date: 06/15/2016

From: Greg Kleinberg

Report Prepared: 06/06/2016

Applicant: Climate Control Mini Storage, LLC, Applicant (Scott Sinner Consulting, Inc.,

File #: PUD - 16 - 60

Site Name/Description: Climate Control Mini Storage, LLC

Consideration of plans for a Revision of a Final Planned Unit Development (PUD) Plan to add both temporary and permanent Recreational Vehicle (RV) storage to the existing mini storage facility located on tax lots 800 & 14600 at 2012 Kingswood Drive, within the SFR-6 zoning district (372W14DC800 & 372W23AB14600); Climate Control Mini Storage, LLC, Applicant (Scott Sinner Consulting, Inc., Agent). Dustin Severs, Planner.

DESCRIPTION OF CORRECTIONS

REFERENCE

Requirement FD APPARATUS ACCESS ROAD DESIGN

OFC

503.2.1

Minimum 20' wide fire lanes are required through the project connecting Willowdale Drive with the Private Dr. Corners shall have a minimum 25' inside turning radius and minimum 35' outside turning radius.

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, 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).

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, IFB, IMC and NFPA standards.

CITY OF MEDFORD

EXHIBIT F

FILE # PUD-16-060

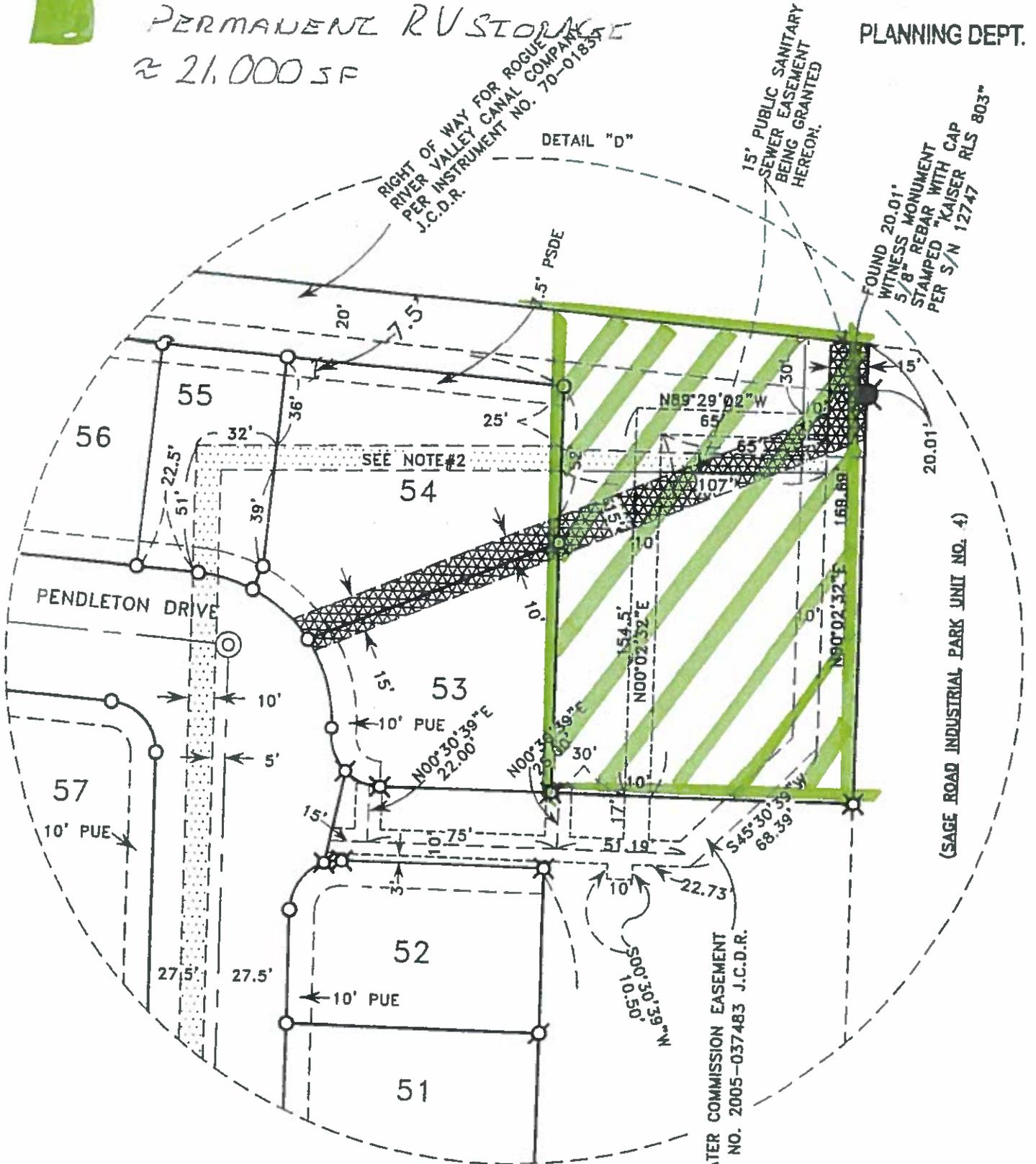
INSTRUMENTS NO. 96-
O DETERMINE CLIENTS
E ALL MEASUREMENTS.

RECEIVED

MAY 03 2016

PLANNING DEPT.

PERMANENT RV STORAGE
≈ 21,000 SF



(NOT TO SCALE)

10' MEDFORD WATER COMMISSION EASEMENT
PER INSTRUMENT NO. 2005-037483 J.C.D.R.

CITY OF MEDFORD

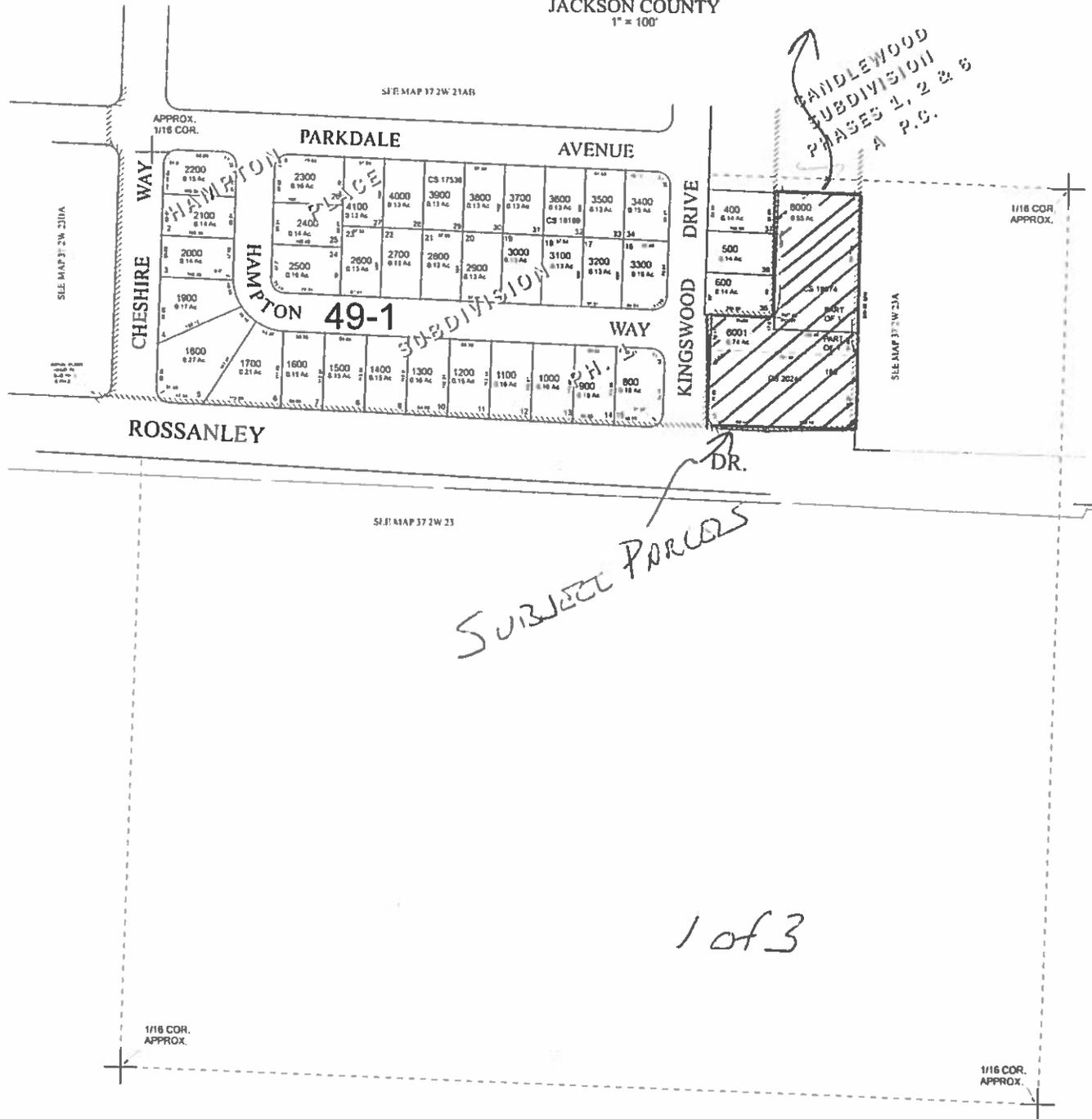
EXHIBIT G

FILE # PUD-16-060

FOR ASSESSMENT AND TAXATION ONLY

S.W.1/4, N.E.1/4, SEC.23, T.37S., R.2W., W.M.
JACKSON COUNTY
1" = 100'

37 2W 23AC
MEDFORD



HANDLEWOOD
SUBDIVISION
PHASES 1, 2 & 3
A P.G.

CANCELLED TAX
LOT NUMBERS

- 100-300 REMAPPED TO 372W23AB
- 4200
- 4300-5400 REMAPPED TO 372W23AB
- 5500
- 5600
- 5700-5705 REMAPPED TO 372W23BA
- 5706-5725 REMAPPED TO 372W23BE
- 5726, 5734 REMAPPED TO 372W23HA
- 5738
- 5803-5811 REMAPPED TO 372W23AB
- 5812 KILLED TO STREET
- 5813-5828 REMAPPED TO 372W23BA
- 5819 KILLED TO STREET
- 5924-5845 REMAPPED TO 372W23AB
- 5846 KILLED TO STREET
- 5840 ADDED TO 6000

SUBJECT PARCELS

1 of 3

RECEIVED
MAY 03 2016
PLANNING DEPT.

37 2W 23AC
MEDFORD
REV NOVEMBER 18, 2001
REV JANUARY 30, 2009

CITY OF MEDFORD
EXHIBIT H-1 of 3
FILE # PUD-16-060

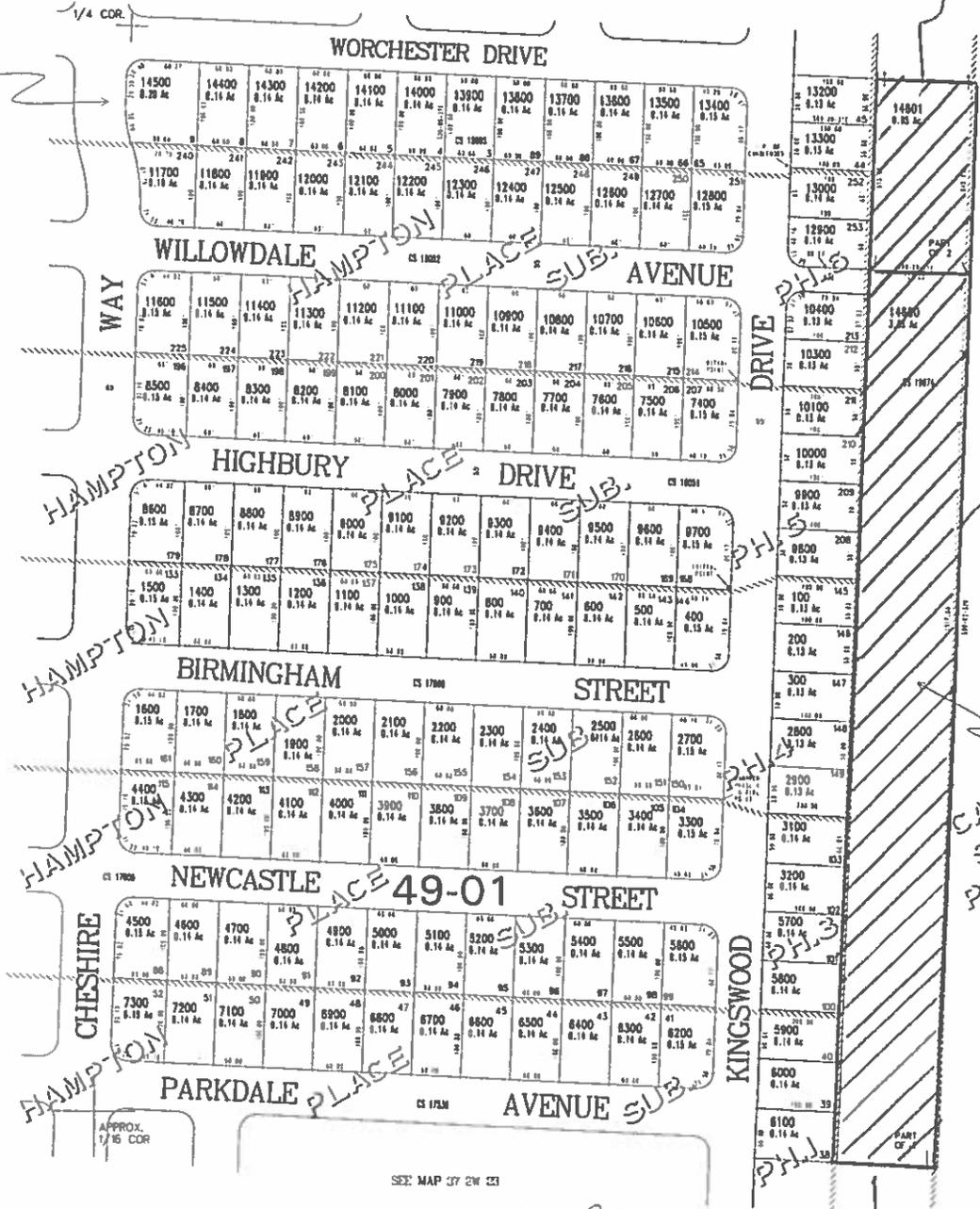
NW 1/4 NE1/4 SEC23 T37S R2W. WM.
JACKSON COUNTY

37 2W 23AB
MEDFORD

IMPORTANT
THIS MAP FOR ASSESSMENT
AND TAXATION PURPOSES
ONLY

SCALE 1 INCH = 100 FEET
SEE MAP 37 2W 23

CANDLEWOOD
SUBDIVISION
PHASES 3, 4 & 5
A.P.C.



APPROX. 1/16 COR.
CANCELLED TAX LOT NUMBERS
1908 43125 TO 43197
1978 43125 TO 43127
1908 43125 TO 43127

SUBJECT
PARCELS

CANDLEWOOD
SUBDIVISION
PHASES 1, 2 & 3
A.P.C.

RECEIVED
MAY 03 2016
PLANNING DEPT.

37 2W 23AB
MEDFORD
CITY ENGINEER CL. BIRD
REV. JUNE 28, 2017

Page 83

CITY OF MEDFORD
EXHIBIT 14-2083
FILE # PUD-16-060

SEE MAP 37 2W 23

2 of 3

9

FOR ASSESSMENT AND TAXATION ONLY

S.W.1/4, S.E.1/4, SEC.14, T.37S., R.2W., W.M.
JACKSON COUNTY

37 2W 14DC
MEDFORD

1" = 100'



CANCELLED TAX
LOT NUMBERS:
100 REMAPPED TO 112W14D

*SUBJECT
PARCELS*

*CANDLEWOOD
SUBDIVISION
PHASES 1, 2 & 3
A.P.C.*

3 of 3

RECEIVED

MAY 03 2016

PLANNING DEPT.

37 2W 14DC
MEDFORD
NEW MAP JUNE 24, 2009

CITY OF MEDFORD
EXHIBIT H-3063
FILE # PUD-16-060

Dustin J. Severs

From: U.s Brokers <hummer19721@hotmail.com>
Sent: Wednesday, July 13, 2016 2:36 PM
To: Dustin J. Severs
Subject: One more thing
Attachments: IMG_2310.JPG

In regards to the Climate Control Mini Storage proposed change, I would also like to say that Kingswood is a very narrow street. Here are additional pictures to show how tight this street is with oncoming traffic. Please review this photo on just how narrow our street is before considerations are made tomorrow at the meeting.

Scott Witter



Dustin J. Severs

From: U.s Brokers <hummer19721@hotmail.com>
Sent: Wednesday, July 13, 2016 2:29 PM
To: Dustin J. Severs
Subject: Plan Changes for Climate Control Mini Storage
Attachments: parker.JPG

Dear City of Medford Planning Department,

I would like to let the department know that I oppose the proposed plan change from climate mini storage. This change disrupts the entire PUD as a whole. It is unsafe for the neighborhood. It is going to bring additional traffic into our residential streets. On Kingswood Dr there are over 12 different school bus stops for the kids living here. The streets are lined with basketball hoops where the kids play basketball and soccer. There are 6 basketball hoops on this street alone. At any given time you can find kids playing on Kingswood Dr. Attached is a picture of one neighborhood child playing. Please do not approve this change and help keep our kids playing and safe.

Scott Witter



Dustin J. Severs

From: Karolyn Samuels <karolynashley99@gmail.com>
Sent: Thursday, July 14, 2016 1:12 AM
To: Dustin J. Severs
Subject: Proposed change to Hampton Place neighborhood

July 14, 2016

Dear Mr. Severs,

I own a home in the Hampton Place/Candlewood neighborhood and I am writing to let you know that I am very concerned about the proposed changes to the mini storage area. This neighborhood is a wonderful, residential neighborhood with families and children that ride their bikes and walk around in relative safety. Allowing the mini storage area to grow would significantly change the character of the neighborhood and would put people and children at risk.

The streets are narrow, and when there are cars parked on the street (albeit legally) it turns many of the streets into one lane roads. Add happy, lively children walking and biking down the street and it makes for a residential neighborhood that cannot handle a large commercial area's traffic.

I would like you to consider that if the mini storage area is allowed to expand further, the safety and character of this wonderful, west-side neighborhood will significantly change for the worse. I strongly oppose the proposed changes.

Please accept this email in lieu of my attendance at the meeting later today as I am out of town.

Thank you for your consideration,

Karolyn A. Samuels
1018 Pendleton Dr
Medford, OR 97501
503-703-0953
karolynashley99@gmail.com

Dustin J. Severs

From: dustin severs <seversdustin@yahoo.com>
Sent: Wednesday, July 13, 2016 3:23 PM
To: Dustin J. Severs
Subject: Fw: Climate Control Mini Storage

On Wednesday, July 13, 2016 3:20 PM, dustin severs <seversdustin@yahoo.com> wrote:

On Wednesday, July 13, 2016 2:13 PM, Jackie Green <jackiecgreen@gmail.com> wrote:

To Whom It May Concern, ,

I am writing to voice my objection to the proposed change to our PUD and neighborhood by the Climate Control Mini Storage. Upon reviewing the Preliminary PUD Plan Approval Criteria, it appears that the proposed change does not meet the criteria to be approved. Based on criteria 2C, which states that the "modifications will not impair the function or safety, or efficiency of the circulation system or the development as a whole."

It is very clear the modifications will directly impair the safety of the neighborhood part of this development. Children ride their bikes, play basketball, neighbors walk their dogs and exercise in the exact area the storage facility has proposed the RV's exit their facility. This is an already narrow road, which is congested by the residential traffic. Any commercial traffic would devastate the area. It will dramatically change the neighborhood environment from a family friendly place to a commercial zone. It will no longer be safe for children and neighbors to ride and play or walk their pets without constant threat of danger from these large vehicles continuously entering the roadway.

It should also be taken into consideration, the dishonest behavior demonstrated by Climate Control Mini Storage. When the notification signs were posted by the City of Medford planning department, Climate control mini storage erased all of the information regarding the change. The signs were erased and blank! Therefore, the public was unaware of the proposed changes. This behavior is unethical. Please see the pictures taken June 27, 2016.

Climate control mini storage has also decided they do not need the City of Medford's approval to proceed with this project. They have already completed the construction, painted the parking spots and filled the parking spots with recreational vehicles. Please see attached pictures taken July 13, 2016.

The behavior of Climate Control Mini Storage is evidence of their disregard for the development as a whole especially the other property owners in the development. Their dishonest and unethical behavior shows their lack of respect for City Planners and the protocols set up to govern our city. They have shown they will do what they want regardless of if the City approves it or not.

I very respectfully urge the planning department to not approve what is proposed by the Climate Control Mini Storage.

Respectfully,

Jackie Green

CITY OF MEDFORD

EXHIBIT K
FILE # PUD-16-060

Dustin J. Severs

From: Scott Sinner <scottsinner@yahoo.com>
Sent: Thursday, July 14, 2016 9:26 AM
To: Dustin J. Severs; Kelly A. Akin; ddsulli7@gmail.com; lbendickson@reagan.com
Subject: Climate Control

Dustin,

I would like to clarify description of the type of RV types we are stipulating to allow in the temporary and permanent storage areas.

We are proposing RV storage to include motorhomes, recreational travel trailers including slide in campers, and recreational pleasure boats on trailers.

Please let me know if you have any other questions.

Scott

Scott Sinner Consulting, Inc.

Land Use Planning, Conservation Consulting

4401 San Juan Drive, Suite G

Medford, Oregon 97504

Phone and Fax 541-772-1494

Cell 541-601-0917

scottsinner@yahoo.com

Dustin J. Severs

From: Dustin J. Severs
Sent: Tuesday, June 28, 2016 7:14 AM
To: 'Scott Sinner'
Subject: RE: Climate Control

Scott,

Was off yesterday so just getting your message. I will make up new signs and go out and replace them myself..... I need to snap some pictures anyway. I'll make sure to use a permanent marker this time.

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

From: Scott Sinner [<mailto:scottsinner@yahoo.com>]
Sent: Monday, June 27, 2016 6:52 AM
To: Dustin J. Severs
Subject: Climate Control

Dustin,

I got a call from Dennis Sullivan over the weekend. Two of the three Climate Control Public Hearing signs are completely blank. He suspects the marker was not permanent ink.

Scott

Scott Sinner Consulting, Inc.

Land Use Planning, Conservation Consulting

4401 San Juan Drive, Suite G
Medford, Oregon 97504
Phone and Fax 541-772-1494
Cell 541-601-0917
scottsinner@yahoo.com

CITY OF MEDFORD
EXHIBIT M
FILE # PUD-16-060

Dustin J. Severs

From: Scott Sinner <scottsinner@yahoo.com>
Sent: Friday, July 15, 2016 9:25 AM
To: Dustin J. Severs; Kelly A. Akin; ddsulli7@gmail.com; lbendickson@reagan.com
Subject: Continuation

Dustin,

I would like to provide notice of our request to continue the Climate Control application to the July 28 Planning Commission and we also agree to extend the 120 day deadline by two weeks to accommodate the extension.

We are requesting to have the Planning Commission adopt the Final Order for the application on the 28th, assuming all goes well.

Please acknowledge the receipt of this email with a reply all.

Scott

Scott Sinner Consulting, Inc.

Land Use Planning, Conservation Consulting

4401 San Juan Drive, Suite G

Medford, Oregon 97504

Phone and Fax 541-772-1494

Cell 541-601-0917

scottsinner@yahoo.com

CITY OF MEDFORD

EXHIBIT N

FILE # PUD-16-060



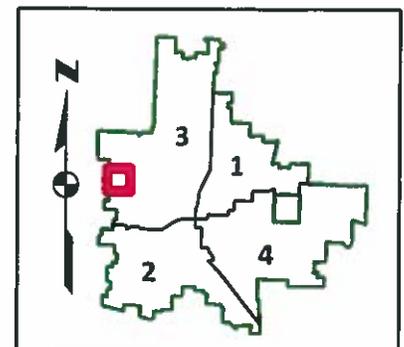
Project Name:
Climate Control Mini Storage

Map/Taxlot:
 372W23AC TL 6000, 6001
 372W14D TL 8000
 372WAB TI 14601, 14600

05/06/2016

Legend

-  Subject Area
-  Medford Zoning
-  Tax Lots
-  Streets





Planning Department

Working with the community to shape a vibrant and exceptional city

STAFF REPORT

for a Type-C quasi-judicial decision: PUD Revision

PROJECT Delta Center PUD Revision
Applicant: Crater Lake Ventures LLC; Agent: Richard Stevens & Associates, Inc.

FILE NO. PUD-16-065

TO Planning Commission *for July 28, 2016 hearing*

FROM Desmond McGeough, Planner III *DM*

REVIEWER Kelly Akin, Principal Planner *KA*

DATE July 21, 2016

BACKGROUND

Proposal

Consideration of a PUD Revision to the Delta Center Planned Unit Development to allow for the reallocation of unutilized commercial use square footage permitted and located within Phase 1 of the currently approved PUD Plan. Applicant proposes that commercial square footage permitted for the development be allowed to be sited anywhere within the boundary of the PUD as needed. Proposed PUD Revision also summarizes previously approved de minimus revisions made to the PUD project. Delta Center PUD currently consists of 22.33 net acres, generally located west and north of the intersection of Crater Lake Highway (OR 62) and Delta Waters Road, and located within an I-L/PUD (Light Industrial/Planned Unit Development Overlay) zoning district.

Subject Site Characteristics

Zoning	I-L/PD	Light Industrial with Planned Unit Development Zoning Overlay
GLUP	GI	General Industrial
Use		Shopping Center

Surrounding Site Characteristics

North	C-C	Retail uses Vacant Land
South	I-L	Tire store (under construction)
East	C-R	Shopping center, King Center Retail Development
West	I-L	Vacant Land – Future Highway 62 Bypass Rogue Valley International - Medford Airport

Related Projects

PUD-04-241	Delta Center Preliminary PUD Plan
Res.#05-172	Preliminary PUD Approval via stipulated Writ of Mandamus
AC-06-265	30,610 sq.ft. Building 7 commercial building, Best Buy (expired)
AC-06-266	57,078 sq.ft. Building 6 commercial building, Sportsman's Warehouse
AC-07-174	Buildings 1-5
AC-12-062	Texas Roadhouse Restaurant
AC-13-035	Buffalo Wildwings Restaurant
AC-15-156	Phase 2 site plan, architectural review of buildings 8 & 9

Corporate Names

The application identifies Nash LLC and Crater Lake Ventures, LLC as owners. The Secretary of the State Business Registry lists Daniel A. Nash as the agent for Nash LLC and C. A. Galpin as the agent for Crater Lake Ventures, and Charles & Julie Martinez as members.

Applicable Criteria

Planned Unit Development, §10.235(C) MLDC-2004

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

- 1 The PUD complies with the applicable requirements of this Code, except for those which a deviation has been approved under Subsection 10.230 (D)
- 2 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*
3. The PUD is consistent with goals and policies of the Comprehensive Plan, if any, which by their language or context were intended to function as approval criteria for planned unit developments.
4. Deviations from the limitations, restrictions and design standards of this code will not materially impair the function safety of efficiency of the circulation system or the development as a whole.

5. The proposed PUD satisfies two or more of the purpose statements in Subsection 10.230(A)(1) through 10.230(A)(8).

Section 10,230 Planned Unit Development (PUD)-General Provisions

- A. Purpose and Intent: The PUD approach permits greater flexibility in urban development than would otherwise be possible under the strict requirements of this Code. The intent is to serve the following purposes:
 1. To promote more creative and imaginative urban development.
 2. To promote urban development that is more compatible with natural topography
 3. To preserve important natural features and scenic qualities of the land
 4. To Promote more economical urban development while not materially compromising the public health, safety or general welfare.
 5. To promote a more efficient use of urbanizable land
 6. To promote a mixture of land uses and housing types that are thoughtfully planned and integrated
 7. To permit in-fill development on parcels that are otherwise difficult or impossible to develop.
 8. To promote the development, utility and appropriate maintenance of open spaces and other elements intended for common use and ownership.
6. The location, size, shape and character of all common elements in the PUD are appropriate for their intended use and function.
7. If the Preliminary PUD Plan includes uses not allowed in the underlying zone pursuant to Subsection 10.230(D)(9)(b), 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 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.

8. If the Preliminary Development plan includes uses proposed under Subsection 10.230(D)(9)(b), approval of the PUD shall also be subject to compliance with the conditional use permit criteria.
9. 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 patterns.

Revision or Termination of a PUD, §10.245(A)(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) or 10.240(G), 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 10.235(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.

ISSUES AND ANALYSIS

Background

The subject development received preliminary PUD approved (PUD-04-241, Exhibit "N") via a stipulated Writ of Mandamus, and as adopted by the Council August 18, 2005 by approval of Resolution No. 2005-172. The first two buildings of Phase 1 were approved by the Site Plan and Architectural Commission on December 1, 2006. These applications included Sportsman's Warehouse – Building 6 (AC-06-266), and a Best Buy – Building 7 (AC-06-265), which approval eventually expired.

Phase 1

Buildings 1-5 of the Delta Center were approved by the Site Plan and Architectural Commission on November 2, 2007 (AC-07-174). The Planning Commission approved a request for revision to Building 5 on January 26, 2012. Texas Roadhouse - Building 5 (AC-12-062) was approved by the Site Plan & Architectural Commission on November 2, 2012. All buildings associated with the approval of AC-07-174, Delta Center Buildings 1-5, have all been constructed.

The Final PUD Plan for Phase 1 identified Building 7 as a 30,038 square foot retail building. A de minimis PUD revision request was made to change Building 7 from retail use to a restaurant, and to reduce the size of the structure to 7,276 square feet. The Planning Director forwarded the de minimus request to the Planning Commission for a determination of consistency with the Phase 1 Final PUD plan. The Planning Commission did find the changes to the Building 7 site to be consistent with the Delta Center Phase 1 Final PUD plan. On June 13, 2013, the Site Plan and Architectural Commission approved the site plan application for Buffalo Wildwings restaurant (AC-13-035), which currently occupies the Building 7 site. Uses within Phase 1 include restaurants, sporting goods store, cell phone providers, a shipping store, an eye care provider, video game shop and a coffee shop. Please see subsection "A" (pages 5&6) of the applicant's findings (Exhibit "B"), which provides a detailed table of uses, square footage and whether the use is a permitted use in the I-L zoning district without the PUD overlay.

Phase 2

The portion of Delta Center PUD (Phase 2) currently proceeding forward was described by the site plan application narrative as consisting of two commercial buildings with associated site parking and landscaping, and four office building pad sites to be built at a later date. The total project square footage of the proposed with the Phase 2 site plan application is 30,570 square feet. The Site Plan and Architectural Commission (SPAC) reviewed and approved the Phase 2 site plan in January 2016. Review of the site plan and architecture of the Delta Center by the Site Plan and Architectural Commission is a requirement by Condition 3 of the Writ of Mandamus, which provides the following:

"Prior to development of each building, (vertical construction), plans (site, building, landscape, etc.) shall be submitted for Architectural Commission review and approval per Land Development Code Section 10.295-10.296. Such review is in lieu of postponed Planning Commission review of designs as proposed by Sections 10.235(A)(2)(c) and 10.235(F)(2)"

Deviations from Approved Preliminary PUD

In review of the Phase 2 site plan for the Delta Center (AC-15-156), staff identified the preliminary PUD development site plan adopted by the City contained all commercially designated development within Phase 1 of the development. No commercial development was proposed north of Phase 1 as part of the 2004 adopted preliminary PUD development plan.

The applicant's site plan narrative (AC-15-156) noted that Phase 2 of the Delta Center PUD would encompass commercial and office/professional space totaling 30,570 square feet. The narrative further identified Building 8 and Building 9 as possible commercial

uses. Building 8 encompasses 9,300 square feet and Building 9 is 8,470 square feet. Buildings 10 through 13 were identified in the narrative and site plan as professional office buildings totaling 12,800 square feet. Based on the applicant's site plan narrative, construction of Buildings 8 and 9 is intended to commence as soon as feasible. Office buildings (Buildings 10-13) will be built at a later date.

Revision to Delta Center PUD (2016)

The purpose of the subject PUD revision is threefold. As there have been several de minimis requests made and approved throughout the last ten years, the applicant has summarized all previous actions. Therefore, the application history is contained in a single document. The second purpose of the subject PUD Revision application is to allow the reallocation of permitted and unused commercial square footage into be applied within any building within the PUD. The third purpose of the PUD Revision is to make minor design changes in the layout and juxtaposition of buildings upon the preliminary development plan for the remainder of the project.

The 2004 approved development plan permitted a total of 83,630 square feet of commercial square footage, based upon the 20% alternative land uses that would not otherwise be permissible in an I-L zone district. Due to downsizing of a few of the commercial buildings, the applicant has not fully utilized the permissible commercial square footage of the PUD. It should be noted that the existing Preliminary PUD development plan for the Delta Center and Final PUD Plan for Phase 1 recognized Building 7 as a 30,038 square foot retail building. However, with the de minimis PUD revision in 2013, Building 7 changed from a commercial use to a much smaller restaurant use of 7,276 square feet, which significantly lowered the overall commercial square footage of commercial development in the development.

At the present time, based on the mix of tenants within Phase 1 of the development, the Delta Center presently encompasses 74,901 square feet of commercial development. The proposed modification sought by the applicant is to allow the remaining 8,729 of unutilized commercial square footage within any portion of the development, rather than the commercial square footage being restricted to particular buildings in Phase 1.

There are several changes in the site plan design for Phase 2. Staff notes that the Buildings 8 and 9 are larger than shown in the Preliminary Plan. Office buildings are also oriented differently from the Preliminary PUD Plan. The reorientation of buildings and change in building size results in a site design layout for Phase 2 that planning staff and the Site Plan and Architectural Commission finds aesthetically superior in comparison to the long linear buildings and parking configurations demonstrated in the 2004 approved Preliminary Plan.

The first condition of approval of the stipulated Writ of Mandamus provides the following:

"All development of the property shall be in accordance with the PUD site plan, a copy of which is attached to the Stipulated Writ as Exhibit "A", subject to any modifications that result for further review processes set forth herein."

PHASE 2 UPDATES PRELIMINARY DEVELOPMENT PLAN (Exhibit C)

Vehicle Access and Circulation

Vehicular access to between Delta Center Phase 2 and the public street system are provided at two locations. There is direct access to the terminus of Excel Drive, which provides access to the traffic control light at located the intersection of Lear Way and Delta Waters Road, northeast of the site. There is also a primary access driveway that provides right-in, right-out and left-in access to shopping center from Delta Waters Road, located on the east side of the development. Three internal north/south running drive aisles provide access to this primary access driveway located on the south side of Delta Center Phase 2. There is also a third access point to the Delta Center, which is right in, right-out access point located at the southeast corner of the property near the existing Starbucks (Building 4).

Parking

There is a minimum of 183 parking spaces required for Phase 2 project and a maximum parking allowance of 229 spaces per the MLDC. The site plan indicates there are 193 spaces proposed, including 9 designated ADA parking spaces and 18 van/carpool spaces. The spaces are 19 feet in length and 9 feet in width.

The parking area is visually interrupted by buildings, which are spread out upon the site. Drive aisle landscape area planters and frequent landscaping bulb-outs also break up the parking areas by providing landscaping materials that visually separate the small parking fields. Parking lot planters are dispersed throughout the parking areas and contain, at minimum, the landscaping area square footage specified in the Planting schedule of Subsection 10.746(3) of the MLDC. The subject site plan meets and exceeds design requirements for parking specified in Section 10.745(3) of the MLDC.

Pedestrian Walkways

The stipulated Writ of Mandamus, Condition 4, requires the development to provide a pedestrian route providing a connection for all buildings within Phase 2 to Delta Waters

Road. Buildings 8 and 9 address this item. However, on the preliminary development plan it appears that there is no pedestrian connection between the office buildings (Buildings 10 through 13) to Delta Water Road by through the provision of a pedestrian crossings over the parking area driveways and thus to Delta Waters Road. The pedestrian walkways and connectivity of the development shall be consistent with Section 10.772 through 10.776 of the MLDC. With approval of AC-15-156, SPAC included a code condition of approval requiring the pedestrian crossings to each of the buildings and that building permit plans demonstrate pedestrian crossing materials consistent with Section 10.776 of the MLDC.

Landscape Plan (Exhibit G)

The applicant submitted a landscape plan for Phase 2 that was found to comply with the requirements of MLDC Sections 10.746 regarding parking area planter and with Section 10.780 of the Municipal Code. The subject landscape plan demonstrates the sparing use of turf on the west side of the main drive aisle between Buildings 8 and 9. The landscape design is intended to be low maintenance and water use of turf or other high water usages.

PUD Conclusion/ Summary

Staff supports the commercial square footage reallocation in the unbuilt portions of the development as all surrounding properties are commercially zoned. Conditional Use Permit criteria would not be applicable to the location of future commercial development anywhere, given that the surrounding commercial zoning to the north and east sides of the PUD. The west side of the PUD is separated from I-L zoned property by the Crater Lake Highway Bypass currently under construction. Thus, it would be appropriate to permit remaining unutilized commercial square footage to be located where the applicant deems it to be most suitable within the PUD with exception of Building 4 of Phase 1, which is 200 feet within an industrial zone.

Currently the I-L zone to the south has a discount tire sales and installation facility which is a light industrial use that is also permissible in the commercial zone districts. Currently, the two uses that are located within Building 4, a coffee shop and telecommunications store are permissible uses in the I-L zone district. Therefore, if non-permitted commercial use was desired in the future for Building 4, a CUP application would be needed at that time.

As noted above the site plan design submitted for Phase 2, along with architecture for Buildings 8 and 9 were approved by SPAC in January 2016 (AC-15-156). Approved site plan is represented in the revised preliminary development plan (Exhibit C) submitted with this application. Staff and SPAC found the subject design far better from a design

aspect to than the approved 2004 preliminary PUD plan. Staff fully supports and recommends the proposed revisions to the preliminary development plan as submitted.

FINDINGS AND CONCLUSIONS

Based on the Preliminary Development Plan, Applicant's exhibits and findings, the Commission can find that the 2004 Criterion under which the PUD was initially approved under, have been fully addressed. The minor revisions do not, in staff opinion, trigger the PUD Criteria as provided in 2016. It is feasible that criterion adopted since the 2004 approval of the Delta Center PUD may not be able to be met by this development that is approximately half built out. Thus, staff finds the agent's application of the 2004 criteria to be acceptable for review of the proposed PUD Revisions. The applicant's findings to the criteria can be found on Exhibit B, pages 9 through 22. Staff recommends that the Planning Commission adopt the Applicant's findings as submitted.

RECOMMENDED ACTION

Adopt the findings as recommended by staff and direct staff to prepare a Final Order for approval per the staff report dated July 21 2016, including Exhibits A through N.

EXHIBITS

- A Conditions of Approval.
- B Applicant's Findings of Fact and Conclusions of Law, received May 17, 2016.
- C Revised Preliminary PUD Plan for the Delta Center PUD received May 17, 2016.
- D Phase 2 site plan conceptual grading and stormwater drainage plan, received May 17, 2016.
- E Phase 2 site plan conceptual utility plan, received May 17, 2016.
- F Phase 2 site Landscape Plan, received May 17, 2016.
- G Transportation Analysis, received May 17, 2016.
- H Public Works Staff Report dated June 29, 2016.
- I Medford Water Commission Memo, dated June 29, 2016.
- J Fire Department Report, prepared June 27, 2016.
- K E-mail correspondence from the Oregon Department of Aviation, received May 3, 2016.
- L Building Department Memo
- M Currently approved preliminary PUD (PUD-04-241)
- N Phasing Plan Delta Center
Vicinity map

PLANNING COMMISSION AGENDA:

JULY 28, 2016

EXHIBIT A
Conditions of Approval

PUD-16-065
Delta Center PUD Revision
July 21, 2016

All conditions from the August 18, 2005 by approval, via Resolution No. 2005-172, shall remain in full effect except as amended within the exhibits listed below:

CODE REQUIREMENTS

1. Prior to final plat approval or issuance of building permits, whichever comes first, the applicant shall:
 - a. Comply with the report from the Public Works Department, dated June 29, 2016 (Exhibit I);
 - b. Comply with the report from the Medford Water Commission, dated May 11, 2016 (Exhibit J);
 - c. Comply with the memorandum from the Medford Fire Department, prepared June 27, 2016 (Exhibit K); and
 - d. Comply with the correspondence from the Oregon Department of Aviation dated June 27, 2016 (Exhibit L).

CITY OF MEDFORD
EXHIBIT # "A"
File # PUD-16-065
1 of 1

BEFORE THE PLANNING COMMISSION FOR
THE CITY OF MEDFORD, OREGON

RECEIVED
MAY 17 2016
Planning Dept.

IN THE MATTER OF AN AMENDMENT)	
APPLICATION FOR DELTA CENTER PLANNED)	
UNIT DEVELOPMENT; LOCATED AT)	REVISIONS FOR
THE NORTHWEST CORNER OF THE)	PUD-04-021
INTERSECTON OF HIGHWAY 62 AND DELTA)	FINDINGS OF FACT AND
WATERS ROAD, IN THE CITY OF MEDFORD,)	CONCLUSIONS
OREGON; CRATER LAKE VENTURE, LLC,)	
APPLICANTS; RICHARD STEVENS &)	
ASSOCIATES, INC., AGENTS)	

RECITALS:

Property Owner/ Applicants-	Crater Lake Venture, LLC 744 Cardley Ave. Ste 100 Medford, OR 97504
	Nash, LLC PO Box 597 Medford, OR 97501
Agents-	Richard Stevens & Associates, Inc. P.O. Box 4368 Medford, OR 97504
Architects-	Ron Grimes Architects PC 14 N. Central Ave, Ste. 106 Medford, OR 97501
Property Description-	T.37S-R.1W-S.07D, Tax Lots 400 & 500

CITY OF MEDFORD,
EXHIBIT # "B"
File # PUD-16-065
10F22



INTRODUCTION:

The applicants have acquired their entitlements with the approval of PUD-04-241, Delta Center Planned Unit Development. Since the original approval, there have been numerous De-Minimis revisions to the original Preliminary PUD Plan. Therefore, Staff has requested a PUD revision application to reflect the De-Minimis changes made be submitted to update the Preliminary PUD Plan prior to the development/construction of Phase 2, attached Exhibit "A". The De-Minimis revisions are:

March 28, 2007 - A minor adjustment to the location of the approved site improvements and building footprints for Buildings 6 and 7.

October 15, 2007 - A minor adjustment to the configuration of Building 7, and building footprints for Buildings 1-5.

July 27, 2010 - To move 2,280 square feet (actually 2,147 square feet) of the approved commercial area from Building 7 to Building 2, Suite 103, Game Stop retail store.

January 7, 2013 - Originally Building 5 was approved as a 17,040 square building and later allowed to be reduced by the Planning Commission to 7,079 square feet. This request changes from 7,079 square feet to 8,468 square feet, a 1,389 square foot difference.

June 17, 2013 - Building 7 was originally approved as a 30,038 square foot retail building, located just north of Sportsman's Warehouse. This proposal is to construct a 5,979 square foot restaurant with a 1,350 square foot outdoor seating area in the same location.

Phase 1, Delta Center PUD, has now received final PUD plan approval from the City of Medford and has completed the developments and is completely built out. The applicants now desire to proceed with the development of Phase 2 for future businesses desiring to locate within the City of Medford. This amendment and supporting findings are consistent with Section 10.245(A) Medford Land Development Code (MLDC). Section 10.245(A)(1) states in part:

"Applicant for Revision; Filing Materials; Procedures: An application to revise an approved PUD Plan shall be on forms supplied by the City. 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... PUD revisions shall follow the same procedures used for initial approval of a Preliminary PUD Plan." (emphasis added)

"B"
2 of 22



We request that the City of Medford keep in mind that this amendment/revision application cites and addresses the standards and criteria that were in effect in the year 2004, MLDC. The Code citations now differ from those in effect with the original review for the Delta Center PUD. These revision/amendment findings address the approval criteria that were reviewed with PUD-04-241.

Daniel A. Nash, Nash, LLC, is the property owner of Tax Lot 400 which is currently undeveloped and consists of the entire vacant lands within the approved PUD. Tax Lot 400 consists of Phase 2 for the Delta Center, which has not received Final PUD Plan approval and is not under construction. This PUD amendment is to update the site plan with the de-minimis and other revisions already approved by the City of Medford and to redistribute the "Uses Not Otherwise Allowed throughout the entire Delta Center PUD. These uses were originally proposed entirely within Phase 1; however, market conditions have filled Phase 1 with a higher percentage of allowed uses within the I-L district. Therefore, the applicants desire to distribute the remainder of the uses not otherwise allowed throughout the entire Delta Center PUD. There are no changes to the amount of commercial uses, vehicle trips generated or project access points, only a redistribution of the uses that are not otherwise allowed within the I-L zoning district across the entire project area, as provided for within Section 10.230(D)(9)(b), MLDC.

The property is zoned Light Industrial (I-L) within the City of Medford, and is within the Airport Overlay zone. Specifically, this application seeks approval of this amended Preliminary PUD Plan that proposes 13 separate buildings and may eventually consist of 25 buildings. The applicants have acquired Site Plan and Architectural Commission approval for Buildings 8 and 9 within Phase 2. The proposed uses within these buildings are permitted uses within the I-L district.

These findings and attached exhibits demonstrate support for approval of this amended Preliminary PUD Plan application. The subject property is located west of Delta Waters Road and north of Crater Lake Highway 62, directly across Delta Waters Road from the Olive Garden restaurant and Safeway grocery store. The applicants also request to maintain the SPAC and Planning Director's authority to review any future buildings, landscaping or minor revisions, upon approval of this application.

The subject property is served with three separate vehicular access points. The first access point is located on Highway 62 near the subject property's southwest property line, as a right-in and a right-out access. The second access is located along Delta Waters Road that is aligned with the current private driveway that exists between the Olive Garden restaurant and Safeway grocery store. The third vehicular access is in the northern quadrant of the site aligned and connecting to Excel Drive. Upon entering the property from either of the vehicular access points, vehicles (including pedestrians and bicyclists) would proceed to the various buildings planned to occupy the site. Internal access is by way of private driveways that interconnect the buildings to serve separate businesses and their associated off-street parking.

13
3 of 22



The approval of PUD-04-241 established the 6.14 acre area calculation for uses not otherwise allowed within the I-L zoning district, consistent with Section 10.230(D)(9)(b), MLDC. The applicants desire to utilize these uses across the entire project area, as opposed to the specific buildings identified with the original approval. There are no changes to the access points for Delta Center, although Phase 2 provides improved internal circulation and connection with Excel Drive.

Off-street parking for motor vehicles and bicycles are provided in numbers consistent with the Medford Land Development Code (MLDC). The calculated parking is based upon the conceptual uses intended to occupy the site. Actual uses will be restricted to the overall amounts of parking provided in the project. There will be concrete walkways throughout the subject area, including around its perimeter with pedestrian connections to Crater Lake Highway or Delta Waters Road.

Final PUD Plan for Phase 1 has been completed and approved by the City of Medford; therefore, no further reviews are required. The applicants desire to start the construction of Phase 2 for the Delta Center PUD, consistent with the approval of SPAC File No. AC-15-156. Approval of this Preliminary PUD Plan amendment is sought for the vacant lands for Phase 2. There are no plans for a land division at this time for the project. All of the new proposed structures are subject to Site Plan and Architectural Commission review and approval prior to the issuance of building permits.

The current land uses that surround the subject property are:

North: Land adjacent to the north of the subject property consists of vacant parcels zoned I-L.

South: Land adjacent to the south of the subject property is developed and zoned I-L. Existing uses include gasoline service stations, oil change facilities and a bowling alley.

West: Land adjacent to the west of the subject property is vacant land zoned I-L. The land is owned by Jackson County and is part of the Medford International Airport. ODOT has tentative plans to construct an expressway to relieve traffic congestion on Highway 62. A portion of the expressway will be on right-of-way owned by ODOT.

East: Land adjacent to the east of the subject property is developed with a Subway, Color Creations, et.al. which is zoned Regional Commercial (C-R). The uses further east across Delta Waters Road are Safeway, Old Navy, Michaels, and Olive Garden. There are other retail commercial developments and uses further northeast of the subject property, being Lowe's, PetSmart, Office Depot, Wal-Mart and Costco.

"B"
4 of 22



APPROVAL CRITERIA:

SECTION 10.235:

The criteria under which the Preliminary PUD plan application must be approved are found in Section 10.235, MLDC. The criteria, in effect in 2004, are recited below where each is followed by the findings of fact for the City of Medford's consideration.

Submitted with this amended Preliminary PUD Plan application is the written authorization of the record owner of the subject property for this land use application.

- A. **Project Phasing:** As shown on the amended Preliminary PUD Plan, the PUD is to be constructed in two phases. The future development of the site may actually occur in smaller project areas, such as the recent SPAC approval for Buildings 8 and 9. As identified with the original review and approval, Buildings 5, 6 and 7 within Phase 1, comprised of 83,630 square feet of uses not otherwise allowed within the underlying I-L district. The applicants desire to use this area of uses over the entire project site.

All existing buildings are single story or two-story. The table below summarizes the project improvements and statistics at this point in time.

PUD Phase	Building Number	Square Feet	Project Use or End User	Permitted Without PUD
1	1	1,746	Sonic-Restaurant with drive through	•
1	2	2,051	Panda Express-Restaurant; sit down	•
1	2	2,147	Game Stop	
1	2	1,647	UPS Store	•
1	2	2,336	U.S. Cellular	•

"B"
5 of 22



1	3	1,674	Pita Pit- Restaurant; sit down	●
1	3	3,031	Verizon	●
1	3	3,455	Eyemart Express	●
1	4	1,877	Starbucks	●
1	4	3,455	AT&T	●
1	5	8,400	Texas Roadhouse- Restaurant; sit down	
1	6	57,078	Sportsman Warehouse	
1	7	7,276	Buffalo Wild Wings- Restaurant; sit down	
2	8	3,000	Restaurant; sit down	●
2	8	6,300	Offices and other allowed uses	●
2	9	3,000	Restaurant; drive through	●
2	9	5,470	Offices and other allowed uses	●
2	10	3,600	Offices and other allowed uses	●
2	11	3,600	Offices and other allowed uses	●
2	12	2,800	Offices and other allowed uses	●
2	13	2,800	Offices and other allowed uses	●

- A. **Uses Not Permitted in Underlying I-L Zone:** The City of Medford requires land development to measure project size by including, in addition to the privately held land, land within adjacent public road rights-of-way to the centerline. The gross area of the subject site (including land within the adjacent rights-of-way) was calculated as 30.71 acres. Therefore, per Section 10.230(D)(9)(b), MLDC, a total of 6.14 acres is allowed for uses not otherwise allowed or 83,630 square feet of floor space, based on the original PUD Plan approval. Currently, only 74,901 square feet of commercial retail floor space is occupied within Phase 1.

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Therefore, approximately 8,729 square feet is still available for commercial retail uses throughout Delta Center PUD.

- B. Landscaping and Other Common Elements; Maintenance:** The Preliminary Landscaping Plan, Exhibit "B" attached, identifies all of Phase 1 and the vacant land within Phase 2 of the PUD. Phase 1 has completed their planting and irrigation requirements as approved by the Site Plan & Architectural Commission. Phase 2 also has received Site Plan & Architectural Commission approval; however, construction has not been initiated. The reserved acreage will require future planting and irrigation plans that will be furnished as part of the Final PUD Plan(s) and/or at such time as the individual buildings undergo Site Plan and Architectural Commission review. In addition to landscaping, other common elements include the common driveways, off-street parking area, walkways and screened garbage receptacles. There is a common area maintenance agreement, which binds the owner(s) of the project with respect to maintenance and upkeep, and the same will require maintenance participation whether or not various parcels are sold to third parties. A portion of the rents collected by the owners will be used to maintain the common elements. A commercial landscape maintenance company engaged by the owners maintains all planned landscaping.

There are no public streets within the subject property. Private driveways will serve all of the buildings. Sidewalks along Delta Waters Road have been constructed to public sidewalk standards. The sidewalk extends along the Delta Waters Road frontage of the site that connects to the pedestrian circulation system within the project.

The common elements within the project site are described below:

Common Areas	Description of Common Area	Maintenance Responsibility
Private Entryways	The entryways that connect the project site to Crater Lake Highway 62 and Delta Waters Road including sidewalks/walkways, lighting and adjacent landscaping.	Owners
Driveways/Parking Access	The entryways that connect the project site to Crater Lake Highway 62, Delta Waters Road and Excel Drive including sidewalks/walkways, lighting and adjacent landscaping.	Owners

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Landscaping	Landscaping along the frontage of Crater Lake Highway and Delta Water Road with landscaping associated with each building and within the off-street parking areas.	Owners
Garbage Receptacles	Screened dumpsters	Owners

Note: Where access to adjacent parcels is via any of these access ways, the maintenance responsibility will be shared, along with any landscaping that will be required.

- B. **Off-street Parking:** The parking spaces are a typical ninety-degree configuration with each parking space designed to be 9 feet wide by 19 feet deep, although compact parking may be provided within the project site. Parking for disabled persons is required and will be provided in accordance with the MLDC and requirements of the Americans with Disabilities Act (ADA). The various off-street parking facilities are interconnected. If various project components are sold as individual parcels, there will be appropriate reciprocal easements recorded to ensure that all parcels have appropriate access. The parking areas will be surfaced with asphaltic concrete and striped to delineate the individual spaces. There is 6-inch concrete curbing around the perimeter of all asphalt areas, including the medians within the entry drive and the landscape islands within the parking areas. Bicycle parking facilities for the individual buildings will be provided and shown on plans with the proposed buildings when submitted for review by the Site Plan and Architectural Commission.

- C. **Garbage Screening:** There are numerous dumpsters that will serve the various planned buildings. The applicant has agreed to stipulate that all dumpsters will be either located within the buildings or screened with 8-inch split-faced concrete block enclosures that match the buildings. The block screening enclosures will have double gates made of 2-inch tubular metal, painted to match the buildings.

- D. **PUD Deviations:** This PUD was approved with only one deviation – the use of (up to) 20 percent of the gross area of the PUD for uses that are not otherwise permitted in an I-L zone. As discussed above, 20 percent of the gross area (6.14 acres or 83,630 square feet of floor area) is planned for categories of retail commercial uses which are not permitted in the I-L zone. These uses are now proposed to be located within the PUD boundaries and to be calculated and distributed within the entire project site.

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FINDINGS:

Based upon the discussions above, the Planning Commission finds that this amendment to the preliminary PUD Plan is consistent with approval criteria for the Preliminary PUD Plan, with a total of 83,630 square feet of building floor area for uses not otherwise allowed within the I-L district. The City of Medford also finds that approximately 8,729 square feet of floor area for commercial retail uses is available within the Delta Center PUD

MLDC 10.235 Preliminary PUD Plan - Application Procedures:

C. 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 PUD complies with the applicable requirements of this Code, except those for which a deviation has been approved under Subsection 10.230(D).*

Discussion:

Based upon the applicant's amended Preliminary PUD Plan and landscaping plans attached, these Findings of Fact, the City of Medford can conclude that this revised PUD is in compliance with the applicable requirements of the Medford Land Development Code, except for one deviation for 20% of uses not otherwise allowed within the I-L zoning district. This application is consistent with Subsection 1.

2. *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.*

Discussion:

As determined with the original approval, the subject property is not subject to any of the measures listed above in 10.235(C)(2).

FINDING:

The City of Medford finds that the subject property does not have a limited service area and is not bound by a moratorium for construction.



- 3. The PUD is consistent with goals and policies of the Comprehensive Plan, if any, which by their language or context were intended to function as approval criteria for planned unit developments.*

Discussion:

The Planning Commission can determine that with respect to the above cited Public Facilities Element, that relates to the adequacy of Category "A" public facilities and services, which states:

Goal 3: To assure that land use plan designations and the development approval process remain consistent with the ability to provide adequate levels of essential public facilities and services.

Essential urban facilities and services shall mean sanitary sewers, water systems, storm drainage facilities, and streets. 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) map designation. Sanitary sewer facilities shall be considered adequate if they are consistent with the applicable sewer plan document as listed in Table B of the Public Facilities Element, as interpreted by the City Engineer.

Discussion:

The existing sanitary sewer system was found to be adequate in condition, capacity and sufficient to serve the PUD consistent with the General Industrial GLUP designation, including the retail uses not otherwise permitted in the underlying I-L zone. The Planning Commission can determine that the project is consistent with the requirements of Public Facilities Element Goal 3, Policy 1 as the same relates to elements of the sanitary sewer system connected with the sewer treatment plant.

The regional wastewater treatment plant has adequate capacity and is sufficient to serve this proposed PUD consistent with the General Industrial GLUP designation (and including the proposed retail commercial uses not otherwise permitted in the I-L zone) and is consistent with the Public Facilities Element. Therefore, the Planning Commission can determine that the project is consistent with the requirements of Public Facilities Element Goal 3, Policy 1 as the same relates to elements of the sanitary sewer system connected with sewer treatment.



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Domestic water: Sufficient to provide any proposed development with a permanent urban domestic water system capable of supplying the minimum pressure and volume necessary for projected domestic and fire control needs consistent with the general land use plan (GLUP) map designation. Water facilities shall be considered adequate if they are consistent with the applicable water system plan document as listed in Table B of the Public Facilities Element, as interpreted by the Water Commission Manager.

Discussion:

Based upon the evidence, water mains that now exist within and adjacent to the PUD area and which supply service to the subject property are adequate and sufficient to provide the proposed PUD with an urban domestic water system capable of supplying minimum pressure and volume for projected domestic and fire control needs consistent with the General Industrial GLUP designation as the same has been determined by the Medford Water Commission and consistent with the Public Facilities Element. Therefore, the Planning Commission can determine that the project is consistent with the requirements of Public Facilities Element Goal 3, Policy 1 as the same relates to the water distribution system.

There is adequate water supply and treatment capacity to provide the proposed PUD with an urban water system capable of supplying minimum pressure and volume for projected domestic and fire control needs consistent with the General Industrial GLUP designation. The Planning Commission can determine that the project is consistent with the requirements of Public Facilities Element Goal 3, Policy 1 as the same relates to elements of the water system connected with supply and treatment.

Storm drainage facilities: Sufficient to serve any proposed development consistent with the general land use plan GLUP map designation. Storm drainage facilities shall be considered adequate if they are consistent with the adopted drainage plan document, as listed in Table B of the Public Facilities Element, as interpreted by the City Engineer.

Discussion:

Based upon the findings of fact, the Planning Commission concludes that, with the stipulated on-site detention of storm waters, the storm drainage system is sufficient to serve the proposed PUD consistent with the General Industrial GLUP designation (and including the proposed not otherwise allowed uses) and consistent with Table "B" of the Public Facilities Element. The Planning Commission can determine that the project is consistent in all respects with the requirements of Public Facilities Element Goal 3, Policy 1 as it relates to storm drainage.

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Streets: Sufficient to serve any proposed development consistent with the general land use plan GLUP map designation and to accommodate average weekday traffic volumes at a minimum service level of "D" or as indicated by any applicable adopted plan.

Discussion:

Based upon the original PUD application, the Planning Commission can determine that the public streets, which serve the subject property, are sufficient to serve the proposed development consistent with the comprehensive plan map designation. The properties, by Medford standards, have the potential to produce approximately 8,724 average daily vehicle trips (ADT). The original site plan was calculated to generate only 6,382 ADT.

The applicants have retained Ms. Kim Parducci with Southern Oregon Transportation Engineering to confirm traffic generation and capacity with the proposed amended PUD Plan. Based on Ms. Parducci's analysis attached as Exhibit "C", there is still sufficient capacity with the local public street system for the proposed development and uses within Phase 2.

The following transportation system improvements have been completed by the applicant, to ensure sufficient capacity with the local street system:

- Dedication of right-of-way along the eastern boundary of the subject property and construction of an additional eastbound through/right turn lane at the intersection of Crater Lake Highway 62 and Delta Water Road.
- A median from the Delta Waters Road intersection with Crater Lake Highway 62 to a point south of the Lava Lanes bowling alley along Crater Lake Highway 62.
- Consolidating five separate access reservations along Crater Lake Highway 62 along the subject property frontage into one new improved access location, south of the Delta Waters Road intersection. This new access point is designed for right-in and right-out movements only.
- Provide street connectivity towards the north with Excel Drive.
- Provide and install a signal at the intersection of Delta Waters Road and Lear Way.

FINDINGS:

Based upon the above discussions, the City of Medford finds that except for the comprehensive plan goals and policies specifically cited and addressed above, there



are no other plan goals or policies which, by their language or context, were intended to function as approval criteria for PUD's.

This Preliminary PUD amendment application is consistent with Section 10.235(C)(3), MLDC and with the applicable goals and policies of the comprehensive plan which were intended to function as approval criteria for PUD's.

Based upon the discussions and information above, the Planning Commission finds that all Category "A" public facilities and services are available and adequate to support the amended Preliminary PUD Plan.

4. *Deviations from 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.*

Discussion:

Based upon the original Preliminary PUD Plan and with this amendment, the City of Medford can determine that only one deviation is proposed in the application, being exclusively utilizing twenty percent of the gross area (83,630 square feet of floor area) of the PUD for uses that are not otherwise permitted in the Light Industrial (I-L) zoning district.

MLDC 10.230(D)(9)(b) provides:

"Use(s) not permitted in the underlying zone may, as permitted uses, be 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 100 feet from the exterior boundary of the PUD. If any portion of the use(s) is nearer than 100 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 100 feet from proposed use(s) is inside a zone in which the proposed use(s) is permitted."

The applicant originally proposed that uses in the Preliminary PUD Plan, which are not otherwise allowed in the I-L district, be retail commercial uses, consistent with Section 10.230(D)(9)(b), MLDC. These retail uses will occupy areas which will not exceed twenty percent of the gross area of the PUD. The City of Medford can determine that within Phase 2, no portion of the "not otherwise permitted uses" or its parking is located nearer than 100 feet from the exterior boundary of the PUD. The City of Medford can determine that the retail use deviation proposed in this amendment Preliminary PUD will not materially impair the function, safety or efficiency of the street circulation system or the development as a whole.



The deviation of uses does not seek to change any standard which governs any physical element of the circulation system. It has been determined that this PUD amendment is found to be functional, safe and efficient and provides for internal connectivity with other lands to the north.

FINDING:

Based upon the discussion above, the City of Medford finds that there are no additional deviations/modifications proposed and the 20% of uses not otherwise allowed to be utilized for the entire project area, is in compliance with the requirements of Section 10.235(C)(4), MLDC.

5. *The proposed PUD satisfies two or more of the purpose statements in Subsection 10.230(A)(1) through 10.230(A)(8).*

Section 10.230 Planned Unit Development (PUD) - General Provisions.

A. Purpose and Intent: *The PUD approach permits greater flexibility in urban development than would otherwise be possible under the strict requirements of this Code. The intent is to serve the following purposes:*

1. *To promote more creative and imaginative urban development.*
2. *To promote urban development that is more compatible with the natural topography.*
3. *To preserve important natural features and scenic qualities of the land.*
4. *To promote more economical urban development while not materially compromising the public health, safety or general welfare.*
5. *To promote a more efficient use of urbanizable land.*
6. *To promote a mixture of land uses and housing types that are thoughtfully planned and integrated.*
7. *To permit in-fill development on parcels that are otherwise difficult or impossible to develop.*
8. *To promote the development, utility and appropriate maintenance of open spaces and other elements intended for common use and ownership.*

Discussion:

The Planning Commission can determine that the previous approval of the PUD Plan satisfied the following purpose statements contained in Subsections 10.230(A)(1) through 10.230(A)(8), MLDC:

1. Purpose Statement 4: The retail portions of the PUD will consolidate shopping opportunities with the already large retail areas nearby and permit people to obtain retail goods from different stores which will exist in close proximity. This will reduce the amount



of vehicle travel required to obtain the same goods if the stores to be on this site were located elsewhere. There are no other appreciably sized vacant retail commercial lands nearby that can supply retail goods and services. Moreover, by consolidating office- related employment with retail trade, this project will similarly reduce the need for vehicle travel because people working within the industrial office spaces will be able to combine vehicle trips to work with vehicle trips for retail shopping and dining. For these reasons, this combination of land uses will result in potential reductions in vehicle miles traveled (VMT) a key measure of transportation and land use efficiency that is established in the Oregon Transportation Planning Rule. The City of Medford can also determine that the use of the subject property as proposed, will not materially compromise the public health, safety or general welfare because it will not produce any impacts different from or greater than those which would otherwise be produced if this land were used entirely for uses permitted outright in the I-L zone. In fact, based upon the original TIS report, there will be 2,342 fewer vehicle trips per day than what would be ordinarily expected if this land were developed only with permitted I-L uses. This reduction in traffic impacts also translates into reductions in air contaminants from automobiles, including carbon monoxide, hydrocarbons and particulates.

2. Purpose Statement 5: This PUD *promotes a more efficient use of urbanizable land* by:
 - A. The proposed PUD facilitates consolidation of multiple Highway 62 access points into one designated point of ingress/egress. The consolidation of accesses will yield a more efficient use of this urbanizable tract and substantial enhancement of Crater Lake Highway 62 traffic efficiencies.
 - B. As stated above within Purpose Statement 4, retail portions of the PUD will consolidate shopping opportunities with the large nearby retail area. This will permit people to obtain retail goods from different stores, which will exist in close proximity to one another. In turn, this will reduce the amount of vehicle travel required to obtain the same goods if the stores to be on this site were located elsewhere. There are no other appreciably sized vacant retail commercial lands nearby that can be used to supply retail goods and services. Furthermore, the planned consolidation of office- related employment with retail trade (as contemplated in this project) will similarly reduce the need for vehicle travel because people working within the industrial office spaces will be able to combine vehicle trips to work with vehicle trips for retail shopping. This will result in potential reductions in vehicle miles traveled (VMT). VMT is a key measure of transportation and land use efficiency that is established in the Oregon Transportation Planning Rule. A reduction in VMT is a clear measure and evidence of land use efficiency.
 - C. The Delta Center has provided the following urban transportation improvements to the local street system:



- The dedication of right-of-way along the northeast boundary of the subject property and construction of an additional eastbound through/right turn lane at the intersection of Crater Lake Highway 62 and Delta Waters Road.
- Installing a median along Crater Lake Highway 62 from the Delta Waters Road intersection with Crater Lake Highway 62 to a point south of the Lava Lanes.
- Combining five access reservations along Crater Lake Highway 62 along the subject property frontage into one improved access location approximately 600 south of the Delta Waters Road intersection. This new access point is designed as right-in and right-out movements only.
- Installing a signal at the intersection of Delta Waters Road and Lear Way.
- Providing additional access with the extension of Excel Drive into the project area.

Purpose Statement 8: This PUD does include common elements. The common elements include all portions of the property except the interior spaces of the buildings. All other elements, including the landscaping, off-street parking, pedestrian walkways and building exteriors will exist as common elements within the PUD. These common elements will be maintained by the owner(s) of the Delta Center PUD and will be paid for by rent/lease receipts. The City of Medford can determine that this PUD promotes the development, utility and appropriate maintenance of open spaces and other elements intended for common use and ownership, consistent with Purpose Statement 8.

FINDING:

The City of Medford finds that this application still satisfies the requirement for being consistent with a minimum of two (2) or more of the purpose statements found in Section 10.230(A), MLDC.

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

Discussion:

The common elements include the walking paths, private driveways, off-street parking and landscaping as shown on the amended Preliminary PUD Plan. The Planning Commission can determine that the location, size, shape and character of the proposed pedestrian walkways, private driveways, building exteriors, landscaping and off- street parking are appropriate for



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their intended uses and functions, which include: walking, parking and the attraction of retail trade. In addition, the private drives are appropriate for commercial access and emergency vehicles, which constitute its intended use and function. As to landscaped areas, their location, size, shape and character are also appropriate. The intended use and function of landscaped areas is to: 1) create an attractive streetscape, 2) delineate points of ingress and egress, 3) identify travel corridors within the project, 4) to screen off-street parking areas, 5) to enhance the appearance of buildings and 6) to shade and break-up the parking areas.

FINDING:

The City of Medford finds that the location, size, shape and character of the common elements in the PUD are appropriate for their intended use and function and that the application is consistent with the requirements of Section 10.235(C)(6), MLDC.

7. If the Preliminary PUD Plan includes uses not allowed in the underlying zone pursuant to Subsection 10.230(D)(9)(b), 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.

Discussion:

Determinations of compliance with this criterion were determined to be satisfied with the original approval. The Planning Commission has determined that this application, under Section 10.230(D)(9)(b), MLDC, does propose to place commercial buildings on land zoned I-L. The commercial uses, originally proposed to occupy the Commercial Buildings 5, 6 and 7, were not fully utilized with the development and buildout of Phase 1. Therefore, the applicants desire to distribute the "Not Otherwise Allowed Uses" throughout the entire Delta Center PUD boundary.

Compliance with this standard shall be based upon public facility adequacy as prescribed in this subsection and in the applicable 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.



Information regarding sewerage collection and treatment, water distribution and treatment facilities, storm drainage facilities, and public streets were reviewed in the original application. Of greatest importance is the ability of the nearby street system to support the “not otherwise permitted” commercial uses. Based upon Ms. Parducci’s 2016 Traffic Study for redistribution of traffic, the revised PUD Plan still results in a net decrease in traffic equal to 2,342 ADT and still preserves the integrity of the local street system.

FINDING:

The Planning Commission finds the required public facilities have been reviewed and analyzed to demonstrate sufficient capacity to serve Delta Center PUD (PUD-04-241) as revised with the amendment application. This application is in compliance with Section 10.235(C)(7), MLDC.

8. If the Preliminary PUD Plan includes uses proposed under Subsection 10.230(D)(9)(b), approval of the PUD shall also be subject to compliance with the conditional use permit criteria in Section 10.248.

Discussion:

The Planning Commission can determine that there are uses under Section 10.230(D)(9)(b), MLDC that are of a retail commercial nature and which are not permitted on land zoned I-L. Therefore, the approximate 6.14-acre portion of the property is applicable. However, Section 10.230(D)(9)(b) provides:

“Use(s) not permitted in the underlying zone may, as permitted uses, be 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 100 feet from the exterior boundary of the PUD. If any portion of the use(s) is nearer than 100 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 100 feet from proposed use(s) is inside a zone in which the proposed use(s) is permitted.”

The conditional use permit criteria is applicable only for the “not otherwise permitted uses” which are the retail commercial uses not permitted in the I-L zone. As previously approved and still consistent with this PUD amendment the Planning Commission can determine that within Phase 2, no portion of these uses nor their associated off-street parking is located nearer than 100 feet from the PUD’s exterior boundary. Therefore, this standard is still not applicable to this PUD amendment application.



FINDING:

The City of Medford finds that this subsection is not applicable to this application.

9. 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

Discussion:

This application seeks approval of a Preliminary PUD Plan, as amended for the adjustment/relocation of uses not otherwise allowed within the I-L district, and nothing more. There are no other applications for land division or any other concurrent development applications filed with this Preliminary PUD Plan application. This standard is not applicable to this PUD amendment.

FINDING:

The City of Medford finds that this subsection is not applicable to this application.

AIRPORT OVERLAY DISTRICT

10.350 Airport Approach District, A-A.

These standards are ongoing with the original approval and are addressed to demonstrate compliance with all future applications for Site Plan & Architectural Commission with the City of Medford. These standards are still applicable; therefore, the applicants are addressing these standards with this PUD amendment to ensure future compliance with the Airport Overlay District.

The purpose of this district is to minimize the nuisance effects of the airport on its surroundings, to minimize the restrictions placed upon the airport operations by surrounding development, to reduce or eliminate incompatible land use development which may jeopardize the present and future operations of the airport functions. It is also the purpose of this district to recognize that the continued residential development adjacent to the airport reduces the livability of the area and adversely impacts the health, safety, and welfare of the residents, it is further recognized that certain categories of land use development are most appropriate and compatible with the airport development.



The Airport Approach District shall be described as follows:

1. Main Runway: an area extending 5000 feet beyond each end of the primary surface and 1250 feet laterally from the centerline of the main runway.
2. General Aviation Runway: an area extending 825 feet laterally from the centerline and the area at each end of the runway encompassed by a regular trapezoid, the parallel sides of which are at right angles to and bisected by the extended centerline of the general aviation runway. The base of the trapezoid shall be adjacent to the end of the primary surface of the runway and have a width of 1650 feet. The side opposite and parallel to the base shall be a distance of 2000 feet from the end of the primary surface and have a width of 650 feet.

10.350 Application of Airport Approach Provisions.

The A-A designation shall overlay a basic zoning district, if any conflict in the regulation or procedure occurs with the basic zoning district, the provisions of the Airport Approach District shall govern. Other required conditions:

1. The Site Plan and Architectural Commission shall consider the purpose and objectives of the A-A District when reviewing projects located wholly or partially within the A-A District and otherwise subject to their review and approval.

10.351 Permitted Uses.

The following uses are permitted within the A-A District:

1. Uses Permitted in the underlying zoning district.
2. Open land uses such as cemeteries, reservoirs, sod farming, truck farming, other vegetable and plant crop cultivation, landscape nursery, golf courses, riding academies, picnic area, botanical gardens, paths or recreation areas.
3. Roadways, parking areas and storage yards located in such a manner that vehicle lights will not make it difficult for pilots to distinguish between landing lights and vehicle lights, or result in glare or in any other way impair visibility in the vicinity of the landing approach.
4. Uses consistent with the Master Airport Plan adopted by the city.

10.352 Conditional Uses.

Any use listed as conditional in the underlying zoning district.



10.353 Prohibited Uses.

The following uses are prohibited within the A-A District:

1. Places of public assembly such as churches and schools.
2. Any use or building material that results in glare in the eyes of the pilots using the airport.
3. Any use which makes it difficult for the pilots to distinguish between airport lights and other lights.
4. Any use that produces smoke, dust, steam or any other substance that would impair visibility in the vicinity of the airport.
5. Any use which creates electrical interference with navigational signals or radio communications between the airport and aircraft.
6. Any use which would create a bird strike hazard.
7. Any other use that would endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.

10.354 Height Regulations. *No structure, construction equipment, vegetation, electrical transmission lines or any other object shall be allowed to be constructed so as to penetrate the airport approach slopes defined in the Federal Aviation Regulations, Part 77.*

Discussion:

Based upon the Airport Master Plan, this Planned Unit Development lies within the Airport Approach overlay zone and is, therefore, subject to the regulations set forth above. The permitted and conditional uses within the A-A overlay zone include the permitted and conditional uses in the underlying I-L zoning district and these include (but are not limited to) business offices, eating and drinking establishments, banking, and service related business. No residential uses are contemplated. Moreover, the proposed retail uses contemplated in the PUD as uses which are not otherwise permitted in I-L zone, are not dissimilar to other existing uses in close proximity and which are also within the Airport Approach overlay zone, and include Costco, Wal-Mart, other miscellaneous retail uses and numerous office buildings. None of the proposed buildings or other structures will violate the height regulations set forth in Section 10.354, MLDC. Therefore, the City of Medford can determine that this PUD and the uses contemplated therein, comply with all requirements of the various airport-related activities.



MLDC 10.807 Transit Facilities for Major industrial, Institutional, Commercial and Office Developments

Transit improvements, including provision of bus stops, pullouts, shelters, on-street parking restrictions, optimum road geometries and similar facilities shall be provided at the time of development of major industrial, institutional, commercial and office developments when the building or group of buildings exceeds the following:

<u>Development Type</u>	<u>Gross Square Footage</u>
Commercial	60,000 Sq.ft.
Industrial	120,000 Sq.ft.

The transit provider shall identify the type of transit facility required. This determination shall be made either through an adopted plan or on a case by case basis in response to a development proposal review. Applicants for major developments shall consult with the transit provider on necessary transit facility improvements.

Discussion:

Based on the previous review and approval, the City of Medford found that, Rogue Valley Transit District (RVT) Mr. Scott Chancey expressed, that based upon his evaluation of the site with RVT's Operations Supervisor, no additional transit facilities are required. Therefore, the City of Medford determined that the applicant is not required to provide additional transit improvements in connection with this project and the application is in compliance with Section 10.807, MLDC.

SUMMARY & CONCLUSIONS:

Based upon the above discussions and findings, the Planning Commission concludes that this Preliminary PUD amendment is in compliance with all of the applicable approval criteria in Sections 10.230-235, MLDC and with other applicable standards as identified. The main purpose of this PUD amendment, as requested by the City of Medford Planning Department, is to update the information of existing uses and determine the area consumed for the "uses not otherwise allowed" within the I-L district and apply these uses across the entire project area, versus, site specific locations as originally proposed and approved by the City of Medford.

Respectfully Submitted,



RICHARD STEVENS & ASSOCIATES, INC.



Richard Stevens & Associates

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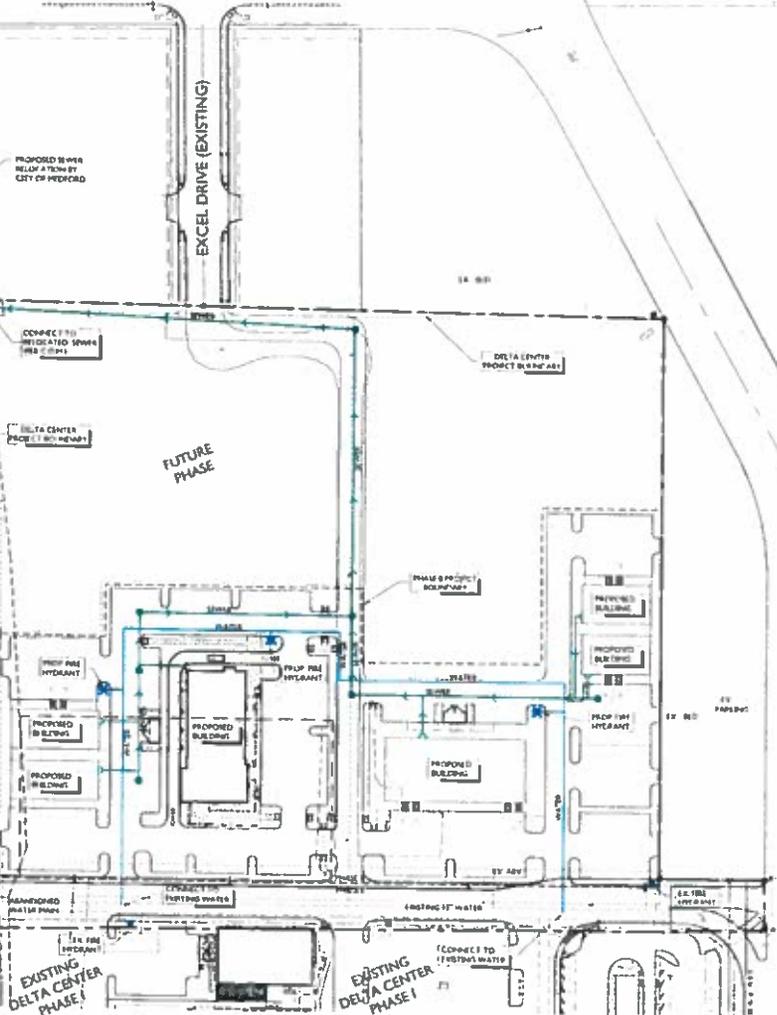
PLANNING DEPT.

DELTA WATERS ROAD (EXISTING)

EXCEL DRIVE (EXISTING)

FUTURE HIGHWAY 62 BYPASS

DELTA WATERS ROAD (EXISTING)



CITY OF MEDFORD

EXHIBIT # "E"

Proj # PUD-16-065

- LEGEND**
- EXISTING WATER MAIN
 - PROPOSED WATER MAIN
 - PROPOSED WATER METER
 - EXISTING WATER METER
 - PROPOSED SEWER MANHOLE
 - EXISTING SEWER MANHOLE
 - PROPOSED SANITARY SEWER MAIN
 - EXISTING SANITARY SEWER MAIN
 - PROPOSED SANITARY SEWER SERVICE
 - PROJECT BOUNDARY
 - PROPOSED FIRE HYDRANT

NOTE:
FIRE HYDRANT LOCATIONS ARE SCHEMATIC. FINAL
LOCATIONS WILL BE ESTABLISHED WITH CONSTRUCTION
PLANS.



RONALD L. ERVES, INC.
P.E.
14 1/2" x 22" SCALE
MEDFORD, OREGON 97501
TEL: (541) 779-5200
FAX: (541) 779-3100

DELTA CENTER, PHASE I
CONCEPTUAL UTILITY PLAN
MEDFORD, OR

NO.	REVISION	DATE
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

EXHIBIT C.2

SOUTHERN OREGON TRANSPORTATION ENGINEERING, LLC

112 Monterey Drive - Medford, Or. 97504 - Cell Phone (541) 941-4148 - Email: Kwkp1@Q.com

RECEIVED

MAY 17 2016

PLANNING DEPT.

January 12, 2016

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

RE: Delta Center PUD ADT Trip Accounting

Dear Karl,

Southern Oregon Transportation Engineering, LLC reviewed average daily traffic (ADT) generations for the Delta Center Planned Unit Development (PUD) under existing conditions, and then compared these generations to what was approved in the original PUD application to determine whether trips exist to support proposed Phase II development (Buildings 8, 9, 10, 11, 12, and 13). After evaluation of proposed trips versus actual trips, it is concluded that sufficient trips remain to support the new development. An explanation of these findings is provided below. Supporting tables are attached for reference.

Findings:

The PUD was estimated to generate 6,382 ADT in a JRH traffic impact analysis in 2004. This estimation of trips was based on 242,333 SF of Office Park uses, a 45,200 SF Outdoor Store, a 31,000 SF Electronic Store, and a 7,820 SF Pharmacy. To date, the PUD has developed 23,934 SF of Office Park uses, an 8,400 SF Texas Roadhouse, a 57,078 SF Outdoor Store (Sportsman's Warehouse, revised square footage per planning), and a 7,276 SF Buffalo Wild Wings, totaling 3,647 ADT. The PUD proposes to develop 30,570 SF of additional office park uses as part of Phase II development, which is estimated to generate 370 ADT. With proposed Phase II development, the PUD is shown to generate 4,017 ADT. This leaves 2,365 ADT remaining for Phase III development.

The uses developed to date within the office park areas of the site are shown to be consistent with office park uses, which may include a mixture of professional services, insurance companies, investment brokers, banks, restaurants, and service retail facilities. We find that proposed Phase II development is consistent with what was planned in the original PUD site plan and can be accommodated without exceeding the number of average daily trips planned for the PUD.

If you have any questions or concerns, please feel free to contact me via email or on my cell phone.

Sincerely,

Kimberly Parducci PE, PTOE
SOUTHERN OREGON TRANSPORTATION ENGINEERING, LLC

Cc: Client

Attachments: Trip Tables



CITY OF MEDFORD
EXHIBIT # "G"
File # PUD-16-065

Table 1 - Delta Center PUD Current Trip Generations (Updated 1-12-16)

Building	Occupant	1000 SQ Ft	Land Use	ITE Description	ADT Rate	Trips	Pass-by %	Pass-by Trips	Net Trips	Cumulative
1	Sonic	1.746	750	Office Park	12.11	21	0.00	0	21	21
2	Panda Express	2.051	750	Office Park	12.11	25	0.00	0	25	46
	U.S. Cellular	2.336	750	Office Park	12.11	28	0.00	0	28	74
	Game Stop	2.147	750	Office Park	12.11	26	0.00	0	26	100
	UPS Store	1.647	750	Office Park	12.11	20	0.00	0	20	120
	Common Area	0.443	750	Office Park	12.11	5	0.00	0	5	126
3	Pita Pit	1.647	750	Office Park	12.11	20	0.00	0	20	145
	Verizon	3.031	750	Office Park	12.11	37	0.00	0	37	182
	Eyemart Express	3.554	750	Office Park	12.11	43	0.00	0	43	225
4	Starbucks	1.877	750	Office Park	12.11	23	0.00	0	23	248
	AT&T	3.455	750	Office Park	12.11	42	0.00	0	42	290
5	Texas Roadhouse	8.400	932	High Turnover Restaurant	127.15	1068	0.43	459	609	899
6	Sportsman's Warehouse	57.078	862	Home Improvement Store	38.91	2221	0.00	0	2221	3119
7	Buffalo Wild Wings	7.276	932	High Turnover Restaurant	127.15	925	0.43	398	527	3647
8	Undeveloped	0	750	Office Park	12.11	0	0.00	0	0	3647
D	Undeveloped	0	750	Office Park	12.11	0	0.00	0	0	3647
E	Undeveloped	0	750	Office Park	12.11	0	0.00	0	0	3647
F	Undeveloped	0	750	Office Park	12.11	0	0.00	0	0	3647
G	Undeveloped	0	750	Office Park	12.11	0	0.00	0	0	3647
H	Undeveloped	0	750	Office Park	12.11	0	0.00	0	0	3647
I	Undeveloped	0	750	Office Park	12.11	0	0.00	0	0	3647
J	Undeveloped	0	750	Office Park	12.11	0	0.00	0	0	3647
K	Undeveloped	0	750	Office Park	12.11	0	0.00	0	0	3647
L	Undeveloped	0	750	Office Park	12.11	0	0.00	0	0	3647
M	Undeveloped	0	750	Office Park	12.11	0	0.00	0	0	3647
M	Undeveloped	0	750	Office Park	12.11	0	0.00	0	0	3647
O	Undeveloped	0	750	Office Park	12.11	0	0.00	0	0	3647
P	Undeveloped	0	750	Office Park	12.11	0	0.00	0	0	3647
Q	Undeveloped	0	750	Office Park	12.11	0	0.00	0	0	3647
R	Undeveloped	0	750	Office Park	12.11	0	0.00	0	0	3647
S	Undeveloped	0	750	Office Park	12.11	0	0.00	0	0	3647
T	Undeveloped	0	750	Office Park	12.11	0	0.00	0	0	3647

Note: Building square footages used in the analysis were supplied by the City of Medford

3647

2014
"G"
"

Table 2 - Delta Center PUD Proposed Vs. Actual ADT Trip Comparisons (Updated 1-12-16)

Proposed PUD			Actual PUD			Proposed ADT	Actual ADT	Net ADT Difference
Building	Occupant	1000 SQ Ft	Building	Occupant	1000 SQ Ft			
1	Office Park (Food)	3.200	1	Sonic	1.746	39	21	18
2	Office Park (Food)	2.000	2	Panda Express	2.051	24	25	-1
	Office Park (Retail)	1.000		U.S. Cellular	2.336	12	28	-16
	Office Park (Retail)	1.000		Game Stop	2.147	12	26	-14
	Office Park (Retail)	1.000		UPS Store	1.647	12	20	-8
	Office Park (Retail)	1.000		Common Area	0.443	12	5	7
3	Office Park (Food)	1.000	3	Pita Pit	1.674	12	20	-8
	Office Park (Retail)	1.000		Verizon	3.031	12	37	-25
	Office Park (Retail)	2.016		Eyemart Express	3.554	24	43	-19
4	Office Park (Food)	3.000	4	Starbucks	1.877	36	23	14
	Office Park (Retail)	3.000		AT&T	3.455	36	42	-6
5	Pharmacy Drug Store	7.820	5	Texas Roadhouse	8.400	704	609	95
	Office Park (Office)	23.667		Removed	0.000	287	0	287
6	Outdoor Store	45.200	6	Sportsman's Warehouse	57.078	1347	2221	-874
7	Electronic Store	31.000	7	Buffalo Wild Wings	7.276	1396	527	869
8	Office Park (Bank)	4.000	8	Restaurant/Office	9.300	48	113	-64
D	Office Park (Office)	11.750	9	Restaurant w drive/Office	8.470	142	102	41
E	Office Park (Office)	8.000	10	Office	3.600	97	44	53
F	Office Park (Office)	5.000	11	Office	3.600	61	44	17
G	Office Park (Office)	8.000	12	Office	2.800	97	34	63
H	Office Park (Office)	11.750	13	Office	2.800	142	34	108
I	Office Park (Office)	8.000	I	Undeveloped	0.000	97	0	97
J	Office Park (Office)	11.750	J	Undeveloped	0.000	142	0	142
K	Office Park (Office)	8.000	K	Undeveloped	0.000	97	0	97
L	Office Park (Office)	8.000	L	Undeveloped	0.000	97	0	97
M	Office Park (Office)	10.600	M	Undeveloped	0.000	128	0	128
N	Office Park (Office)	10.600	N	Undeveloped	0.000	128	0	128
O	Office Park (Office)	8.000	O	Undeveloped	0.000	97	0	97
P	Office Park (Office)	5.000	P	Undeveloped	0.000	61	0	61
Q	Office Park (Office)	13.250	Q	Undeveloped	0.000	160	0	160
R	Office Park (Office)	16.000	R	Undeveloped	0.000	194	0	194
S	Office Park (Office)	27.500	S	Undeveloped	0.000	333	0	333
T	Office Park (Office)	24.250	T	Undeveloped	0.000	294	0	294
Total		326.353			127.285	6,382	4,017	2,365

Remaining (PUD) ADT

Note: Actual building square footages used in the analysis were provided by the City of Medford

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30
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Delta Center PUD

Trip Generation Rates per the ITE for Tables 1 & 2

ITE Land Use	Description	Approved ADTs	ADT Rate		Pass-By %	Net ADT Rate
750	Office Park	2934	12.11	per 1000SF		
861	Sporting Goods Store	1347	38.91	per 1000SF		
863	Electronic Store	1396	45.04	per 1000SF		
880	Pharmacy/Drug Store	704	90.06	per 1000SF		
932	High Turnover Restaurant		127.15	per 1000SF	0.43	72.48
862	Home Improvement Store	1347	29.8			
Total Est. PUD ADT		6382				

Note: Office Park ADT rate estimated from ITE fitted curve equation for consistency

484
"G"
"



Continuous Improvement Customer Service

CITY OF MEDFORD

LD Date: 6/29/2016
File Number: PUD-16-065
(Reference: PUD-04-241, AC-15-156)

PUBLIC WORKS DEPARTMENT STAFF REPORT Delta Center PUD – REVISION

Project: Consideration of a PUD Revision to the Delta Center Planned Unit Development to allow for the reallocation of unutilized commercial use square footage permitted and located within Phase 1 of the currently approved PUD Plan. Applicant proposes that commercial square footage permitted for the development be allowed to be sited anywhere within the boundary of the PUD as needed. Proposed PUD Revision also summarizes previously approved De Minimis revisions made to the PUD project.

Location: Delta Center PUD currently consists of 22.33 net acres, generally located west and north of the intersection of Crater Lake Highway (OR 62) and Delta Waters Road, and located within an I-L/PUD (Light Industrial/Planned Unit Development Overlay) zoning district

Applicant: Crater Lake Venture, LLC., Applicant (Richard Stevens & Associates, Inc., Agent). Desmond McGeough, Planner.

Applicability: The Medford Public Works Department’s conditions of Preliminary Plan Approval for Delta Center Planned Unit Development (PUD) were adopted by Order of the Medford Planning Commission on March 8th, 2007 (PUD-04-241) and received numerous De-Minimis revisions. The Medford Site Plan and Architectural Commission adopted Delta Center Phase 2 (AC-15-156) on February 5th, 2016. **The adopted conditions by each of these actions shall remain in full force as originally adopted except as amended or added to below.**

A. Transportation System

Public Works has received an application to allow for reallocation of unutilized commercial use square footage currently permitted and located within Phase 1 of currently approved PUD Plan to be allowed to be sited anywhere within the boundary of the PUD project. Since this use was included in the original Traffic Impact Analysis (TIA), the relocation of the use within the PUD boundary will not change the conclusions of the TIA.

The current trip cap of 6,382 Average Daily Trips (ADT) remains in place. The developer shall submit a trip accounting with each future application showing that the total of the existing and proposed trip generations remains below the trip cap. No development will be allowed that generates more than 6,382 ADT without further analysis.

Prepared by: Doug Burroughs



BOARD OF WATER COMMISSIONERS
Staff Memo

TO: Planning Department, City of Medford

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

SUBJECT: PUD-16-065

PARCEL ID: 371W07D TL 400 & 500

PROJECT: Consideration of a PUD Revision to the Delta Center Planned Unit Development to allow for the reallocation of unutilized commercial use square footage permitted and located within Phase 1 of the currently approved PUD Plan. Applicant proposes that commercial square footage permitted for the development be allowed to be sited anywhere within the boundary of the PUD as needed. Proposed PUD Revision also summarizes previously approved de minimus revisions made to the PUD project. Delta Center PUD currently consists of 22.33 net acres, generally located west and north of the intersection of Crater Lake Highway (OR 62) and Delta Waters Road, and located within an I-L/PUD (Light Industrial/Planned Unit Development Overlay) zoning district; Crater Lake Venture, LLC., Applicant (Richard Stevens & Associates, Inc., Agent). Desmond McGeough, Planner.

DATE: June 29, 2016

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" 12-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. Dedication of a 10-foot wide minimum, "Access and Maintenance Easement" to MWC over all water facilities located outside of the public right-of-way is required. Easement shall be submitted to MWC for review and recordation prior to construction.
5. Installation of an MWC 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 tester. See MWC website for list of certified testers at the following web link <http://www.medfordwater.org/Page.asp?NavID=35>.



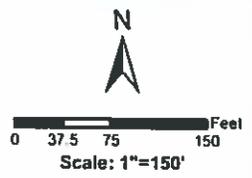
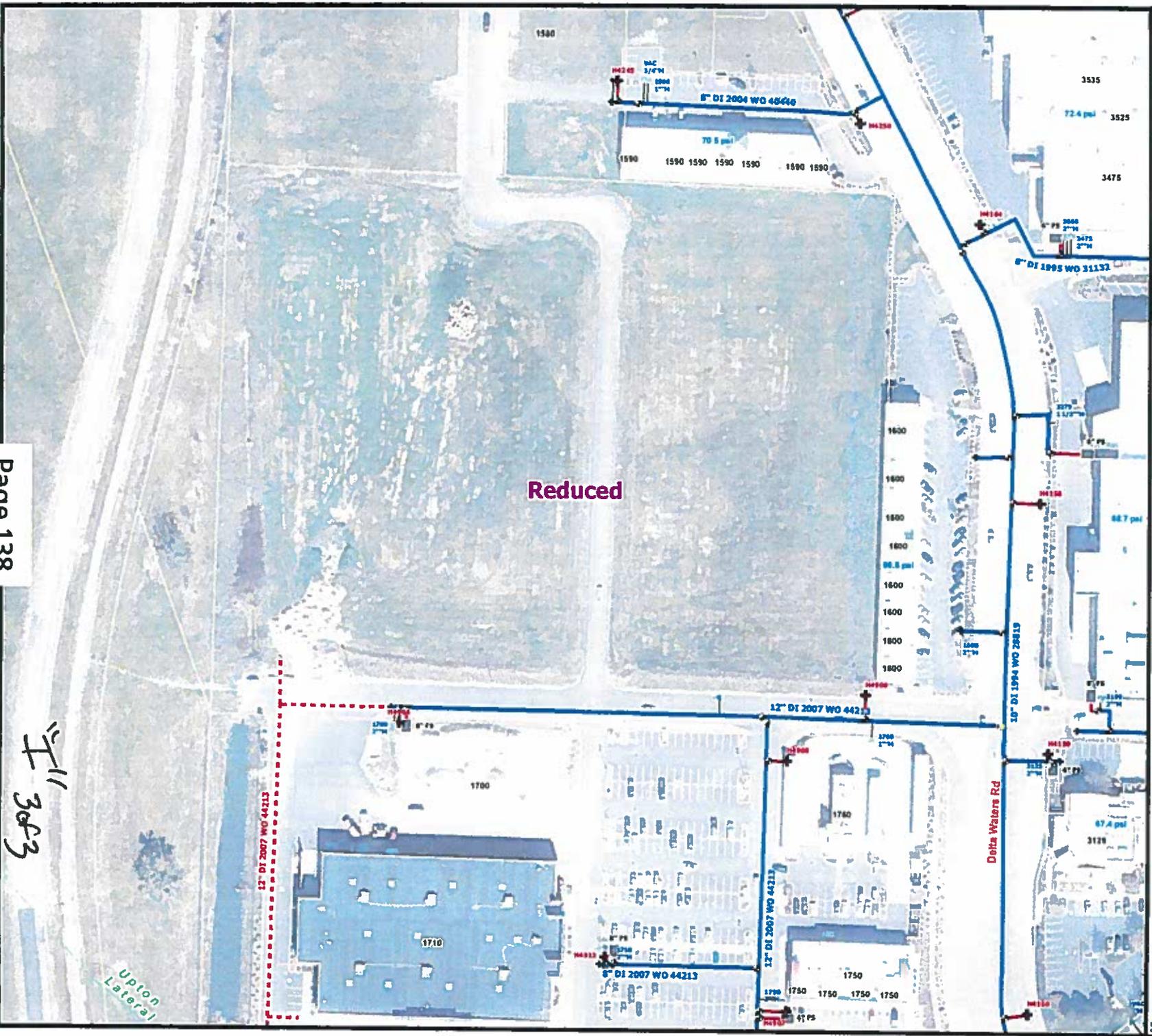
BOARD OF WATER COMMISSIONERS
Staff Memo

COMMENTS

1. Off-site water line installation is not required.
2. On-site water facility construction is required; see Condition 3 and 4 above.
3. MWC-metered water service does not exist to this property.
4. Static water pressure is expected to be around 65-75 psi. Installation of Pressure Reducing Valves (PRV) is not required.
5. Access to MWC water lines is available. A 12-inch water line is located in the private drive along the south boundary of this parcel. This water line is located within a 10-foot wide easement per OR-2007-049414.

14"
2 of 3

Fill 3003



**Water Facility Map
for PUD-16-065**

Legend

- ◊ Air Valve
 - Sample Station
 - Fire Service
 - ⊕ Hydrant
 - ▲ Reducer
 - Blow Off
 - ⊕ Plug-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 orthophotograph by the Oregon State Department of Transportation. The Oregon State Department of Transportation is not responsible for any errors or omissions. This map is provided for informational purposes only.



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: Desmond McGeough

LD Meeting Date: 06/29/2016

From: Greg Kleinberg

Report Prepared: 06/27/2016

Applicant: Crater Lake Venture, LLC., Applicant (Richard Stevens & Associates, Inc.,

File #: PUD - 16 - 65

Site Name/Description: Delta Center Planned Unit Development

Consideration of a PUD Revision to the Delta Center Planned Unit Development to allow for the reallocation of unutilized commercial use square footage permitted and located within Phase 1 of the currently approved PUD Plan. Applicant proposes that commercial square footage permitted for the development be allowed to be sited anywhere within the boundary of the PUD as needed. Proposed PUD Revision also summarizes previously approved de minimus revisions made to the PUD project. Delta Center PUD currently consists of 22.33 net acres, generally located west and north of the intersection of Crater Lake Highway (OR 62) and Delta Waters Road, and located within an I-L/PUD (Light Industrial/Planned Unit Development Overlay) zoning district; Crater Lake Venture, LLC., Applicant (Richard Stevens & Associates, Inc., Agent). Desmond McGeough, Planner.

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: Approved as submitted.

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, 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)

CITY OF MEDFORD
EXHIBIT # "3"
File # PUD-16-065
1 of 3



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: Desmond McGeough

LD Meeting Date: 06/29/2016

From: Greg Kleinberg

Report Prepared: 06/27/2016

Applicant: Crater Lake Venture, LLC., Applicant (Richard Stevens & Associates, Inc.,

File #: PUD - 16 - 65

Site Name/Description: Delta Center Planned Unit Development

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 is prohibited along the fire lanes. Curbs are required to be painted and stenciled as described below.

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 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 TOW AWAY ZONE ORS 98.810 to 98.812" (See handout).

For privately owned properties, posting/marketing 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).

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.

"3" 2 of 3

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.

"5"
30+3



Oregon

Kate Brown, Governor



3040 25th Street, SE
Salem, OR 97302-1125
Phone: (503) 378-4880
Toll Free: (800) 874-0102
FAX: (503) 373-1688

June 27, 2016

Desmond McGeough
Planner – Planning Development
City of Medford
Lausmann Annex Room 240
200 South Ivy Street
Medford, OR 97501

Re: File No. PUD-16-065 PUD Revision to Delta Center

Dear Mr. McGeough:

The Oregon Department of Aviation (ODA) appreciates the opportunity to review and comment in the application process for the proposed PUD revision to the Delta Center PUD located in Medford (Map Lots: 371W07D, TL 400, 500)

The Oregon Department of Aviation would like to make the following comments and possible conditions of approval are added to the final land use decision, if the development is approved.

- Prior to issuance of a building permit the applicant must file and receive a determination from the Oregon Department of Aviation as required by OAR 738-070-0060 on FAA Form 7460-1 Notice of Proposed Construction or Alteration to determine if the structure will pose a hazard to aviation safety. A subsequent submittal may be required by the FAA due to its location to the Rogue Valley Int'l Airport.
- The height of the new structure should not penetrate FAA Part 77 Imaginary Surfaces, as determined by ODA and the FAA.
- Shields on any external lights should be designed as to not interfere with aircraft or airport operations.
- Marking Lights, per FAA design, may be needed to identify to structures.
- Coordination with the Rogue Valley Int'l Airport and their Air Traffic Control tower may be needed to issue a NOTAM during the construction.

ODA appreciates the opportunity to comment on this application. The Department requests to be identified as a party of record for standing and be notified of the decision once it becomes available.

If you have any questions or need further information or clarification on the comments, please feel free to contact me at 503-378-2529 or Jeff.Caines@aviation.state.or.us.

Sincerely,

Jeff Caines, AICP
Aviation Planner
Oregon Department of Aviation

CITY OF MEDFORD
EXHIBIT # 42
File # PUD-16-065
1 of 1



Memo

To: Desmond McGeough, Planning Department
From: Chad Wiltrout, Building Department (541) 774-2363
CC: Crater Lake Venture LLC., Applicant (Ron Grimes Architect, Agent).
Date: June 29, 2016
Re: December 29, 2015 LDC Meeting: Ref: AC-15-156 for PUD-16-065

CITY OF MEDFORD
EXHIBIT # 161
File # PUD-16-065
161

Please Note:

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

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

For questions related to the Conditions or Comments, please contact me, Chad Wiltrout, directly at (541) 774-2363 or chad.wiltrout@cityofmedford.org.

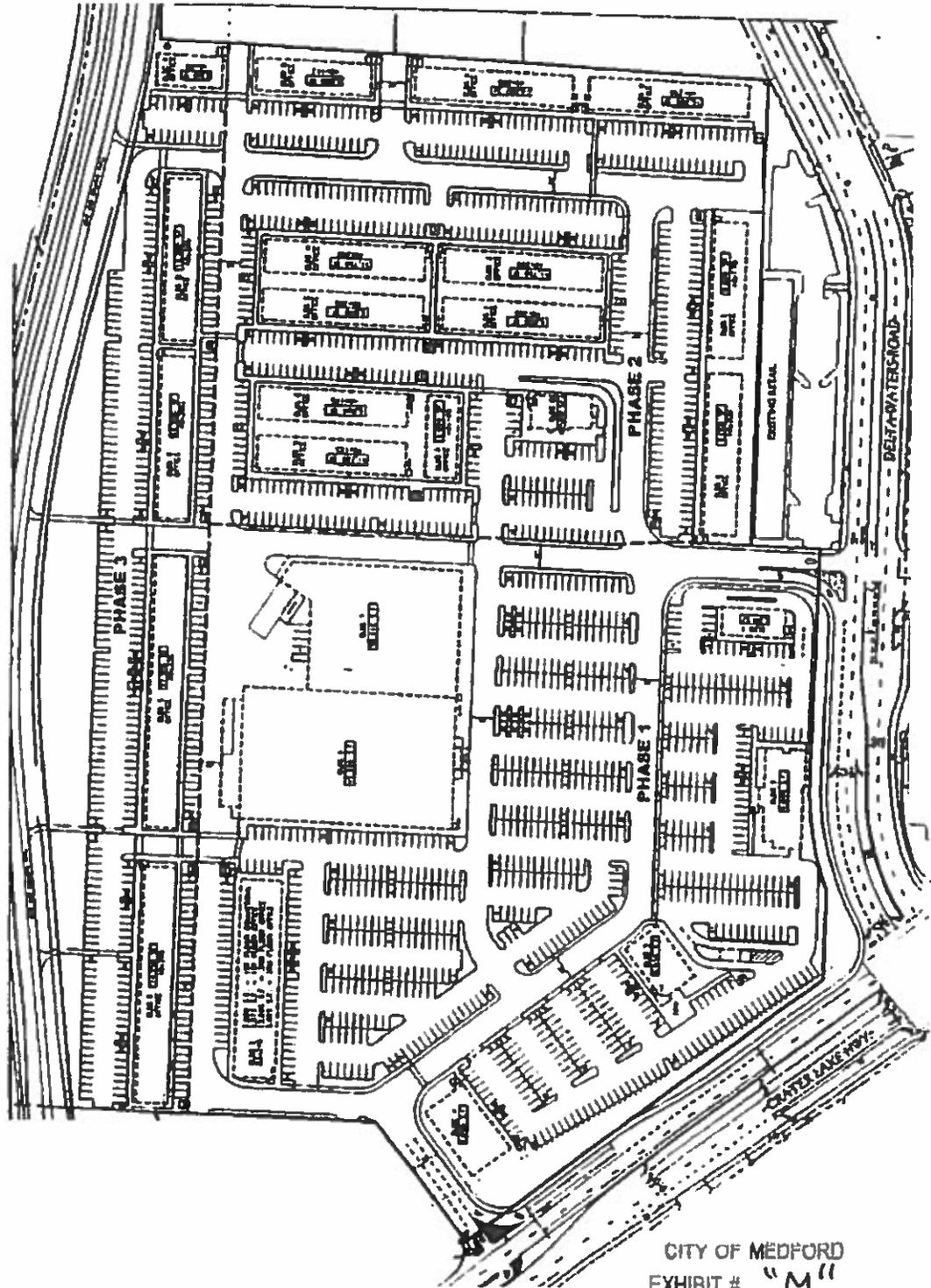
General Comments:

1. For list of applicable Building Codes, please visit the City of Medford website: www.ci.medford.or.us Click on "City Departments" at top of screen; click on "Building"; click on "Design Criteria" on left side of screen and select the appropriate design criteria.
2. All plans are to be submitted electronically. Information on the website: www.ci.medford.or.us Click on "City Departments" at top of screen; click on "Building"; click on "Electronic Plan Review (ePlans)" for information.
3. A site excavation and grading permit will be required if more than 50 cubic yards is disturbed.
4. A separate demolition permit will be required for demolition of any structures not shown on the plot plan.

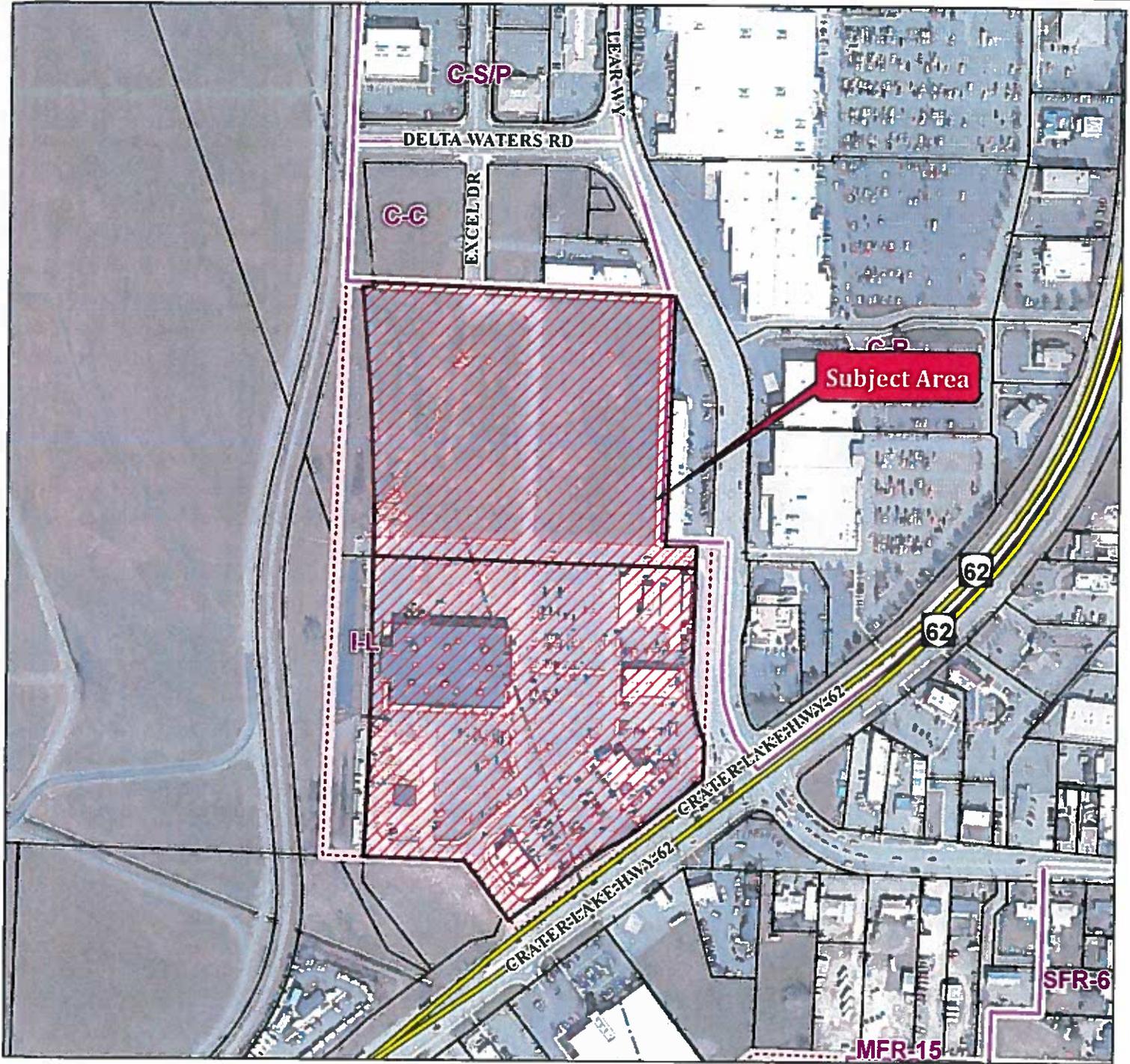
Comments:

5. Proposed construction in proximity to property lines shall comply with table 602 and code section 705 of the Oregon Structural Specialty Code.
6. ADA parking spaces shall be required in accordance with code section 1106 of the Oregon Structural Specialty Code.
7. The building and building appurtenances shall be designed by an Oregon licensed design professional in accordance with 107.1 and 107.3.4 OSSC. A geotechnical report for the site is required for the building pads pursuant to 1803 OSSC.
8. A code analysis providing occupant load type of construction, type of occupancy, occupant load notation of sprinkled or non-sprinkled, separated or non-separated use, egress plan etc...

Approved PUD Master Plan Exhibit "A" Writ of Mandamus (Exhibit "M" - PUD-16-065)



CITY OF MEDFORD
EXHIBIT # "M"
File # PUD-16-065



Project Name:

Delta Center

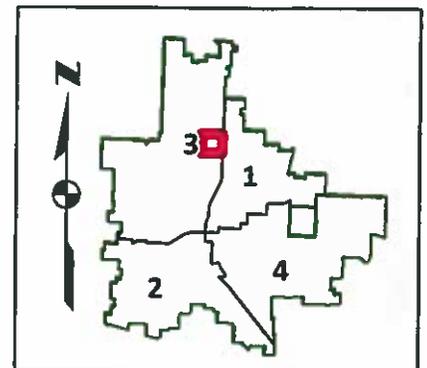
Map/Taxlot:

371W07D TL 400 & 500



Legend

-  Subject Area
-  Medford Zoning
-  Tax Lots
-  Streets



05/20/2016