

PLANNING COMMISSION AGENDA AUGUST 11, 2016



Commission Members

Tim D'Alessandro
David Culbertson
Joe Foley
Bill Mansfield
David McFadden
Mark McKechnie
Patrick Miranda
Jared Pulver

Regular Planning Commission meetings
are held on the second and fourth
Thursdays of every month
Meetings begin at 5:30 PM

City of Medford

City Council Chambers
411 W. Eighth Street, Third Floor
Medford, OR 97501
541-774-2380



Agenda

Public Hearing

August 11, 2016

5:30 PM

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

-
10. **Roll Call**
 20. **Consent Calendar/Written Communications (voice vote)**
 - 20.1 **PUD-16-065** Final Order for a PUD Revision to the Delta Center Planned Unit Development to allow for the reallocation of unutilized commercial use square footage permitted and located within Phase 1 of the currently approved PUD Plan. Applicant proposes that commercial square footage permitted for the development be allowed to be sited anywhere within the boundary of the PUD as needed. Proposed PUD Revision also summarizes previously approved de minimus revisions made to the PUD project. Delta Center PUD currently consists of 22.33 net acres, generally located west and north the intersection of Crater Lake Highway (OR 62) and Delta Waters Road, and located within an I-L/PUD (Light Industrial/Planned Unit Development Overlay) zoning district. (Nash LLC., Applicant; Richard Stevens & Associates, Inc., Agent)
 - 20.2 **LDS-14-112** Consideration of a request for a one-year time extension of the approval of Orchard Court Subdivision, a 7-lot residential subdivision on a 1.29 acre parcel located on the north side of Orchard Home Court, approximately 620 feet east of Orchard Home Drive within a SFR-6 (Single-Family Residential – 6 dwelling units per gross acre) zoning district. (Suncrest Homes, LLC, Applicant; Scott Sinner Consulting, Inc., Agent)
 30. **Minutes**
 - 30.1 Consideration for approval of minutes from the July 28, 2016, hearing.
 40. **Oral and Written Requests and Communications**
Comments will be limited to 3 minutes per individual or 5 minutes if representing an organization. **PLEASE SIGN IN.**
 50. **Public Hearings**
Comments are limited to a total of 10 minutes for applicants and/or their representatives. You may request a 5-minute rebuttal time. All others will be limited to 3 minutes per individual or 5 minutes if representing a group or organization. **PLEASE SIGN IN.**
- New Business**
- 50.1 **ZC-16-066** Consideration of a request for change of zone on 0.42 acres from I-L (Light Industrial) to I-G (General Industrial) and change of zone on 0.42 acres from G-I to I-L within the Stewart Meadows Village Planned Unit Development (PUD). Applicant also request modifications to existing conditions of approval for the PUD development pertaining to traffic mitigation requirements. The Stewart Meadow Village PUD is 87.1 gross acres generally

bounded by Stewart Avenue, Highway 99, Garfield Street and Myers Lane.
(KOGAP Enterprises, Inc. Applicant; Maize & Associates, Inc., Agent)

- 50.2 **LDS-16-016** Proposed tentative plat for Larson Creek Professional Center, a, 4-lot commercial subdivision within a 1.74 acre parcel, generally located on the west side of Black Oak Drive and approximately 250 feet south of Barnett Road, within a C-C (Community Commercial) zoning district. (Capital Income Properties, LLC, Applicant; Herbert A. Farber, Agent)

60. Reports

60.1 Site Plan and Architectural Commission

60.2 Joint Transportation Subcommittee

60.3 Planning Department

70. Messages and Papers from the Chair

80. Remarks from the City Attorney

90. Propositions and Remarks from the Commission

100. Adjournment

BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF PLANNING COMMISSION FILE PUD-16-065)
APPLICATION FOR REVISION TO DELTA CENTER PLANNED UNIT) ORDER
DEVELOPMENT SUBMITTED BY CRATER LAKE VENTURES LLC)

ORDER granting approval of a PUD Revision to the Delta Center Planned Unit Development described as follows:

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

WHEREAS:

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

THEREFORE LET IT BE HEREBY ORDERED that the approval for a revision to the approved PUD Plan as described above is per the Planning Commission Report dated July 28, 2016.

Accepted and approved this 11th day of August, 2016.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative



Planning Department

Working with the community to shape a vibrant and exceptional city

PLANNING COMMISSION REPORT

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

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

FILE NO. PUD-16-065

DATE July 28, 2016

BACKGROUND

Proposal

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

Subject Site Characteristics

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

Surrounding Site Characteristics

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

Related Projects

PUD-04-241	Delta Center Preliminary PUD Plan
Res.#05-172	Preliminary PUD Approval via stipulated Writ of Mandamus

AC-06-265	30,610 sq.ft. Building 7 commercial building, Best Buy (expired)
AC-06-266	57,078 sq.ft. Building 6 commercial building, Sportsman's Warehouse
AC-07-174	Buildings 1-5
AC-12-062	Texas Roadhouse Restaurant
AC-13-035	Buffalo Wildwings Restaurant
AC-15-156	Phase 2 site plan, architectural review of buildings 8 & 9

Corporate Names

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

Applicable Criteria

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

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

1. The PUD complies with the applicable requirements of this Code, except for those which a deviation has been approved under Subsection 10.230 (D)
2. The property is not subject to any of the following measures or if subject thereto the PUD can be approved under the standards and criteria there under:
 - a. Moratorium on Construction or Land Development pursuant to ORS 197.505 through 197.540, as amended.
 - b. Public Facilities Strategy pursuant to ORS 197.768 as amended.
 - c. Limited Service Area adopted as part of the Medford *Comprehensive Plan*
3. The PUD is consistent with goals and policies of the Comprehensive Plan, if any, which by their language or context were intended to function as approval criteria for planned unit developments.
4. Deviations from the limitations, restrictions and design standards of this code will not materially impair the function safety of efficiency of the circulation system or the development as a whole.
5. The proposed PUD satisfies two or more of the purpose statements in Subsection 10.230(A)(1) through 10.230(A)(8).

Section 10.230 Planned Unit Development (PUD)-General Provisions

- A. Purpose and Intent: The PUD approach permits greater flexibility in urban development than would otherwise be possible under the strict requirements of this Code. The intent is to serve the following purposes:
1. To promote more creative and imaginative urban development.
 2. To promote urban development that is more compatible with natural topography
 3. To preserve important natural features and scenic qualities of the land
 4. To Promote more economical urban development while not materially compromising the public health, safety or general welfare.
 5. To promote a more efficient use of urbanizable land
 6. To promote a mixture of land uses and housing types that are thoughtfully planned and integrated
 7. To permit in-fill development on parcels that are otherwise difficult or impossible to develop.
 8. To promote the development, utility and appropriate maintenance of open spaces and other elements intended for common use and ownership.
6. The location, size, shape and character of all common elements in the PUD are appropriate for their intended use and function.
7. If the Preliminary PUD Plan includes uses not allowed in the underlying zone pursuant to Subsection 10.230(D)(9)(b), the applicant shall alternatively demonstrate that either 1) demands for the Category "A" public facilities listed below are equivalent or less than for one or more permitted uses listed for the underlying zone, or 2) the property can be supplied by the time of development with the following Category "A" public facilities which can be supplied in sufficient condition and capacity to support development of the proposed use:
- a. Public sanitary sewerage collection and treatment facilities.
 - b. Public domestic water distribution and treatment facilities.
 - c. Storm drainage facilities.
 - d. Public streets.
8. If the Preliminary Development plan includes uses proposed under Subsection 10.230(D)(9)(b), approval of the PUD shall also be subject to compliance with the conditional use permit criteria.

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

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

Burden of Proof; Criteria for Revisions: The burden of proof and supporting findings of fact and conclusions of law for the criteria in Subsections 10.235(D) or 10.240(G), as applicable, shall be strictly limited to the specific nature and magnitude of the proposed revision. However, it is further provided that the design and development aspects of the whole PUD may be relied upon in reaching findings of fact and conclusions of law for the criterion at Subsection 10.235(D)(5). It is further provided that before the Planning Commission can approve a PUD Plan revision, it must determine that the proposed revision is compatible with existing developed portions of the whole PUD.

ISSUES AND ANALYSIS

Background

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

Phase 1

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

The Final PUD Plan for Phase 1 identified Building 7 as a 30,038 square foot retail building. A de minimis PUD revision request was made to change Building 7 from retail use to a restaurant, and to reduce the size of the structure to 7,276 square feet. The Planning Director forwarded the de minimus request to the Planning Commission for a determination of consistency with the Phase 1 Final PUD plan. The Planning Commission did find the changes to the Building 7 site to be consistent with the Delta

Center Phase 1 Final PUD plan. On June 13, 2013, the Site Plan and Architectural Commission approved the site plan application for Buffalo Wildwings restaurant (AC-13-035), which currently occupies the Building 7 site. Uses within Phase 1 include restaurants, sporting goods store, cell phone providers, a shipping store, an eye care provider, video game shop and a coffee shop. Please see subsection "A" (pages 5&6) of the applicant's findings (Exhibit "B"), which provides a detailed table of uses, square footage and whether the use is a permitted use in the I-L zoning district without the PUD overlay.

Phase 2

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

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

Deviations from Approved Preliminary PUD

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

The applicant's site plan narrative (AC-15-156) noted that Phase 2 of the Delta Center PUD would encompass commercial and office/professional space totaling 30,570 square feet. The narrative further identified Building 8 and Building 9 as possible commercial uses. Building 8 encompasses 9,300 square feet and Building 9 is 8,470 square feet. Buildings 10 through 13 were identified in the narrative and site plan as professional office buildings totaling 12,800 square feet. Based on the applicant's site plan narrative, construction of Buildings 8 and 9 is intended to commence as soon as feasible. Office buildings (Buildings 10-13) will be built at a later date.

Revision to Delta Center PUD (2016)

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

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

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

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

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

"All development of the property shall be in accordance with the PUD site plan, a copy of which is attached to the Stipulated Writ as Exhibit "A", subject to any

modifications that result for further review processes set forth herein."

PHASE 2 UPDATES PRELIMINARY DEVELOPMENT PLAN (Exhibit C)

Vehicle Access and Circulation

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

Revised Access Driveway

During public testimony, Clark Stevens, representing the applicant, requested to make one modification to the PUD site plan regarding the driveway access to and from Excel Drive. Mr. Stevens submitted a revised site plan (Exhibit O), that was negotiated with adjoining owners, into the record as evidence to the applicant's stipulation to a revised alignment.

Curtis Burrill, representing the ownership of the property to the north, indicated his support of the revised plan that was submitted. He further requested that the revised driveway to be built at the time in which Phase 2A is built, and pedestrian connectivity be provided. Thus, Excel Drive would be connected to Delta Center Phase 2A by pedestrian sidewalks. Stuart Foster also testified he concurred with the statements provided by Mr. Burrill.

Mr. Stevens indicated that the applicant was in full agreement with Mr. Burrill and Mr. Foster. Mr. Stevens stated the applicant would build the access drive with Phase 2A development, which would include curb gutter and pedestrian sidewalks with the driveway improvement. A condition of approval has been included requiring the applicant comply with the driveway configuration shown in "Exhibit O", and that the driveway be constructed as part of Phase 2A; including the improvement of curbs, gutters, and sidewalks.

Valley Gutter

During testimony, Alex Georgevitch of the Public Works Department requested a condition of approval be added. Public Works recommended that a 6 foot concrete valley gutter be built at the north edge of the property line to delineate the private drive of Delta Center and Excel Drive. The valley gutter will provide ability to terminate their City maintenance at the north edge of the valley gutter. Mr. Georgevitch noted the valley gutter could be completely flat and perhaps as narrow as 3 feet. Mr. Stevens acknowledged that the applicant had no objection was in agreed to the condition of a constructing a valley gutter. A condition of approval has been included noting that the terminus of the private driveway, where it abuts Excel Drive be delineated by the installation of a concrete valley gutter.

Parking

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

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

Pedestrian Walkways

The stipulated Writ of Mandamus, Condition 4, requires the development to provide a pedestrian route providing a connection for all buildings within Phase 2 to Delta Waters Road. Buildings 8 and 9 address this item. However, on the preliminary development plan it appears that there is no pedestrian connection between the office buildings (Buildings 10 through 13) to Delta Water Road by through the provision of a pedestrian crossings over the parking area driveways and thus to Delta Waters Road. The pedestrian walkways and connectivity of the development shall be consistent with Section 10.772 through 10.776 of the MLDC. With approval of AC-15-156, SPAC included a code condition of approval requiring the pedestrian crossings to each of the buildings and that building permit plans demonstrate pedestrian crossing materials consistent with Section 10.776 of the MLDC.

Landscape Plan (Exhibit G)

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

PUD Conclusion/ Summary

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

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

As noted above the site plan design submitted for Phase 2, along with architecture for Buildings 8 and 9 were approved by SPAC in January 2016 (AC-15-156). Approved site plan is represented in the revised preliminary development plan (Exhibit C) submitted with this application. Staff and SPAC found the subject design far better from a design aspect to than the approved 2004 preliminary PUD plan. Staff fully supports and recommends the proposed revisions to the preliminary development plan as submitted.

FINDINGS AND CONCLUSIONS

Based on the Preliminary Development Plan, Applicant's exhibits and findings, the Commission can find that the 2004 Criterion under which the PUD was initially approved under, have been fully addressed. The minor revisions do not, in staff opinion, trigger the PUD Criteria as provided in 2016. It is feasible that criterion adopted since the 2004 approval of the Delta Center PUD may not be able to be met by this development that is

is approximately half built out. Thus, staff finds the agent's application of the 2004 criteria to be acceptable for review of the proposed PUD Revisions. The applicant's findings to the criteria can be found on Exhibit B, pages 9 through 22. Staff recommends that the Planning Commission adopt the Applicant's findings as submitted.

RECOMMENDED ACTION

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

ACTION TAKEN

The Commission directed staff to prepare to prepare a Final Order for approval, per the Commission Report dated July 28 2016, including Exhibits A-1 through O, subject to revising of the access drive, as demonstrated in in Exhibit "O", and constructing a valley gutter that delineating the terminus of the private drive at Excel Drive.

EXHIBITS

- A-1** Conditions of Approval.
- B** Applicant's Findings of Fact and Conclusions of Law, received May 17, 2016.
- C** Revised Preliminary PUD Plan for the Delta Center PUD received May 17, 2016.
- D** Phase 2 site plan conceptual grading and stormwater drainage plan, received May 17, 2016.
- E** Phase 2 site plan conceptual utility plan, received May 17, 2016.
- F** Phase 2 site Landscape Plan, received May 17, 2016.
- G** Transportation Analysis, received May 17, 2016.
- H** Public Works Staff Report dated June 29, 2016.
- I** Medford Water Commission Memo, dated June 29, 2016.
- J** Fire Department Report, prepared June 27, 2016.
- K** E-mail correspondence from the Oregon Department of Aviation, received May 3, 2016.
- L** Building Department Memo.
- M** Currently approved preliminary PUD (PUD-04-241).
- N** Phasing Plan Delta Center.
- O** Revised Preliminary Development Plan demonstrating revised driveway alignment to Excel Drive.
Vicinity map

MEDFORD PLANNING COMMISSION

Patrick Miranda, Chair

PLANNING COMMISSION AGENDA:

**JULY 28, 2016
AUGUST 11, 2016**

EXHIBIT A-1
Conditions of Approval

PUD-16-065
Delta Center PUD Revision
July 28, 2016

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

CODE REQUIREMENTS

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

DISCRETIONARY REQUIREMENTS

2. The applicant shall construct the driveway that connects to the southerly terminus of Excel Drive as shown in "Exhibit O". Subject driveway shall be constructed with the improvement of Phase 2A, and shall include the improvement of curbs, gutters, and sidewalks at time of driveway construction.
3. The terminus of the private driveway, where abutting Excel Drive, shall be delineated by the installation of a concrete valley gutter and designed to the satisfaction of the City Engineer.

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



STAFF REPORT – EXTENSION OF TIME

Project Orchard Court Subdivision
Applicant: Suncrest Homes, LLC; Agent: Scott Sinner Consulting, Inc.

File no. LDS-14-112

To Planning Commission *for meeting of August 11, 2016*

From Kelly Akin, Principal Planner *K.A.*

Date August 4, 2016

Request

Consideration of request for a one-year time extension of the approval of Orchard Court Subdivision, a 7-lot residential subdivision on a 1.29 acre parcel located on the north side of Orchard Home Court, approximately 620 feet east of Orchard Home Drive within a SFR-6 (Single-Family Residential – 6 dwelling units per gross acre) zoning district.

Background

The Planning Commission adopted the Final Order granting approval of the project on December 11, 2014. The applicant is requesting an extension of time as allowed under Medford Land Development Code (MLDC) Section 10.292.

Project Review

Per MLDC Section 10.269, extensions shall be based on findings that the facts upon which the tentative plat was first approved have not changed to an extent sufficient to warrant refiling of the application. It can be found that neither the circumstances of approval nor applicable development standards have changed to a degree that warrants refiling of the application. This is the only extension allowed under the Medford Land Development Code.

Recommended Action

Approve the one-year time extension to December 11, 2017, for LDS-14-112 per the Staff Report dated August 4, 2016.

Exhibits

- A Letter requesting extension received July 20, 2016
- B Approved tentative plat
Vicinity Map



Scott Sinner Consulting, Inc.

Land Use Planning, Conservation Consulting

July 20, 2016

Jim Huber
Planning Director City of Medford
200 S Ivy
Medford, OR 97501

Re: LDS 14-112

Jim,

I would like to request an extension of the tentative plat approval for Orchard Court Subdivision. The Final Order for the application was approved on December 11, 2014.

Subsequent to the approval of the subdivision, the applicant acquired the adjoining parcel to the west and has received an approval for Kaseys Court Subdivision. These two subdivisions are being engineered at this time and will be constructed at a similar time.

We would like to have the extension to be able to complete the design of Kaseys Court and construct these projects together.

Please feel free to call if you have any questions.

Regards,

Scott Sinner, President
Scott Sinner Consulting, Inc.

RECEIVED

JUL 20 2016

PLANNING DEPT.



4401 San Juan Drive, Suite G
Medford, Oregon 97504

Phone and Fax 541-772-1494

Cell 541-601-0917

Email scott@sinnerconsulting.com

EXHIBIT # A

File # LDS-14-112

EXTENSION OF TIME

TENTATIVE PLAT OF
ORCHARD COURT
 Located in the N.W. 1/4 of Section 1,
 T.36S., R.2W., W.M., City of Medford,
 Jackson County, Oregon

RECEIVED

NOV 18 2014

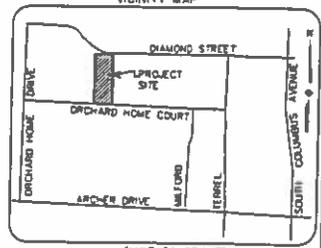
PLANNING DEPT.

TAX LOT 2500
 372W36CC
 SUNCREST HOMES, LLC

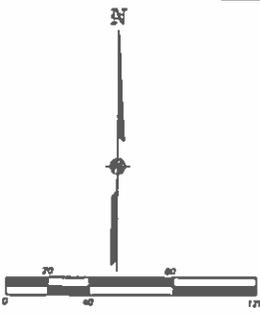
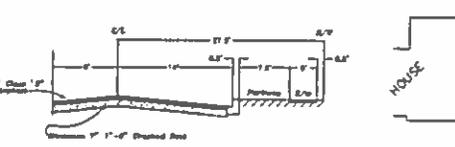
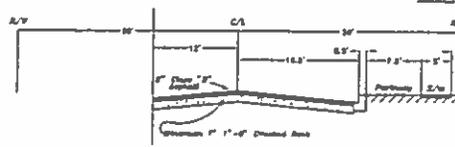
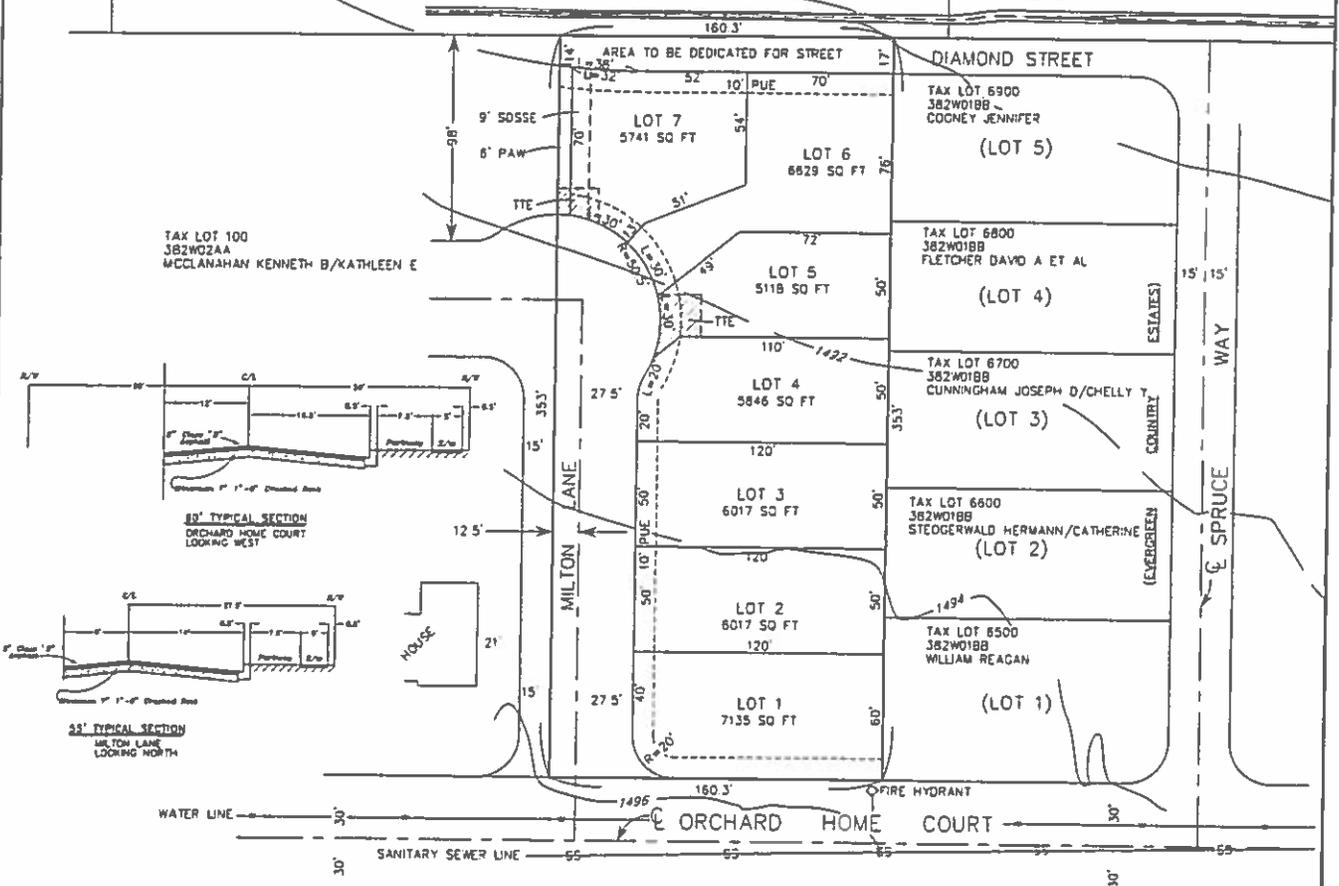
TAX LOT 1400
 372W36C
 SCHOL DISTRICT 549C

(NOT TO SCALE)

VICINITY MAP



(FUTURE ALIGNMENT OF DIAMOND STREET)



TAX LOT 700 382W02AA NELSON SHANE M/KARRIE S
 TAX LOT 800 382W02AA RITCHE JASON T/ERICA L
 TAX LOT 7200 382W01BB SEWERT REVA/ERIC
 TAX LOT 7500 382W01BB PELLOW ANN MARY TRUSTEE FBO
 TAX LOT 7300 382W01BB ROUSH CHARLES/SANDRA

CITY OF MEDFORD "EXHIBIT # B"
 File # LDS-14-112
EXTENSION OF TIME

GENERAL NOTES:
 SCHOOL DISTRICT: MEDFORD 549C
 IRRIGATION DISTRICT: MLD
 SENIOR DISTRICT: 2 V.3.1
 10' PUE ADJACENT TO STREETS.
 PROPERTY CURRENTLY IS VACANT.
 TOTAL GROSS ACRES = 1.41 ACRES
 TOTAL NET ACRES = 1.30 ACRES
 SOSE = PUBLIC STORM & SANITARY SEWER EASEMENT.
 PAPE = PUBLIC PEDESTRIAN ACCESS WAY
 TVE = TEMPORARY VEHICULAR TURN AROUND EASEMENT.

REGISTERED PROFESSIONAL LAND SURVEYOR <i>Janet K. Hills</i> JULY 17, 1988 JAMES C. HARRIS 2222 RENEWAL DATE 04-30-15	FILE # TENTATIVE SUBDIVISION PLAT ASSessor's MAP # 382W01BB 7L7100 APPLICANT SUNCREST HOMES, LLC P.O. BOX 13113 TALENT, OR 97540 L.J. FRIAR & ASSOCIATES P.C. REGISTERED LAND SURVEYORS P.L.L.C. 1987, MEDFORD, OR 97504	DATE 18 NOV 2014 SCALE 1" = 40' HOR 1" = 80' VER DRAWN BY CHK BY CHECKED BY DATE SHEET 1 of 1
-------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------



Vicinity Map

Application Name/Description:

**Orchard Court
Subdivision**

Proposal:

7-Lot Subdivision

File Numbers:

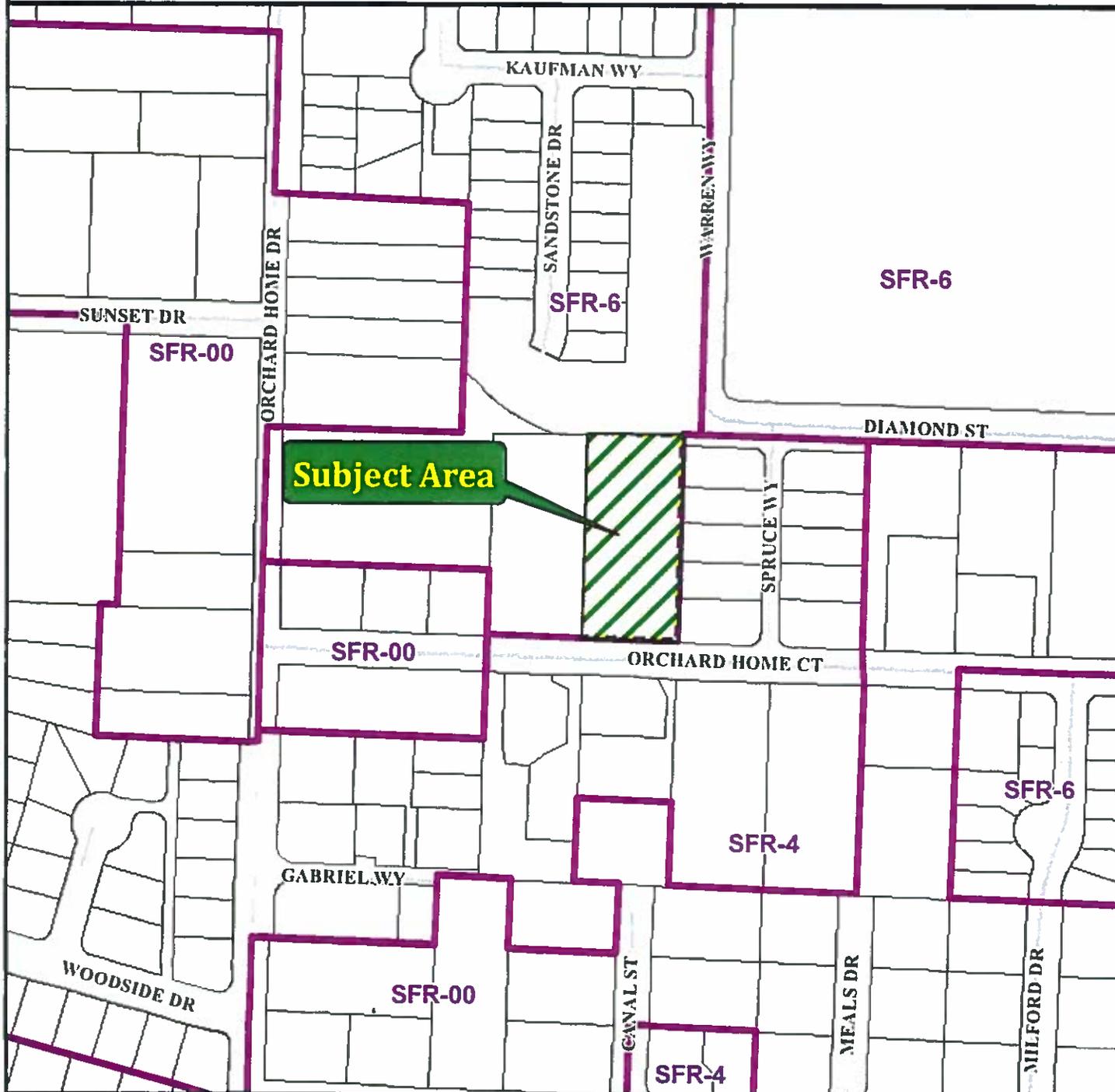
LDS-14-112

Applicant:

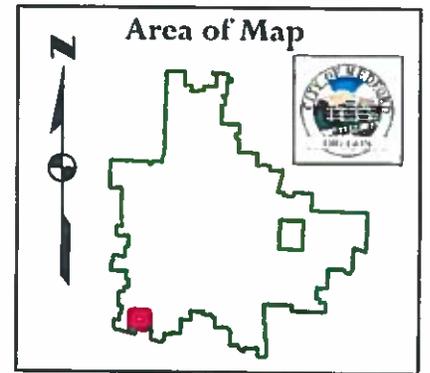
Suncrest Homes, LLC

Map/Taxlot:

382W01BB TL 7100



-  Subject Area
-  Medford Zoning
-  UGB
-  Tax Lots
-  City Limits
-  PUD



09/30/2014



Minutes

From Public Hearing on July 28, 2016

The regular meeting of the Planning Commission was called to order at 5:35 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
Tim D'Alessandro
Joe Foley
Bill Mansfield
Mark McKechnie
Jared Pulver

Staff Present

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

10. **Roll Call**

20. **Consent Calendar/Written Communications.**

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

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

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

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

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

- 6) Allow a 75-foot lot depth and minimum lot size of 3,800 square feet within "The Cottages" sub-area;
- 7) Allow up to 75% lot coverage for single family units under 25 feet in height within the "The Cottages" sub area;
- 8) Permit a minimum lot size of 5,800 square feet for lots within "Sky Lakes at The Village, Phase I & II".
- 9) Allow a minimum of 1.4 parking spaces for multi-family units rather than 1.5
- 10) Allow flexibility between multi-family unit counts and commercial square footages in a manner commensurate with the total parking provided on site.
- 11) Allow option of mixed residential and comical within the commercial buildings subject of final design review, as required by the MLDC.
- 12) Allow meandering sidewalk design
- 13) Eliminated requirement for public pedestrian access from Cul-De-Sac to Callaway Drive.
- 14) Permit driveway access from Cedar Links Drive to Commercial area of the "Villages"
- 15) Allow mix of uncovered and covered parking for multi-family units.
- 16) Allow street tree landscaping requirement relief in location affected by the MWC water line easement. (Cedar Investment Group LLC, Applicant; CSA Planning Ltd., Agent)

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

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

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

20.2 ZC-16-067 Final Order of a request for a zone change from SFR-00 (Single Family Residential, one dwelling unit per existing lot) to SFR-6 (Single Family Residential, six

dwelling units per gross acre) on approximately 0.70 acres located on the east side of Cherry Street, approximately 370 feet north of Key Drive. (Joseph & Carole Eselin, Applicant/Agent)

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

Commissioner Foley stated that he noted a condition that needed to be considered but it has already been addressed. The final order to be signed this evening is correct.

Chair Miranda stated that he checked with the Recording Secretary and it has been addressed.

Commissioner Pulver had concerns with #12 allowing meandering sidewalk design. He is not sure of the language. The Planning Commission wanted a 7 foot meandering sidewalk and a 5 foot straight sidewalk. If it was a multi-use path it had to be according to AASHTO standards.

Kelly Akin, Principal Planner, reported that for #9 staff added “(deferred to the Site Plan and Architectural Commission)”. Staff did not add any language to #12. The Planning Commission approved the meandering design and the details are within the Commission Report.

Motion: Adopt the consent calendar as submitted.

Moved by: Vice Chair McFadden

Seconded by: Commissioner D’Alessandro

Voice Vote: Motion passed, 8–0.

30. Minutes

30.1. The minutes for July 14, 2016, were approved as submitted.

40. Oral and Written Requests and Communications. None.

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

50. Public Hearings – Old Business

50.1 PUD-16-060 Consideration of plans for a revision of a Final Planned Unit Development (PUD) Plan to add both temporary and permanent recreational vehicle (RV) storage to the existing mini storage facility on 6.7 acres located at 2012 Kingswood Drive within the SFR-6 (6 dwelling units per gross acre) zoning district (372W23AC6000,

372W23AC6001, 372W14D8000, 372WAB14601, 372WAB14600) (Climate Control Mini Storage, LLC., Applicant; Scott Sinner Consulting, Inc., Agent)

Chair Miranda inquired whether any Commissioners have a conflict of interest or ex-parte communication they would like to disclose. Commissioner McKechnie disclosed that Mr. Sinner is his neighbor but it would not affect his decision.

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 II, read the Planned Unit Development, Planned Unit Development Revision criteria and gave a staff report.

Mr. McConnell stated that he did review Exhibit N and the intent of Code Section 10.157 was to give 3 weeks of posted notice. It looks like from Exhibit N that has been done, so counsel has no further issues.

Commissioner McKechnie stated that the U-Haul dealership is on the property that abuts Rossanley, there is a driveway behind that that goes to the front gate, which is off the main street of the residential area. He understands the reasons for the other two accesses because of fire and other emergency services. Is it possible to limit it to exit only? Mr. Servers reported that was the intention of the applicant. The most suggestions received were to eliminate the two driveways with all access coming off the front entrance. Mr. Severs noted that both the Willow Oak Drive and the private drive were part of the final Planned Unit Development and final plat that were approved. The applicant is not proposing creating any new drives. These are existing drives that were previously approved.

Commissioner McKechnie asked if there were comments received about buffers between the RV storage and residential? Mr. Severs replied no. He believes there is buffering that exists at the northwestern part of the subject property as part of the original Planned Unit Development. Mr. Severs deferred the question to Mr. Sinner.

Commissioner Pulver asked if the temporary RV storage could be there indefinitely? Mr. Severs stated that is correct.

Commissioner Culbertson stated that at the last hearing the manager of the facility had indicated that 80% to 90% of the approximate 34 RV's that are currently in the storage area are from residents of the Candlewood Subdivision. The benefit of having in and out would definitely be there. Is that correct? Mr. Severs replied that is correct.

Commissioner Culbertson stated that they are going down to 22 from 32 to 34 RV's. Mr. Severs reported that once it is built out and they go to the permanent location there will be less intense use and less number of Recreational Vehicles which has been going on the property for some years now.

The public hearing was opened.

a. Scott Sinner, Scott Sinner Consulting, Inc., 4401 San Juan Drive, Medford, Oregon, 97504-9343. Mr. Sinner reported that Dennis Sullivan is representing management and is in the audience this evening. He is not entirely clear if this is just a brand new public hearing adding new evidence. He does not have a lot of evidence. He has reviewed the revised staff report with the applicant and they are in agreement with the conditions. Mr. Sinner reserved rebuttal time if necessary.

The public hearing was closed.

Motion: The Planning Commission adopts the modified findings as recommended by staff and adopts the Final Order for approval of PUD-16-060 per the revised staff report dated July 18, 2016, including Exhibits A-1 through N.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Culbertson

Commissioner McKechnie asked if the Planning Commission was comfortable with the gravel only for the RV storage? The majority of the Commissioner's nodded in affirmation.

Commissioner Pulver stated that his issue is with the temporary portion. He thinks the applicant's intent and desire is to build out the mini storage as soon as possible presuming economic conditions support it. He does not know a large area of temporary RV storage is consistent with the approved Planned Unit Development.

Voice Vote: Motion passed, 7-1, with Commissioner Pulver voting no.

New Business

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

Chair Miranda inquired whether any Commissioners have a conflict of interest or ex-parte communication they would like to disclose. Commissioner Foley disclosed that his company operates a retail business adjacent to this Planned Unit Development and he does not have any problems dealing with this in an impartial manner on the merits of

this case. Commissioner Pulver disclosed that two of his business partners have retirement plan ownership in neighboring properties but it does not affect his ability to remain impartial in this matter.

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

Desmond McGeough, Planner III, stated that the Planned Unit Development, Planned Unit Development Revision was read for the first application. Mr. McGeough gave a staff report.

Commissioner D'Alessandro asked how is the roundabout going to benefit this project with it not being directly aligned with the main arterial? If it was moved a little to the east would it not make more sense in connecting the two primary arterials? Mr. McGeough deferred the question to the applicant.

Commissioner McKechnie stated that the original masterplan for this was approved with a certain limit of square footage for Phase 1 and Phase 2. The applicant did not use all the square footage they were allocated in Phase 1 so they would like to move the remaining to Phase 2. He is assuming it would go to Phase 2B because Phase 2A has already been identified. They want to reshuffle that however it is appropriate to do based on the market and limitations of parking. Overall they are "reshuffling the pieces of bread in a loaf but not changing the loaf." Mr. McGeough reported that was a very good analogy.

Vice Chair McFadden asked what was the date this approved by the Planning Commission? Mr. McGeough replied that he is not sure it was approved by the Planning Commission. The applicant filed an appeal to the court system and the judge determined that it was a negotiated agreement between the City Attorney at that time and the applicant. The City was required to accept the negotiated agreement at that time.

Commissioner Pulver stated that he thinks the crux of the issue is the reallocation of approved commercial square footage. How is that administered? Mr. McGeough stated that they have been keeping an inventory that is in the record on pages 109 and 110 as part of the applicant's findings. In the future if some businesses shut their doors it might increase the possibility of moving the square footage someplace else. That is why the applicant has asked that commercial square footage permitted for the development be allowed to be sited anywhere within the boundary of the Planned Unit Development as needed. Staff is not overly concerned about where specifically commercial inventory goes. The applicant has better knowledge of where it would function the best in the development.

The public hearing was opened.

a. Clark Stevens, Richard Stevens & Associates, Inc., P. O. Box 4368, Medford, Oregon, 97501-0168. Mr. Stevens reported that he was present this evening representing the applicant, Crater Lake Ventures, LLC for the Delta Center Planned Unit Development revision application. Staff has presented a very complete presentation to the Planning Commission. The main purpose of the revision is to reallocate the commercial retail uses, uses not otherwise allowed within the I-L district, to be distributed throughout the project. The applicant would like to make one modification to the site plan that was negotiated this evening. They would like to stipulate to the site plan presented this evening and submit it into the record as evidence to the applicant's stipulation.

Vice Chair McFadden asked if the new site presented this evening eliminates the roundabout and the diagonal road replaces it. Mr. Stevens stated that is correct. They want to eliminate the roundabout on the site plan. It is in the applicant's Phase 2B proposal. They can maintain their primary access from Excel Drive all the way to the main access that comes off Delta Waters.

Commissioner McKechnie stated that with the original Planned Unit Development Phase 1 and Phase 2 was to have a certain amount of square footage allowed. It was designated as commercial square footage not subdivided into office or retail. Mr. Stevens commented that it was a calculation for uses not otherwise allowed in the I-L district which typically would be commercial retail type use.

b. Curtis Burrill, 2069 Black Hawk Drive, Medford, Oregon, 97504. Mr. Burrill testified that he was present tonight representing the ownership of the property to the north of the subject property. Several points to the access presented to the Planning Commission this evening is that in 2004 this Planned Unit Development was denied by the Planning Commission for transportation and traffic problems. Because of a timing issue it was approved by Writ of Mandamus. In 2009 they worked with the City to extend Excel Drive and give the right-of-way necessary for Excel Drive to come into the north end of the property. At that time they expressed their concerns and desire to make sure that the Excel Drive extension became a part of the Delta Center. Early this year the Site Plan and Architectural Commission application still showed the ninety-degree curves that were questioned. He testified at that time it did not work for them. It was not the agreement they had. He was assured they would have the opportunity to work on an alignment that worked. That came about around 5:30 p.m. this evening. He is in support of the revised drawing that was submitted by the applicant and their stipulation to that. He asked that a few things be added to that stipulation: 1) This driveway gets built at the time that Phase 2A is built; and 2) There is pedestrian connectivity built into that as well. He believes that Public Works is in agreement. Mr. Burrill requested rebuttal time in case any questions came up regarding his testimony.

c. Stuart Foster, 3521 East Barnett Road, Medford, Oregon, 97504. Mr. Foster reported that he has an ownership interest in a parcel of property and that his firm's 401K Plan has ownership interest with that parcel as well as two parcels of property to the north

of the subject property. He concurs with everything that Mr. Burrill testified. This road configuration is absolutely critical to their support of this proposal. He is here this evening to support this proposal provided that the road configuration on the newly submitted exhibit is a condition of approval and it is further conditioned that at the time that Phase 2A is developed that this road be constructed. He wants it in concrete, literally. He reserves the right of rebuttal of the issue.

Mr. McGeough noted that in Exhibit A there are some incorrect references of exhibits to various staff reports provided by other departments that will be addressed in the Commission Report. The changes are as follows: Condition (a) should read Exhibit H not Exhibit I; Condition (b) should read Exhibit I not Exhibit J; Condition (c) should read Exhibit J not Exhibit K; and Condition (d) should read Exhibit K not Exhibit L.

Commissioner Mansfield stated that in the interest of speeding this up, it seems like they are taking more time than necessary, he is unaware of anyone being in disagreement. Is any of staff in disagreement with the request made by Mr. Foster and Mr. Burill? Staff has stated they favor the request. So what are we taking all this time about? Chair Miranda stated that the Planning Commission has not yet heard from Public Works or the applicant on his rebuttal.

Alex Georgevitch, City Engineer, stated that Public Works does not have any issues with the revisions that are being proposed but Public Works wants to add a condition. Originally when they worked with the applicant on Excel Drive it was extended to the north boundary of this property or south of Mr. Foster's and Mr. Burill's properties. That ends the public right-of-way. The road continues as a private road. Public Works wanted a termination of that public right-of-way. He recommends as a condition of approval this evening that the Commission add that a minimum of a 6 foot concrete valley gutter be built at the north edge of the property line for the Delta Center Planned Unit Development. This will give Public Works the ability to terminate their maintenance at that north edge of that concrete. Everything south of that becomes the maintenance of the Planned Unit Development. The valley gutter can be completely flat. It does not have to dip down. It can be as narrow as 3 feet. Just provide Public Works a concrete edge that delineates the difference between public and private right-of-way. He will leave that open to the applicant's engineers as they design it. He does not want to give specifics now but he wants to make sure if it is a valley that it is wide enough that it does not slow traffic down. If it is not a valley then it is just wide enough they can pave up against it and edge grind. Mr. Georgevitch echoed the concerns of making sure they get good pedestrian movement through the project.

Vice Chair McFadden stated that the extension of Excel Drive through the neighboring property was done with a negotiated agreement between the City and the property owners. The agreement must have been that instead of the City paying for the development of the street that they negotiated the responsibility would fall to the developer of the Delta Center. Is that correct? Mr. Georgevitch asked if Vice Chair

McFadden was referring to the section that was built on the adjoining property to the north? Vice Chair McFadden confirmed. Vice Chair McFadden asked who is building that section. Mr. Georgevitch stated it is built. It has been complete since 2009. It is curb, gutters and sidewalks. There are driveways negotiated with the property owners. At the time it was negotiated to the Writ of Mandamus the applicant provided the City with funds to build this, acquire the right-of-way and install the traffic signal at Delta Waters and Delta Waters and Lear.

Commissioner Pulver asked if the extension of Excel Drive is a commercial grade street? Mr. Georgevitch replied yes. It is 36 feet curb to curb.

Commissioner Pulver stated that in the applicant's findings there was a traffic analysis provided. It references all the Phase 1 uses and uses the office park description. With a couple of exceptions was the development an office park to begin with? Was that approved with the Writ of Mandamus or is he reading it wrong? Mr. Georgevitch reported that the applicant provided a trip accounting. It is a requirement that at every phase they provide Public Works with a trip accounting making sure they do not exceed 6,382 average daily trips coming off the site. The site originally had 8,000 trips available but when they came in with their original site plan it generated 6,382 trips assuming that it was calculated as an office park which was a mixture of commercial and office uses. All of Phase 2 was originally going to be office. There was a large amount of office that helped lower that trip rate. When you look at the accounting that has been done it is accounting for the overall build out. Not the individual uses now.

Vice Chair McFadden stated that the storm drainage from this property originally went into detention ponds west of Sportsman's Warehouse. His understanding is those are being changed with the Highway 62 Bypass project. Is the State taking over the proper storm drainage from the owner or is there any retention required that is being changed because of the Highway 62 Bypass project? Mr. Georgevitch stated that it is his understanding that Oregon Department of Transportation purchased the land and purchased the requirements to deal with the storm water. They will treat it and store it someplace else as part of their bigger project. They purchased the ponds so they will take over that responsibility.

Mr. Stevens is in full agreement with Mr. Burrill and Mr. Foster in that the applicant will build this access way with Phase 2A development. Sidewalks will be provided along with the construction of that drive lane. Also, with Mr. Georgevitch's condition for the valley gutter, the applicant is in agreement.

The public hearing was closed.

Motion: The Planning Commission adopts the findings as recommended by staff and directs staff to prepare a Final Order for approval of PUD-16-065 per the staff report dated July 21, 2016, including Exhibits A through N and including into the record the submitted revised circulation plan as Exhibit O, corrections to the Exhibit references in

Exhibit A, applicant will build access way with Phase 2A development, and Public Works condition of a concrete valley gutter.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Mansfield

Commissioner Pulver asked if the Planning Commission was comfortable with the improvement to be made? The Planning Commissioners were comfortable with curb, gutters and sidewalks.

Voice Vote: Motion passed, 7-0-1, with Vice Chair McFadden abstaining.

60. Reports

60.1 Site Plan and Architectural Commission.

Commissioner D'Alessandro reported that the Site Plan and Architectural Commission met on Friday, July 15, 2016. They approved the Final Order for JDT Trucking project.

60.2 Report of the Joint Transportation Subcommittee.

Commissioner Pulver reported that the Joint Transportation Subcommittee met on Wednesday, July 27, 2016. They are continuing with the update. They discussed cross-sections. The ongoing issue is going to be standards for Greenfield development. Challenges lie within the existing Urban Growth Boundary. They continue to move forward.

60.3 Planning Department

Kelly Akin, Principal Planner, reported that at the Planning Commission's study session on Monday, July 25, 2016, they learned that Bianca Petrou, Assistant Planning Director is retiring. She started 31 years ago in August as a Code Enforcement Officer that was located within the Planning Department at that time. She has done community development grant program management for the City. She was a current planner and a long range planner. In 2006 she was promoted to the Assistant Planning Director overseeing current planning. She is fearless, thoughtful and trusting. Ms. Akin appreciates her support through this time. Congratulations to Bianca.

The next Planning Commission study session is scheduled for Monday, August 8, 2016. Discussion will be on the urbanization plan process.

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

Last week the City Council adopted a resolution upholding the Planning Commission's decision on the exception appeal for the 2 White Oak partition.

This afternoon City Council had a study session with Jeff Condit, the contracted attorney for the UGB. It is on the City Council's agenda for consideration on Thursday, August 18, 2016. Planning staff also brought forward some proposed changes to Article IV which is

the public improvement standard section of the Code. It somewhat goes along with the Joint Transportation Subcommittee work.

Planning staff has no business to present to the City Council on Thursday, August 4, 2016.

Vice Chair McFadden asked if the City was paying the Planning Commission's way to a conference at the end of October in the Portland area for planning. Ms. Akin will find out more information about the Columbia Connection and get back to the Planning Commissioners.

70. Messages and Papers from the Chair. None.

80. Remarks from the City Attorney. None.

90. Propositions and Remarks from the Commission.

90.1 Commissioner Mansfield stated that he already gave a little lecture on speed. He was premature in his comments on item 50.2. On item 50.1 they really did not need a 15 or 20 minute discussion and representation of the standards and discussion. They all remember it from 2 weeks ago. They also did not need to put it in the record. It was already in the record. Just a thought to staff, he knows they need to be thorough and he certainly thinks the other Commissioners are very thorough and he compliments them for that. Time is valuable and that is one consideration that needs to be taken into account. He is suggesting giving some thought to making this efficient as possible.

Commissioner D'Alessandro stated that as a point of order previously when someone had made a motion and it was seconded and discussion it went straight to a vote. Now the Chair is rereading the motion which had not been done previously.

Mr. McConnell stated that technically under Robert's Rules of Order the Chair does repeat the motion. He would have to get his Robert's Rules of Order book out and research it. He believes that the Chair does not have to repeat the motion. The Chair repeats the motion so that everyone is clear on what is being proposed. If everyone is clear, this is a small body, he does not think it is necessary.

Chair Miranda reported he does remember several years back that previous Chair persons restated the motion again. It was to make sure everybody was clear on exactly what was being voted on.

Commissioner D'Alessandro stated that in the event that motion was complex and a lot of changes were made and a lot of challenges to the motion he could see repeating the motion. For the straight forward motions if it is not necessary he thinks it goes to Commissioner Mansfield's point of efficiency.

100. Adjournment

The meeting was adjourned at 7:07 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 11, 2016



STAFF REPORT

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

PROJECT Stewart Meadows I-L to I-G & I-G to I-L Zone Change
 Applicant: KOGAP Enterprises Inc.; Agent: Maize & Associates Inc.

FILE NO. ZC-16-066

TO Planning Commission *for August 11, 2016 hearing*

FROM Desmond McGeough, Planner III *DM*

DATE August 4, 2016

BACKGROUND

Proposal

Consideration of a request for change of zone on 0.42 acres from I-L (Light Industrial) to I-G (General Industrial) and change of zone on 0.42 acres from G-I to I-L within the Stewart Meadows Village Planned Unit Development (PUD). Applicant also request modifications to existing conditions of approval for the PUD development pertaining to traffic mitigation requirements. The Stewart Meadow Village PUD is 87.1 gross acres generally bounded by Stewart Avenue, Highway 99, Garfield Street and Myers Lane.

Subject Site Characteristics

Zoning SFR-6, SFR-10, C-C, I-L & I-G with P-D zoning overlay
 GLUP UR (Urban Residential), CM (Commercial), G-I (General Industrial)
 Use Vacant

PUD Surrounding Site Characteristics

North	I-G	Southern Oregon Select
South	C-C, I-L	Vacant, warehouse
	EFU	Exclusive Farm Use (Jackson County) Agricultural uses
	SFR-00	Single Family Residential, 1 dwelling unit per existing parcel Residential
East	I-G, C-R	Hayes Oil, National Guard Armory, City Park, Walmart, Rogue Credit Union
West	C-C, SFR-6	Office uses, Stewart Meadows Golf Course

Related Projects

PUD-06-141 ZC-06-347 LDS-06-348	Stewart Meadows Village Preliminary PUD, Zone Change to C-C, I-L and SFR-10 and a 21-Lot tentative subdivision plat.
PUD-06-141 ZC-09-005 LDS-08-161	First revision to Stewart Meadows Village Preliminary PUD, including boundary expansion, and Zone Change increasing C-C zoned property, SFR-10 property, and reducing I-L zoned property, and revised tentative plat identifying a total of 18 lots rather than 21 lots provided in the 2006 tentative plat submittal.
PUD-06-141	Stewart Meadows Village PUD, second revision for purposes of amending design of commercial streets within the project.
AC-12-012	Phase 1 of Stewart Meadows Village PUD, Hansen Creek realignment and landscaping.
AC-14-009	Architectural and landscape design standards for Stewart Meadows Village.

Applicable Criteria

Medford Land Development Code Section 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.

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

(i) The I-L zone may abut residential and commercial zones and the General Industrial (I-G) zone. The I-L zone is ordinarily considered to be unsuitable when abutting the Heavy Industrial (I-H) zone, unless the applicant can show it would be suitable pursuant to (1)(e) below.

(ii) The I-G zone may abut the Heavy Commercial (C-H), Light Industrial (I-L), and the Heavy Industrial (I-H) zones. The I-G zone is ordinarily considered to be unsuitable when abutting the other commercial and residential zones, unless the applicant can show it would be suitable pursuant to (1)(e) 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.*

Corporate Names

KOGAP Enterprises, Inc. is the owner of this property. The Oregon Secretary of State Business Registry lists Marvin Hackwell as the Registered Agent and President, and Ann Istel as Secretary.

ISSUES AND ANALYSIS

Background

The Stewart Meadows Village PUD was initially approved in November 2007. The approved Preliminary PUD plan consisted of approximately 650,000 square feet of retail and office space, and 297 single family residences and apartment units on 72 acres. The approval of an associated zone change resulted in a combination of zoning designations: C-C (Community

Commercial), I-L (Light Industrial), and SFR-10 (Single Family Residential – 10 units per acre) (ZC-06-347). A 21-lot subdivision was also tentatively approved at that time.

The Planning Commission approved revisions to the PUD in 2009 that included the realignment of Myers Lane to correctly align with Myers Lane south of Garfield Street, realignment of Hansen Creek through the project; increasing the overall net acreage of the PUD to 77.39 acres; adjustments to the cumulative acreages of the underlying zoning based on master plan design revisions; an improved internal circulation system; revised phasing plan; and the reduction in the overall number of residential units from 297 to 190, the reduction of the gross retail square footage by 30,595 square feet, and reduction of the office square footage by 31,629 square feet. The revision also included a zone change that increased the area zoned SFR-10 by 2.05 acres and C-C by 2.94 acres. The overall I-L zoned area was reduced by 4.99 acres. A revised tentative subdivision plat reduced the number of lots from 21 to 18 and reconfigured the internal public street system.

In August of 2013, the Planning Commission approved a second revision to the Planned Unit Development, which amended the design of the commercial streets the internal to the site. The approved revision did not affect the required right-of-way widths; rather, it altered the approved the street cross-section design. The purpose of the design is to provide improved facilities for bicyclists, pedestrians and motorists while treating a portion of the storm drainage runoff within the right-of-way.

The Stewart Meadows Village Planned Unit Development, approved in November 2007, contained a condition of approval that delegated authority to the Site Plan and Architectural Commission (SPAC) for the approval of site plan details for the development, including landscaping of the common areas and building design.

In April of 2014, the applicant received approval from the Site Plan and Architectural Commission of the Stewart Meadows Village Design Guidelines (AC-14-009) to ensure design elements of the development have a consistent design statement and enhanced sense of place. The design principles listed were employed in the formation of the project guidelines: provide a pedestrian friendly and mixed use environment utilizing Hansen Creek as its centerpiece; provide a sense of community by creating a consistent design statement and cohesive sense of place; incorporate the built history of the site; integrate the form and function of the natural environment, maintain the health of Hansen Creek, and incorporate environmentally sustainable materials and strategies where feasible.

The applicant recently received approval from the Planning Commission for a third PUD revision on June 23, 2016. General configuration of the uses, open space, and circulation patterns remain generally consistent with the 2009 approved development plan. The most significant and revision pertained to north portion of the PUD along Stewart Avenue. The revised plan for, immediately south of Stewart Avenue, now consists of three buildings. Buildings 10 and 11 are still intended to be used for general office purposes. Building 12 was the most significant

change to the development overall, which a three-story, 66,837 square foot medical office building was approved by the Commission. On July 1, 2016, The Site Plan and Architectural Commission review and approved the medical office building and revisions to the architectural standards for large office buildings.

Analysis

An itemized analysis of the proposed rezone request based on the criteria outlined in Medford Land Development Code (MLDC) Section 10.227 cited above is as follows:

Section 10.227(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.

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

(i) The I-L zone may abut residential and commercial zones, and the General Industrial (I-G) zone. The I-L zone is ordinarily considered to be unsuitable when abutting the Heavy Industrial (I-H) zone, unless the applicant can show it would be suitable pursuant to (1) (e) below.

(ii) The I-G zone may abut the Heavy Commercial (C-H), Light Industrial (I-L), and the Heavy Industrial (I-H) zones. The I-G zone is ordinarily considered to be unsuitable when abutting the other commercial and residential zones, unless the applicant can show it would be suitable pursuant to (1)(e) below.

Findings of Fact, Staff:

In their approval of the 2009 zone change, the Planning Commission found the zone change was consistent with the General Land Use Plan Map and the Transportation System Plan (TSP) and thus with the Transportation Planning Rule. With this proposed change of zone, the applicant prepared a TIA report (Exhibit B – Applicant Exhibits 3 & 4). The TIA finds that proposed change of zones do not increase peak hour trips.

One purpose of this application is to reconfigure a small portion of the zoning boundary being I-L and I-G zoning districts. (Exhibit B, Applicant Exhibits' 8-10). The General Land Use Plan (GLUP) map designation for the subject properties G-I (General Industrial), allows both I-L and I-G zoning districts. The proposed change of zones causes no new vehicular trips for the project as the areas to be reconfigured are the exact same size. A second purpose of this zone change is to assess existing traffic conditions to determine if the mitigations required as part of the 2008

zone change approval are still applicable. With regard to general plan and zoning locational criteria The subject parcels are in compliance with both the GLUP and the locational standards of subsection (d)-(i), as the subject parcels abut an I-L property districts, but do not abut a Heavy Industrial (I-H) zoned parcels, consistent with the locational criteria as outlined in subsection (d)-(i) above. The subject zone change is also consistent with subsection (d)-(ii), the I-G zone abuts I-L zoning, but does not abut any other zone.

Section 10.227(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.*

Findings of Fact, Staff:

Storm drainage: The City of Medford Public Works Department has determined that the subject properties have access to existing storm drainage facilities in the area and have capacity to serve their property under the proposed zoning (Exhibit C).

Sanitary sewer: The subject site lies within the Rouge Valle Sewer Service (RVSS) area. The 18 inch sewer main flowing across tax lot 2802 is currently planned to serve the subject portion of the Stewart Meadows Village PUD. Adequate sewer capacity exists to accommodate the proposed zoning (Exhibit F)

Water: Municipal water services are provided to the subject properties by the Medford Water Commission. The Water Commission staff has determined that access to MWC water lines for connection is available to the subject property by the as existing 16 inch water line in Stewart Avenue and 2-inch water line across tax lots 2000, 2100, 2190 and 2200. (Exhibit D)

- (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;*

Findings of Fact, Staff:

Based on the Traffic Impact Analysis (TIA) conducted by Sandow Engineering on behalf of the applicant, it is demonstrated that the zone change has no impact on the traffic generation of

the project. Previously, Stewart Meadows had been approved to allow up to 974 peak hour trips. The zone change does not cause this number to be exceeded.

Additionally the addendum is being completed to reevaluate conditions at the intersections that were previously shown to be needing mitigation by Stewart Meadows PUD based on 974 peak hour trips. In summary, the currently submitted TIA analysis demonstrates the previous 2008 analysis conditions have not reached the predicted levels of traffic. Mitigations required in the 2008 approved application for the intersection of Garfield at Highway 99 are no longer necessary to maintain 974 peak hour trips. Likewise, the analysis demonstrates the mitigations are no longer needed through the end of the planning horizon for City facilities; which include the following intersections; Garfield at Kings Highway, Garfield and Holley, and Stewart Avenue at Riverside Avenue.

The intersection of Garfield at Myers will meet mobility standard as a stopped controlled intersection and without the connection to Anton Drive. A signal is no longer needed for the development at the Meyers Garfield intersection under 2017 conditions, even if Anton Drive is not connected in the year 2017. Garfield and Myers do not meet mobility standards for the year 2023 as a stop controlled intersection without street connectivity to Anon Drive. In order to mitigate this intersection, a Anton Drive connection will need to be made by 2023. If the connection cannot be made, the developer can install a traffic signal or reduce development to generate no more the 940 trips.

Public Works Report (Exhibit C) and the Oregon Department of Transportation (Exhibit G) have reviewed the transportation impact analysis and concur with its findings.

Other Agency Comments

- The Medford Fire Department approved the request as submitted, and reported no special concerns (Exhibit E).

FINDINGS AND CONCLUSIONS

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

RECOMMENDED ACTION

Adopt findings as recommended by staff and direct staff to prepare a Final Order for approval of ZC-16-066 per the staff report dated August 4 2016, including Exhibits A through G.

EXHIBITS

- A Conditions of Approval
- B Applicant's Findings of Fact, including applicant exhibits, received May 19, 2016;
 - Revised Preliminary PUD Plan
 - Transportation Impact Analysis for City of Medford (Incorporated by reference)
 - Transportation Impact Analysis for ODOT (Incorporated by reference)

- Assessor Map showing Stewart Meadows Village PUD
- Approved 2009 Stewart Meadows Village PUD Zoning Map
- GLUP Map
- Assessor Map showing existing zoning
- Assessor map showing zoning \boundary changes
- Assessor Map showing new zoning
- Legal description of areas proposed to be rezoned
- Draft map showing future lot configuration for portion of PUD

- C Public Works Department Staff Report dated, July 6, 2016
- D Medford Water Commission Staff Memo, dated July 6, 2016
- E Medford Fire Department report prepared June 26, 2016
- F Correspondence from Rogue Valley Sewer Services, dated July 5, 2016
- G Oregon Department of Transportation Memo to Sandow Engineering, dated May 10, 2016
Vicinity map

PLANNING COMMISSION AGENDA:

AUGUST 11, 2016

EXHIBIT A

Stewart Meadows Village Zone Change

ZC-16-066

Conditions of Approval

August 4, 2016

DISCRETIONARY CONDITIONS

1. Comply with the Public Works Department Staff Report dated, July 6, 2016
2. Comply with the Medford Water Commission Staff Memo, dated July 6, 2016
3. Comply with the Correspondence from Rogue Valley Sewer Services, dated July 5, 2016

CITY OF MEDFORD,
EXHIBIT # A
File # ZC-16-066
 1 of 1

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

IN THE MATTER OF AN APPLICATION SEEKING
MODIFICATIONS TO EXISTING CONDITIONS OF
APPROVAL FOR A PREVIOUSLY APPROVED
ZONE CHANGE AND ADJUSTMENTS TO THE
BOUNDARY BETWEEN ZONING DISTRICTS

APPLICANT'S
EXHIBIT 1

APPLICATION: Request for modifications to existing conditions of approval and for adjustments to the zoning boundary between the I-L and the I-G zoning districts, on an approximate 77-acre mixed use Planned Unit Development bounded generally by Stewart Avenue, South Pacific Highway, Garfield Avenue, and Myers Lane, within an SFR-6/PD/RZ, SFR-10/PD/RZ, C-C/PD/RZ, I-L/PD/RZ, and I-G/PD zoning district.

APPLICANT/

OWNER: KOGAP Enterprises, Inc.
115 Stewart Avenue
Medford, OR 97501

AGENT: Maize & Associates, Inc.
P.O. Box 628
Medford, OR 97501

A. BACKGROUND INFORMATION

In March 2009, the Planning Commission approved the Preliminary PUD Plan for Stewart Meadows Village PUD and a concurrent Zone Change (File ZC-09-005), that included several conditions (listed on pages 2 - 4) to improve several adjacent intersections to mitigate vehicular impacts that would be generated from the proposed development.

In March 2016, a PUD revision application (PUD-16-037) was submitted to the City that allows a medical office building within the PUD plan and changes some other building sizes and uses (Exhibit "2"). That revision also includes the addition to the PUD of two tax lots consisting of 1.6 acres, which are zoned General Industrial (I-G). The applicant was careful in making those revisions to the PUD plan to make sure that the resultant trip generation would be the same as the trip generation from the 2009 zone change approval - 974 pm peak hour trips.

CITY OF MEDFORD
EXHIBIT B
FILE # ZC-16-066

B. PURPOSE AND SCOPE OF THE APPLICATION

The subject application has two purposes and requests.

1. The first purpose of the application is to modify the 2009 zone change street conditions, which are listed below. The applicant has engaged the services of Sandow Engineering to conduct a Traffic Impact Analysis (TIA) (Exhibits "3" and "4") based upon the Revised Preliminary PUD Plan. The 2009 Preliminary PUD Plan approval and Zone Change were based on an expectation that the portion of the Stewart Meadows Village PUD west of Hansen Creek (Phase 1) would be developed as a single phase and would be entirely built out by 2015. Consequently, the zone change mitigation conditions were based upon the immediate build-out of essentially one-half of the development, which did not happen. At present, no building construction has taken place within the PUD development.

The TIA completed in 2008 found that with development of the western half of the PUD (Phase 1), the following traffic mitigations would be necessary to ensure that all affected intersections would operate at an acceptable Level of Service (LOS). The mitigations were adopted by the Planning Commission as conditions for further development of the Stewart Meadows Village PUD.

2009 CONDITIONS OF APPROVAL (STREETS)

- STEWART AVENUE / MYERS LANE INTERSECTION
(from Public Works Conditions - Exhibit "Y-1", dated October 4, 2007)
 1. *The developer in order to mitigate traffic impacts shall modify the intersection of Stewart Avenue and Myers Lane to limit access to eastbound right-in, northbound right-out, westbound left-in only. Said modification shall include but not be limited to a raised concrete median designed to AASHTO standards and meeting City standards. This mitigation shall be complete prior to the first phase.*
- GARFIELD STREET / MYERS LANE INTERSECTION
(from Public Works Conditions - Exhibit "K-1", dated March 5, 2009)
 3. *For the intersection of Garfield Street and Myers Lane, the developer shall:*
 - a. *Construct the Anton Drive connection as part of Phase 1 construction, or*
 - b. *If the Anton Drive connection is delayed until the future phase construction, the developer shall provide a traffic signal prior to Phase 1 building permit; or*
 - c. *If the Anton Drive connection is delayed until the future phase construction, the developer shall provide a security deposit or bond in the amount of 120 percent of the estimated costs for designing and constructing a traffic signal.*

The City will monitor the traffic conditions at this intersection to determine if the signal will be needed before the connection of Anton Drive has been constructed. At such time that the Anton Drive connection is built, the City will release the applicant's security for design and construction of the traffic signal if the signal is still not installed.

- **GARFIELD STREET / KINGS HIGHWAY INTERSECTION**
(from Public Works Conditions - Exhibit "X-1", dated October 4, 2007)
 2. *Mitigation of traffic impacts at the intersection of Garfield Street at Kings Highway shall be accomplished in two stages. Prior to the construction of the first phase the developer shall up-grade the intersection from two-way stop control (north and southbound) to all-way stop control. Prior to the year 2023 the developer shall construct a traffic signal at this intersection.*

- **GARFIELD STREET / HOLLY STREET INTERSECTION**
(from Public Works Conditions - Exhibit "X-1", dated October 4, 2007)
 3. *The developer shall construct a traffic signal at the intersection of Garfield Street and Holly Street to mitigate traffic impacts. Said signal shall be constructed prior to construction of the first phase.*
 4. *The Public Works Department does not support any additional vehicular accesses on Garfield Street, which is a major arterial street. The City will support the relocation of the north side un-signalized driveway between Myers Lane and Anton Drive if it is kept 200 feet from existing streets or driveways. If the applicant desires an additional access on Myers Lane, the Public Works Department can support it as long as it meets the minimum intersection spacing requirements.*

- **HIGHWAY 99 (SOUTH PACIFIC HIGHWAY) / STEWART AVENUE INTERSECTION**
(from Public Works Conditions - Exhibit "X-1", dated October 4, 2007)
 5. *The developer shall mitigate traffic impacts at the intersection of OR-99 and Stewart Avenue prior to the year 2023 using one of the two options:*
 - a. *Construct improvements and restripe the eastbound approach to include dual left turn lanes, a through lane and a shared through and right turn lane, or*
 - b. *Construct improvements and restripe the eastbound approach to include dual left turn lanes, a through lane and a dedicated right turn lane with a right turn overlap signal.*
 6. *The developer shall comply with any ODOT Conditions of Approval.*
(from ODOT Conditions - Exhibit "Y", dated October 2, 2007)

7. *The TIA traffic mitigation for the State Highway Facilities is as follows:*

a. *State Hwy. 99 & Stewart Avenue intersection - This intersection has two traffic mitigation options.*

- *Option 1; Eastbound dual lefts, through, through-right lanes.*
- *Option 2; Eastbound dual lefts, through, right lanes, right turn overlap.*

Both of these traffic mitigation options have acceptable v/c ratios. ODOT traffic engineers recommend Option 2 be installed to mitigate traffic impacts as shown in the TIA Appendices volume 5 of 5; page R50. The final designed plans shall be reviewed and accepted by ODOT District 8 prior to installation.

- **HIGHWAY 99 (SOUTH PACIFIC HIGHWAY) / GARFIELD STREET INTERSECTION**

(from ODOT Conditions - Exhibit "Y", dated October 2, 2007)

b. *State Hwy 99 & Garfield Street intersection - This intersection shall have an eastbound right turn lane added and the traffic signals shall operate with a right turn overlap. The final designed plans shall be reviewed and accepted by ODOT District 8 prior to installation.*

Both of these TIA traffic mitigations shall require a Signal Modification Request Form (SMRF) completed and submitted to the State Traffic Engineer.

(from ODOT Conditions - Exhibit "Y-1", dated March 4, 2009)

8. *Following our review of the HEA/KOGAP revised application materials and traffic study prepared by JRH Transportation Engineering, we have no concerns with the proposed Stewart Meadows Village PUD and zone change amendments. We understands the applicant agrees to the original conditions outlined in the city's staff report "Exhibit BB" (ODOT's letter of 10/2/07), to "... fund, design, acquire right-of-way and install an eastbound right turn lane and modify the traffic signal to operate with a right turn overlap at the OR 99/Garfield Street intersection ...". The applicant's final plans and signal modification request will need to be coordinated with the Department, prior to the City's issuance of a building permits.*

9. *Finally, we support the RVTD requested bus stop on OR 99, on the south side of the Garfield Avenue, as an alternative transportation mode to service the Stewart Meadows mixed-use development. We recommend the Planning Commission condition the applicant to provide a bus stop to serve the Stewart Meadows Village development, consistent with the city's Municipal Code, Section 6.375, and the city's adopted Transportation System Plan, Chapter 7, Public Transit Plan.*

With the subject zone change application, the applicant desires to (1) establish at what point(s) in the Phase 1 development the intersection mitigations would be

required to maintain LOS "D", and (2) to reassess the traffic volumes in order to determine whether the volumes anticipated in the 2009 TIA, have occurred.

Section 10.228 of the Land Development Code provides standards to remove conditions of approval for zone changes, however only if improvements have been made to facilities that were lacking adequacy. Without an improvement being made, conditions can be removed pursuant to a zone change application. Such is the case in this situation, since most intersection improvements have not been made at this time.

2. The second purpose of the subject application is to reconfigure a small portion of the zoning boundary between the I-L and the I-G zoning districts within the PUD as shown on Exhibits "8" - "10". The reason for requesting this adjustment is to allow the medical office building and its site to be situated on a single parcel, which could not occur with the two existing underlying zones.

These two purposes, or requests of the subject application are addressed individually in the applicant's findings and conclusions of law in Sections "E" and "F" below.

C. APPLICANT'S SUBMITTALS

- Exhibit 1 Findings of Fact and Conclusions of Law
- Exhibit 2 Revised Preliminary PUD Plan dated March 18, 2016 (under review)
- Exhibit 3 Traffic Impact Analysis for City of Medford, by Sandow Engineering, dated March 14, 2016
- Exhibit 4 Traffic Impact Analysis for ODOT, by Sandow Engineering, dated March 14, 2016
- Exhibit 5 Assessor's Map showing Stewart Meadows Village PUD
- Exhibit 6 Approved 2009 Stewart Meadows Village PUD Zoning Map
- Exhibit 7 GLUP Map showing Subject Zone Change Boundary Area
- Exhibit 8 Assessor Map Detail showing Existing Zoning
- Exhibit 9 Assessor Map Detail showing Zoning Boundary Changes
- Exhibit 10 Assessor Map Detail showing New Zoning
- Exhibit 11 Legal Descriptions of Areas Proposed to be Rezoned
- Exhibit 12 Draft Map showing Future Lot Configuration for Portion of PUD

D. RELEVANT ZONE CHANGE APPROVAL CRITERIA

MEDFORD LAND DEVELOPMENT CODE

ZONE CHANGE CRITERIA – SECTION 10.227

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.

**** (omitted text) ¹

- d. For zone changes to any industrial zoning district, the following criteria shall be met for the applicable zoning sought:
- i. The I-L zone may abut residential and commercial zones, and the General Industrial (I-G) zone. The I-L zone is ordinarily considered to be unsuitable when abutting the Heavy Industrial (I-H) zone, unless the applicant can show it would be suitable pursuant to (1)(e) below.
 - ii. The I-G zone may abut the Heavy Commercial (C-H), Light Industrial (I-L), and the Heavy Industrial (I-H) zones. The I-G zone is ordinarily considered to be unsuitable when abutting the other commercial and residential zones, unless the applicant can show it would be suitable pursuant to (1)(e) below.
 - iii. The I-H zone may abut the General Industrial (I-G) zone. The I-H zone is ordinarily considered to be unsuitable when abutting other zones, unless the applicant can show it would be suitable pursuant to (1)(e) below.
- e. For purposes of (1)(c) and (1)(d) above, a zone change may be found to be "suitable" where compliance is demonstrated with one (1) or more of the following criteria:
- i. The subject property has been sited on the General Land Use Plan Map with a GLUP Map designation that allows only one (1) zone;
 - ii. At least fifty percent (50%) of the subject property's boundaries abut zones that are expressly allowed under the criteria in (1)(c) or (1)(d) above;
 - iii. At least fifty percent (50%) of the subject property's boundaries abut properties that contain one (1) or more existing uses which are permitted or conditional uses in the zone sought by the applicant, regardless of whether the abutting properties are actually zoned for such existing uses; or
 - iv. Notwithstanding the definition of "abutting" in Section 10.012 and for purposes of determining suitability under Section (1) (e), the subject property is separated from the "unsuitable" zone by a public right-of-way of at least sixty (60) feet in width.

¹ This omitted section, 1(a - e) contains the locational standards for the SFR and Commercial zoning districts, which do not apply to this application.

"B"
leaf 34

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

"B"
 7 of 34

development conditions shall be established by deed restriction or covenant, which must be recorded with proof of recordation returned to the Planning Department, and may include, but are not limited to the following:

- i. Restriction of uses by type or intensity; however, in cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development, on the subject property or adjacent parcels. In no case shall residential densities be approved which do not meet minimum density standards.
- ii. Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule,
- iii. Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.

E. FINDINGS OF FACT AND CONCLUSIONS OF LAW ADDRESSING THE RELEVANT ZONE CHANGE APPROVAL CRITERIA TO MODIFY EXISTING ZONE CHANGE CONDITIONS

This section includes findings, showing how the request to modify the 2009 zone change conditions, meets the relevant decisional criteria of Land Development Code Section 10.227.

The Planning Commission has considered the following facts, which are fundamental in making their decision regarding the subject application.

ZONE CHANGE CRITERIA – SECTION 10.227

Criterion No. 1

1. *The proposed zone is consistent with the Transportation System Plan (TSP) and the General Land Use Plan Map designation. A demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule.) 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.*

Findings of Fact

In their approval of the 2009 zone change, the Planning Commission found that the zone change was consistent with the General Land Use Plan Map and the Oregon Transportation Planning Rule.

"B"
8 of 34

The applicant has submitted a Traffic Impact Analysis that follows the standards of the Land Development Code in its preparation and has been reviewed by the City of Medford to assure conformance with the Land Development Code and Medford's Transportation System Plan. The discussion of the public facilities, the applicant's TIA, and the conditions of mitigation, follows below

Conclusions of Law

Based upon the above findings, the Planning Commission concludes that the proposed zone change application is consistent with the Transportation System Plan and the General Land Use Plan Map designations. As this section addresses the modification of Zone Change conditions, the locational standards do not apply.

Criterion No. 2

2. *It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in Section 10.462 and Goal 2 of the Comprehensive Plan "Public Facilities Element" and Transportation System Plan.*

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

Findings of Fact

The City of Medford's Comprehensive Plan and Land Development Code direct the City to make a determination at the time of a request to change the zone on a property, that the four Category "A" urban services and facilities are adequate. If they are, development can then take place on the property in the future without having to again make that determination. In 2009, the Planning Commission concluded that all of the Category "A" urban services and facilities were adequate with the proposed zoning and PUD development plan, together with the addition of conditions to improve adjacent street intersections.

The table below summarizes the changes to the 2009 PUD Plan that are being proposed with the Revised Preliminary PUD Plan (Exhibit "2").

Table 1
Use and Building Size Changes from
Proposed Revised Preliminary PUD Plan for Stewart Meadows Village (PUD-16-037)
 (buildings not included in table are unchanged)

Building Number	2009 Approval			Proposed 2016 Revision		
	Use	Building Sq. Ft.	Building Stories	Use	Building Sq. Ft.	Building Stories
10	Office	15,540	2	Office	22,400	2
11	Office	15,540	2	Office	38,400	2
12	Office	39,630	2	Medical Office	66,837	3
13	Office	30,400	2	Eliminated		
31	Retail	7,245	2	Office	7,245	2
32	Retail	21,150	2	Office	21,150	2
35	Retail	13,300	2	Office	13,300	2
36	Retail	18,540	2	Office	13,675	2
47	Retail	5,700	2	Office	9,300	2
48	Retail	23,330	1	Furniture	23,330	1
49	Retail	3,600	2	Eliminated		
50	Retail	4,800	2	Eliminated		
Totals		198,775			215,637	

The 2016 PUD revision represents a 2.1% increase in square footage over the 2009 approval. (787,465 square feet to 804,327, an increase of 16,862 square feet)

With respect to each of the above Category "A" public facilities, the Planning Commission considers the following facts:

A. Water Service

The Medford Water Commission staff states that with the revisions to the PUD plan as shown in Table 1, the water facilities will continue to be made available at the time of the issuance of building permits for vertical construction.

B. Sanitary Sewer and Treatment

The Stewart Meadows Village PUD is within the Rogue Valley Sewer Service area, and its representative states that with the revisions to the PUD plan as shown in Table 1, the sanitary sewer and treatment facilities will continue to be made available at the time of the issuance of building permits for vertical construction.

C. Storm Drainage

The Medford Public Works Department states that with the revisions to the PUD plan as shown in Table 1, the storm drainage facilities will continue to be made available at the time of the issuance of building permits for vertical construction.

"B"
 10 of 34

Conclusions of Law

Based upon the above findings the Planning Commission concludes that the facilities for storm drainage, sanitary sewer, and water are already adequate in condition and location to serve the Stewart Meadows Village PUD property or be extended or otherwise improved to adequately serve the PUD at the time of issuance of a building permit for vertical construction.

- b. *Adequate streets and street capacity must be provided in one (1) of the following ways:*
- i. *Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity; or*
 - ii. *Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or*
 - iii. *If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one (1) proposed or anticipated development, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one (1) of the following occurs:*
 - a. *the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two (2) years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or*
 - b. *when an applicant funds the improvement through a reimbursement district pursuant to the MLDC. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.*
 - iv. *When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.*
- c. *In determining the adequacy of Category A facilities, the approving authority (Planning Commission) may evaluate potential impacts based upon the imposition of special development conditions attached to the zone change request. Special development conditions shall be established by deed restriction or covenant, which must be recorded with proof of recordation returned to the Planning Department, and may include, but are not limited to the following:*

11 of 34
B

- 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.*

Findings of Fact

D. Transportation Facilities

With respect to streets and street capacities, the Planning Commission has considered the following facts.

The applicant has submitted two Traffic Impact Analyses with this application conducted by Sandow Engineering (Exhibits "3" and "4") dated March 14, 2016. Those TIAs analyze the traffic impacts from Stewart Meadows Village PUD with the revisions to the PUD plan as represented on Exhibit "2".

The text below is the Executive Summary from the Sandow TIA, which contains the results from the study.

EXECUTIVE SUMMARY FINDINGS FROM THE REPORT FOR THE CITY OF MEDFORD (from Exhibit "3")

The revised site plan results in 973 PM peak hour trips. Therefore, there is a net-zero increase in development trips with the revised site plan.

The analysis demonstrates that the current traffic conditions have not reached the levels predicted in the 2008 TIA.

The analysis demonstrates that the following mitigations conditioned as part of the previous approvals is no longer needed through the end of the planning horizon and are no longer necessary for the Stewart Meadows PUD as part of this addendum while maintaining 974 PM peak hour trips.

- Garfield Street / Kings Highway intersection*
- Garfield Street / Highway 99 intersection (see separate ODOT report)*
- Garfield Street / Holly Street intersection*
- Stewart Avenue / Highway 99 intersection*

B
12 of 34

For the year 2017, the intersection of Garfield at Myers Lane will meet the mobility standard with the revised site plan (973 trips), as a stop controlled intersection, and without the connection to Anton Drive. The signal is no longer needed for the proposed development scenario under year 2017 traffic conditions, even if Anton Drive is not connected for the year 2017.

The intersection of Garfield Street at Myers Lane does not meet the mobility standard for the year 2023 as a stop controlled intersection and without the connection to Anton Drive. In order to mitigate this intersection, the Anton Drive connection will need to be made. If the connection cannot be made, the developer can install a traffic signal (by the year 2023) or reduce the level of development to generate no more than 940 PM peak hour trips.

EXECUTIVE SUMMARY FINDINGS FROM THE REPORT FOR THE OREGON DEPARTMENT OF TRANSPORTATION (ODOT) (from Exhibit "4")

The revised site plan results in 973 PM peak hour trips. Therefore, there is a net-zero increase in development trips with the revised site plan.

The analysis demonstrates that the current traffic conditions have not reached the levels predicted in the 2008 TIA.

The analysis demonstrates that the following mitigations conditioned as part of the previous approvals is no longer needed through the end of the planning horizon: Garfield at Highway 99, are no longer necessary for the Stewart Meadows PUD as part of this addendum while maintaining 974 PM peak hour trips.

Conclusions of Law

Based upon the above findings, including the Traffic Impact Analyses prepared by Sandow Engineering, the Planning Commission concludes that the traffic mitigation conditions from the 2009 zone change application be modified resulting in the following intersection conditions that apply to the Stewart Meadows Village PUD development

- Stewart Avenue / Myers Lane

The applicant will modify the intersection of Stewart Avenue and Myers Lane to limit access to eastbound right-in, northbound right-out, westbound left-in only. The modification shall include a raised concrete median designed to AASHTO standards and meeting City standards. This mitigation shall be complete prior to the first phase of development.

11-B''
13 of 34

- Garfield Street / Myers Lane

For the year 2017, the intersection of Garfield at Myers Lane will meet the mobility standard with the revised site plan (973 trips), as a stop controlled intersection, and without the connection to Anton Drive. The signal is no longer needed for the proposed development scenario under year 2017 traffic conditions, even if Anton Drive is not connected for the year 2017.

The intersection of Garfield Street at Myers Lane does not meet the mobility standard for the year 2023 as a stop controlled intersection and without the connection to Anton Drive. In order to mitigate this intersection, the Anton Drive connection will need to be made. If the connection cannot be made, the developer can install a traffic signal (by the year 2023) or reduce the level of development to generate no more than 940 PM peak hour trips.

- Garfield Street / Kings Highway
- no mitigation required
- Garfield Street / Holly Street
- no mitigation required
- Highway 99 / Stewart Avenue
- no mitigation required
- Highway 99 / Garfield Street
- no mitigation required

F. FINDINGS OF FACT AND CONCLUSIONS OF LAW ADDRESSING THE RELEVANT ZONE CHANGE APPROVAL CRITERIA TO ADJUST THE BOUNDARY BETWEEN THE I-L AND I-G ZONING DISTRICTS

The Planning Commission has considered the following facts, which are fundamental in making their decision regarding the subject application.

ZONE CHANGE CRITERIA – SECTION 10.227

Criterion No. 1

1. *The proposed zone is consistent with the Transportation System Plan (TSP) and the General Land Use Plan Map designation. A demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule.) 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.*

"B"
14 of 34

- d. For zone changes to any industrial zoning district, the following criteria shall be met for the applicable zoning sought:
- i. The I-L zone may abut residential and commercial zones, and the General Industrial (I-G) zone. The I-L zone is ordinarily considered to be unsuitable when abutting the Heavy Industrial (I-H) zone, unless the applicant can show it would be suitable pursuant to (1)(e) below.
 - ii. The I-G zone may abut the Heavy Commercial (C-H), Light Industrial (I-L), and the Heavy Industrial (I-H) zones. The I-G zone is ordinarily considered to be unsuitable when abutting the other commercial and residential zones, unless the applicant can show it would be suitable pursuant to (1)(e) below.
 - iii. The I-H zone may abut the General Industrial (I-G) zone. The I-H zone is ordinarily considered to be unsuitable when abutting other zones, unless the applicant can show it would be suitable pursuant to (1)(e) below.
- e. For purposes of (1)(c) and (1)(d) above, a zone change may be found to be "suitable" where compliance is demonstrated with one (1) or more of the following criteria:
- i. The subject property has been sited on the General Land Use Plan Map with a GLUP Map designation that allows only one (1) zone;
 - ii. At least fifty percent (50%) of the subject property's boundaries abut zones that are expressly allowed under the criteria in (1)(c) or (1)(d) above;
 - iii. At least fifty percent (50%) of the subject property's boundaries abut properties that contain one (1) or more existing uses which are permitted or conditional uses in the zone sought by the applicant, regardless of whether the abutting properties are actually zoned for such existing uses; or
 - iv. Notwithstanding the definition of "abutting" in Section 10.012 and for purposes of determining suitability under Section (1) (e), the subject property is separated from the "unsuitable" zone by a public right-of-way of at least sixty (60) feet in width.

Findings of Fact

The proposed revisions to the boundary between the I-L and I-G zones, as shown on Exhibits "8" - "10", does not change the existing areas of those two zoning districts, nor does it change the uses that have been approved within the Stewart Meadows Village PUD. Section 10.230(D)(8) of the Land Development Code allows PUD's that have more than one General Land Use Plan designation to have the flexibility to mix or relocate such designations within the boundaries of the PUD in any manner and/or location as may be approved by the Planning Commission.

The Stewart Meadows Village property has four land use designations, as shown on Exhibit "7" – the Urban Residential designation represented by the SFR-10 zone; the Commercial land use designation represented by the Community Commercial zone; the General Industrial land use designation represented by the Light Industrial zone; and the recently added Heavy Industrial land use designation represented by the General Industrial zone. Exhibit "6" shows the four zoning districts following the 2009 Zone Change approval, representative of the four existing land use designations that are allowed to be relocated within a PUD.

The reason again for the request is to allow the medical office building and its approximate 5.5-acre site to be placed on one tax lot. The applicant is in the process of submitting either a land division or property line adjustment application that once approved, will reconfigure the PUD's tax lots to create Lots 1 – 4, as shown on Exhibit "12". As a portion of the Lot 1 site contains both the I-L and I-G zones, this application requests to change the zoning boundary between the two zones as illustrated on Exhibits "8" – "10".

The I-L zone will continue to abut the I-G zone on three sides and a commercial zone on the east side. The I-G zone will continue to abut the I-L zone along three sides, and have less of an abutment with the C-R zone and more of an abutment with a I-G zoning district to the east.

Conclusions of Law

Based on the above findings, the Planning Commission concludes that the adjustment to the zoning boundary between the I-L and I-G zoning districts is consistent with the Transportation System Plan. The Planning Commission also concludes that the change is consistent with the General Land Use Plan Map designations that are allowed for PUD's with more than one designation.

The Planning Commission further concludes that the zone change is consistent with the locational standards for I-L and I-G zoning districts, and therefore the criterion has been met.

Criterion No. 2

- It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in Section 10.462 and Goal 2 of the Comprehensive Plan "Public Facilities Element" and Transportation System Plan.*

Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise

improved to adequately serve the property at the time of issuance of a building permit for vertical construction.

b. Adequate streets and street capacity must be provided in one (1) of the following ways:

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

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

iii. If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one (1) proposed or anticipated development, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one (1) of the following occurs:

a. the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two (2) years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or

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

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

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

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

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

Findings of Fact

As shown on the Revised Preliminary PUD Plan for Stewart Meadows Village PUD (Exhibit “2”), there is no change to the development plan that will be affected by the proposed change of zoning boundaries. Consequently, there will be no change to the Category “A” urban services and facilities. Representatives of the Medford Water Commission, the Rogue Valley Sewer Service, and the Medford Public Works Department state that the water, sanitary sewer storm drainage facilities, and streets, are adequate to serve the subject property with the permitted uses allowed under the proposed zoning.

The permitted uses within the PUD will not change as a result of the zoning boundary change. The medical office building site will be on a single lot with I-L zoning, and the I-G zoned lot will contain open-space” areas.

Conclusions of Law

Based on the above findings, the Planning Commission concludes that as all Category “A” urban facilities are available and will be provided to adequately serve the subject property, the Criterion has been met.

G. STIPULATIONS

In accordance with, and in order to insure that adequate transportation facilities serving the subject property are available, the applicant agrees to the following:

1. Street Intersection Improvements

a. Stewart Avenue / Myers Lane

The intersection of Stewart Avenue and Myers Lane will be modified to limit access to eastbound right-in, northbound right-out, westbound left-in only. The modification shall include a raised concrete median designed to AASHTO standards and meeting City standards. This mitigation will be completed prior to issuance of the first building permits.

b. Garfield Street / Myers Lane

- i. Until 2023, the Myers Lane / Garfield Avenue intersection shall be stop-controlled prior to issuance of building permits. If Anton Drive is

11B/1
18 of 34

connected to Garfield Avenue, then the stop-control will no longer be necessary.

ii. By 2023, one of the following shall take place:

- Anton Drive shall be connected to Garfield Avenue, or
- The Myers Lane / Garfield intersection shall be signalized, or
- The level of development shall be restricted to not exceed 940 PM peak hour trips

2. Property Boundary Adjustment

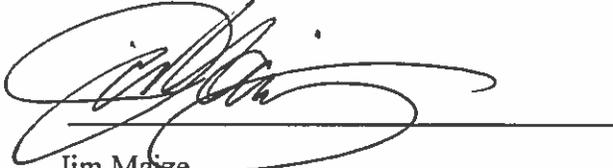
Prior to the granting of a certificate of occupancy by the City of Medford for the building on the future Lot 1, the lot boundary for the new I-G zoning district will be established.

H. ULTIMATE CONCLUSION

Based upon the above Findings of Fact and Conclusions of Law, the Planning Commission concludes that the application to (1) modify the conditions of the 2009 zone change application, resulting in the applicant's stipulations in Section "G" above, and to (2) adjust the boundary between the I-L and I-G zoning districts, meet the relevant zone change approval criteria in Section 10.227, and can therefore be approved.

Respectively Submitted,

Maize & Associates, Inc.



Jim Maize
Agent for Applicant,
KOGAP Enterprises, Inc.

Dated: May 19, 2016

RECEIVED

MAY 19 2016

PLANNING DEPT.

STEWART MEADOWS PUD
MODIFICATIONS TO EXISTING CONDITIONS

REPORT FOR CITY OF MEDFORD

March 14, 2016

APPLICANT'S
EXHIBIT
" 3 "

CITY OF MEDFORD

EXHIBIT _____

FILE # 7C-16-066

"B"
21 of 34

160 Madison Street, Suite A
Eugene, Oregon 97402
541.513.3376

TRAFFIC IMPACT ANALYSIS

D



EXECUTIVE SUMMARY

This report describes the Traffic Impact Analysis for an addendum to the Stewart Meadows PUD in Medford, Oregon. The site is located west of Highway 99 (Riverside Ave) and is bounded by Highway 99 to the east, Stewart Avenue to the North, Garfield Street to the South and Myers Lane to the west.

Previously the Stewart Meadows PUD had been approved to allow up to 974 PM peak hour with conditions of intersection improvements to be completed prior to the construction of the first building. The Stewart Meadows PUD is being modified to meet current market demands, which includes the construction of a 66,837 sf medical office building at the north end of the site. The medical office building was not part of the original development plan, therefore, this addendum is being proposed to allow for the medical office building. The site plan has been modified to reduce building square footages and change of uses to show a net zero increase of overall project site trips.

Additionally, this addendum is being completed to reevaluate conditions at the intersections that were shown to be needing mitigation by Stewart Meadows PUD. The intent is to determine if the mitigation measures can be postponed until a later date or eliminated entirely.

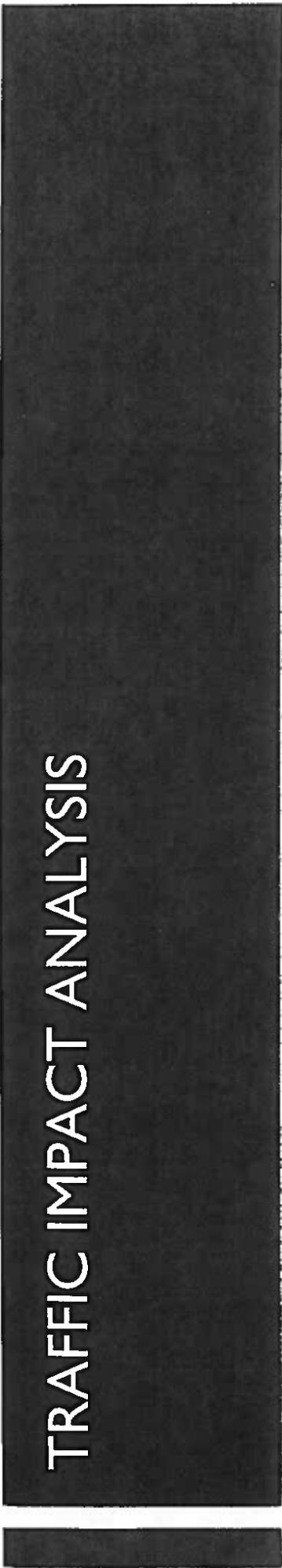
The analysis evaluates the transportation impacts as per the City of Medford TIA criteria. The following findings and recommendations are based on the information and analysis contained within this report.

FINDINGS

The analysis concludes the following findings:

- The revised site plan results in 973 PM peak hour trips. Therefore, there is a net-zero increase in development trips with the revised site plan.
- The analysis demonstrates that the current traffic conditions have not reached the levels predicted in the 2008 TIA.
- The analysis demonstrates that the following mitigations conditioned as part of the previous approvals is no longer needed through the end of the planning horizon Garfield at Kings Highway, Garfield at Highway 99 (see separate ODOT report), Garfield at Holly, and Stewart at Riverside are no longer necessary for the Stewart Meadows PUD as part of this addendum while maintaining 974 PM peak hour trips.
- For the year 2017, the intersection of Garfield at Meyers will meet the mobility standard with the revised site plan (973 trips), as a stop controlled intersection, and without the connection to Anton Drive. The signal is no longer needed for the proposed development scenario under year 2017 traffic conditions, even if Anton Drive is not connected for the year 2017.
- The intersection of Garfield at Meyers does not meet the mobility standard for the year 2023 as a stop controlled intersection and without the connection to Anton Drive. In order to mitigate this intersection, the Anton Drive connection will need to be made. If the connection cannot be made, the developer can install a traffic signal (by the year 2023) or reduce the level of development to generate no more than 940 PM peak hour trips.

11-B
22 of 34



TRAFFIC IMPACT ANALYSIS

RECEIVED
MAY 19 2016
PLANNING DEPT.

STEWART MEADOWS PUD
MODIFICATIONS TO EXISTING CONDITIONS

REPORT FOR OREGON DEPARTMENT OF
TRANSPORTATION

March 14, 2016

APPLICANT'S
EXHIBIT
" 4 "

CITY OF MEDFORD

EXHIBIT _____
FILE # ZC-16-066

"6"
23 of 34

160 Madison Street, Suite A
Eugene, Oregon 97402
541.513.3376





EXECUTIVE SUMMARY

This report describes the Traffic Impact Analysis for an addendum to the Stewart Meadows PUD in Medford, Oregon. The site is located west of Highway 99 (Riverside Ave) and is bounded by Highway 99 to the east, Stewart Avenue to the North, Garfield Street to the South and Myers Lane to the west.

Previously the Stewart Meadows PUD had been approved to allow up to 974 PM peak hour with conditions of intersection improvements to be completed prior to the construction of the first building. The Stewart Meadows PUD is being modified to meet current market demands, which includes the construction of a 66,837 sf medical office building at the north end of the site. The medical office building was not part of the original development plan, therefore, this addendum is being proposed to allow for the medical office building. The site plan has been modified to reduce building square footages and change of uses to show a net zero increase of overall project site trips.

Additionally, this addendum is being completed to reevaluate conditions at the intersections that were shown to be needing mitigation by Stewart Meadows PUD. The intent is to determine if the mitigation measures can be postponed until a later date or eliminated entirely.

The analysis evaluates the transportation impacts as per ODOT criteria. The following findings and recommendations are based on the information and analysis contained within this report.

FINDINGS

The analysis concludes the following findings:

- The revised site plan results in 973 PM peak hour trips. Therefore, there is a net-zero increase in development trips with the revised site plan.
- The analysis demonstrates that the current traffic conditions have not reached the levels predicted in the 2008 TIA.
- The analysis demonstrates that the following mitigations conditioned as part of the previous approvals is no longer needed through the end of the planning horizon: Garfield at Highway 99, are no longer necessary for the Stewart Meadows PUD as part of this addendum while maintaining 974 PM peak hour trips.

"B"
24 of 34

RECEIVED

MAY 19 2016

PLANNING DEPT.
CITY OF MEDFORD
SUBDIVISION

SEE MAP
37 1W 31AB

49-50

49-1

49-1

4-7

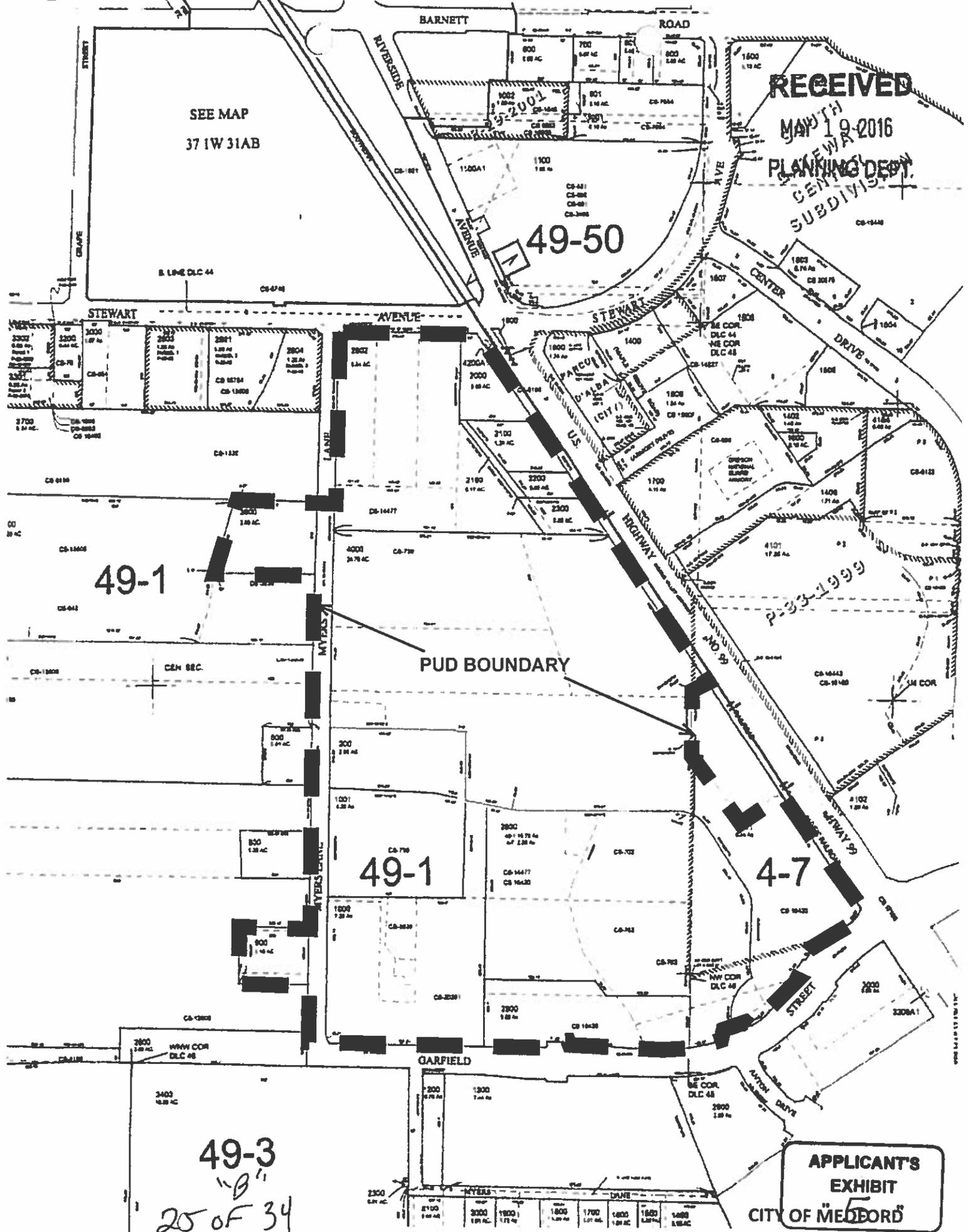
49-3

20 OF 34

APPLICANT'S
EXHIBIT

CITY OF MEDFORD

STEWART M VILLAGE PUD EXHIBIT



B 26 of 34

Page 70

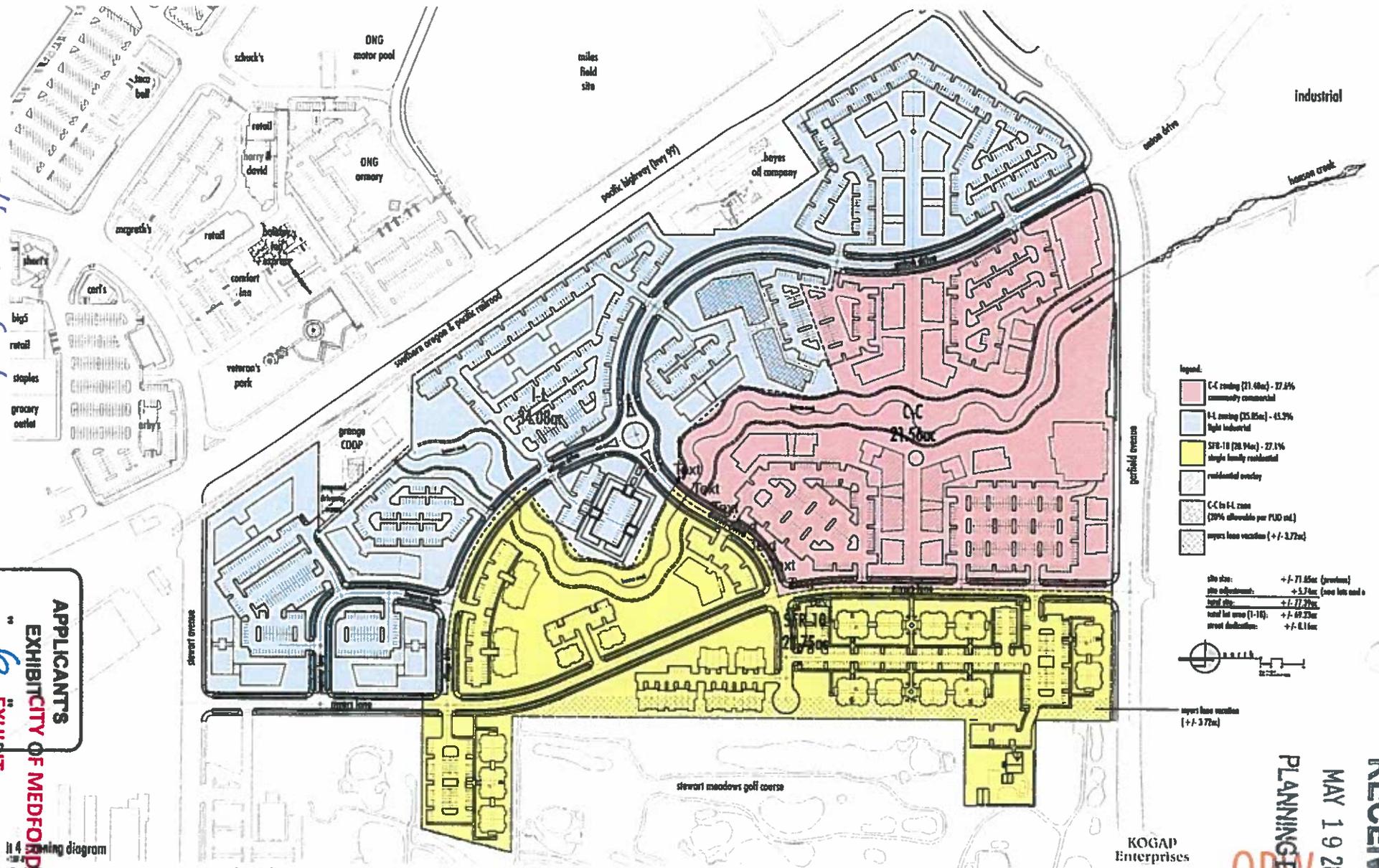
FILE # ZC-16-066

APPLICANT'S EXHIBIT CITY OF MEDFORD 6 EXHIBIT

It 4 Planning diagram

GAP enterprises - master plan for stewart meadows village
corner garfield and pacific highway; medford, oregon

2009 APPROVED ZONING MAP



- Legend:
- C-C zoning (21.68ac) - 27.8% community commercial
 - I-L zoning (25.85ac) - 45.3% light industrial
 - SFR-10 (28.94ac) - 27.3% single family residential
 - residential overlay
 - C-C to I-L zone (20% allowable per PLU ord.)
 - super lot vacation (+/- 3.72ac)

site size: +/- 71.85ac (gross)
 site adjustment: +/- 5.72ac (see lots and a
 total site: +/- 77.57ac
 total lot area (1-16): +/- 69.23ac
 street dedication: +/- 8.11ac



super lot vacation (+/- 3.72ac)



RECEIVED
 MAY 19 2016
 PLANNING DEPT.
 OGDEN REPORT CENTER
 CITY LAB GREAT TREE APPROACH HOVSEY DESIGN

RECEIVED

MAY 19 2016

PLANNING DEPT.

ARMORY DR

CM

MYERS LN

PS

HI

SUBJECT AREA

GI

ANTON DR

UR

CM

APPLICANT'S EXHIBIT

" 7 "

MEDFORD UGB MAP SHOWING ZONE CHANGE BOUNDARY AREA

CITY OF MEDFORD

EXHIBIT

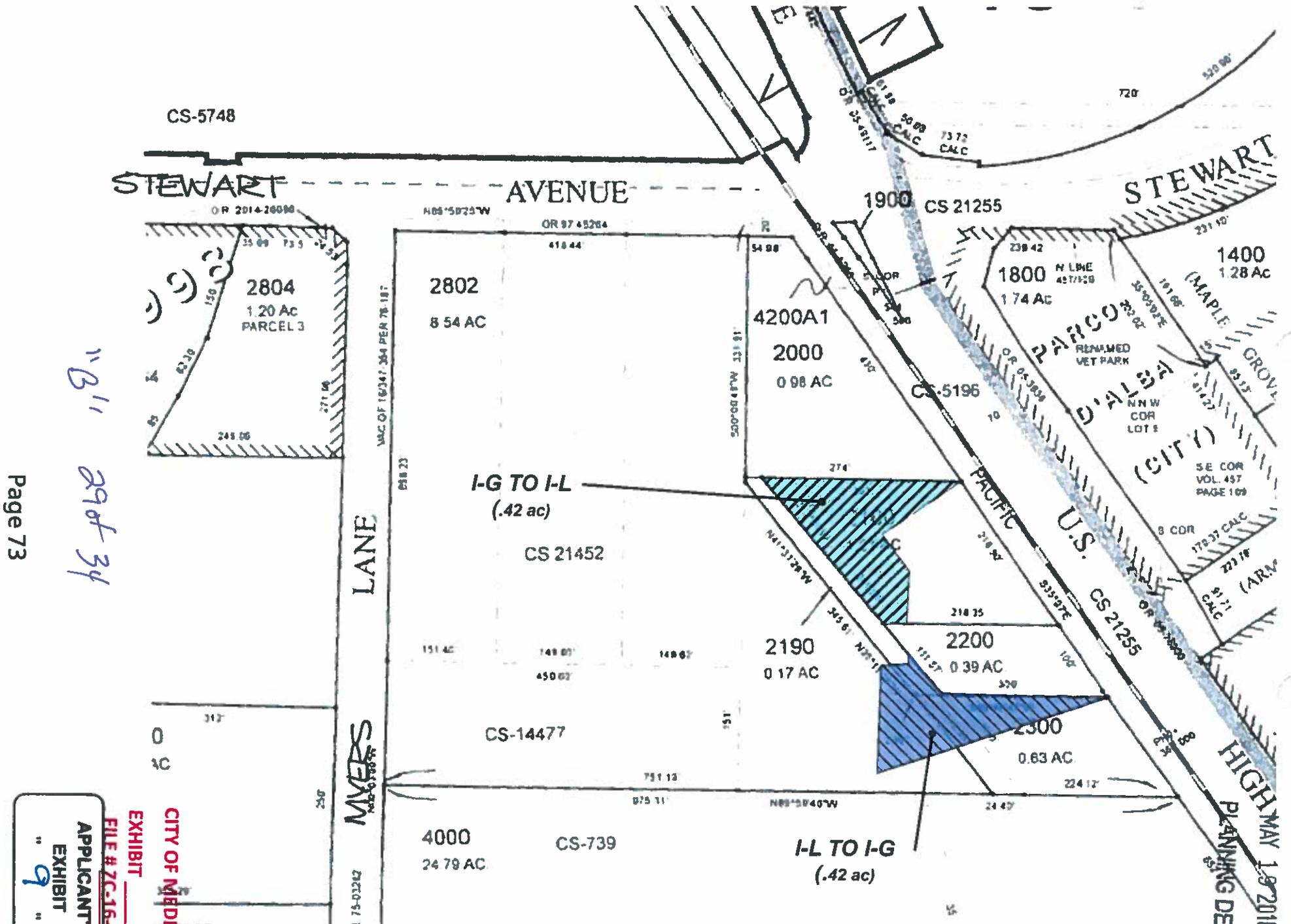
FILE # ZC-16-066

"B" 27

RECEIVED

14

HIGHWAY 19
PLANNING DEPT.



**JACKSON COUNTY ASSESSOR MAP SHOWING
PROPOSED ZONING CHANGES**

CITY OF MEDFORD

EXHIBIT

FILE # ZC-16-066

APPLICANTS

EXHIBIT

" 9 "

Page 73

11 B 11
29 of 34

CS-5748

STEWART AVENUE

LANE

MVERS

STEWART

PARCO
RENNAMED
VET PARK
(CITY)

PACIFIC U.S.

HIGHWAY 19

I-G TO I-L
(.42 ac)

I-L TO I-G
(.42 ac)

2804
1.20 Ac
PARCEL 3

2802
8.54 AC

4200A1
2000
0.98 AC

1800
1.74 AC

1400
1.28 AC

CS-14477

2190
0.17 AC

2200
0.39 AC

2300
0.63 AC

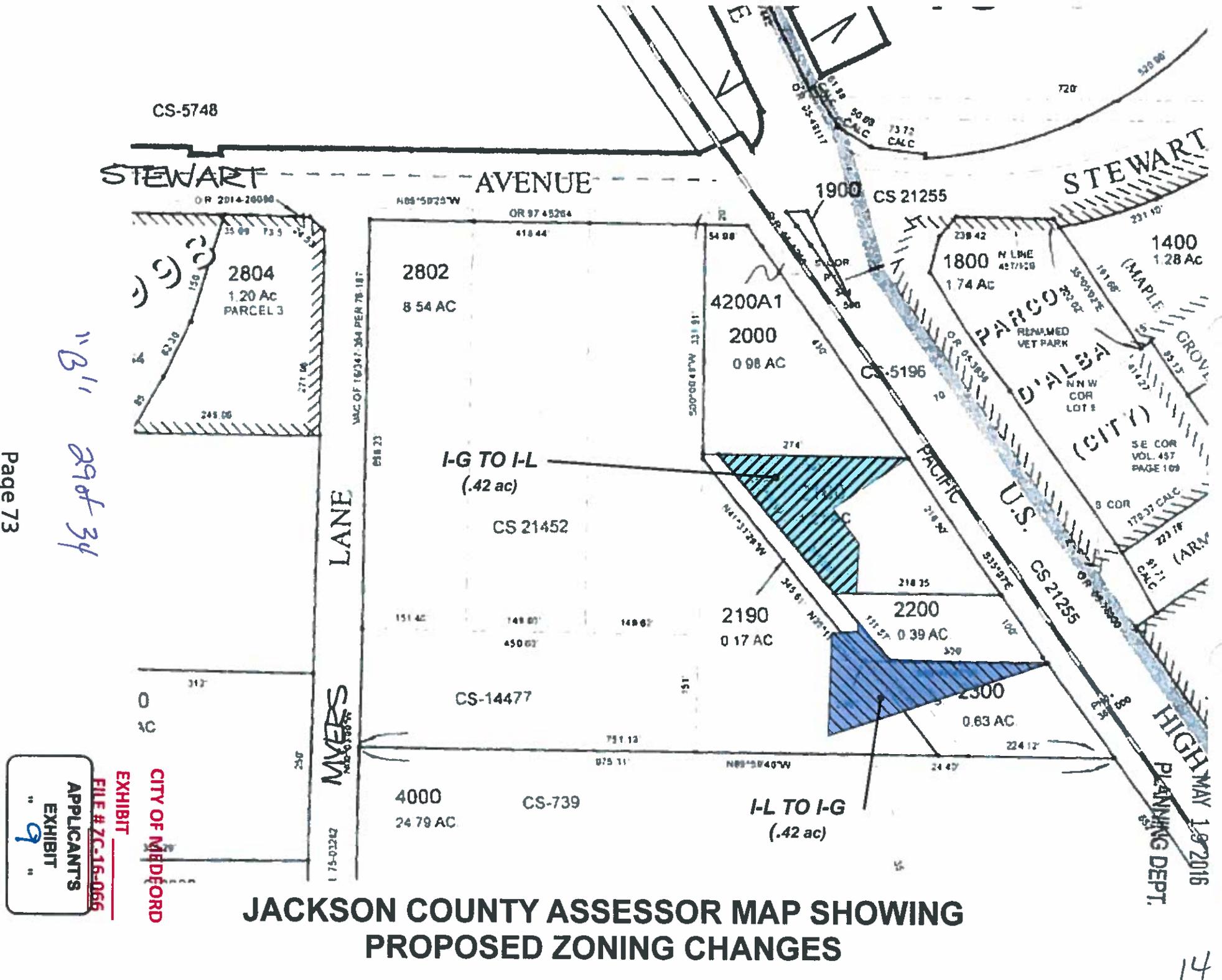
4000
24.79 AC

CS-739

1900 CS 21255

CS-5196

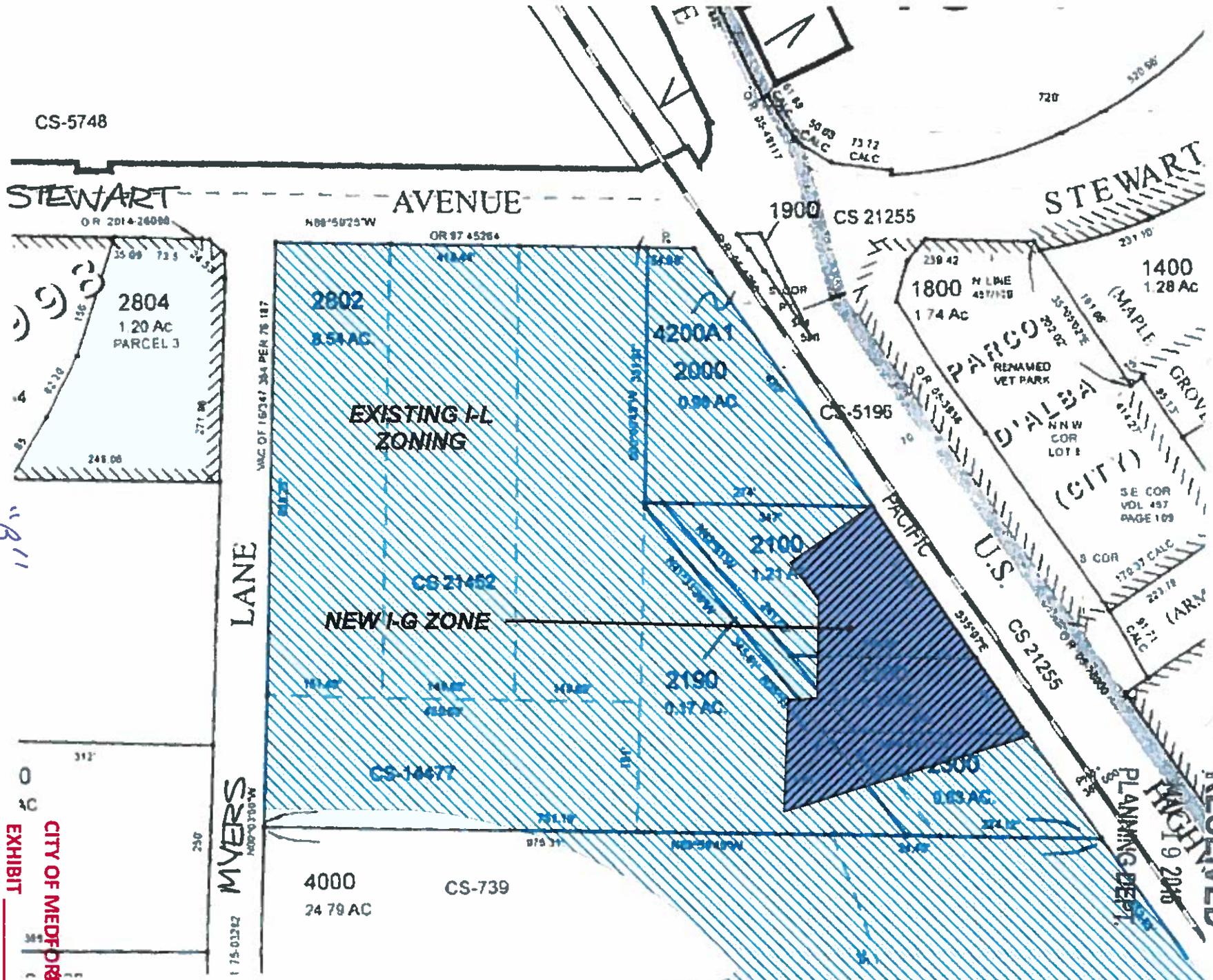
CS 21255



90 of 34
"B-11"

APPLICANTS
EXHIBIT
"10"

CITY OF MEDFORD
EXHIBIT
FILE # ZC-16-066



JACKSON COUNTY ASSESSOR MAP SHOWING NEW I-G ZONING DISTRICT

RECEIVED

MAY 19 2016

PLANNING DEPT.

EXHIBIT A

ZONE CHANGE FROM I-L TO I-G

Commencing at a point on the westerly line of the Southern Pacific Railroad right of way being the Southeast corner of that tract described in Instrument Number 74-04337 of the Official Records of Jackson County, Oregon, said point bearing North 89°59'22" West (record South 89°59' West), a distance of 840.08 feet (record 840.05 feet) and South 35°06'39" East (record South 35°07' East), a distance of 746.09 feet from the Northeast corner of donation Land Claim Number 45 in Township 37 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon and the POINT OF BEGINNING; thence 89°59'22" West (record South 89°59' West), along the South line of said tract, a distance of 200.00 feet, to the Southwest corner of said tract; thence North 42°50'31" West (record North 42°51' West), along the West line of said tract, a distance of 82.30 feet; thence South 0°01'49" West, leaving said West line, A distance of 24.29 feet; thence North 89°58'30" West, a distance of 35.59 feet; thence South 0°02'51" West, a distance of 140.49 feet; thence North 70°18'33" East, a distance of 309.80 feet, to the POINT OF BEGINNING.

Prepared by: Terrasurvey, Inc.
247 Fourth Street
Ashland, Oregon 97520

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Fred A. Frantz
OREGON
JULY 12, 2005
FRED A. FRANTZ
No. 50077
Renewal 12-31-17

1-B"
31 of 34

CITY OF MEDFORD
EXHIBIT _____
FILE # ZC-16-066

APPLICANT'S
EXHIBIT
"1 1/2"

RECEIVED

MAY 19 2016

PLANNING DEPT.

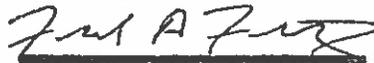
EXHIBIT A

ZONE CHANGE FROM I-G TO I-L

Commencing at a point on the westerly line of the Southern Pacific Railroad right of way being the northeast corner of that tract described in Volume 276 at Page 94 of the Deed Records of Jackson County, Oregon, said point bearing North 89°59'22" West (record South 89°59' West), a distance of 840.08 feet (record 840.05 feet) and South 35°06'39" East (record South 35°07' East), a distance of 430.00 feet from the Northeast corner of Donation Land Claim Number 45 in Township 37 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon; thence North 89°59'22" West (record North 89°59' West), along the North line of said tract, a distance of 14.60 feet, to the POINT OF BEGINNING; thence North 89°59'22" West (record North 89°59' West), along said North line, a distance of 243.40 feet, to the Northeast corner of said tract; thence along the west line of said tract South 42°50'31" (record South 42°51" East), a distance of 241.16 feet (record 241.08 feet) , to the Southwest corner of said tract; thence along the South line of said tract, South 89°59'22" East (record North 89°59' East), a distance of 19.87 feet; thence North 0°01'49" East, leaving said South line, a distance of 67.91 feet; thence North 35°04'30" West, a distance of 54.90 feet; thence North 54°55'30" East, a distance of 111.27 feet to the POINT OF BEGINNING.

Prepared by: Terrasurvey, Inc.
247 Fourth Street
Ashland, Oregon 97520

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JULY 12, 2005
FRED A. FRANTZ
No. 50077

Renewal 12-31-17

"B"
32 of 34

CITY OF MEDFORD

EXHIBIT _____

FILE # ZC-16-066

APPLICANT'S
EXHIBIT
"11 3/2"

RECEIVED

MAY 10 2016

PLANNING DEPT.

PROPERTY LINE ADJUST

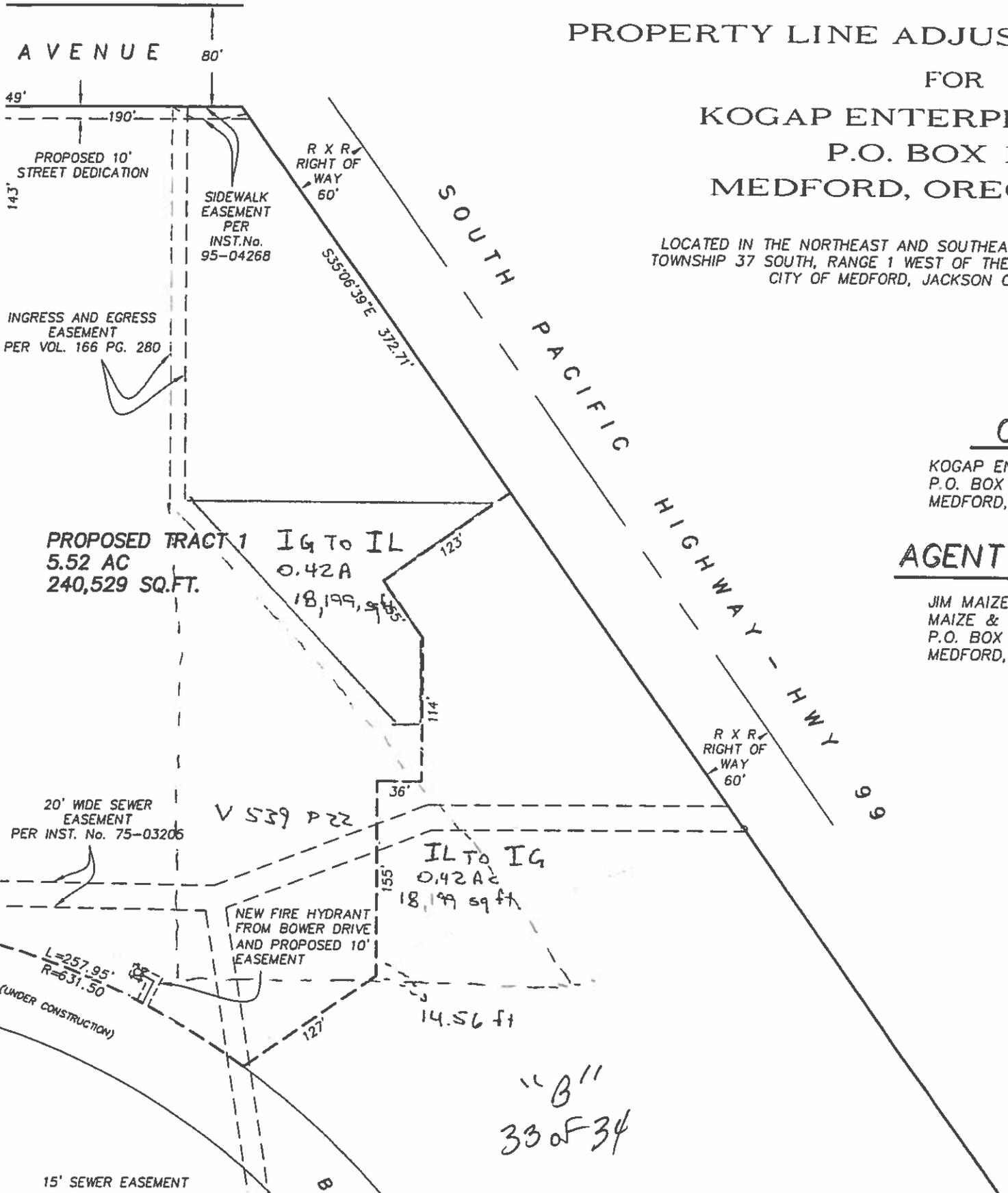
FOR

KOGAP ENTERPRISES

P.O. BOX 160

MEDFORD, OREGON

LOCATED IN THE NORTHEAST AND SOUTHEAST
TOWNSHIP 37 SOUTH, RANGE 1 WEST OF THE WEST
CITY OF MEDFORD, JACKSON COUNTY



OWN

KOGAP ENTERPRISES
P.O. BOX 160
MEDFORD, OREGON

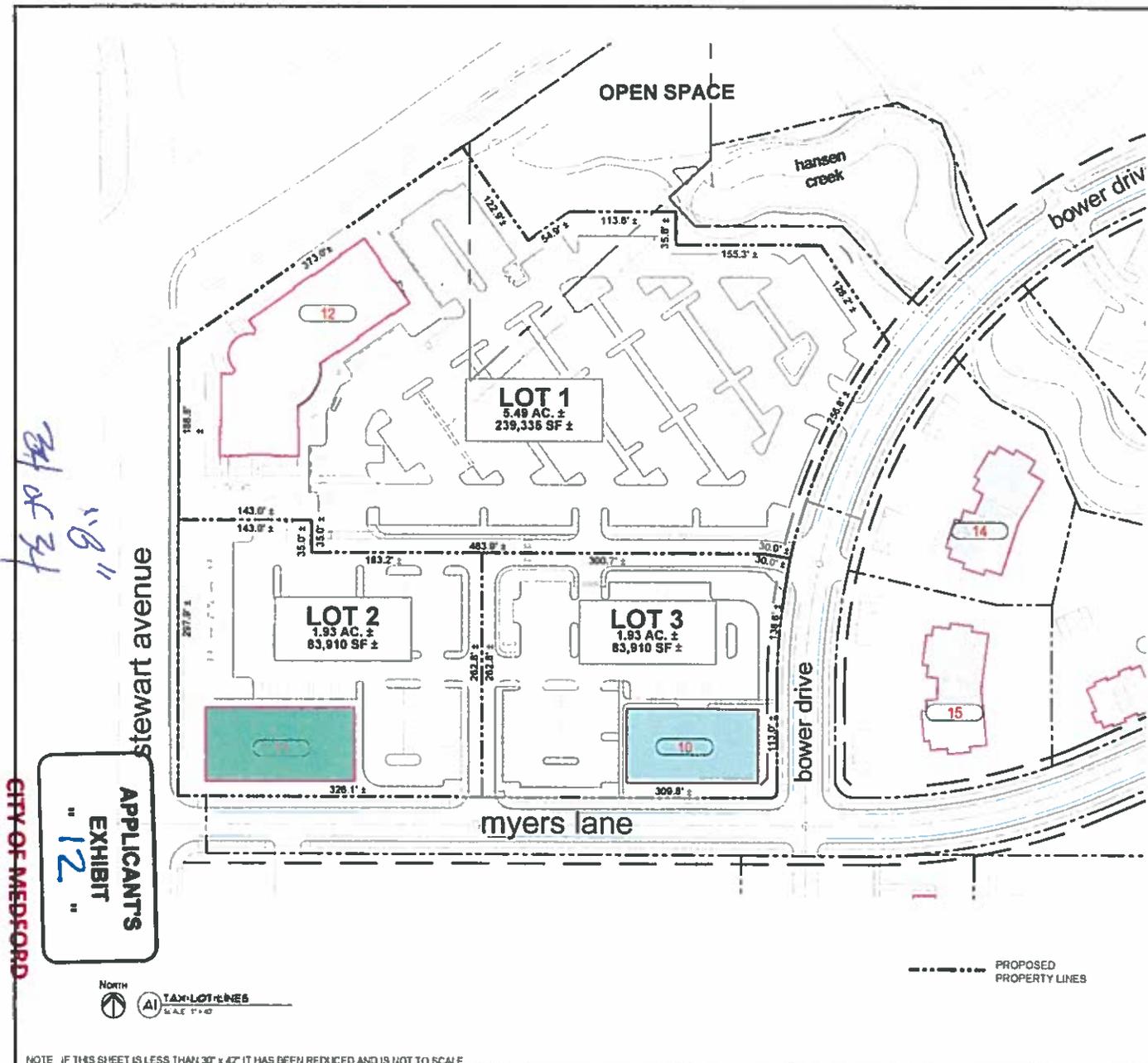
AGENT

JIM MAIZE
MAIZE & ASSOCIATES
P.O. BOX 62
MEDFORD, OREGON

EXHIBIT
FILE # ZC-16-066

CITY OF MEDFORD

APPLICANT'S
EXHIBIT
"12"



34' of 34'
11' 9"

James
CONSTRUCTION MANAGEMENT
INCORPORATED
1000 N. 10th Street, Suite 100
Medford, OR 97504
Tel: 541.475.8888
Fax: 541.475.8888
E-mail: james@jamescm.com

PROJECT
STEWART MEADOWS VILLAGE
550 James Construction Management
Tel: 541.475.8888
Fax: 541.475.8888
E-mail: james@jamescm.com

DATE
PRELIMINARY
Revised: 04-19-16

OWNER
KOCAP ENTERPRISES, INC.
110 STEWART AVENUE, SUITE 200
MEDFORD, OR 97504
CONTACT: PHILIP W. WELLS, VP
Tel: 541.774.8000

TITLE SHEET ADDRESS
JAMES CM
1000 N. 10th Street, Suite 100

NO.	DATE	DESCRIPTION
1	04-19-16	PRELIMINARY
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		
29		
30		

STEWART MEADOWS VILLAGE MASTER PLAN REVISED

TAX LOT PLAN

A-109

RECEIVED
MAY 1 9 2016
PLANNING DEPT.



Continuous Improvement Customer Service

CITY OF MEDFORD

LD Date: 7/6/2016

File Number: ZC-16-066

(Reference: PUD-06-141, LDS-08-016, AC-09-005, AC-12-012, AC-14-009, PUD-16-037, AC-16-044)

**PUBLIC WORKS DEPARTMENT STAFF REPORT
Zone Change – Myers Lane (Stewart Meadows Village PUD)**

Project: Consideration of a request for change of zone on 0.42 acres from I-L (Light Industrial) to I-G (General Industrial) and change of zone on 0.42 acres from G-I to I-L within the Stewart Meadows Village Planned Unit Development (PUD). Applicant also request modifications to existing conditions of approval for the PUD development pertaining to traffic mitigation requirements.

Location: The Stewart Meadow Village PUD is 87.1 gross acres generally bounded by Stewart Avenue, Highway 99, Garfield Street and Myers Lane.

Applicant: KOGAP Enterprises, Inc., Applicant (Maize & Associates, Inc., Agent).
Desmond McGeough, Planner.

Applicability:

The Medford Public Works Department’s conditions of Preliminary Plan Approval for Stewart Meadows Village Planned Unit Development (PUD) were adopted by Order of the Medford Planning Commission on November 29, 2007 (PUD-06-141) and received a minor revision on March 26, 2009 by the Planning Commission, to include two new tax lots into the development and reconfigured the internal public street system. A Final PUD Plan for the development and landscaping of the realigned Hansen Creek restoration work, running through the PUD was approved by the Planning Director in May 2012 (Phase 1A). In 2013 the Planning Commission approved a revision to allow for modifications to the public rights-of-ways within the project. In 2014, the Planning Director approved the Final PUD Plan for Phase 1 that included essentially all of the proposed development west of Hansen Creek, which also included the architectural and landscape guidelines for the project. In June 2016 the Planning Commission approved a revision to the approved PUD Plan for Stewart Meadows Village (PUD-16-037) to incorporate additional property into the PUD boundary. Recently approved plans for a 66,837 square foot Medical

P:\Staff Reports\CP, DCA, & ZC\ZC only\2016\ZC-16-066 Myers Lane (Stewart Meadows Village PUD)\ZC-16-066 Staff Report-DB.docx Page 1

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

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

CITY OF MEDFORD
EXHIBIT # “C”
File # ZC-16-066
1 of 2

Office Building (AC-16-044) on 5.7 acres located in Stewart Meadows Village PUD. **The adopted conditions by each of these actions shall remain in full force as originally adopted except as amended or added to below.**

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

I. Sanitary Sewer Facilities

This site lies within the Rogue Valley Sewer Service (RVSS) area. The applicant shall contact RVSS to see if sanitary sewer services and facilities are available and have capacity to serve this property under the proposed zoning.

II. Storm Drainage Facilities

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

III. Transportation System

The primary intent of the TIA is to support modification of the PUD Master Plan to allow for a 66,837 sq. ft. medical office building to be substituted for proposed office space in the northeast quadrant of the site.

The substitution of the proposed medical office building is not expected to increase the 974 vehicle trips to and from the site that were originally approved for the site. According to the report, all intersections under the City of Medford's jurisdiction, except Myers Lane and Garfield Street, will operate acceptably under the proposed scenario through the planning horizon year of 2023.

Mitigation, consisting of the signalization, of the intersection of Myers Lane and Garfield Street will be required when trips from the site exceed 940 PM peak hour trips, if the connection of Anton Drive to the internal circulation roads is not made. If all the internal circulation roads are constructed and connected to Anton Drive at Garfield Street, no mitigation will be required.

Prepared by: Doug Burroughs

"C"
Zof Z



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

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

SUBJECT: ZC-16-066

PARCEL ID: 371W31A TL's 2000, 2100, 2190, 2200, 2802, 4000

PROJECT: Consideration of a request for change of zone on 0.42 acres from I-L (Light Industrial) to I-G (General Industrial) and change of zone on 0.42 acres from G-I to I-L within the Stewart Meadows Village Planned Unit Development (PUD). Applicant also request modifications to existing conditions of approval for the PUD development pertaining to traffic mitigation requirements. The Stewart Meadow Village PUD is 87.1 gross acres generally bounded by Stewart Avenue, Highway 99, Garfield Street and Myers Lane; KOGAP Enterprises, Inc., Applicant (Maize & Associates, Inc., Agent). Desmond McGeough, Planner.

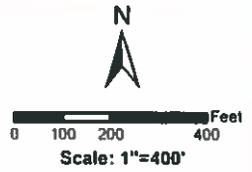
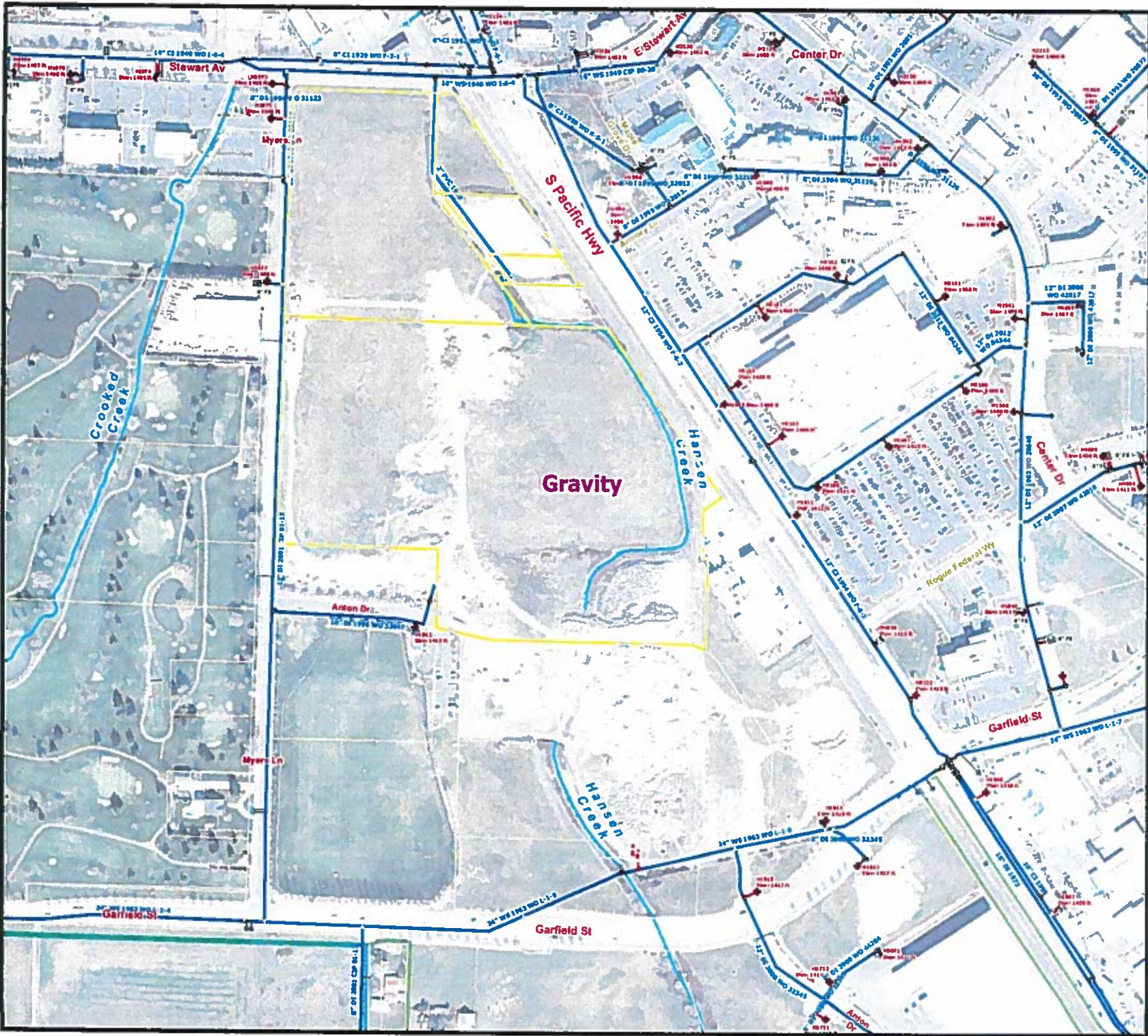
DATE: July 6, 2016

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

COMMENTS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.
3. The MWC system does have adequate capacity to serve this property.
4. Off-site water facility construction may be required depending on future land development review.
5. On-site water facility construction may be required depending on future land development review.
6. MWC-metered water service does exist to this property. There are two (2) ¾-inch water meters located at the southerly end of the existing 2-inch PVC line from Stewart Avenue.
7. Access to MWC water lines for connection is available. There is a 16-inch water line is Stewart Avenue, and a 2-inch water line that extends southerly from Stewart Avenue across TL's 2000, 2100, 2190 and 2200.

CITY OF MEDFORD
EXHIBIT # 2016-066
File # 2016-066
1072



**Water Facility Map
for
ZC-16-066**

Legend

- Air Valve
- Sample Station
- Fire Service
- Hydrant
- ▲ Reducer
- ▲ Blow Off
- ◆ Plugs-Caps
- Water Meters:**
- Active Meter
- On Well
- Unknown
- Vacant
- Water Valves:**
- ▲ Butterfly Valve
- ▲ Gate Valve
- Tapping Valve
- Water Mains:**
- Active Main
- - - Abandoned Main
- Reservoir Drain Pipe
- Pressure Zone Line
- Boundaries:**
- Urban Growth Boundary
- City Limits
- Tax Lots
- MWC Facilities:**
- C** Control Station
- P** Pump Station
- R** Reservoir

11
 Page 82 of 2



This map is based on a map downloaded by digital map technology and a water utility. It is not a substitute for a field inspection. It is not intended for use in any other way. It is not intended to be used for any other purpose. It is not intended to be used for any other purpose. It is not intended to be used for any other purpose.



Medford Fire Department

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

LAND DEVELOPMENT REPORT - PLANNING

To: Desmond McGeough

LD Meeting Date: 07/06/2016

From: Fire Marshal Kleinberg

Report Prepared: 06/27/2016

File #: ZC - 16 - 66

Site Name/Description: Stewart Meadows Village Planned Unit Development

Consideration of a request for change of zone on 0.42 acres from I-L (Light Industrial) to I-G (General Industrial) and change of zone on 0.42 acres from G-I to I-L within the Stewart Meadows Village Planned Unit Development (PUD). Applicant also request modifications to existing conditions of approval for the PUD development pertaining to traffic mitigation requirements. The Stewart Meadow Village PUD is 87.1 gross acres generally bounded by Stewart Avenue, Highway 99, Garfield Street and Myers Lane; KOGAP Enterprises, Inc., Applicant (Maize & Associates, Inc., Agent). Desmond McGeough, Planner.

DESCRIPTION OF CORRECTIONS	REFERENCE
<u>Approved as Submitted</u> Meets Requirement: No Additional Requirements	

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

Fire apparatus access roads are required to be installed prior to the time of construction. The approved water supply for fire protection (hydrants) is required to be installed prior to construction when combustibile material arrives at the site.

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

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

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

CITY OF MEDFORD
EXHIBIT # "E"
File # ZC-16-0166
1 of 1



ROGUE VALLEY SEWER SERVICES

Location: 138 West Vilas Road, Central Point, OR - Mailing Address: P.O. Box 3130, Central Point, OR 97502-0005
Tel. (541) 664-6300, Fax (541) 664-7171 www.RVSS.us

July 5, 2016

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

Re: ZC-16-066, Kogap (371W31A – 2000, 2100, 2190, 2200, 2802, 4000)

ATTN: Desmond,

The 18 inch sewer main flowing across tax lot 2802 is currently planned to serve the subject portion of the Stewart Meadows Village PUD. Adequate sewer capacity exists to accommodate the proposed zoning.

Future development must be reviewed for compliance with RVSS standards.

Sincerely,

Nicholas R. Bakke

Nicholas R. Bakke, P.E.
District Engineer

CITY OF MEDFORD
EXHIBIT # ~E1'
File # ZC-16-066
1061



Oregon

Kate Brown, Governor

Oregon Department of Transportation
Region 3, District 8
100 Antelope Road
White City, OR 97503
(541) 774-6316
FAX (541) 774-6397

FILE CODE:

Date: May 10, 2016

File:

Address: Kelly Sandow PE
Sandow Engineering
160 Madison Street, Suite A
Eugene, OR 97402

Subject: Review Comments for Traffic Impact Analysis Addendum:
Stewart Meadows PUD

Oregon Department of Transportation (ODOT) Region 3 Traffic staff has reviewed the revised Stewart Meadow PUD Traffic Impact Analysis (TIA) Addendum, which was dated on April 10, 2016.

In summary, ODOT staff agreed with the TIA addendum. The proposed Stewart Meadows PUD with trip cap of 973 average daily trips will not trigger the mitigations. The mitigations will be triggered if the Stewart Meadows generate more than 973 average daily trips. The mitigations was identified in the previous ODOT's letters and listed as following:

1. State Highway 99 @ Stewart Avenue Intersection:
 - a. Option 1: Eastbound dual lefts, through, through right lanes.
 - b. Option 2: Eastbound dual lefts, through, right lanes, right turn overlap.

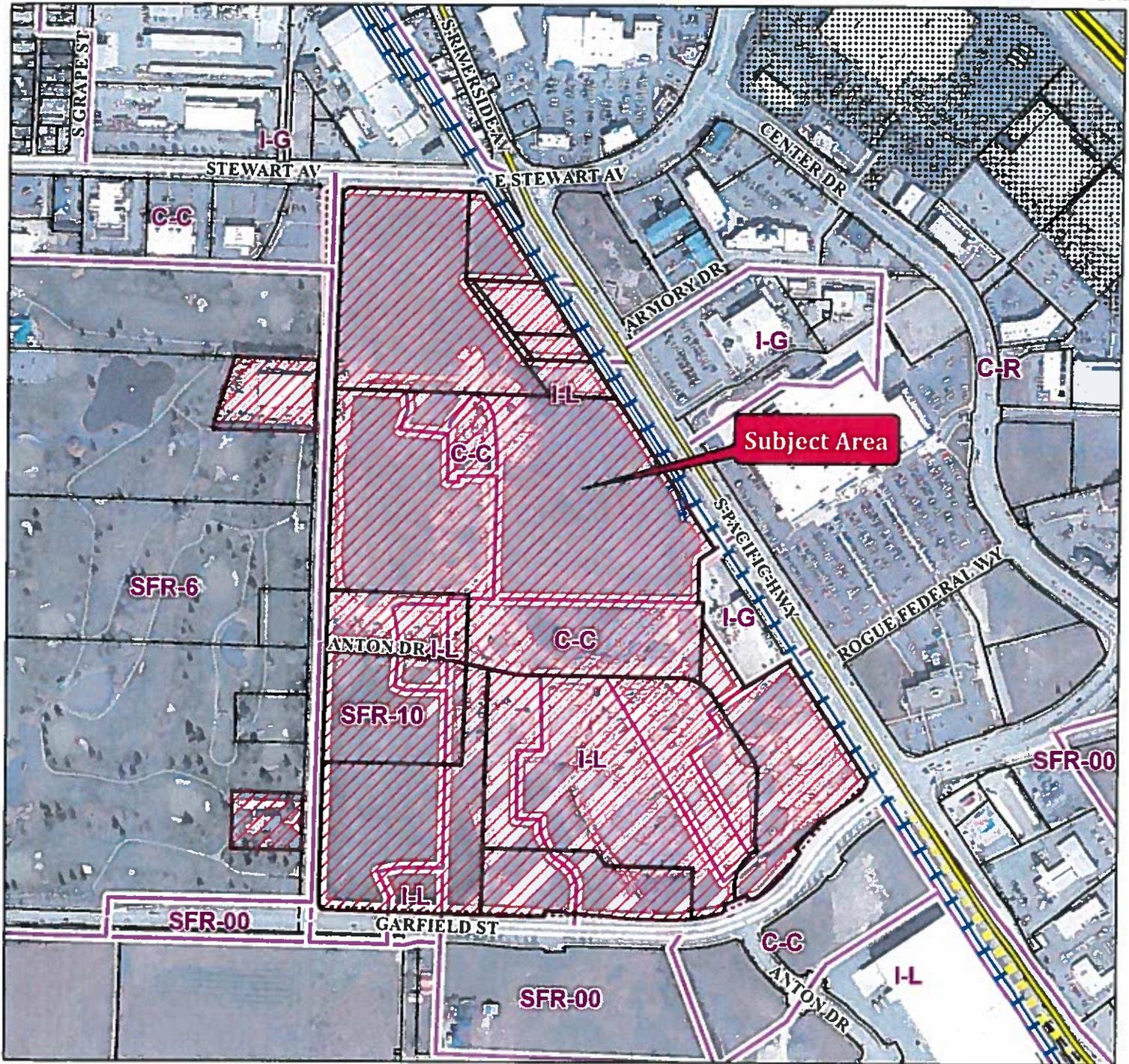
2. State Highway 99 @ Garfield Street Intersection: This intersection shall have an eastbound right turn lane added and the traffic signals shall operate with right turn overlap.

Please contact me directly at 541-774-6316 or Mr. Ron Hughes at 541-957-3696 if you have comments, questions, or require additional information regarding traffic engineering issues. If you have comments, questions, or require additional information regarding land use issues, please contact Mr. Donald Morehouse, ODOT Development Review Planner, at 541-774-6399. Mr. Morehouse will serve as the lead ODOT Development Review contact for this project.

Sincerely,

Wei (Michael) Wang, P.E. & M.S.
Region 3 Development Review Traffic Engineer

CITY OF MEDFORD
EXHIBIT # "6"
File # 26-116-0146
1 of 1



Project Name:

Stewart Meadows Village

Map/Taxlot:

371W31A

TL 2000, 2100, 2190

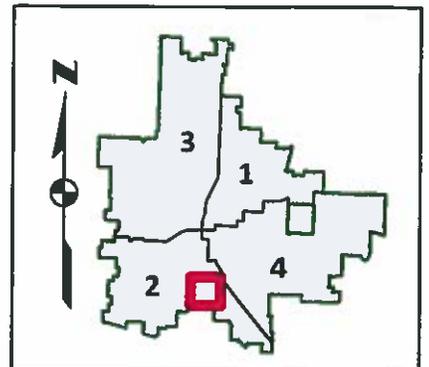
2200, 2802, 4000



05/20/2016

Legend

-  Subject Area
-  Medford Zoning
-  Tax Lots
-  Streets





Planning Department

Working with the community to shape a vibrant and exceptional city

STAFF REPORT

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

PROJECT Larson Creek Professional Center Pad Lot Subdivision
Applicant: Capital Income Properties, LLC; Agent: Herbert A Farber

FILE NO. LDS-16-016

TO Planning Commission *for August 11, 2016 hearing*

FROM Desmond McGeough, Planner III

REVIEWER Kelly Akin, Principal Planner *[Signature]*

DATE August 4, 2016

BACKGROUND

Proposal

Proposed tentative plat for Larson Creek Professional Center, a, 4-lot commercial subdivision with an 1.74 acre parcel, generally located the west side of Black Oak Drive and approximately 250 feet south of Barnett Road, within a C-C (Community Commercial) zoning district.

Subject Site Characteristics

Zoning: C-C Community Commercial
GLUP: CM Commercial
Use: Office

Surrounding Site Characteristics

North C-C, Office, Bank,
MFR-20 Apartments

South C-C Office

East C-C Black Oak Center, Office

West SFR-4 Recreational facility, Larson Creek, School

Applicable Criteria

Medford Land Development Code §10.270 – Land Division Criteria

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

- (1) Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, including Neighborhood Circulation Plans, and all applicable design standards set forth in Article IV and V;
- (2) Will not prevent development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this chapter;
- (3) Bears a name that has been approved by the approving authority and does not use a word which is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in the City of Medford; except for the words "town", "city", "place", "court", "addition", or similar words; unless the land platted is contiguous to and platted by the same applicant that platted the land division bearing that name; or unless the applicant files and records the consent of the party who platted the land division bearing that name and the block numbers continue those of the plat of the same name last filed;
- (4) If it includes the creation of streets or alleys, that such streets or alleys are laid out to be consistent with existing and planned streets and alleys and with the plats of land divisions already approved for adjoining property unless the approving authority determines it is in the public interest to modify the street pattern;
- (5) If it has streets or alleys that are proposed to be held for private use, that they are distinguished from the public streets or alleys on the tentative plat, and reservations or restrictions relating to the private streets or alleys are set forth;
- (6) Will not cause an unmitigated land use conflict between the land division and adjoining agricultural lands within the EFU (Exclusive Farm Use) zoning district.

Corporate Names

The Oregon Secretary of State website lists Douglas H Schmor as the registered agent Capital Income Properties, L.L.C., and Roger S. Hull, Charles L Butler, Mark Olfson and James M Wright as members.

ISSUES AND ANALYSIS

Background

The subject property is 1.94 gross acres and encompasses net 1.74 acres. The site is currently consists of two separate tax parcels, both which are fully developed. There are three existing structures on site along with landscape areas and parking facilities. Larson Creek abuts the southwest property line. The applicant is proposing a commercial pad lot subdivision consisting of one common area lot, containing parking facilities and landscape areas and a total of 3 pad lots, one for each existing structure (Exhibit C).

Access

The subject subdivision has access to two existing higher order streets, Barnett Road is a Major Arterial and Black Oak is a Major Collector. The subdivision has one full turning movement to and from Barnett Road and two full turning access points onto Black Oak Drive.

Dedications & Improvement

The Public Works Report notes that a right of way dedication is required along Black Oak Drive. The width of the dedication is dependent upon the location of existing buildings on site. No additional right-of-way is required for Barnett Road. The applicant shall dedicate a 10-foot wide Public Utility Easement for both Barnett Road and Black Oak Road. No public street improvements are required for this subdivision

The proposed two-mile segment of Larson Creek multi-use path extends from Bear Creek to North Phoenix Road. Segment II of the multi-use path passes through the southwest portion of the site. While there is an existing easement located on site for the trail, an additional 860 square feet of area is needed to develop the path to standard (See Exhibit "A" of Public Works Report, Exhibit "D"). The property owner shall be offered fair compensation for the additional area needed for the trail.

Utilities

The Public Works Report (Exhibit D) notes that sanitary sewer facilities shall be constructed to City standards. The development shall provide one separate service lateral to each parcel prior to approval of the Final Plat. The developer shall cap at the main and the remaining unused sewer laterals. The applicant shall provide a Joint Use Maintenance Agreement and or private storm drain easement to address storm draining facilities.

The Water Commission Report (Exhibit E) notes that existing water meters along Black Oak Drive shall remain in place and continue to serve domestic water to existing structures on site. Each parcel will be required to have metered water service prior to recording a final plat.

FINDINGS OF FACT

Staff has reviewed the applicant's Findings of Fact and Conclusions of Law (Exhibit B) and recommends that the Commission adopt the Findings as presented.

Agency Comments

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

Committee Comments

No comments were received from committees such as BPAC.

FINDINGS AND CONCLUSIONS

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

RECOMMENDED ACTION

Adopt the findings as recommended by staff and direct staff to prepare a Final Order for approval of LDS-16-016 per the staff report dated August 4, 2016, including Exhibits A through E.

EXHIBITS

- A Conditions of Approval dated August 4, 2016
- B Applicant's Findings of Fact received February 24, 2016
- C Tentative plat for Larson Creek Professional Center, received June 3, 2016
- D Public Works Department Staff Report, revised August 3, 2016.
- E Medford Water Department Staff Memo dated July 20, 2016.
Vicinity map

PLANNING COMMISSION AGENDA:

August 11, 2016

EXHIBIT A

Larson Creek Professional Center Commercial Pad Lot Subdivision
LDS-16-016
Conditions of Approval
August 4, 2016

CODE CONDITIONS

1. Prior to Final Plat approval, the applicant shall:
 - a. Comply with the Public Works Staff Report, revised August 3, 2016 (Exhibit D).
 - b. Comply with the Medford Water Commission memorandum dated July 20, 2016 (Exhibit E).

CITY OF MEDFORD
EXHIBIT # A
File # LDS-16-016

Job No: 2015-2418

FINDINGS: Medford Land Development Code Section 10.270

1. Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, including Neighborhood Circulation Plans, and all applicable design standards set forth in Article IV and V;
 - The project site is already developed and in compliance with all applicable plans.
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.
 - The project site already has common access easements with adjoining property and the remainder of the property not in a pad lot will be a common area that is already developed as parking or access.
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.
 - The project proposed name is Larson Creek Professional Center and is pending review and approval by the Jackson County Surveyor's office.
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 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.
 - The project site already has common access easements with adjoining property and the remainder of the property not in a pad lot will be a common area that is already developed as parking or access, and is consistent with existing streets.
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 of restrictions relating to the private streets or alleys are set forth.
 - The project has no private roads or alleys. It will have a common area lot and is shown on the plat.

6. Contains streets, if applicable, and lots which are oriented to make maximum effective use of passive solar energy; exceptions to this provision may be granted whenever it is impractical to comply due to:
 - a. The configuration of the property.
 - b. The nature of surrounding circulation patterns, or other existing physical features of the site such as topography.
 - The lots are oriented by the existing buildings, (pad lots), and make maximum effective use of passive solar energy.

7. Will not cause an unmitigated land use conflict between the land division an adjoining agricultural lands within the EFU (Exclusive Farm Use) zoning district.
 - The adjoining land is not in an EFU zoning, the division will not cause an unmitigated land use conflict.

Prepared by: Farber & Sons Inc
Db., Farber Surveying
431 Oak Street
PO Box 5286
Central Point, Or 97502



Date: 02-24-16

"B"
2 of 2

File
EXHIBIT #
CITY OF MEDFORD

5.00 SIDEWALK

5.00 SIDEWALK

CENTER LINE E. BARNETT ROAD

5.00 SIDEWALK

CENTERLINE BLACK OAK DRIVE

File # **LD-16-016**
 EXHIBIT # **1**
 CITY OF MEDFORD

POWER EASEMENT PER INST. NO. 94-29948 AND 10 FOOT PUE PER P-120-1994

10 FOOT PUE PER INST. NO. 81-059801 DRAINAGE EASEMENT PER 94-08055

100 YEAR DETERMINED BFE-AE ZONE
 10 FOOT PUE PER INST. NO. 81-059801 DRAINAGE EASEMENT PER 94-08055

FIRE HYDRANT

NOTES:

- SCHOOL DISTRICT - MEDFORD
- IRRIGATION DISTRICT - ROGUE RIVER VALLEY
- NUMBER OF PARCELS: 2 EXISTING + 2 NEW = 4
 - 3 PAD LOTS (PARCELS)
 - 1 COMMON AREA LOT

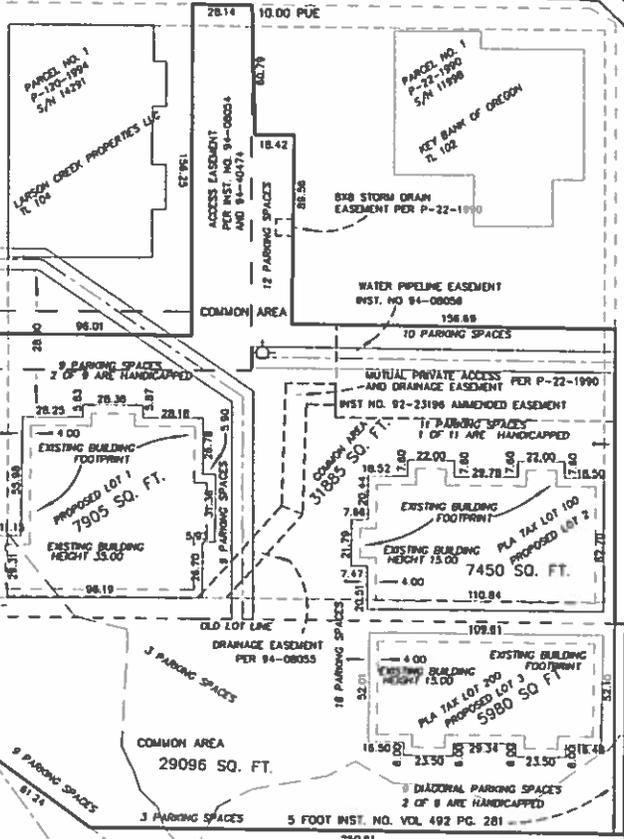
ADORED ENTIRE SITE:
 GROSS = 1.84 ACRES
 NET = 1.74 ACRES

SEWER MAIN
 15 INCH PVC SEWER MAIN BY BARNETT RD.
 15 INCH CONCRETE SEWER MAIN BY BLACK OAK DR.
 THE SIGHT IS CONNECTED TO THE SEWER SYSTEM.

EASEMENT NOTES:

- EASEMENT FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRICITY: CALIFORNIA OREGON POWER COMPANY, VOL. 382 PAGE 347 NO LOCATION GIVEN

ASSESSORS MAP NO. 371W 32AA TL 100, 200



BASIS OF BEARING IS TRUE NORTH, NAD 83/91 DATUM, AS DERIVED BY GLOBAL POSITIONING SYSTEM OBSERVATIONS.

RECEIVED
 JUN 3 2016
 PLANNING DEPT.

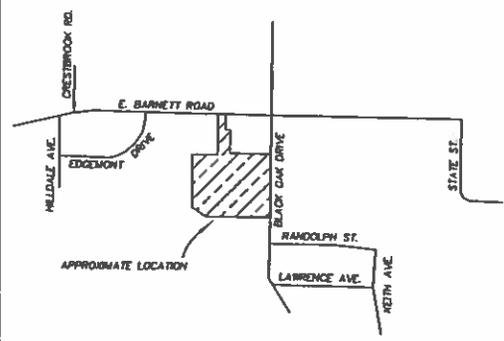
LARSON CREEK PROFESSIONAL CENTER
 TENTATIVE SUBDIVISION

located in the
 NORTH EAST QUARTER OF SECTION 32,
 TOWNSHIP 37 SOUTH, RANGE 1 WEST,
 WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON

for
 CAPITAL INCOME
 PROPERTIES LLC

2594 BARNETT ROAD
 MEDFORD, OREGON 97504

VICINITY MAP
 NO SCALE



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR
[Signature]
 OREGON
 JULY 25, 1985
 HERBERT A. FARBER
 2189
 RENEWAL DATE 12-31-17



Surveyed by:
 FARBER & SONS, INC. dba



PO BOX 5286
 431 OAK STREET
 CENTRAL POINT, OREGON 97502
 (541) 664-5599

DATE: May 3, 2016
 JOB NO.: 2015-2018
 DRAWING FILE: JOBS/MEDFORD_SE/BLACK OAK/718 BLACK OAK/
 LANDSURVEY/TENTATIVE_122115.DWG
 DRAWN BY: DCM KING DATE: 12/20/2015 REVISED BY: hsl DATE: 06-03-16



Continuous Improvement Customer Service

CITY OF MEDFORD

Revised Date: 8/3/2016
File Numbers: LDS-16-016

PUBLIC WORKS DEPARTMENT STAFF REPORT Larson Creek Professional Center

- Project:** Proposed tentative plat for Larson Creek Professional Center, a, 4-lot commercial subdivision with a 1.74 acre parcel.
- Location:** Generally located the west side of Black Oak Drive and approximately 250 feet south of Barnett Road, within a C-C (Community Commercial) zoning district.
- Applicant:** Capital Income Properties, LLC., Applicant (Herbert A. Farber, Agent). Desmond McGeough, Planner.

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

- Approval of Final Plat:
 - Right-of-way and easement dedications.

A. STREETS

1. Dedications

Barnett Road is classified as a Major Arterial Street within the Medford Land Development Code (MLDC), Section 10.428 and has a platted half right-of-way dedication of 40-feet wide, by Partition Plat N. P-120-1994. **No additional right-of-way dedications shall be required as a condition of this Development.**

Black Oak Drive is classified as a Major Collector Street within the MLDC, Section 10.428. It has a platted half right-of-way dedication of 35-feet along the frontage of TL100, by Partition Plat N. P-120-1994. Along the frontage TL200, it appears there is currently 30-feet of right-of-way. Due to the close proximity of the existing structures, the Developer shall dedicate for public right-of-way, sufficient width of land along the frontage of this proposed subdivision to provide a half width of right-of-way of 35-feet. **The Developer's surveyor shall verify the amount of additional right-of-way required.**

The Developer will receive SSDC (Street System Development Charge) credits for the public right-of-way dedication on Black Oak Drive, per the methodology established by the MLDC 3.815. **Should the Developer elect to have the value of the land be determined by an appraisal, a letter to that effect must be submitted to the City Engineer within sixty (60) calendar days of the date of the Final Order of the Planning Commission. The City will then select an appraiser, and a cash deposit will be required as stated in Section 3.815.**

Public Utility Easements, 10-feet in width, shall be dedicated along the street frontage of all the Lots within this development, unless otherwise required by the City Engineer (MLDC 10.471).

Larson Creek Multi-Use Path (Segment II): The proposed two-mile Larson Creek Multi-Use Path extends east from Bear Creek to North Phoenix Road. Segment II of the path passes through this development at the southwest portion and extends from Ellendale Drive to Black Oak Drive. There is an existing easement located in the southwest portion of tax lot 200 (95-36037), however approximately 860 square feet (see attached Exhibit A) of additional area is needed to successfully construct the proposed pathway through this segment. The additional 860 square feet abuts the existing parking lot located at the southwest corner of tax lot 200. An easement shall be provided in order to account for this additional area. The Developer's surveyor shall work with the City Engineer to define the limits of this area. The property owner shall be offered fair compensation for the additional easement area.

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.

1. Public Improvements

a. Public Streets

Barnett Road is currently improved in close conformance to Major Arterial Street standards. No additional improvements are required for this street frontage.

Black Oak Drive is currently improved in close conformance to Major Collector Street standards. No additional improvements are required for this street frontage.

b. Street Lights and Signing

No additional street lights are required.

c. Pavement Moratoriums

There is a pavement cutting moratorium currently in effect along this frontage to Barnett Road and is set to expire August 17th, 2019.

"0"
2 of 7

d. Access to Public Street System

Access to the Site shall be restricted to the currently existing access points as identified on the tentative plat. No additional direct access shall be approved.

Driveway access and circulation to and through the development shall comply with MLDC 10.550 and 10.426. The Developer shall provide cross-access easements for the newly created lots in accordance with MLDC 10.550.

2. 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.

Nexus to a legitimate government purpose

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

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

0'
3 of 7

“rough proportionality” have been considered, including but not limited to: increased property values, intensification of use, as well as connections to municipal services and the transportation network.

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

Barnett Road, Black Oak Drive and Larson Creek Multi-Use Path:

The additional right-of-way will provide the needed width for a future planter strip and bike lanes. If an Exception is applied for and approved for Barnett Road, then the additional right-of-way will only be for a future 10-foot wide planter strip. Barnett Road and Black Oak Drive are 35 mile per hour and 25 mile per hour facilities, respectively, which currently carry approximately 25,600 and 5,800 vehicles per day, respectively. The 10-foot planter strip moves pedestrians a safe distance from the edge of the roadway. These roads along with the multi-use path will be the primary routes for pedestrians traveling to and from this development.

The future Larson Creek Multi-Use Path is part of the Medford Comprehensive Plan as a Bicycle System Strategy and a Pedestrian System Strategy to overcome barriers to both forms of circulation. It is also identified in the Transportation System Plan Element as an implementation item under Goal 4/Policy 4-A to facilitate the increased use of bicycle transportation.

The City assesses System Development Charges (SDCs) to help pay for acquisition of right-of-way and construction of additional Arterial & Collector street capacity required as a result of new development. Because a mechanism exists to fairly compensate the applicant in the form of SDC credit for right-of-way dedication and street improvements in accordance with Medford Municipal Code (MMC) 3.815 and other applicable parts of the Code, and the City will fairly compensate the Developer for the easement for the future Larson Creek Multi-Use Path, the conditions of MLDC, Section 10.668 are satisfied.

B. SANITARY SEWERS

The proposed development is situated within the Medford Sewer service area. The Developer shall construct the necessary public sanitary sewer facilities to City of Medford standards, and shall provide one separate service lateral to each Parcel prior to approval of the Final Plat.

The Developer shall cap at the main any other remaining unused sewer laterals within the project frontage.

C. STORM DRAINAGE

1. Drainage

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.

0
4 of 7

D. SURVEY MONUMENTATION

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

Prepared by: Doug Burroughs

"D"
5 of 7

SUMMARY CONDITIONS OF APPROVAL

Larson Creek Professional Center

LDS-16-016

A. Streets

1. **Street Dedications to the Public:**

- Dedicate right-of-way on **Black Oak Drive**.
- Dedicate 10-foot public utility easements (PUE).
- Dedicate easement for the Larson Creek Multi-Use Path (Segment II).

2. **Improvements:**

a. **Public Improvements**

- No public improvements are required along **Barnett Road**.
- No public improvements are required along **Black Oak Drive**.

b. **Lighting and Signing**

- No additional street lights are required.

B. Sanitary Sewer

- Provide a private lateral to each lot.

C. Storm Drainage

- Provide a Joint Use Maintenance Agreement and/or private SD easement.

D. Survey Monumentation

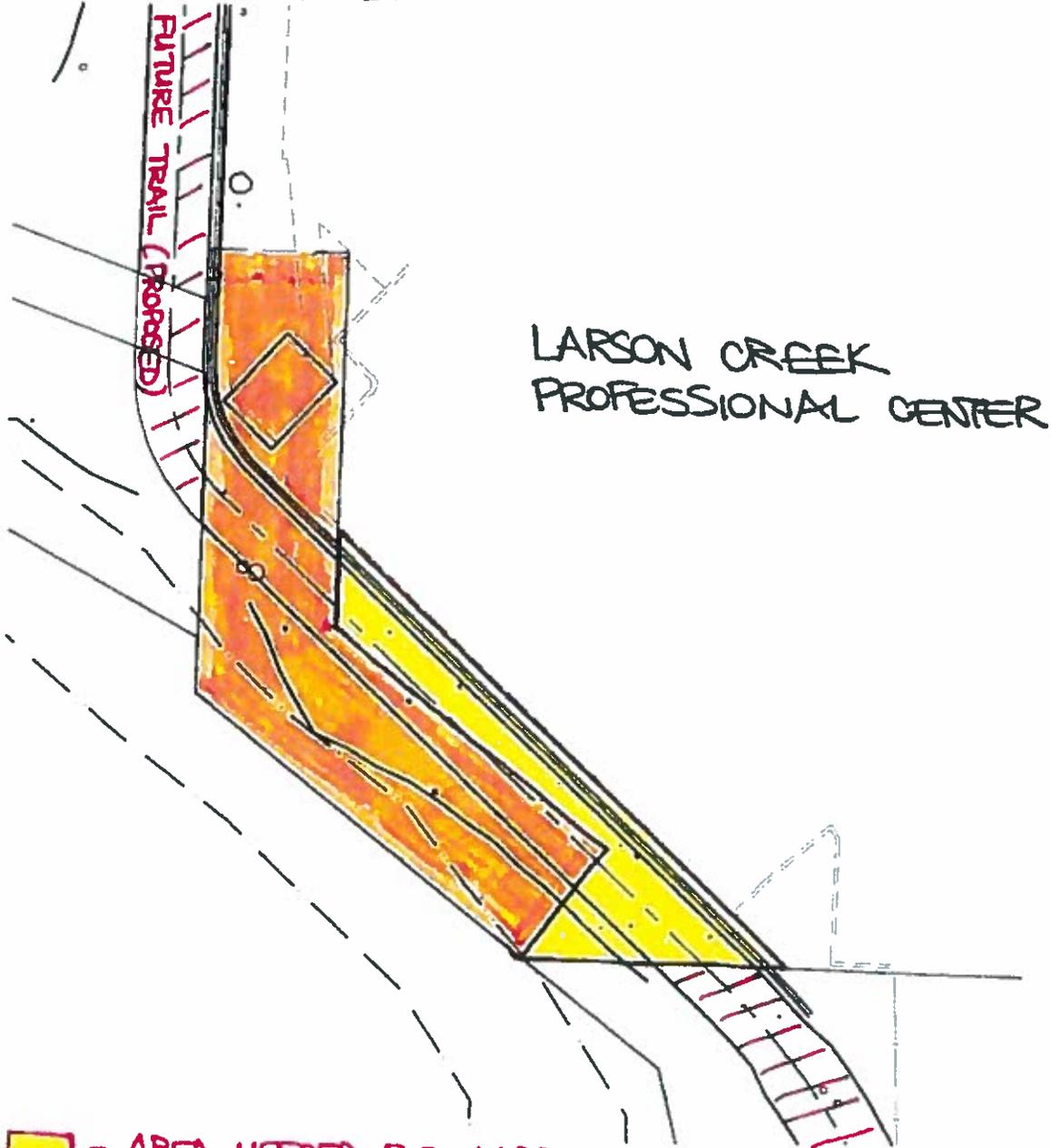
- Provide all survey monumentation.

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.

“0”
leaf 7

EXHIBIT 'A'

↑
N
1" = 20'



 - AREA NEEDED FOR LARSON CREEK GREENWAY TRAIL SEGMENT II (860 FT.²)

 - EXISTING EASEMENT

110"
2 of 7



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

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

SUBJECT: LDS-16-016

PARCEL ID: 371W32AA TL's 100 & 200

PROJECT: Proposed tentative plat for Larson Creek Professional Center, a, 4-lot commercial subdivision with an 1.74 acre parcel, generally located the west side of Black Oak Drive and approximately 250 feet south of Barnett Road, within a C-C (Community Commercial) zoning district; Capital Income Properties, LLC., Applicant (Herbert A. Farber, Agent). Desmond McGeough, Planner.

DATE: July 20, 2016

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

CONDITIONS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.
3. The existing water meters along Black Oak Drive shall remain in place and continue to serve domestic water to the existing businesses onsite.
4. The businesses located at 2592 Barnett Road, and 2598 Barnett Road are required to have "private" water service line agreements between businesses entities involved for the water service line route that extends from the individual water meter location along Black Oak Drive to the building that the water service line is connected. These agreements shall allow businesses at 2592 & 2598 Barnett Road to repair/maintain the "private" water service line that crosses parcel 37-1W-32AA TL 100.

COMMENTS

1. Off-site water line installation is not required.
2. On-site water facility construction is not required.
3. Static water pressure is expected to be between 60-62 psi.

Continued to Next Page

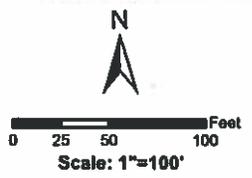
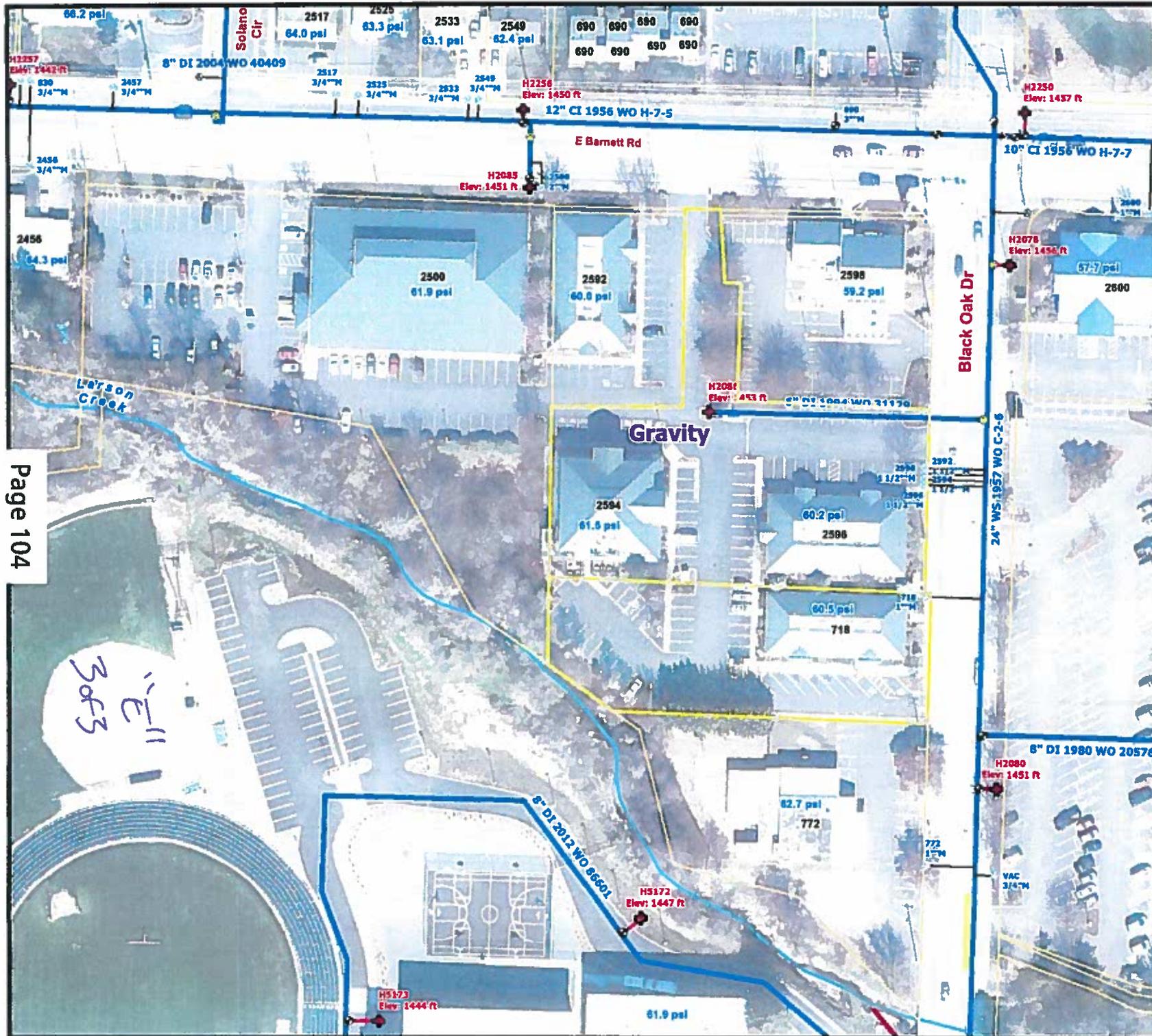
CITY OF MEDFORD
EXHIBIT # "E"
File # LDS-16-016
1 of 3



Continued from Previous Page

4. There is an existing on-site fire hydrant located with a 10-foot wide easement (Easement # OR-94-08086) dedicated to the Medford Water Commission.
5. MWC-metered water service does exist to this property. There are 4 (four) 1.5-inch water meters that serve the businesses located at 2592, 2594, 2596, and 2598 Barnett Road, and a 1-inch water meter located at 718 Black Oak Drive. (See Condition 4 above)
6. Access to MWC water lines is available. There's an existing 24 welded steel water transmission main in Black Oak Drive, and there is a 12-inch cast iron water line in Barnett Road.

"E"
2 of 3



**Water Facility Map
for
LDS-16-016
371W32AA TL's 100 & 200)**

Legend

- Air Valve
- Sample Station
- Fire Service
- Hydrant
- Reducer
- Blow Off
- Plugs-Caps
- Water Meters:**
 - Active Meter
 - On Well
 - Unknown
 - Vacant
- Water Valves:**
 - Butterfly Valve
 - Gate Valve
 - Tapping Valve
- Water Mains:**
 - Active Main
 - - - Abandoned Main
 - Reservoir Drain Pipe
 - Pressure Zone Line
- Boundaries:**
 - Urban Growth Boundary
 - City Limits
 - Tax Lots
- MWC Facilities:**
 - G** Control Station
 - P** Pump Station
 - R** Reservoir



We warrant to the best of our ability that the information shown on this map is accurate as of the date of the last update. We do not warrant the accuracy of the information shown on this map for any other purpose. The information shown on this map is for informational purposes only and should not be used for any other purpose. © 2016 Medford Water Commission. All rights reserved.



City of Medford Planning Department

Vicinity
Map

File Number:
LDS 16-016



Project Name:

Capital Income Properties

Map/Taxlot:

371W32AA TL 100 & 200



03/01/2016

Legend

-  Subject Area
-  Medford Zoning
-  Tax Lots
-  Streets

