PLANNING COMMISSION AGENDA

AUGUST 10, 2017

Commission Members

David Culbertson

Joe Foley

Bill Mansfield

David McFadden

Mark McKechnie

E. J. McManus

Patrick Miranda

Alex Poythress

Jared Pulver

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

Meetings begin at 5:30 PM

City of Medford

City Council Chambers

411 W. Eighth Street, Third Floor

Medford, OR 97501

541-774-2380

Agenda

Public Hearing
August 10, 2017
5:30 PM
Council Chambers, City Hall, Room 300
411 West Eighth Street, Medford, Oregon

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10. Roll Call

20. Consent Calendar/Written Communications (voice vote)

20.1 **ZC-17-017 / LDP-17-027** Final Orders of a request for a change of zone from MFR-20 (Multiple-Family, 20 dwelling units per gross acre) to MFR-30 (Multiple-Family, 30 dwelling units per gross acre) and a partition to create two lots on approximately 4.5 acres located at 2180 Poplar Drive (371W18C TL 1362); (Weatherly Inn Medford, LLC, Applicant; RJ Development, LLC., Agent; Dustin Servers, Planner III).

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

30. Minutes

30.1 Consideration for approval of minutes from the July 27, 2017, hearing.

40. Oral and Written Requests and Communications
Comments will be limited to 3 minutes per individual or 5 minutes if representing an organization. **PLEASE SIGN IN.**

50. Public Hearings
Comments are limited to a total of 10 minutes for applicants and/or their representatives. You may request a 5-minute rebuttal time. All others will be limited to 3 minutes per individual or 5 minutes if representing a group or organization. **PLEASE SIGN IN.**

Continuance Request

50.2 **LDS-17-050** Consideration of a request for tentative plat approval for Jam Industrial Park, a proposed 9- lot industrial Pad Lot Development on a 17.13 acre lot located at 301 Ehrman Way, In the General Industrial (I-G) zoning district (372W14 TL 1400). (Fjarli Merlin, Applicant; Richard Stevens & Associates, Inc., Agent; Dustin Severs, Planner III). The applicant has requested this time be continued to the August 24, 2017, Planning Commission meeting. **The applicant has requested to continue this item to the August 24, 2017, Planning Commission meeting.**

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 ZC-17-017 APPLICATION FOR A ZONE CHANGE SUBMITTED BY WEATHERLY INN MEDFORD LLC	)))	**ORDER**

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

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

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

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

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

37 1W 18C Tax Lot 1362

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

Accepted and approved this 10th day of August, 2017.

CITY OF MEDFORD PLANNING COMMISSION

_____
Planning Commission Chair

ATTEST:

_____
Planning Department Representative

BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF TENTATIVE PLAT APPROVAL FOR	)	
	)	**ORDER**
WEATHERLY INN MEDFORD LLC [LDP-17-027]	)	

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

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

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Sections 10.265 through 10.267; and

2. The Medford Planning Commission has duly held a public hearing on the request for consideration of tentative plat approval as described above, with a public hearing a matter of record of the Planning Commission on April 13, 2017; and

3. At the public hearing on said tentative plat, evidence and recommendations were received and presented by the developer and Planning Department Staff; and

4. At the conclusion of said hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded granted tentative plat approval and adopted the final order with all conditions and findings set forth for the granting of the tentative plat approval.

THEREFORE LET IT BE HEREBY ORDERED that the tentative plat for Weatherly Inn Medford LLC, stands approved per the Planning Commission Report dated April 13, 2017, and subject to compliance with all conditions contained therein.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this request for tentative plat approval is hereafter supported by the findings referenced in the Planning Commission Report dated April 13, 2017.

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

Accepted and approved this 10th day of August, 2017.

CITY OF MEDFORD PLANNING COMMISSION

_____

Planning Commission Chair

ATTEST:

_____

Planning Department Representative

PLANNING COMMISSION REPORT

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

PROJECT	Weatherly Inn Medford Applicant: Weatherly Inn Medford, LLC. Agent: RJ Development, LLC.
FILE NO.	LDP-17-027 / ZC-17-017
DATE	April 13, 2017

BACKGROUND

Proposal

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

Subject Site Characteristics

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

Surrounding Site Characteristics

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

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

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

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

Applicable Criteria

MLDC 10.227: Zone Change Approval Criteria

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

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

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

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

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

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

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

(ii) Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or

(iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one proposed or anticipated development, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one of the following occurs:

(a) the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or

(b) when an applicant funds the improvement through a reimbursement district pursuant to the MLDC. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.

(iv) When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.

(c) In determining the adequacy of Category A facilities, the approving authority (Planning Commission) may evaluate potential impacts based upon the imposition of special development conditions attached to the zone change request. Special development conditions shall be established by deed restriction of covenant, which must be recorded with proof of recordation returned to the Planning Department, and may include, but are not limited to the following:

(i) Restriction of uses by type or intensity; however, in cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development, on the subject property or adjacent parcels. In no case shall residential densities be approved which do not meet minimum density standards,

(ii) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule,

(iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.

MLDC 10.270: Land Division Criteria

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

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

(2) Will not prevent development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this chapter;

(3) Bears a name that has been approved by the approving authority and does not use a word which is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in the City of Medford; except for the words "town", "city", "place", "court", "addition", or similar words; unless the land platted is contiguous to and platted by the same applicant that platted the land division bearing that name; or unless the applicant files and records the consent of the party who platted the land division bearing that name and the block numbers continue those of the plat of the same name last filed;

(4) If it includes the creation of streets or alleys, that such streets or alleys are laid out to be consistent with existing and planned streets and alleys and with the plats of land divisions already approved for adjoining property unless the approving authority determines it is in the public interest to modify the street pattern;

(5) If it has streets or alleys that are proposed to be held for private use, that they are distinguished from the public streets or alleys on the tentative plat, and reservations or restrictions relating to the private streets or alleys are set forth;

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

Project Summary

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

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

ISSUES AND ANALYSIS

Land Division – Partition

Density

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

Street Dedications & Public Improvements

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

Zone Change

GLUP Consistency

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

Locational Criteria

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

Traffic Impact Analysis (TIA)

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

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

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

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

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

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

Facility Adequacy

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

Other Agency Comments

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

Committee Comments

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

DECISION

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

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

FINDINGS AND CONCLUSIONS

Partition

Staff finds the partition plat consistent with the Comprehensive Plan and all applicable design standards set forth in Article IV and V. Furthermore, the partition will not prevent development of the remainder of the property under the same ownership or of adjoining land. Criteria 3 through 6 are not applicable to the subject development. Staff recommends that the Commission adopt the Applicant's Findings of Fact (Exhibits F) as presented.

Zone Change

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

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

ACTION TAKEN

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

EXHIBITS

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

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

MEDFORD PLANNING COMMISSION

Patrick Miranda, Chair

EXHIBIT A-1

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

CODE REQUIRED CONDITIONS

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

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

CITY OF MEDFORD
EXHIBIT # A-1
File # LDP-17-027 / ZC-17-017

Dustin J. Severs

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

Dustin,

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

Thank You,

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

CITY OF MEDFORD
EXHIBIT # Q
File # LDP-17-027 / ZC-17-017

Exhibit "B"

RECEIVED
FEB 06 2017
PLANNING DEPT

Legal Description of Area to be Rezoned

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

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

CITY OF MEDFORD
EXHIBIT #_____
File # ZC-17-017

9

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

IN THE MATTER OF PLANNING COMMISSION FILE PUD-17-023 APPLLICATION	)	
FOR A PLANNED UNIT DEVELOPMENT SUBMITTED BY	)	**ORDER**
COKER BUTTE PROPERTIES LLC AND TABLE ROCK HOLDINGS LLC	)	

ORDER granting approval of a preliminary PUD plan for *Coker Butte Business Park*, described as follows:

A proposed development consisting of office and light industrial uses to be located on a 14.5-acre site composed of five contiguous lots bounded generally by Crater Lake Highway 62, Coker Butte Road, and Crater Lake Avenue, within the Light Industrial (I-L) zoning district. (371W05 1000, 1001, 1002, 1003, and 1100), as provided for in the City of Medford Land Development Code.

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Land Development Code, Section 10.230 Application, Planned Unit Development, and

2. The Medford Planning Commission has duly held a public hearing on the matter of an application for approval of a preliminary PUD plan for *Coker Butte Business Park*, as described above, with a public hearing a matter of record of the Planning Commission on July 27, 2017.

3. At the public hearing on said application, evidence and recommendations were received and presented by the applicant's representative and Planning Department staff; and

4. At the conclusion of said public hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded, granted preliminary plan approval for a Planned Unit Development for *Coker Butte Business Park*, as described above, and directed staff to prepare a final order with all conditions and findings set forth for the granting of the Preliminary Plan approval.

THEREFORE LET IT BE HEREBY ORDERED that the application for approval of a preliminary PUD plan for *Coker Butte Business Park,* as described above, stands approved subject to compliance with the conditions stated in the Planning Commission Report dated July 27, 2017.

AND LET IT FURTHER BE OF RECORD that the action of the Planning Commission in approving this application, for preliminary plan approval for a planned unit development, for *Coker Butte Business Park*, as described above is hereafter supported by the findings adopted by the Planning Commission and any additional findings contained in the Planning Commission Report dated July 27, 2017.

Accepted and approved this 10th day of August, 2017.

CITY OF MEDFORD PLANNING COMMISSION

_____
Planning Commission Chair

ATTEST:

_____
Planning Department Representative

PLANNING COMMMISSION REPORT

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

PROJECT	Coker Butte Business Park – Preliminary PUD Applicant: Table Rock Holdings, LLC. / Coker Butte Properties, LLC. Agent: CSA Planning, Ltd.
FILE NO.	PUD-17-023
DATE	July 27, 2017

BACKGROUND

Proposal

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

Subject Site Characteristics

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

Surrounding Site Characteristics

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

West Zone: I-L
Uses: Lithia Car Dealerships

Applicable Criteria

Planned Unit Development, §10.235(D)

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

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

2. *The proposed PUD complies with the applicable requirements of this Code, or*
   a. *the proposed modified applications of the Code are necessary for the project to be consistent with the criteria in Section 10.235(C)(1)(a-e), and*
   b. *the proposed modifications enhance the development as a whole resulting in a more creative and desirable project, and*
   c. *the proposed modifications to the limitations, restrictions, and design standards of this Code will not materially impair the function, safety, or efficiency of the circulation system or the development as a whole.*

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

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

5. *If the Preliminary PUD Plan includes uses not allowed in the underlying zone pursuant to Subsection 10.230(D) (8)(c), the applicant shall alternatively demonstrate that either:*
   1) *demands for the Category "A" public facilities listed below are equivalent to or less than for one or more permitted uses listed for the underlying zone, or*
   2) *the property can be supplied by the time of development with the following Category "A" public facilities which can be supplied in sufficient condition and capacity to support development of the proposed use:*

a. Public sanitary sewerage collection and treatment facilities.
b. Public domestic water distribution and treatment facilities.
c. Storm drainage facilities.
d. Public streets.

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

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

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

Conditional Use Permit Approval Criteria, §10.248

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

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

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

Corporate Names

The subject property is separately owned by Coker Butte Properties LLC (TL 1000, 1002 and 1100) and Table Rock Holdings LLC (TL 1001 & 1003). The Oregon Secretary of State business registry website lists Coker Butte Properties LLC as a registered business located at 8001 Table Rock Rd in White City, Oregon, and Richard A Stark as the registered agent; Table Rock Holdings is also listed as located at 8001 Table Rock Rd in White City, Oregon, and Eric R. Stark is listed as the registered agent.

Related Projects

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

ISSUES AND ANALYSIS

Background

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

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

The applicant's submitted narrative (exhibit H) explains that tax lots 1000, 1002 and 1100 are currently used by Rogue Disposal & Recycling for the storage and maintenance of dumpsters and other garbage receptacle equipment in connection with its business, while tax lots 1001 and 1003 are currently vacant.

Site History

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

Current proposal

The applicant is proposing a redevelopment of the subject site, creating a business park PUD designed to serve office and light industrial businesses along with supporting commercial

businesses such as banks and restaurants contemplated for the area of the site most highly visible to Highway 62. The subject request involves only 9.54 acres of the total 14.50-acre PUD site, with the remaining 4.96 acres, encompassing tax lots 1003 and 1002, designated as Reserve Acreage for future development.

Phasing

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

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

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

GLUP/zoning consistency

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

> *"The Commercial designation is not incompatible with the property's I-L zoning because the industrial uses contemplated for the Business Park PUD and those permitted in an I-L zone, by nearly all measures, are similar or less intensive than the broad range of retail and service commercial uses that are permitted under the Commercial GLUP designation. This is clearly the case when intensity is measured by traffic loading as it is well known that commercial uses on whole produce greater traffic loading than light industrial uses. The same is evidenced by the disparate average traffic loading multipliers applied by the city to land in commercial versus industrial categories where the multipliers for commercial traffic generation are several times higher."*

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

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

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

Proposed Modifications of Standards

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

Vehicular Access

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

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

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

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

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

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

The strict application of the Code would preclude the applicant from being permitted to include the two additional driveways proposed for the development without the approval of an Exception; however, MLDC 10.550(3)(a)(1) grant PUDs the flexibility to deviate from the strict standards of the Code contingent on the applicant's ability to provide a sufficient basis for the deviation in which the Planning Commission finds will not violate substantive provision of the Oregon Transportation Planning Rule.

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

Lake Highway 62 until jurisdiction is transferred to the City once the new Expressway is completed. As such, the applicant has agreed to a stipulation that prohibits Highway 62 access until jurisdiction has been transferred to the City.

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

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

Uses Not Otherwise Permitted in the I-L Zone

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

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

> *Use(s) not permitted in the underlying zone may, nevertheless, be permitted and approved to occupy up to 20% of the gross area of the PUD provided that no portion of the use(s), including its parking, is located nearer than 200 feet from the exterior boundary of the PUD. If any portion of the use(s) is nearer than 200 feet from the exterior PUD boundary, then said use(s) shall be considered to be a conditional use and may be approved subject to compliance with the conditional use permit criteria in Section 10.248. However, this provision shall not apply where the land outside the PUD which is nearer than 200 feet from proposed use(s) is inside a zone in which the proposed use(s) is permitted.*

The proposed commercial uses - not permitted in the I-L zone - which may potentially occupy the PUD within 200 feet of the site's exterior boundary in the future, are not known to the applicant at this early stage of development. Nevertheless, the applicant's submitted *Findings of Fact and Conclusions of Law* address the applicable CUP criteria, analyzing - collectively - the full spectrum of commercial uses allowed per the Code that could potentially occupy the

buildings identified on the PUD plan in the future, concluding that, in effect, any-and-all proposed commercial uses enclosed within the buildings identified on the PUD plan will be consistent with CUP criterion 1 – complying with PUD criterion 6.

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

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

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

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

From an intensity standpoint, we want to insure that all potential commercial development will not cause a significant adverse impact on the surrounding area by allowing a use that is of an incompatible intensity to the abutting or surrounding area. The site's underlying I-L zoning allows for uses that are generally of a greater intensity – in terms of noise, vibration, air pollution and other nuisances – than the broad range of uses classified as commercial in the Code. Further, while many commercial uses generate greater traffic intensity than those uses permitted in the I-L zone, the site's stipulated trip cap will effectively mitigate any potential adverse impacts on the transportation system which could be created by any potential commercial use proposed for the site in the future.

From a consistency standpoint, we want to insure that all potential commercial development will be appropriate or consistent with the character of the surrounding area. The GLUP designation of the entire site is Commercial (CM) which permits all commercial zoning districts,

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

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

Agricultural Buffering

Three of the five tax lots proposed to be incorporated within the PUD, tax lots 1003, 1002 and 1001, share a common boundary of roughly 1,450 feet along the site's easterly and northerly property lines with land located outside of city limits within the Exclusive Farm Use (EFU) zoning District of Jackson County. Tax lot 1001 is proposed to be developed with the initial phase of the PUD, while tax lots 1003 and 1002 are proposed as Reserve Acreage to be planned and developed in the future. The County EFU land sharing the site's easterly property line is located within the UGB and designated as Urban Residential (UR) on the City's GLUP map, and therefore, is not subject to the agricultural mitigation provisions of the Code. The County EFU land sharing the PUD's northerly lot line with tax lots 1003 and 1001 is identified as Urban Reserve (MD-2) and is currently located outside of the UGB, but proposed by the City for inclusion in the UGB, which is currently undergoing amendment. Per MLDC 10.801, land proposed for urban development which abuts and has a common lot line with other land which is zoned EFU requires agricultural buffering.

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

> *(1) Agricultural Classification (Intensive or Passive). For the purposes of this Section, agricultural land is hereby classified as either intensive or passive. Intensive agriculture is defined as farming which is under intensive day-to-day management, and includes fruit orchards and the intensive raising and harvesting of crops or, notwithstanding its current use, has soils of which a majority are class I through IV as determined by the*

NRCS, has irrigation water available and is outside of the Urban Growth Boundary. Passive agriculture is defined as farming that is not under intensive day-to-day management, and includes land used as pasture for the raising of livestock. The approving authority shall determine whether adjacent agricultural uses are intensive or passive based upon the specific circumstances of each case and the nature of agriculture which exists on the adjacent land zoned EFU or EA at the time the urban development application is filed and accepted by the City.

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

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

Mitigation standards for properties abutting Passive Agricultural land require that measures be undertaken by the applicant in order to minimize or mitigate the adverse potential impacts associated with the proximity of urban and agricultural land uses. These measures include the following: the construction of a fence or masonry wall to serve as a buffer between the uses; a Deed Declaration identifying the maintenance and care responsibilities for the agricultural buffer consistent with the requirements outlined in MLDC 10.801(D)(2)(c); and irrigation runoff mitigation.

The submitted PUD Concept Plan shows the buildings directly along the northerly boundary of the PUD within tax lot 1001. As such, the applicant is proposing to install the requisite fencing between the breaks of the buildings, as the proposed buildings do not form a continuous barrier. The AIA states, "The combination of buildings and fencing will appropriately mitigate any potential for agricultural impacts to the subject property or from the subject property to the adjacent EFU land." The AIA additionally states that the applicant agrees to stipulate to all

other requirements for land abutting EFU land classified as Passive Agriculture, including, recordation of a Deed Declaration in accordance with 10.801(D)(3)(a), and assumption of management responsibilities to control any irrigation runoff. Additionally, the applicant stipulates to accommodate the additional landscaping in the event that the Commission determines that adjacent EFU land constitutes "intensive" agriculture; however, the AIA stipulations include the caveat that any such requirement should be automatically negated if the adjacent tax lot 902 is incorporated into the UGB prior the proposed PUD buildings being constructed.

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

Traffic Impact Analysis (TIA)

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

In response to Public Work's initial review of the submitted Limited Traffic Analysis which stated that per the Code only driveways 5 and 6 are allowed and requested that the analysis provide justification for the approval of the additional driveways addressing the criteria in 10.550(3)(c)(4), SOTE resubmitted an Analysis addressing each issue. In the applicant's resubmittal (Exhibit S) addressing the itemized issues expressed by Public Works, the analysis argued that the additional driveways' value to the transportation system can be seen in reducing unnecessary trips through the intersections of Coker Butte / Crater Lake Avenue and Coker Butte / OR 62, as well as dispersing development impacts through three access points rather than loading one location.

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

Public Improvements

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

Committee Comments

No comments were received from committees such as BPAC.

Other Agency Comments

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

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

FINDINGS AND CONCLUSIONS

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

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

  Submit to staff legal documentation confirming approval for the creation of a non-residential condominium by the State of Oregon Real Estate Commissioner for the subject PUD consistent with the requirements of the Oregon Condominium Act (ORS 100.660), along with a copy of the recorded declaration and plat recorded in the official records of Jackson County, and any other applicable submittals required per MLDC 10.230(E); or gain final plat approval from the Planning Director for the establishment of a pad lot development consistent with the requirements outlined in MLDC 10.703.

- In order to comply with *Baker V Milwaukee*, Light-Industrial uses shall be allowed to be developed on the site, but limited to the those specific uses expressly approved by the Planning Commission based on their determination that said uses are of equal or less intensity to those uses allowed in commercial zoning districts permitted in the Commercial (CM) GLUP.

- The approval of final landscaping plans and architectural plans within each phase of the development shall be deferred to the Site Plan & Architectural Commission.

DECISION

At the public hearing held on July 27, 2017, the Planning Commission unanimously approved the application while requiring the following modifications to be included in the Commission Report:

- **Staff explained during the presentation that they had received updated findings from the applicant (Exhibit Y) stating that the existing use of the area designated as reserve acreage would continue to be used as a dumpster/maintenance use for Rogue Disposal, revising the initial findings submittal stating that said use would be relocated off-site. Staff further explained that the staff report failed to revise the report to reflect this update. Said update has been made, omitting the sentence that was located under the Issues and Analysis section of the staff report stating that the dumpster/maintenance use would be relocated.**
- **A revised Discretionary Condition of approval #1 (Exhibit A-1), removing the first clause of condition #1 requiring that the applicant create a non-residential condominium prior to final plan approval in order to comply with PUD criterion #1. The second clause of condition #1, requiring that the applicant gain approval for tentative plat approval for a pad lot development prior to final plan approval, remains as the condition of approval.**
- **A revised staff report from Public Works (Exhibit J-1) providing clarification on the language regarding Public Work's trip cap recommendation, clarifying that the trip cap of 4,415 ADT (415 p.m. peak hour) applies to both the existing trip cap established for tax lots 100, 1002 and 1100, and the unrestricted zoning applied to tax lots 1001 and 1003. At the request of the applicant, the revised report also includes the clarification to the Summary of Conditions of Approval (page 10) #3, stating that driveway access to the site shall comply with the code *except* those provisions for which the Planning Commission has approved a deviation/code modification as part of the PUD.**
- **A revised staff memo from the Medford Water Commission (Exhibit K-1) modifying comment #5 regarding water service to the tax lots designated as Reserve Acreage in response to the applicant's updated findings (Exhibit Y) stating that the existing dumpster/maintenance use of the property by Rogue Disposal would remain. The initial staff report stated that area designated as reserve acreage shall not receive water facility improvements until at the time of a future land development review. At the request of the applicant, this comment was revised to clarify that water service for the existing dumpster/maintenance can continue.**

The applicant's updated findings (Exhibit Y) makes reference to an alternative site plan attached with the exhibit. For clarification, the alternative site plan referenced in the

updated findings is the PUD Concept Plan included as Exhibit B in the staff report. Initially, it was the applicant's intention to request relief from providing cross access to the abutting property along the northerly boundary of the site, and provided an alternative plan showing the cross access in the event that their request for relief was denied by the Commission. However, in subsequent conversation with staff, the applicant agreed to provide the cross access without requesting relief – substituting the alternative site plan as their primary site plan.

ACTION TAKEN

Adopted the modified findings as recommended by staff and directed staff to prepare a Final Order for approval of PUD-17-023 per the Planning Commission Report dated June 27, 2017, including Exhibits A through Y.

EXHIBITS

A-1 Conditions of Approval, drafted August 3, 2017.
B PUD Concept Plan, received June 28, 2017.
C Accessor's Map, received February 10, 2017.
D Landscape Plan, received February 10, 2017.
E Aerial Map, received February 10, 2017.
F Zoning Map, received February 10, 2017.
G Trip Cap Map, received February 10, 2017.
H Applicant's Findings of Fact and Conclusions of Law, received February 10, 2017.
I Agricultural Impact Analysis report, received February 15, 2017.
J-1 Public Works Report - revised, received August 3, 2017.
K-1 Medford Water report - revised, received July 28, 2017.
L Medford Fire Department report, received May 17, 2017.
M FAA email, received April 4, 2017.
N Rogue Valley International – Medford Airport email, received March 29, 2017.
O Jackson County Roads email, received May 9, 2017
P RVSS email, received March 19, 2017.
Q Limited Traffic Analysis (cover sheet/executive summary only), received February 10, 2017.
R Public Works initial Limited Traffic Analysis review, drafted October 18, 2016.
S Applicant response to Public Works Limited Traffic Study Submittal, drafted April 6, 2017.
T Public Works memo approving Limited Traffic Analysis, drafted April 14, 2017.
U ODOT application, received February 10, 2017.
V ODOT letter to applicant, received February 10, 2017.
W Legal description of property, received February 10, 2017.
X Memo from applicant listing prohibited uses within the PUD, received June 2, 2017.
Y Memo from applicant with updated findings, received July 5, 2017.
Vicinity Map

PLANNING COMMISSION AGENDA:

JULY 27, 2017
AUGUST 10, 2017

Patrick Miranda, Chair

EXHIBIT A-1

Coker Butte Business Park
PUD-17-023
Conditions of Approval
July 27, 2017

DISCRETIONARY CONDITIONS

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

Prior to final plan approval, the applicant shall:

1. **Gain tentative plat approval from the Planning Commission for the establishment of a pad lot development consistent with the requirements outlined in MLDC 10.703.**

2. Provide staff with a copy of documentation recorded in the official records of Jackson County declaring as a restrictive covenant upon the lands located within the PUD the following prohibited land uses as found in the Medford land Development Code (MLDC) 10.337:

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

3. The approval of final landscaping plans and architectural plan shall be deferred to the Site Plan & Architectural Commission for each phase of the development.

CODE REQUIRED CONDITIONS

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

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

CITY OF MEDFORD
EXHIBIT # A-1
File # PUD-17-023

Continuous Improvement Customer Service

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AUG 03 2017
PLANNING DEPT

CITY OF MEDFORD

Commission Update: 8/3/2017
File Number: PUD-17-023

PUBLIC WORKS DEPARTMENT STAFF REPORT
Coker Butte Business Park PUD

Project: **Consideration of a Preliminary PUD Plan for Coker Butte Business Park, a proposed development consisting of office and light industrial uses.**

Location: **To be located on a 14.5-acre site composed of five contiguous lots bounded generally by Crater Lake Highway 62, Coker Butte Road, and Crater Lake Avenue, within the Light Industrial (I-L) zoning district (371W05 1000, 1001, 1002, 1003, and 1100).**

Applicant: **Applicant, Coker Butte Properties, LLC, and Table Rock Holdings, LLC; Agent, CSA Planning, Ltd; Planner, Dustin Severs.**

NOTE:

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

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

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

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

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

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CITY OF MEDFORD
EXHIBIT # J-1
File # PUD-17-023

A. STREETS

1. Dedications

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

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

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

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

The right-of-way and easement dedications shall be submitted directly to the Engineering Division of the Public Works Department. The submittal shall include: the right-of-way and easement dedication, including an exhibit map; a copy of a current Lot Book Report, Preliminary Title Report, or Title Policy; a mathematical closure report (if applicable), and the Planning Department File Number; for review and City Engineer acceptance signature prior to recordation by the applicant. Releases of interest shall be obtained by holders of trust deeds or mortgages on the right-of-way and PUE area.

2. Public Improvements

a. Public Streets

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

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

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

b. Street Lights and Signing

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

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Street Lighting – Developer Provided & Installed:

A. 2 – Type A-400
   a. Maintain/protect existing lighting conduit on Coker Butte Road (north side) for new driveway entrance. Conduit might have to be lowered.

B. 1 – Base Mounted Cabinet (BMC)
   a. Could utilize the existing BMC on the SW corner of Hwy 62 intersection. Would need to include a breaker and contactor for a new circuit.
   b. Provide voltage drop calculations for the new circuit.

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

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

The Developer shall be responsible for the preservation and re-installation of all signs removed during demolition and site preparation work. The Developer's contractor shall coordinate with the City of Medford Public Works, Maintenance and Operations Division to remove any existing signs and place new signs provided by the Developer.

c. Pavement Moratoriums

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

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

3. Access and Circulation

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

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

4. Transportation System

Public Works received a limited Traffic Impact Report from Southern Oregon Transportation

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

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

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

Commission Update:
There is an existing trip cap, per ZC-07-272, on tax lots 1000, 1002, and 1100. Tax lots 1001 and 1003 are unrestricted light industrial (I-L) zoning. Considering both the trip cap and the unrestricted I-L zoning, the PUD is shown to generate 4,145 ADT or 415 peak hour trips. Public Works recommends that the PUD be conditioned to a trip cap with a maximum of 415 peak hour trips. The applicant shall submit trip accountings with each individual building permit showing that the proposed new buildings will not cause the trip generation to exceed 415 peak hour trips.

5. Section 10.668 Analysis

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

10.668 Limitation of Exactions

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

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

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

1. Nexus to a legitimate government purpose
The purposes for these dedications and improvements are found throughout the Medford Code,

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

Cross Access Easement:

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

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

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

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

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

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

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

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Highway 62:

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

Coker Butte Road and Crater Lake Avenue:

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

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

Cross Access Easement:

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

B. SANITARY SEWERS

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

C. STORM DRAINAGE

1. Drainage Plan

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

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

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

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

2. Grading

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

3. Detention and Water Quality

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

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

4. Certification

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

5. Erosion Prevention and Sediment Control

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

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6. Wetlands

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

7. Easement

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

D. GENERAL CONDITIONS

1. Design Requirements and Construction Drawings

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

2. Construction Plans

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

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

3. Construction and Inspection

The Developer or Developer's contractor shall obtain appropriate right-of-way permits from the Department of Public Works prior to commencing any work within the public right-of-way that

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is not included within the scope of work described within approved public improvement plans.

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

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

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

4. Site Improvements

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

5. System Development Charges

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

Prepared by: Doug Burroughs
Revised by: Doug Burroughs

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SUMMARY CONDITIONS OF APPROVAL

Coker Butte Business Park PUD - PUD 17-023

A. Streets

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

2. **Improvements:**

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

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

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

3. **Access and Circulation:**
   - Driveway access to the proposed development site shall comply with MLDC 10.550 & 10.426, except those provisions for which the Planning Commission has approved a deviation/code modification as part of this PUD.
   - No direct access to Crater Lake Highway at this time.

4. **Transportation System**
   - Trip cap as described in report.
   - Submit trip accountings with each individual building permit.

B. Sanitary Sewer:
- Contact RVSS for sanitary sewer connections.

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

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

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

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BOARD OF WATER COMMISSIONERS

Staff Memo

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JUL 29 2017

PLANNING DEPT

TO: Planning Department, City of Medford

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

SUBJECT: PUD-17-023

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

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

DATE: ~~May 17, 2017~~ July 29, 2017 (Revised)

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

CONDITIONS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."

2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.

3. Installation of "on-site" 8-inch water lines is required. Applicants' civil engineer shall coordinate with MWC engineering department for on-site water facility layout. Water lines are required to be installed in paved travel lanes. They shall not be installed through landscaping islands, parking islands, and also not through parking stalls.

4. The existing 8-inch water line located in Crater Lake Avenue north of Coker Butte Road is required to be extended northerly to the City Limits.

5. Dedication of a 10 foot wide (minimum) access and maintenance easement to MWC over all water facilities located outside of public right-of-way is required. Easement shall be submitted to MWC for review and recordation prior to construction.

6. Installation of an Oregon Health Authority approved backflow device is required for all commercial, industrial, municipal, and multi-family developments. New backflow devices shall be tested by an Oregon certified backflow assembly tester. See MWC website for list of certified testers at the following web link http://www.medfordwater.org/Page.asp?NavID=35 .

Continued to Next Page

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Continued from Previous Page

COMMENTS

1. Off-site water line installation is not required.

2. Onsite water line installation is required. (See Condition 3 & 4)

3. Static water pressure is approximately 64 to 72 psi. Installation of Pressure Reducing Valve is not required per Uniform Plumbing Code.

4. MWC "metered" water service does exist to Tax Lot 1100. There is an existing 2-inch water meter that currently serves Rogue Disposal. Depending on location and size, this existing water meter could be utilized to serve the nearest proposed building, or it will be required to be abandoned.

5. Water Service to the "Reserve Acreage" (TL's 1002 and 1003) will be allowed contingent upon the installation of the above conditioned Water Facility Improvements for the proposed Business Park on TL's 1000 and 1001. (See Condition 3 & 4 above)

6. Access to MWC water lines is available. There is an 8-inch water line in Coker Butter Road between Crater Lake Hwy 62 and Crater Lake Avenue. There is also an 8-inch water line in Crater Lake Avenue between Coker Butte Road and the north side of the intersection of Crater Lake Avenue and Coker Butte Road. There is also an 8-inch water line stubbed to the south property line of TL 1002 which extends northerly through the mini-storage property from an 8-inch water line located in Coker Butte Road.

Minutes

From Public Hearing on **July 27, 2017**

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

Commissioners Present
Patrick Miranda, Chair
David McFadden, Vice Chair
David Culbertson
Joe Foley
Bill Mansfield
Mark McKechnie
E.J. McManus

Staff Present
Matt Brinkley, Planning Director
Kelly Akin, Assistant Planning Director
Carla Paladino, Principal Planner
Kevin McConnell, Deputy City Attorney
Alex Georgevitch, City Engineer
Greg Kleinberg, Fire Marshal
Terri Rozzana, Recording Secretary
Dustin Severs, Planner III
Kyle Kearns, Planner II

Commissioners Absent
Alex Poythress, Excused Absence
Jared Pulver, Excused Absence

10. Roll Call

20. Consent Calendar/Written Communications.

20.1 ZC-17-017 / LDP-17-027 Final Orders of a request for a change of zone from MFR-20 (Multiple-Family, 20 dwelling units per gross acre) to MFR-30 (Multiple-Family, 30 dwelling units per gross acre) and a partition to create two lots on approximately 4.5 acres located at 2180 Poplar Drive (371W18C TL 1362); (Weatherly Inn Medford, LLC, Applicant; RJ Development, LLC., Agent; Dustin Servers, Planner III). **The applicant has requested this item be continued to the August 10, 2017, Planning Commission meeting**.

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

Motion: The Planning Commission continued ZC-17-017 and LDP-17-027, per the applicant's request to the August 10, 2017, Planning Commission meeting and they adopted agenda item 20.2 ZC-17-034 as submitted.

Moved by: Vice Chair McFadden Seconded by: Commissioner Foley

Voice Vote: Motion passed, 7–0.

30. Minutes

30.1. The minutes for July 13, 2017, were approved as submitted.

40. Oral and Written Requests and Communications. None.

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

50. Public Hearings – **Continuance Requests**

50.1 SV-17-039 Consideration of a request to vacate a portion of Belknap Road, located south of the intersection of Garfield Street and Center Drive. (C.A. Galpin, Applicant/Agent; Sarah Sousa, Planner IV). **Staff requests this item be continued to the August 24, 2017, Planning Commission meeting**.

Motion: The Planning Commission continued SV-17-039, per staff's request, to the Thursday, August 24, 2017, Planning Commission meeting.

Moved by: Commissioner Mansfield Seconded by: Vice Chair McFadden

Roll Call Vote: Motion passed, 7-0.

50.2 LDS-17-050 Consideration of a request for tentative plat approval for Jam Industrial Park, a proposed 9- lot industrial Pad Lot Development on a 17.13 acre lot located at 301 Ehrman Way, In the General Industrial (I-G) zoning district (372W14 TL 1400). (Fjarli Merlin, Applicant; Richard Stevens & Associates, Inc., Agent; Dustin Severs, Planner III). **The applicant has requested this item be continued to the August 10, 2017, Planning Commission meeting**.

Motion: The Planning Commission continued LDS-17-050, per the applicant's request, to the Thursday, August 10, 2017, Planning Commission meeting.

Moved by: Commissioner Mansfield Seconded by: Vice Chair McFadden

Roll Call Vote: Motion passed, 7-0.

Old Business

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

LLC and Table Rock Holdings LLC, Applicants; CSA Planning Ltd., Agent; Dustin Severs, Planner III).

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

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

Dustin Severs, Planner III, stated that the planned unit development criteria can be found in the Medford Land Develop Code Section 10.235(D). The applicable criteria was included in the staff report, property owner notices and hard copies are available at the entrance of Council Chambers for those in attendance. Mr. Severs gave a staff report.

Vice Chair McFadden asked, is staff agreeable to the applicant setting aside the 20/80% rule on uses? Mr. Severs reported that staff is agreeable that they can encompass all the uses that are allowed in all commercial zones.

Vice Chair McFadden stated that typically the properties specify which uses are within the area. Mr. Severs stated that normally with PUD's, the applicant knows precisely what they want to do and sometimes they do not. Staff feels the applicant can include all the commercial uses since the commercial GLUP allows those uses.

Mr. Severs continued with his staff report.

Commissioner McKechnie stated that the way he understands Mr. Severs presentation is that if the applicant leaves the I-L zone and develops it or if they get a zone change to commercial and develop, the uses they want to put on the property would fit in either one of those zones. Is that correct? Mr. Severs replied that is correct.

Commissioner McKechnie asked, if the applicant develops a building would, it be relatively the same footprint? Mr. Severs reported it is conceptual at this stage. If they do any significant changes they would have to revise the PUD.

Commissioner McKechnie stated that the plan for the southerly parcel looks like there are two entrances on the old frontage road on Crater Lake Avenue. One on Coker Butte and one on the new Crater Lake Avenue. They actually have four not three. There are two entrances to the building that faces Crater Lake Highway. Mr. Severs stated that initially staff was not sure frontage road would be considered lower order. He consulted with Public Works it is classified as a lower order street since it is City owned and maintained.

Commissioner McKechnie stated that however many entrances or exits they have on that road are irrelevant. Since they have access on that roadway would that preclude them from having another entrance on the other two streets? Mr. Severs stated that if the applicant was not doing this as a PUD they would have to get an exception to have additional driveways.

Commissioner McKechnie stated they have three buildings with drive-thru. Would a fast food restaurant be permitted? Mr. Severs reported that the light industrial zone allows restaurants but limited to the size.

The Public Hearing was opened.

a. Craig Stone, CSA Planning Ltd., 4497 Brownridge Terrace, Suite 101, Medford, Oregon, 97504. Mr. Stone reported that he is present tonight on behalf of the two entities the own the parcels involved in this application. They are Coker Butte Properties LLD and Table Rock Holdings LLC. In the audience this evening are Mike Montero. Also a representative of the property owner, Raul Woerner from CSA Planning Ltd., who has worked on this application and Kimberly Parducci from Southern Oregon Transportation Engineering.

This PUD represents a bit of a redevelopment project. Most of the development on the property now is removable dumpsters with a permanent building used for maintenance. The vision is to have light industrial uses occupying individual buildings with all their activities conducted within the enclosed building. There will be no outdoor storage. Each of the buildings will be subject to Site Plan and Architectural Commission review. The total amount of building square footage is approximately 93,000 square feet. It is really less now because they made provisions for cross access easement that reduced the size of several buildings. It is approximately 90,000 square feet. There are 409 parking spaces.

In the initial phases of this project all maintenance of the common elements would be handled by the present owners. Later when the project is converted to unit ownership either as a condominium or a pad lot the maintenance would be turned over to an association of owners at that time.

The properties are in three quadrants. The quadrant located on the east side of Crater Lake Avenue has been denoted as reserve acreage mostly because the applicant is not sure what to put there. Initially it was stated in the application the applicant's intention was to move the dumpster repair facility out to its transfer station in White City. Mid-stream there was a change of mind that they have reserve acreage that has been used for dumpster storage and maintenance in the past and leave them there until they are ready to develop as part of the PUD. They will be required to come forward with an

additional preliminary PUD plan to exactly show what they intend to do with the reserve acreage.

As for the projected tenants, the applicant is hoping to handle offices and light fabrication. The kind of businesses that would like a store front with a rollup door on the side or back for shipping and receiving. Businesses that can operate in an enclosed without outdoor storage. Perhaps along the frontage of Highway 62 there would be supporting kind of uses that would be accommodate with the 20% deviation.

Mr. Stone touched on the Highway 62 issue. Where this property fronts on Highway 62 is presently a State highway. It is designated as an expressway which means access to it is all but prohibited. That designation is going to change because the expressway will be moved to the old Medco Haul Road. When they do that (expected next year) this section of Highway 62 will become a City street (an arterial) where access is permitted on. City staff or ODOT staff have raised any objections to the right-in/right-out access. It will have to wait until the jurisdictional transfer takes place and the applicant agrees to stipulate that there will be no access until that time.

An objection Mr. Stone raised is that on page 132 of the agenda packet a memorandum from the Medford Water Commission states until it is part of the PUD they cannot have water service to the reserve acreage. Mr. Stone discussed that with Rodney Grehn with the Medford Water Commission. Mr. Grehn ultimately agreed with Mr. Stone and told him to transmit that to Mr. Severs for verification. The reserve acreage is in the City, zoned properly and a historic use. If in the future they want to have water service they ought to be able to have it without restriction by reason of this PUD. The applicant would like to have that condition either stricken or reworked to accommodate if the applicant needs water on the reserve acreage before they come back with a PUD plan for it.

Chair McFadden asked, does the Medford Water Commission not want to provide water service to the reserve acreage? Mr. Stone reported that initially that is what they stated. He thinks they were supporting the planning application and features of this where there is a plan for one part and not a plan for the other part so they cannot have water until there is a plan.

Chair McFadden stated that the Planning Commission does not have jurisdiction of what the Medford Water Commission will or will not allow. Mr. Stone agreed. He stated that he does not think the Medford Water Commission ought to withhold water to a use that has existed for a long time that is on land properly zoned for that use. Ultimately, Mr. Grehn agreed with Mr. Stone. Whether he communicated that agreement to Mr. Severs or not the Planning Commission will have to ask Mr. Severs. Mr. Stone's testimony is that they reached an agreement on that and Mr. Grehn withdrew his concern.

The second objection Mr. Stone raised is that the applicant has made various promises in the way of stipulations and he has summarized those on pages 107 and 108 of the agenda packet.

Commissioner McKechnie stated that he is troubled that there is a GLUP designation that is commercial and a zoning that is industrial that the applicant wants to keep. A few years ago this property was rezoned form one industrial to another. Recently the GLUP was changed to commercial from industrial. Why not change the zoning to commercial? Mr. Stone stated that the applicant believes the market is much stronger for light industrial uses and the property is better situated to accommodate them than it would be for most or many commercial uses.

Commissioner McKechnie asked, why not change the GLUP back to industrial? Mr. Stone reported that the applicant did not ask for it to be changed in the first place. The City changed the designation on 800 acres of property. This 15 aces was among it. It is not something they asked for. It caught the applicant midstream in their planning on this. Mr. Stone was aware of the Baker case and thought this really does not create much of a problem because under Baker they believe they are able to do this. He is not going to go into a more detailed explanation of that case than what was given to the Planning Commission in Mr. Severs presentation unless Commissioner McKechnie wants him to. Mr. Stone thinks it allows it. Go back to Commissioner McKechnie's question it is really a market proposition. Most everyone has become aware of how internet shopping is affecting local retail trade. Shopping centers and shopping areas are closing across the country. The applicant does not think this makes a good retail site.

b. Raul Woerner, CSA Planning Ltd., 4497 Brownridge Terrace, Suite 101, Medford, Oregon, 97504. Mr. Woerner reported that this project was planned before they received notice that the City was considering this property for an UP-GLUP to commercial. There is a lot of transportation planning coordination going on with ODOT and with the City. To change it over to a zone change application there are significant constraints on traffic. At some time it will be appropriate to convert it to commercial zoning. They felt the GLUP to commercial further supported the type of PUD that is being requested which is asking for 20% commercial which is there anyway. As the urban growth boundary expands which is phase 2 there will be more land that develops that will become "riper" for the timing of the zoning to support commercial. All the buildings being planned are adaptable to full commercial retail. The PUD with the mixed commercial industrial uses provides a good temporal transition plan for this property.

Vice Chair McFadden asked, is the plan presented for the building layout a draft? It does not seem to match with the front door/back door description. Mr. Stone stated that it does. Not all of the buildings have a loading facility but some do. It is either a side or back loading with a dock.

Mr. Stone reserved rebuttal time.

Chair Miranda asked Mr. Severs to discuss Mr. Stone's reference to page 132, item number 5, the "Reserve Acreage" from the Medford Water Commission. Mr. Severs reported that he was contacted by Rodney Grehn from the Medford Water Commission. He did say he spoke with Mr. Stone and was fine with the proposed changes. If the Planning Commission requests a revised memorandum from the Medford Water Commission Mr. Grehn would be happy to provide one.

Chair Miranda stated that if there is going to be change the Planning Commission should see a revision.

c. Mike Montero, CSA Planning Ltd., 4497 Brownridge Terrace, Suite 101, Medford, Oregon, 97504. Mr. Montero gave history of the property stating that the City of Medford in 2006 made application to the Oregon Department of Transportation (ODOT) for funding to build the intersection at Coker Butte Road. They discovered during a period of commodity escalation the Oregon Department of Transportation came to Mr. Montero stating they were under funded. There was rumor the Lithia Auto Mall was concerned about public safety because this was being developed as a T-intersection. They had customers that would go north bound on Highway 62 to the end of the median, make a U-turn and come back to the mall. Lithia was willing to pay for a signal. Under ODOT rules private developers that do that have to meet a warranted analysis. In this case the private developer could not meet it. They were willing to contribute funds for the signal so Mr. Montero asked if he would be willing to contribute those funds as part of the State highway project. He was willing if it gets him the same thing. They then went to the subject property owners stating this would benefit their property and entitle them to receive funds for the right-of-way. Were they willing to donate them without compensation? They agreed and what was born of that was a public/private partnership between ODOT, City of Medford, Jackson County, Lithia Properties and the applicant. The result is what you see today.

Alex Georgevitch, City Engineer, corrected the Public Works Staff Report adding a paragraph that reads: "There is an existing trip cap, per ZC-07-272 on tax lots 1000, 1002, and 1100 of 2,480 average daily trips (ADT) or 248 peak hour trips, which shall remain in place until a Traffic Impact Analysis is submitted studying the full trip generation potential of the site. Tax lots 1001 and 1003 are unrestricted and estimated to generate 300 ADT per acre under light industrial (I-L) zoning. Considering both the trip cap and the I-L zoning, the PUD is shown to generate 4,145 ADT or 415 peak hour trips. Public Works recommends that the PUD be conditioned to a trip cap with a maximum of 415 peak hour trips. The applicant shall submit trip accountings with each individual building permit showing that the proposed new buildings will not cause the trip generation to exceed 415 peak hour trips." A revised Public Works Staff Report will be entered into the record.

Vice Chair McFadden questioned a trip restriction that does not need to be there or that it will create a problem on the property. He did not know if the traffic engineer was going to speak to that.

Mr. Georgevitch reported that this condition was stipulated between the applicant and the City of Medford, Traffic Engineer, Karl MacNair. The site already has a trip cap on it. Two of the parcels do not have a trip cap. They have a trip generation rate that is anticipated to be 300 trips per acre. Engineering and the applicant negotiated this language and both are content.

The Public Hearing was closed.

Motion: The Planning Commission adopts the modified findings as recommended by staff and directs staff to prepare a Final Order for approval of PUD-17-023 per the staff report dated July 20, 2017, including Exhibits A through Y, eliminate condition 1 on Exhibit A-1 regarding condominiums; approving this under CUP Condition 1; a revised memorandum from the Medford Water Commission satisfying the concern of "Reserve Acreage" on page 132 of the agenda packet; approving exception if there are zero lot line walls against the property that fences can go between those and serve as the buffering wall between agricultural zonings; and a revised Public Works Staff Report accepting the agreement of the trip cap.

Moved by: Vice Chair McFadden Seconded by: Commissioner McKechnie

Roll Call Vote: Motion passed, 7-0.

New Business

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

Kyle Kearns, Planner II, reviewed the background, major changes to Article II and reviewed the approval criteria. The development code and comprehensive plan amendment approval criteria are found in the Medford Land Development Code Section 10.184. The applicable criteria was included in the staff report and hard copies are available at the entrance of Council Chambers for those in attendance.

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

Motion: The Planning Commission, based on the findings and conclusions that all of the approval criteria are either met or not applicable, forwards a favorable recommendation

for adoption of DCA-15-088 and CP-17-063 to the City Council per the staff report dated July 20, 2017, including Exhibits A through I.

Moved by: Vice Chair McFadden Seconded by: Commissioner McKechnie

Roll Call Vote: Motion passed, 7-0.

60. Reports

60.1 Site Plan and Architectural Commission.

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

60.2 Report of the Joint Transportation Subcommittee.

Chair Miranda reported that the Joint Transportation Subcommittee met on Wednesday, July 26, 2017. They discussed surrounding the development of a Citizens Advisory Committee as well as a Tactical Advisory Committee. The Citizens Advisory Committee will consist of the Joint Transportation Subcommittee members, community members and businesses. They are looking for a forum of 25 members.

Matt Brinkley, Planning Director, reported that the memorandum being distributed was distributed to the City Council at their last regular meeting and yesterday to the Joint Transportation Subcommittee. The second half of the memorandum talks about the composition of the Citizens Advisory Committee to provide broader representation of the Medford community. There is a citizen from each Ward in addition to the at large members who are on the Joint Transportation Subcommittee, representation from the business community, development community, key stakeholders like the hospitals, etc.

Chair Miranda stated they also discussed House Bill 2017.

Mr. Brinkley reported that House Bill 2017 is the Transportation Bill of $5.3 billion over the next 10 years. Significant funding coming into this region which is important in part for public transportation and seismic retrofitting. The project for the viaduct Mr. Georgevitch could have spoken on whether or not they are concluding the initial planning part of that project. That will move forward expeditiously now that there is additional money identified for the retrofitting. They will either just retrofit it or retrofit and add additional lanes one either side so emergency vehicles will be able to access the viaduct without having to shut down one entire direction of traffic. There is additional money coming in the form of surface transportation block grant. That will go to entitlement cities like Medford every year for the span of the appropriation.

Chair Miranda stated they also heard from RVTD for the ridership. They show a slight reduction in ridership over the month of June. They attributed that to school being out. They have instituted a new program that is a ridership card. It is a pass card they can

use instead of carrying cash. There is also a phone application that has a QC reader that they can code their trips on. The problem is the do not actually have that built. Their systems are not compatible so they do not have the data built into their actual trips. Even though they are seeing a reduction in some of their trip counts there is a large percentage that are being captured by the new system that is not being transferred into their respective categories. Little bit of a reduction but overall balanced.

There was also discussion on a City of Medford Transportation Survey. There is an online survey that everyone should be aware of. That ends on July 31. On August 1 a paper version of the survey that is more focused will be available through mid-September.

Mr. Brinkley reported that they plan to be done with the Transportation System Plan by the end of the year. In the memorandum that was distributed it gives dates for open house and survey, public hearings, meetings. They anticipate having a study session with each body individually. They hope to have a project list by September 14 or soon after.

Chair Miranda stated that their quarterly meeting would be in October but the Subcommittee decided that was too much time span so they moved the October meeting to September 27, 2017.

60.3 Planning Department
Kelly Akin, Assistant Planning Director, reported that she sent an email regarding a training opportunity in Central Point on October 7, 2017. Chair Miranda has responded. If anyone else is interested please notify Carol Wedman in order to get registered.

There is business for the Planning Commission on Thursday, August 10, 2017 and Thursday, August 24, 2017.

70. Messages and Papers from the Chair. None.

80. Remarks from the City Attorney. None.

90. Propositions and Remarks from the Commission. None.

100. Adjournment
The meeting was adjourned at 7:00 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

Patrick Miranda
Planning Commission Chair

Approved: August 10, 2017

STAFF REPORT – CONTINUANCE REQUEST

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

PROJECT	Jam Industrial Park – Pad lot development Applicant: Fjarli Merlin and Joann Foundation, Inc. Agent: Richard Stevens and Associates, Inc.	
FILE NO.	LDS-17-050	
TO	Planning Commission	*for August 10, 2017 hearing*
FROM	Dustin Severs, Planner III	
REVIEWER	Kelly Akin, Assistant Planning Director	
DATE	August 3, 2017	

BACKGROUND

Proposal

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

Request

The applicant has requested that the item be continued to August 24, 2017, in order to submit additional information and allow staff sufficient time to review the information.

EXHIBITS

A Continuance request received August 3, 2017.

Vicinity Map

PLANNING COMMISSION AGENDA: **August 10, 2017**

August 24, 2017

Dustin J. Severs

From: Clark <cstevens@mind.net>
Sent: Thursday, August 03, 2017 10:33 AM
To: Dustin J. Severs; Kelly A. Akin
Cc: Clint Fjarli; Bary Kaiser; Mark Bartholomew
Subject: FW: JAM
Attachments: FJARLI-Ehrman Way Subd TENTATIVE6-5.pdf

Hello Dustin,

I just spoke with the applicant, Mr. Clint Fjarli, regarding your request to continue this matter to the August 24, 2017 Planning Commission meeting, in order for staff to have sufficient time to review and comment.

Mr. Fjarli is in agreement to continue this application, LDS-17-050 to August 24, 2017.

Attached, please find the revised tentative land division.
Thanks

--
Clark Stevens

-----Original Message-----
From: Bary Kaiser [mailto:bary@kaisersurveying.com]
Sent: Wednesday, August 02, 2017 3:59 PM
To: Clark Stevens; Clint Fjarli
Subject: JAM

Guys,

Here's the tentative with the revisions we spoke about.

Bary

--
Bary Kaiser
Kaiser Surveying
Work(541)830-3995
Cell(541)821-2259

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

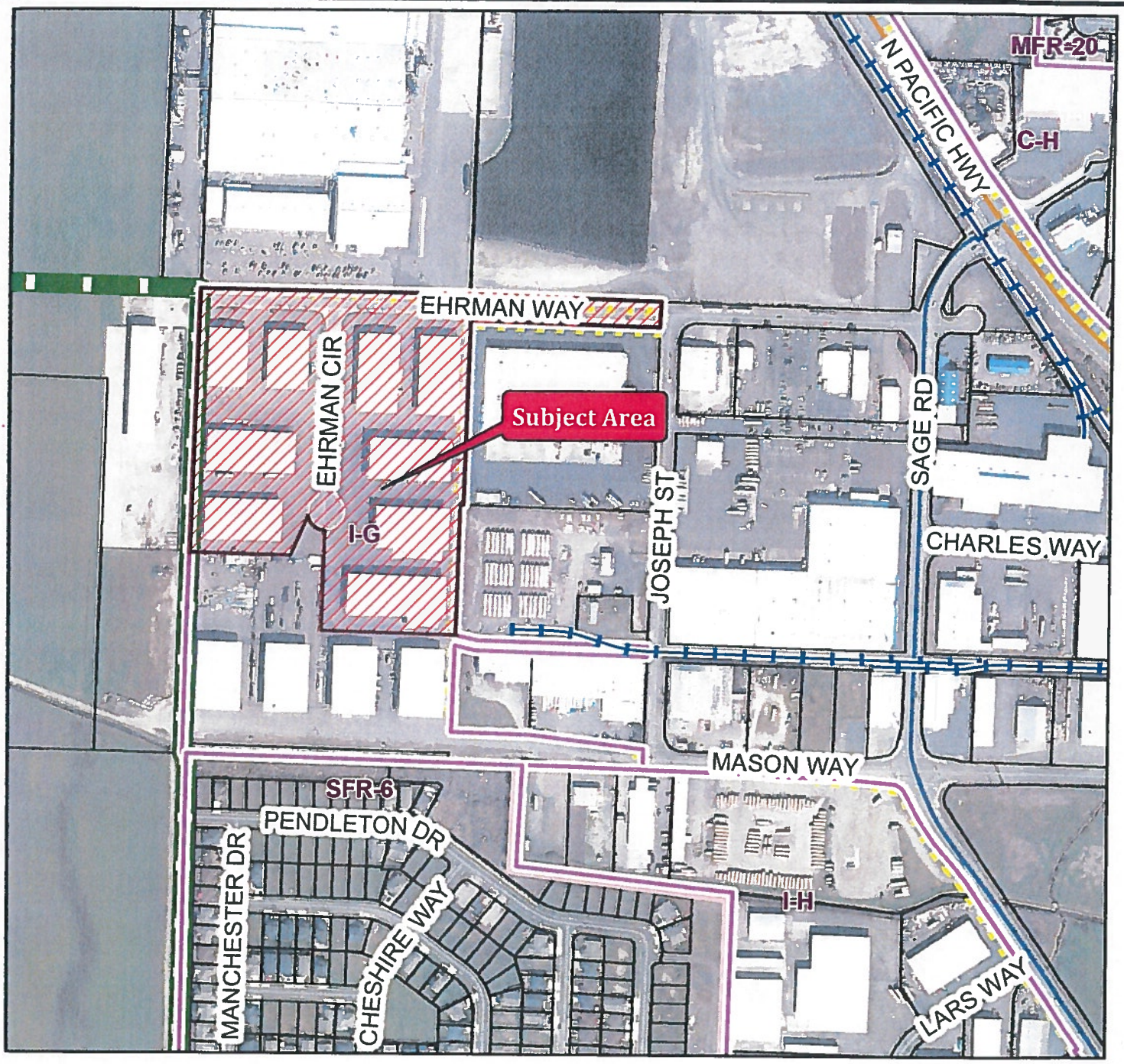
City of Medford

Planning Department

Vicinity Map

File Number:

LDS-17-050



Project Name:

JAM Industrial Park

Map/Taxlot:

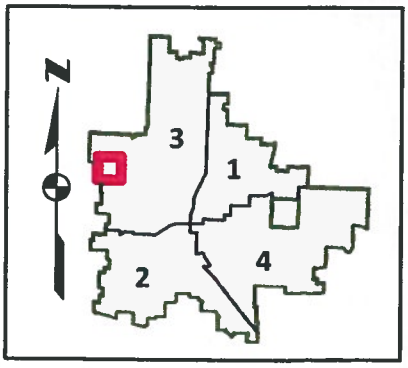
372W17 TL 1400

0 250 500 Feet

05/01/2017

Legend

- Subject Area
- Medford Zoning
- Tax Lots



14