PLANNING COMMISSION AGENDA

AUGUST 23, 2018

Commission Members

David Culbertson

Joe Foley

Bill Mansfield

David McFadden

Mark McKechnie

E. J. McManus

Patrick Miranda

Alex Poythress

Jared Pulver

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

Meetings begin at 5:30 PM

City of Medford

City Council Chambers

411 W. Eighth Street, Third Floor

Medford, OR 97501

541-774-2380

Agenda

Public Hearing
August 23, 2018
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 **CUP-18-076** Final Order of a modification to an existing Conditional Use Permit for a private recreation facility to add parking and to allow for new construction and site modifications to the former tennis and swim club facility located on the east side of North Phoenix Road, approximately 325 feet south of Calle Vista Drive (709 N Phoenix Road, 371W27 TL 701). Applicant: North Phoenix Properties Holdings, LLC; Agent: CSA Planning; Planner: Liz Conner.

20.2 **LDS-18-077** Final Order of a tentative plat for a 20 lot subdivision on approximately 3 acres within the SFR-10 (Single Family Residential – 10 dwelling units per gross acre) zoning district, located on the north side of Sweet Road approximately 270 feet east of North Ross Lane (372W26AA TL 800, 900, 1000). Applicant: Edward Fleming; Agent: Scott Sinner Consulting, Inc.; Planner: Liz Conner.

30. Minutes

30.1 Consideration for approval of minutes from the August 9, 2018, hearing.

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

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

New Business

50.1 **ZC-18-087** Consideration for request of approval for a zone change on a 0.69 acre parcel zoned C-C (Community Commercial) to C-H (Heavy Commercial) located at 111 N Fir Street between West Fifth Street and West Sixth Street with in the Downtown Historic District and Central Business District (372W25AD TL 100). Applicant: Rosebud Media LLC; Agent: Ausland Group; Planner: Liz Conner.

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

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 CUP-18-076 APPLICATION FOR A MODIFICATION TO AN EXISTING CONDITIONAL USE PERMIT SUBMITTED BY NORTH PHOENIX PROPERTIES HOLDINGS, LLC	)))	**ORDER**

ORDER granting approval of a request for a conditional use permit for *North Phoenix Properties Holdings, LLC,* described as follows:

A modification to an existing Conditional Use Permit for a private recreation facility to add parking and to allow for new construction and site modifications to the former tennis and swim club facility located on the east side of North Phoenix Road, approximately 325 feet south of Calle Vista Drive (709 N Phoenix Road, 371W27 TL 701).

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Land Development Code, Section 10.246 and 10.247; and,

2. The Medford Planning Commission has duly held a public hearing on the matter of an application for a conditional use permit for *North Phoenix Properties Holdings, LLC,* as described above, with a public hearing a matter of record of the Planning Commission on August 9, 2018.

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

4. At the conclusion of said public hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded, granted a conditional use permit for *North Phoenix Properties Holdings, LLC*, as described above.

THEREFORE LET IT BE HEREBY ORDERED that the application for *North Phoenix Properties Holdings, LLC,* as described above, stands approved in accordance per the Planning Commission Report dated August 9, 2018.

AND LET IT FURTHER BE OF RECORD that the action of the Planning Commission in approving this request for *North Phoenix Properties Holdings, LLC*, as described above, is hereafter supported by the findings referenced in the Planning Commission Report dated August 9, 2018.

Accepted and approved this 23rd day of August, 2018.

CITY OF MEDFORD PLANNING COMMISSION

_____
Planning Commission Chair

ATTEST:

_____
Planning Department Representative

PLANNING COMMISSION REPORT

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

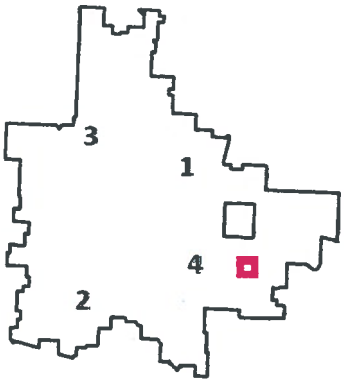
Project	North Phoenix Properties Holdings, LLC Applicant: CSA Planning
File no.	CUP-18-076
Date	August 2, 2018

BACKGROUND

Proposal

Consideration of a modification to an existing Conditional Use Permit for a private recreation facility to add parking and to allow for new construction and site modifications to the former tennis and swim club facility located on the east side of North Phoenix Road, approximately 325 feet south of Calle Vista Drive (709 N Phoenix Road, 371W27 TL 701).

Vicinity Map



Subject Site Characteristics

Zoning	SFR-4	Single Family Residential, 4 dwelling units per gross acre
GLUP	UR	Urban Residential
SE Plan	Area 2	Standard Lot
Use	Recreational facility	

Surrounding Site Characteristics

North	Zone:	SFR-4
	SE Plan:	Area 2
	Use:	Single family residences
South	Zone:	SFR-00 (Single Family Residential, one dwelling unit per existing lot)
	SE Plan:	Area 5 (High Density)
	Use:	Single family residence, vacant
East	Zone:	SFR-4 and SFR-00
	SE Plan:	Areas 2 and 5
	Use:	Single family residences, vacant
West	Zone:	SFR-4
	SE Plan:	N/A
	Use:	Single family residences

Related Projects

90-19-CUP-01	Conditional Use Permit issued by Jackson County
Annexation 1992	
Pre-Application PA-18-027	

Applicable Criteria

Medford Municipal Code §10.248 Conditional Use Permit Criteria.

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

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

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

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

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

(2) Establish a special yard or other open space or lot area or dimension requirement.

(3) Limit the height, size, or location of a building or other structure.

(4) Designate the size, number, location, or nature of vehicle access points.

(5) Increase the amount of street dedication, roadway width, or improvements within the street right-of-way.

(6) Designate the size, location, screening, drainage, surfacing, or other improvement of parking or truck loading area.

(7) Limit or otherwise designate the number, size, location, height, or lighting of signs.

(8) Limit the location and intensity of outdoor lighting, or require its shielding.

(9) Require screening, landscaping, or other facilities to protect adjacent or nearby property, and designate standards for installation or maintenance thereof.

(10) Designate the size, height, location, or materials for a fence.

(11) Protect existing trees, vegetation, water resources, wildlife habitat, or other significant natural resources.

10.249 Conditional Use Permits, Mitigation of Impacts.

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

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

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

(3) Otherwise provide a use or improvement that is consistent with the overall needs of the community in a location that is reasonably suitable for its purpose.

Corporate Names

According to the Oregon Secretary of State, North Phoenix Property Holding, LLC is registered at 1914 Skypark Drive, Medford, Oregon 97504 with Donald Berryessa as the Manager.

ISSUES AND ANALYSIS

Background

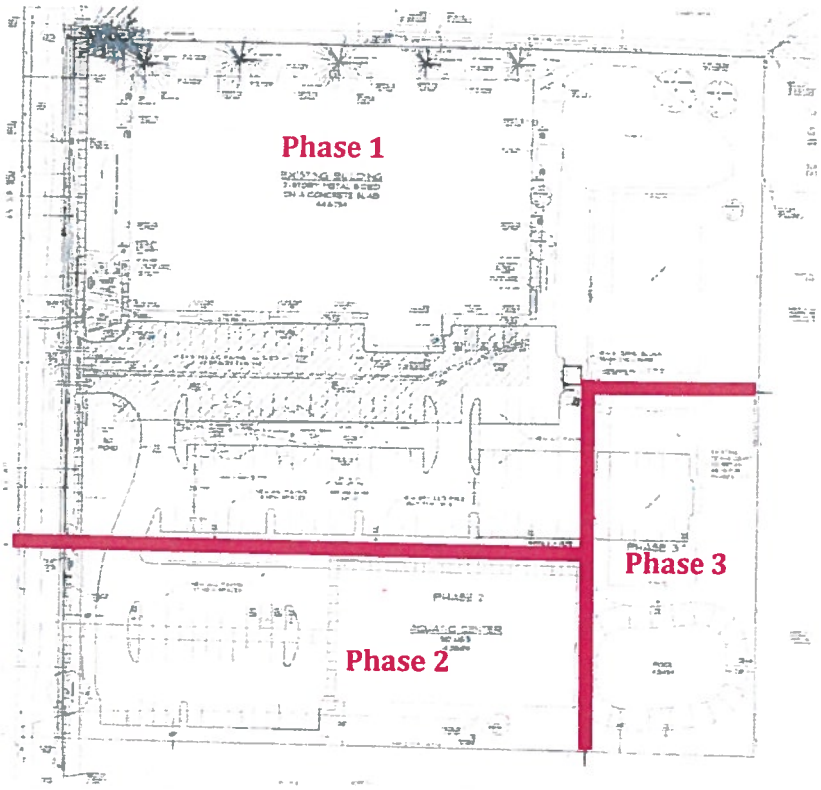
Rogue Valley Swim and Tennis Club facility dates back to 1969. Jackson County originally approved the facility in 1981 and modified the Conditional Use Permit (CUP) to include a metal building for indoor tennis courts and administrative offices in 1991. The property was annexed in 1993; since annexation there have been no site changes requiring a land use review.

Currently the site consists of an existing two story building that is approximately 45, 000 square feet, three outdoor tennis courts and an outdoor pool. It is now operated by America's Best Kids as its "Court House Family Fitness" facility with indoor turf and multi-sport courts in place of the interior tennis courts.

The subject site is within the Southeast Plan overlay and the Southeast Neighborhood Circulation plan.

Site Plan (Exhibit B)

The applicant proposes to improve the site in three phases. Phase 1 will expand the existing parking lot. Phase 2 consists of a new 14,850 square foot indoor aquatic center and an additional parking area. An outdoor pool and parking area are proposed in Phase 3.

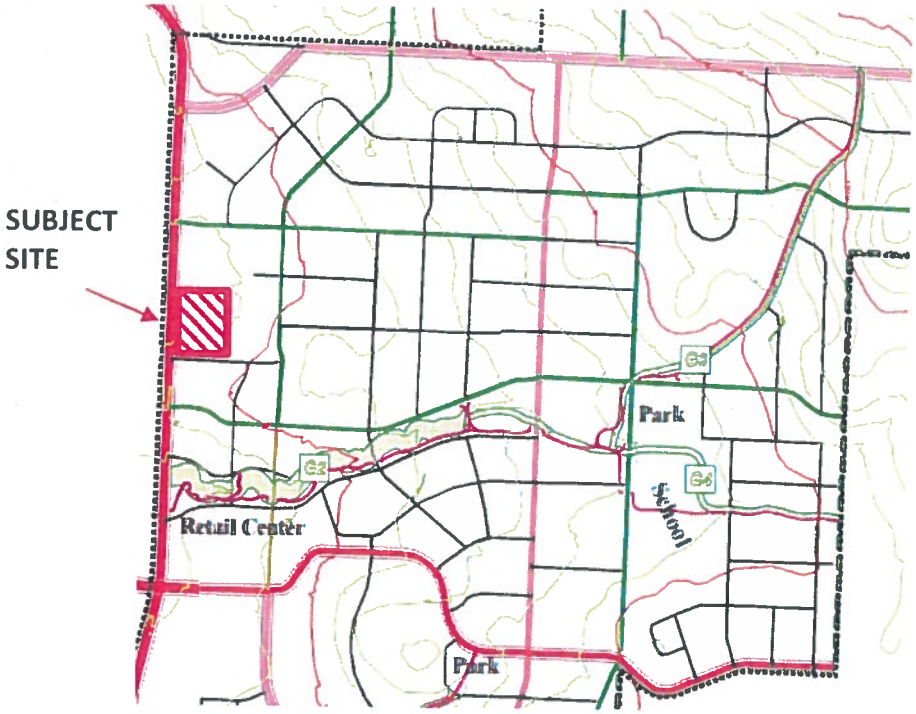


Parking

Rogue Valley Tennis and Swim Club was developed to Jackson County standards and does not meet the current standards of the Medford Land Development Code (MLDC) for parking and access. Per the applicant's Findings (Exhibit F), the parking lot addition in Phase 1 will allow the facility to accommodate the club patrons with off street parking instead of parking on the nearby residential streets. Overall, the applicant proposes 157 parking spaces, which is within the required range (154 minimum, 198 maximum).

Access

The site has a single vehicular access point from N Phoenix Road. Per the Southeast Circulation Plan Map (Exhibit E, excerpt below) a local road is planned at the southerly property line of the subject site. The Public Works Report (Exhibit K) states that this future local road shall be dedicated with the development of Phases 2 and 3.



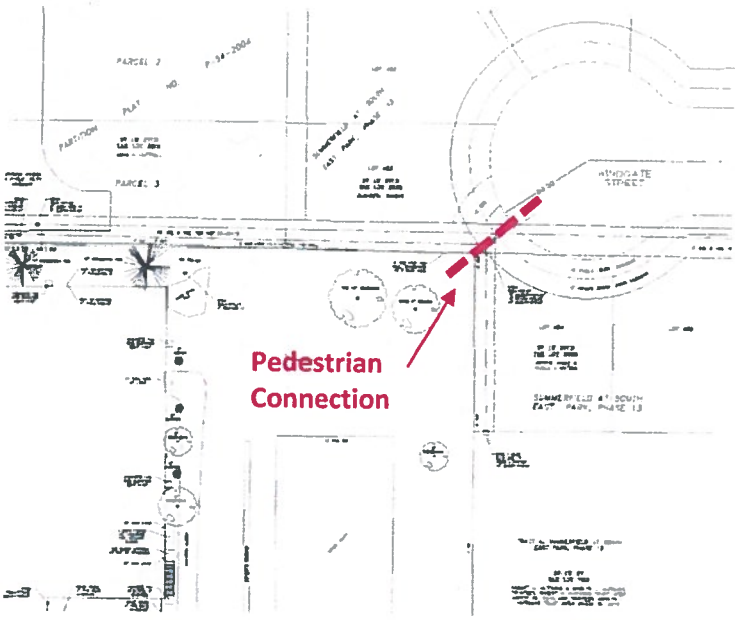
The applicant has provided an additional memorandum in response to the future local street on the Southeast Circulation Plan Map and the requirement for dedication (Exhibit G). The applicant states that requiring a new street to be constructed with Phases 2 and 3 would eliminate the feasibility of providing the new facility for the community. The applicant also states that the location of the future road would be through a 10-foot existing bank cut along N Phoenix Road and is not an ideal location for the road in terms of cost and safety given the terrain.

The applicant requests that Phases 2 and 3 be approved as proposed without the future road dedication and construction. If the City cannot approve Phases 2 and 3 as proposed, the applicant requests that the CUP be approved with the condition that Phases 2 and 3 may proceed in the event that the City amends the Southeast Neighborhood Circulation Plan Map before the CUP expires.

Staff has included a condition of approval requiring the dedication and improvement of the future local street with Phases 2 and 3 as required by the MLDC and included in the Public Works Department Staff Report (Exhibit K-1). If the City Council amends the Southeast Neighborhood Circulation Plan Map to remove the future street before the approval of building permits for Phase 2 or 3, whichever comes first, the dedication and improvement are not required.

Decision: The Commission struck the requirement for road improvements and dedication along the south property line due to the inexactness of the Southeast Circulation Plan Map and necessity to establish Dolan requirements for the establishment of a road in this location. The Public Works report was revised to reflect the decision and is included as Exhibit K-1.

Pedestrian Connection



Public Works has included a recommendation that a public pedestrian access easement be provided to the northeast corner of the property for a future pedestrian access from Windgate Street to the facility.

The properties to the northeast of the site are fully developed. The applicant's Findings state that if an easement and access point are provided traffic would likely be increased on the cul-de-sac street and be used as a shortcut from the surrounding area neighbors. The applicant proposes that coordination with the owners of the remaining larger parcels will allow for a well-planned access as redevelopment plans move forward.

Decision: The Commission did not applyt the recommendation of a pedestrian path to Windgate cannot legally be accomplished unless adjoining neighbors allow it to

happen. The Commission removed the original Conditional Use Permit condition # 22.

Existing Conditions of Approval (Exhibit I)

The approved Jackson County CUP (File 90-19-CUP-01) included 24 conditions of approval to mitigate impacts to the surrounding neighbors. For example, the parking lot was required to be paved and kept dust free, landscaping had to be installed per approved plans, outdoor court and pool lighting was to be removed, and club users were requested to retrieve errant balls. The applicant stipulates to accept similar conditions as it now operates under the Jackson County issued CUP.

The current approval includes a provision that requires the applicant to allow pedestrian gates to be installed to adjacent properties. The applicant proposes to modify the condition as it was originally imposed when there were a few large rural residential and EFU zoned parcels adjoining. As noted above, the properties to the north and east are fully developed with single family residences, and the Southeast Plan designates properties to the east and south as multi-family. The applicant is proposing to provide appropriate pedestrian access points as redevelopment plans for those properties are prepared in the future. Staff supports this modification.

FINDINGS AND CONCLUSIONS

Medford Municipal Code §10.248 Conditional Use Permit Criteria.

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

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

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

10.249 Conditional Use Permits, Mitigation of Impacts.

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

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

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

(3) Otherwise provide a use or improvement that is consistent with the overall needs of the community in a location that is reasonably suitable for its purpose.

The applicant has provided findings demonstrating compliance with Criterion 2; however, MLDC 10.249 was not addressed.

With regard to MLDC 10.249, the Commission can find that the facility is consistent with 10.249(3). The facility provides recreational facilities that are not otherwise provided on the east side of Medford. Additionally, the public Hawthorne Pool was removed several years ago; there is only one public pool in Medford. The proposed aquatic facilities will help fill that void.

Staff has reviewed the Applicant's findings and conclusions (Exhibit F) and recommends the Commission adopt the findings as modified.

ACTION TAKEN

Adopted the findings as recommended by staff and directed staff to prepare the final order for approval of CUP-18-076 per the Planning Commission Report dated August 9, 2018 including Exhibits **A-1** through **P**.

EXHIBITS

A-1 Conditions of Approval, dated August 92, 2018
B Preliminary Site Plan received May 29, 2018
C Conceptual Grading and Drainage Plan received May 29, 2018
D Conceptual Landscape Plan received May 29, 2018
E Southeast Circulation Plan Map adopted March 7, 2013
F Applicants findings and conclusions received May 29, 2018
- Including Applicant's Exhibits
- Exhibit 2 Demonstration of Compliance with Development Standards
- Exhibit 3 Assessor Map
- Exhibit 4 Zoning Map
- Exhibit 5 GLUP Map
- Exhibit 6 Southeast Plan Map
- Exhibit 7 Site Photographs
- Exhibit 11 Topography Map of Survey
- Exhibit 12 Conceptual Renderings
- Exhibit 13 Existing Site Plan
- Exhibit 15 City of Medford Planning Director Verification
- Hillside Ordinance Analysis Memo
- Geotechnical Report

G Applicant's Memo re Future Street received August 1, 2018
H Site Photos of Southwest Property Frontage received August 8, 2018

I Jackson County CUP Staff Report received May 29, 2018
J Applicant's Accessway Option Site Drawing received July 11, 2018
K-1 Public Works Report dated August 8, 2018
L Medford Fire Department Report received July 11, 2018
M Medford Building Department Memo received July 11, 2018
N Medford Water Commission Memo received July 11, 2018
O Jackson County Roads Department letter received June 29, 2018
P Letter from David F. Cuttrell received August 8, 2018
Vicinity map

MEDFORD PLANNING COMMISSION

_____
Patrick Miranda, Chair

PLANNING COMMISSION AGENDA: **AUGUST 9, 2018**
AUGUST 23, 2018

EXHIBIT A-1

CUP-18-076
Conditions of Approval
August 2, 2018

DISCRETIONARY CONDITIONS

1. The Planning Commission accepts the applicant's stipulations in Exhibit F and incorporates them as conditions of approval.

CODE REQUIREMENTS

2. Prior to issuance of first building permit, the applicant shall comply with the:

    a. Public Works Department Staff Report dated August 10, 2018 (Exhibit K-1).

    b. Medford Fire Department Report dated July 18, 2018 (Exhibit L).

    c. Medford Building Department Memo dated July 18, 2018 (Exhibit M).

    d. Medford Water Commission Meme dated July 18, 2018 (Exhibit N).

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CITY OF MEDFORD

LD Date: 7/11/2018
Commission Update 8/10/2018
File Number: CUP-18-076

PUBLIC WORKS DEPARTMENT STAFF REPORT
709 North Phoenix Road (TL 701)
Aquatic Facility & Parking Lot Expansion
America's Best Kids

Project: **Consideration of a modification to an existing Conditional Use Permit for a private recreation facility to add parking and to allow for new construction and site modifications to the former tennis and swim club facility.**

Location: **Located on the east side of North Phoenix Road, approximately 325 feet south of Calle Vista Drive (709 N Phoenix Road, 371W27 TL 701).**

Applicant: **Applicant: North Phoenix Properties Holdings, LLC; Agent: CSA Planning; Planner: Liz Conner.**

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

Prior to issue of the first building permit, the following items shall be completed and accepted:

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

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

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

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CITY OF MEDFORD
EXHIBIT # K-1
File # CUP-18-076

A. STREETS

1. Dedications

North Phoenix Road is classified a Major Arterial street within the Medford Land Development Code (MLDC). Section 10.428. The Developer shall dedicate for public right-of-way, sufficient width of land along the entire frontage of this development to accommodate a 10-foot planter strip and 5-foot sidewalk, except where the sidewalk is proposed curb-tight and shall be minimum 7-feet wide. **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 **North Phoenix Road**, per the methodology established by the MLDC 3.815. **Should the developer elect to have the value of the land be determined by an appraisal, a letter to that effect must be submitted to the City Engineer within sixty (60) calendar days of the date of the Final Order of the Planning Commission. The City will then select an appraiser, and a cash deposit will be required as stated in Section 3.815.**

Future Street (not shown on Preliminary Site Plan) is proposed as a Minor Residential, within the MLDC 10.430 and per the Southeast Area Neighborhood Circulation Plan Map. With development of Phases 2 & 3, the Developer shall dedicate right-of-way, 27.5-feet plus 9-feet south of centerline (total of 36.5-feet), consistent with the standard prescribed by MLDC 10.430. **Commission Update: The Planning Commission removed the dedication requirement for the Future Street as a condition of approval for this project.**

In accordance with MLDC 10.471, **the property owner shall dedicate a 10-foot wide public utility easement** (PUE) adjacent to the right-of-way line along this Developments respective frontage to North Phoenix Road.

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

2. Public Improvements

a. Public Streets

North Phoenix Road – All street section improvements have been completed including pavement, curb and gutter, and street lights as part of North Phoenix Road Improvement Project (P1060D) improvements. **However, a 5-foot wide sidewalk with a planter strip will be required along this developments frontage, or minimum 7-feet wide where proposed curb-tight.**

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With development of Phases 2 & 3, the **Future Street** shall be constructed to Minor Residential street standards, along the frontage of this development, in accordance with MLDC 10.430. The Developer shall improve the north half plus 8-feet south of the centerline.
Commission Update: The Planning Commission removed the improvement requirements for the Future Street as a condition of approval for this project.

b. Street Lights and Signing

Upon development of the Minor Residential Street along the southern boundary of the property, the Developer shall provide and install in compliance with Section 10.495 of the Medford Municipal Code (MMC). Based on the preliminary plan submitted, the following number of street lights and signage will be required:

Street Lighting – Developer Provided & Installed:

A. One (1) Type R-100 street light
B. Pedestrian scale street lights consistent with MLDC 10.380, including a Base Mounted Cabinet (BMC)

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

A. 1 – Dead End sign
B. 1 – Stop sign
C. 1 – Street name sign
D. 1 – Dead end barricade

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

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

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

c. Pavement Moratoriums

There is no pavement cutting moratorium currently in effect along this frontage to North Phoenix Road.

d. Soils Report

With construction of the Minor Residential street, the Developer's Engineer shall obtain a soils

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report to determine if there is shrink-swell potential in the underlying soils in this development. If they are present, they shall be accounted for in the roadway and sidewalk design within this Development. The soils report shall be completed by a licensed Geotechnical Engineer in the state of Oregon.

e. Access and Circulation

The Southeast Area Neighborhood Circulation Plan Map shows a Minor Residential street along the southern boundary of the site that is not shown on the site plan. Phases 2 & 3 of the Preliminary Site Plan need to be revised to accommodate this roadway and right-of-way dedication.

Driveway access to the proposed development site shall comply with MLDC 10.550. Upon development of the southern Minor Residential street, driveway access shall be moved to the Minor Residential street and the driveway on North Phoenix Road shall be removed and replaced with full height curb and gutter.

Remove and replace the existing driveway apron that is south of the main driveway, with full height curb and gutter.

Public works recommends that a sidewalk connection and public pedestrian easement be provided to the northeast corner of the property for a future pedestrian access connection from Windgate Street to the facility.
Commission Update: The Planning Commission removed this sidewalk connection and pedestrian easement requirement as a condition of approval for this project.

3. Section 10.668 Analysis

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

10.668 Limitation of Exactions

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

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

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

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

"K-1"

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

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

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

North Phoenix Road:
The additional right-of-way on North Phoenix Road will provide the needed width for a future planter strip. North Phoenix Road is a 45 mile per hour facility, which currently carries approximately 11,200 vehicles per day. The 10-foot planter strip moves pedestrians a safe distance from the edge of the roadway on North Phoenix Road. North Phoenix Road will also be the primary route for pedestrians traveling to and from this future development.

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

The additional street lighting will provide the needed illumination to meet current MLDC requirements.

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

The City assesses System Development Charges (SDCs) to help pay for acquisition of right-of-way and construction of additional Arterial & Collector Street capacity required as a result of new development. Because a mechanism exists in the form of SDC credit for right-of-way

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dedication and street improvements in accordance with Medford Municipal Code (MMC) 3.815 and other applicable parts of the Code, to fairly compensate the applicant, the conditions of MLDC, Section 10.668 are satisfied.

B. SANITARY SEWERS

The proposed development is situated within the Medford sewer service area. The Developer shall provide one separate individual service lateral to the site or ensure that the site is served by an individual service lateral. All unused laterals adjacent and stubbed to the development shall be capped at the main.

C. STORM DRAINAGE

1. Drainage Plan

A comprehensive drainage plan showing the project's impacted site with sufficient information to determine the direction of runoff to the existing or proposed drainage system, and also showing elevations of the proposed drainage system (if applicable), shall be submitted with the first building permit application for approval. Any new or reconstructed area catch basins shall meet Department of Environmental Quality (DEQ) requirements, which include a down-turned elbow and sump.

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.

A Site/Utility Plan shall be submitted with the building permit application to show the location of existing or proposed stormdrain lateral/s for the site.

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

2. Grading

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

3. Detention and Water Quality

Stormwater quality and detention facilities shall be required in accordance with MLDC Section 10.481, 10.729 and 10.486 for any new or reconstructed impervious area.

4. Certification

Upon completion of the project, and prior to certificate of occupancy of the building, the Developer's design Engineer shall certify that the construction of the stormwater quality and detention system was constructed per plan. Certification shall be in writing and submitted to the

"K-1"

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Engineering Division of Public Works. Reference Rogue Valley Stormwater Quality Design Manual, Appendix I, Technical Requirements.

5. Erosion Prevention and Sediment Control

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

D. GENERAL CONDITIONS

1. Design Requirements and Construction Drawings

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

2. Construction Plans

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

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

3. Construction and Inspection

The Developer or Developer's contractor shall obtain appropriate right-of-way permits from the

"K-1"

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Department of Public Works prior to commencing any work within the public right-of-way that is not included within the scope of work described within approved public improvement plans. Pre-qualification is required of all contractors prior to application for any permit to work in the public right-of-way.

4. Site Improvements

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

5. System Development Charges (SDC)

Buildings in this development are subject to street, sanitary sewer treatment, collection and stormdrain SDCs. All SDC fees shall be paid at the time individual building permits are issued.

Prepared by: Doug Burroughs

"K-1"

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SUMMARY CONDITIONS OF APPROVAL
709 North Phoenix Road (TL 701)
Aquatic Facility & Parking Lot Expansion (ABK) CUP-18-076

A. Streets

1. Street Dedications to the Public:

- **North Phoenix Road** – Dedicate additional right-of-way.
- ~~Dedicate right-of-way on **Future Street,** as required, with development of Phases 2 & 3.~~
- Dedicate 10-foot Public Utility Easements (PUE) along frontage.

2. Improvements:

Public Streets

- **North Phoenix Road** – Sidewalk improvements are required.
- ~~Construct **Future Street** to Minor Residential street standards, half plus 8 feet, with development of Phases 2 & 3.~~

Lighting and Signing

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

Access and Circulation

- Revise the Preliminary Site Plan to show a Minor Residential street along the southern boundary of the site.
- Driveway access to the proposed development site shall comply with MLDC 10.550.
- Remove and replace the existing driveway apron that is south of the main driveway, with full height curb and gutter.
- Public works recommends a sidewalk connection from Windgate Street to the facility.

Other

- There is no pavement moratorium currently in effect on North Phoenix Road.

B. Sanitary Sewer:

- Ensure or construct separate individual sanitary sewer connection.
- ○ Cap remaining unused laterals at the main.

C. Storm Drainage:

- Provide a comprehensive grading and drainage plan.
- Provide water quality and detention facilities, calculations and O&M Manual.
- Provide Engineers certification of stormwater facility construction.
- Provide copy of an approved Erosion Control Permit (1200C) from DEQ for this project.

- ▪ = City Code Requirement
- ○ = Discretionary recommendations/comments

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

"K-1"

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50.2

RECEIVED
AUG 08 2018
PLANNING DEPT.

David F Cuttrell
3606 Calle Vista Drive
Medford, OR 97504

August 6, 2018

City of Medford Planning Department
200 South Ivy Street
Medford, OR 97501

Re: File No: CUP-18-076

To Whom IT May Concern,

I am in support of the proposed project.

Sincerely,

David F Cuttrell

CITY OF MEDFORD
EXHIBIT # P
File # CUP-18-076

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

IN THE MATTER OF TENTATIVE PLAT APPROVAL OF	)	
	)	**ORDER**
MARSHA MEADOWS SUBDIVISION [LDS-18-077]	)	

ORDER granting approval of a request for tentative plat for *Marsha Meadows Subdivision,* described as follows:

A 20 lot subdivision on approximately 3 acres within the SFR-10 (Single Family Residential – 10 dwelling units per gross acre) zoning district, located on the north side of Sweet Road approximately 270 feet east of North Ross Lane (372W26AA TL 800, 900, 1000).

WHEREAS:

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

2. The Medford Planning Commission has duly held a public hearing on the request for tentative plat for *Marsha Meadows Subdivision,* as described above, with the public hearing a matter of record of the Planning Commission on August 9, 2018.

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

4. At the conclusion of said hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded granted tentative plat for *Marsha Meadows Subdivision,* as described above and directed staff to prepare a final order with all conditions and findings set forth for the granting of the tentative plat approval.

THEREFORE LET IT BE HEREBY ORDERED that the tentative plat for *Marsha Meadows Subdivision,* stands approved per the Planning Commission Report dated August 9, 2018, and subject to compliance with all conditions contained therein.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this request for tentative plat approval is hereafter supported by the findings referenced in the Planning Commission Report dated August 9, 2018.

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

Accepted and approved this 23rd day of August, 2018.

CITY OF MEDFORD PLANNING COMMISSION

_____
Planning Commission Chair

ATTEST:

_____
Planning Department Representative

PLANNING COMMISSION REPORT

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

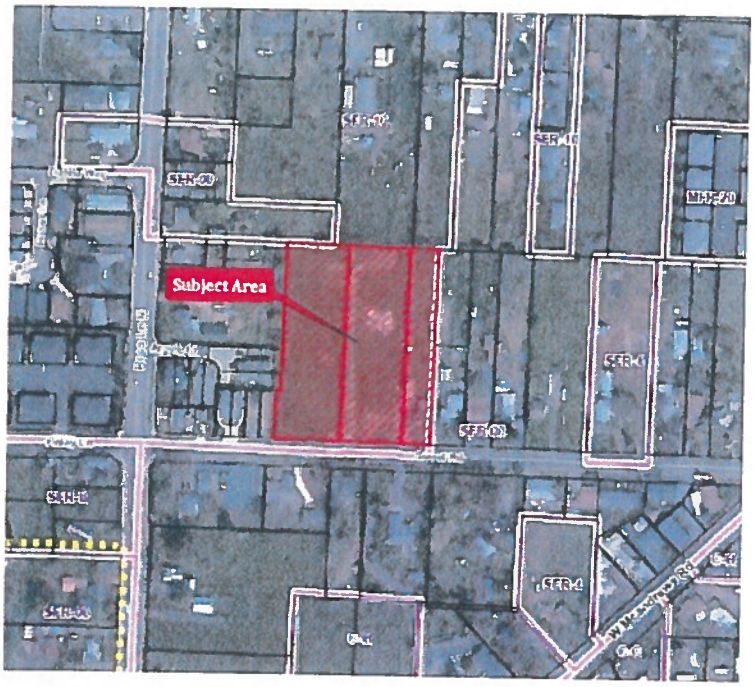
Project	Marsha Meadows Applicant: Edward D. Fleming; Agent: Scott Sinner Consulting, Inc
File no.	LDS-18-077
Date	August 9, 2018

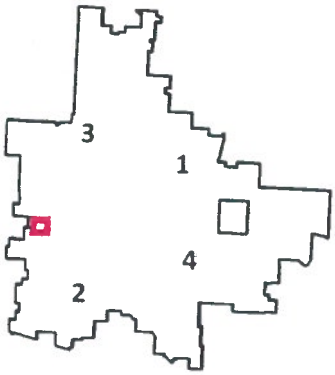
BACKGROUND

Proposal

Consideration of a tentative plat for a 20 lot subdivision on approximately 3 acres within the SFR-10 (Single Family Residential – 10 dwelling units per gross acre) zoning district, located on the north side of Sweet Road approximately 270 feet east of North Ross Lane (372W26AA TL 800, 900, 1000).

Vicinity Map





Subject Site Characteristics

Zoning	SFR-10	Single Family Residential (10 dwelling units per gross acre)
GLUP	UR	Urban Residential
Use	Vacant	

Surrounding Site Characteristics

North	Zone:	SFR-10 (Single Family Residential, 10 dwelling units per gross acre)
	Use:	Single family dwelling with accessory structures
South	Zone:	SFR-00 (Single Family Residential, 1 dwelling unit per existing lot)
	Use:	Single family dwellings
East	Zone:	SFR-00
	Use:	Single family dwellings
West	Zone:	SFR-10
	Use:	Single family dwellings

Related Projects

A-03-094	ORD 2003-276
ZC-06-023	Approved April 13, 2006
ZC-07-124	Approved July 27, 2007
LDS-11-073	Marsha Meadows expired August 11, 2016

Applicable Criteria

LAND DIVISION APPROVAL CRITERIA
FROM SECTION 10.270 OF THE *MEDFORD LAND DEVELOPMENT CODE*

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.

ISSUES AND ANALYSIS

Background

The subject property was annexed into the City in 2003 by Ordinance 2003-276 and received an approval of zone change from SFR-00 (1 dwelling unit per existing lot) to SFR-10 (10 dwelling units per gross acre). The subject property also received tentative plat approval for 16 lots in 2011 which has since expired. The current proposal has included an additional half acre of land and requests tentative approval for 20 lots.

Density

The density for this project is a minimum of 19 and a maximum of 32 units. The site was designed for single family homes with two duplex lots on lots 9 and 16 for a total of 22 dwelling units. Although townhouses are allowed in the SFR-10 zone, none of the proposed lots meet the standards for townhouses.

Lots 9 and 16 on the Tentative Plat (Exhibit B) are labeled as duplex lots. Both lots exceed the maximum lot size for single family dwellings per MLDC Section 10.710 but meet the lot size requirements for Duplex Dwellings per MLDC Section 10.713, therefore lots 9 and 16 shall be designated as duplex lots.

Phasing

The subdivision is proposed as a two-phased project with the phase line delineated on the tentative plat with nine lots in phase one and 11 lots in phase two (Exhibit B). Tentative Plat approvals shall expire two years from the approval date. Per MLDC Section 10.269 (2), when it is the developer's intent to record and develop a tentatively platted land division the approving authority may authorize a time schedule for platting the various phases exceeding one year but in no case shall the total time to period of platting all phases exceed five years.

The approval period shall not be greater than five (5) years.

Street Circulation

The tentative plat shows two new streets to be created with the subdivision. Nicolas Lee Drive will intersect Sweet Road and provide access for the future lots. The tentative plat also shows Fleming Way providing a future connection to the east. The street layout is consistent with MLDC Section 10.246 (B) Street Circulation Design and Connectivity for block length.

Per the Public Works Staff report (Exhibit E), Sweet Road will also be required to be improved to Standard Residential street standards.

Jackson County Roads Department (Exhibit K)

The Jackson County Road Department provided comments and requested that a traffic study be done specifically for the intersection of Sweet Road and West McAndrews Road, and if any mitigations are recommended they shall be required. The condition to require a traffic study is supported by the MLDC Section 10.461(3).

The Agent has submitted a reply in opposition to Condition 8 (Exhibit M) stating that the land division has no additional traffic impacts than those impacts that were related to the Zone Change to SFR-10 in 2007.

Decision: Jackson County Roads revised the proposed condition in Exhibit K via the email included as Exhibit P. The applicant stipulated to conduct a traffic analysis for safety at the intersection of Sweet Road and West McAndrews Road in conformance with the comments from Jackson County Roads, and make any safety required mitigations recommended by the traffic analysis.

Wetlands

According to the Department of State Lands wetland delineation report (Exhibit I) there are mapped wetlands along the west and north property boundary for Tax Lot 100. It was

determined that there had been approximately 40 cubic yards of fill placed recently therefore, a permit may be needed for 10 cubic yards of fill within the wetland or stream.

Other Agency Comments

Rogue Valley International Airport (Exhibit L)

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

Decision: Staff inadvertently included a condition requiring compliance with Exhibit L. After reviewing the document, the Commission deleted the condition because the language regarding FAA compliance is informational and not a requirement. The Commission deleted condition 1.g.

No other issues were identified by staff.

FINDINGS AND CONCLUSIONS

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

ACTION TAKEN

Adopted the findings as recommended by staff and directed staff to prepare the final order for approval of LDS-18-077 per the Planning Commission Report dated August 9, 2018, including Exhibits A through P.

EXHIBITS

A-1 Conditions of Approval, dated August 2, 2018
B Tentative Plat received June 1, 2018
C Conceptual Grading & Drainage Plan received June 1, 2018
D Applicants findings and conclusions received June 1, 2018
E Medford Public Works Department Report dated July 18, 2018
F Medford Fire Department report dated July 17, 2018
G Medford Building Department Memo dated July 18, 2018
H Medford Water Commission Memo dated July 18, 2018
I Wetland Delineation Report dated March 8, 2018
J Rogue Valley Sewer Services letter dated July 12, 2018
K Jackson County Roads letter dated July 9, 2018

L Jackson County Airport email dated July 10, 2018
M Email from Agent received July 30, 2018
N Density Calculation
O Assessor's Map received June 1, 2018
P Email from Jackson County Roads received August 8, 2018
Vicinity map

MEDFORD PLANNING COMMISSION

_____
Patrick Miranda, Chair

PLANNING COMMISSION AGENDA:

AUGUST 9, 2018
AUGUST 23, 2018

EXHIBIT A-1

LDS-18-077
Conditions of Approval
August 2, 2018

DISCRETIONARY REQUIREMENTS

1. All phases shall be platted prior to the expiration of a five (5) year approval from the date of the signed Final Order.

CODE REQUIREMENTS

1. Prior to Final Plat approval, the applicant shall comply with the:

    a. Public Works Department Staff Report dated July 18, 2018 (Exhibit E).

    b. Medford Fire Department Report dated July 18, 2018 (Exhibit F).

    c. Medford Building Department Memo dated July 18, 2018 (Exhibit G).

    d. Medford Water Commission Meme dated July 18, 2018 (Exhibit H).

    e. Department of State Lands Wetland delineation dated March 8, 2018 (Exhibit I).

    f. Rogue Valley Sewer Services Memo dated July 12, 2018 (Exhibit J).

    g. Jackson County Roads letter dated July 9, 2018 (Exhibit K).

    h. Lots 9 and 16 shall be designated as Duplex lots on the Final Plat

Liz A. Conner

From: Mike Kuntz <KuntzM@jacksoncounty.org>
Sent: Wednesday, August 08, 2018 4:55 PM
To: 'scottsinner@yahoo.com'; Liz A. Conner
Cc: Alex T. Georgevitch; Karl H. MacNair; 'Kim Parducci'
Subject: RE: RE: Meeting

All,

I had a chat with Alex this afternoon and have a better understanding of Medford's code. Please modify Jackson County's comment regarding the TIS request. All other comments remain unchanged. Please include a safety study of the McAndrews Road/Sweet Lane intersection looking at the development build-out year. If the study shows safety mitigation is required, the study shall make recommendation for such mitigation. Jackson County's request for future year capacity analysis is withdrawn.

Mike

From: Mike Kuntz
Sent: Tuesday, August 07, 2018 5:02 PM
To: 'scottsinner@yahoo.com' <scottsinner@yahoo.com>; 'Liz A. Conner' <Elizabeth.Conner@cityofmedford.org>
Cc: 'Alex T. Georgevitch' <Alex.Georgevitch@cityofmedford.org>; 'Karl H. MacNair' <Karl.MacNair@cityofmedford.org>; 'Kim Parducci' <kim.parducci@gmail.com>
Subject: RE: RE: Meeting

Unfortunately I'm not available for either the Wednesday morning or Thursday evening meetings. I don't believe I have any more information to add to what I've already provided. Jackson County is concerned about the operation of this intersection and we hope that Medford will support our request. That said, we also understand Medford's support in this matter is discretionary. Jackson County will abide by whichever decision Medford makes.

Mike

From: scottsinner@yahoo.com [mailto:scottsinner@yahoo.com]
Sent: Tuesday, August 07, 2018 4:01 PM
To: 'Liz A. Conner' <Elizabeth.Conner@cityofmedford.org>
Cc: Mike Kuntz <KuntzM@jacksoncounty.org>; 'Alex T. Georgevitch' <Alex.Georgevitch@cityofmedford.org>; 'Karl H. MacNair' <Karl.MacNair@cityofmedford.org>; 'Kim Parducci' <kim.parducci@gmail.com>
Subject: EXT: RE: Meeting

Hello all,

Kim can't make a morning meeting tomorrow. I am reluctant to go into a meeting with a bunch of traffic types, without her representation.

That being said, I spoke to Ed Fleming and he has authorized me to continue the hearing if we do not have resolution before 5:30 Thursday, so I would like to take the meeting at 8:30 in the morning.

Here are my issues:

CITY OF MEDFORD
EXHIBIT # P 1/3
File # LDS 18-077

1. We currently are within the SFR-10 zoning district and any capacity issues relating to our development were addressed at the time of the zone change consistent with the MLDC.

2. I have absolutely no problem looking at safety issues of the Sweet Road McAndrews intersection and the impacts of adding our 22 dwelling units on to that system.

3. I strongly disagree with an analysis that requires us to look at volumes or impacts to the intersection for the 20 year build out.

4. I am concerned about the County condition on a Land Division application. We have a method in the MLDC to remove a condition from a Zone Change, but I am not aware of a method to remove or modify a condition from a land division application without starting over.

Thank you and please let me know if we are still good at 8:30 in the morning.

Scott

Scott Sinner Consulting, Inc.
4401 San Juan Dr. Suite G
Medford, OR 97504
541-601-0917

-----Original Message-----
From: Liz A. Conner <Elizabeth.Conner@cityofmedford.org>
Sent: Tuesday, August 7, 2018 3:29 PM
To: 'Scott Sinner' <scottsinner@yahoo.com>
Subject: RE: Meeting

Hi Scott,

The afternoon is really not available for Karl, Alex or I. I've called Mike and left a message for him but haven't heard anything yet.

Let me know if you have another time that could work before Thursday afternoon.

Thanks,

Liz Conner, CFM
Planner II
City of Medford - Planning Department
Lausmann Annex
200 South Ivy Street, Medford, Oregon 97501

Office Line: 541-774-2380
Fax: 541-618-1708
www.ci.medford.or.us

-----Original Message-----
From: Scott Sinner [mailto:scottsinner@yahoo.com]
Sent: Tuesday, August 07, 2018 3:09 PM

CITY OF MEDFORD
EXHIBIT # P 2/3
File # LDS-18-077

To: Liz A. Conner <Elizabeth.Conner@cityofmedford.org>
Subject: Meeting

Liz, Kim is not available in the morning, we both are after 2:00 tomorrow

Sent from my iPhone

CITY OF MEDFORD
EXHIBIT # P 3/3
File # LDS-17-077

Minutes

From Public Hearing on **August 9, 2018**

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

Commissioners Present
Patrick Miranda, Chair
David McFadden, Vice Chair
Joe Foley
Bill Mansfield
Alex Poythress

Staff Present
Kelly Akin, Assistant Planning Director
Carla Paladino, Principal Planner
Katie Zerkel, Senior Assistant City Attorney
Alex Georgevitch, City Engineer
Samantha Metheny, Deputy Fire Marshal
Terri Richards, Recording Secretary
Seth Adams, Planner III
Liz Conner, Planner II

Commissioners Absent
David Culbertson, Excused Absence
Mark McKechnie, Excused Absence
E.J. McManus, Excused Absence
Jared Pulver, Excused Absence

10. Roll Call

20. Consent Calendar/Written Communications.

20.1 CUP-17-116 Final Order of a request for a Conditional Use Permit (CUP) for a proposed Bed & Breakfast to be located at 15 Geneva Street in the SFR-6 (Single-Family Residential – 6 dwelling units per gross acre) zoning district, and within the Historic Preservation Overlay District (371W30AB TL 16400). Applicants: Gloria Thomas & Cecil de Hass; Agent: Julie Krason; Planner: Dustin Severs.

20.2 LDS-18-058 Final Order of a tentative plat for a 42 lot subdivision on approximately 14.54 gross acres within the SFR-4 (Single Family Residential – 4 dwelling units per gross acre) and the SFR-2 (Single Family Residential – 2 dwelling units per gross acre) zoning districts, located on the south side of Lone Pine Road approximately 335 feet east of North Foothills Road (371W21AA TL 100). Applicant, Twin Creeks Development LLC; Agent, Hoffbuhr and Associates; Planner, Liz Conner.

Motion: The Planning Commission adopted 20.1 and 20.2 of the consent calendar as submitted.

Moved by: Vice Chair McFadden Seconded by: Commissioner Foley

Voice Vote: Motion passed, 5-0.

20.3 GF-18-104 Staff initiated request to consider a code amendment to allow Offices of Other Health Practitioners (SIC Group 804) as a permitted use in the Light Industrial (I-L) zoning district. Applicant, City of Medford; Planner, Steffen Roennfeldt.

Commissioner Foley has an issue with 20.3. He is going to vote against it because he would rather see staff time put into getting a better line between heavy commercial and light industrial opposed to dealing with these one of a kind exceptions all the time.

Vice Chair McFadden agrees with Commissioner Foley's comment. However, he does not want to throw someone down when opening a business in Medford.

Motion: The Planning Commission approved the initiation of a request for a code amendment to allow Offices of Other Health Practitioners (SIC Group 804) as a permitted use in the Light Industrial zoning district and directed staff to bring the item back to the Planning Commission at a future time.

Moved by: Vice Chair McFadden Seconded by: Commissioner Poythress

Voice Vote: Motion passed, 3-2, with Commissioner Foley and Vice Chair McFadden opposed.

30. Minutes

30.1. The minutes for July 26, 2018, were approved as submitted.

40. Oral and Written Requests and Communications. None.

Katie Zerkel, Senior Assistant City Attorney, read the Quasi-Judicial Statement.

50. Public Hearings – **New Business**

50.1 DCA-17-091 Application for code amendment to revise the Wireless Communications Facility Section of the MLDC. Applicant: City of Medford; Planner: Seth Adams.

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

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

Seth Adams, Planner III, stated that the Development Code Amendment approval criteria can be found in the Medford Land Development Code Section 10.218. The applicable criteria were addressed in the staff report and hard copies are available at the entrance of Council Chambers for those in attendance. Mr. Adams gave a staff report.

Chair Miranda asked, were exclusions the decorative street lights and traffic signals? Mr. Adams replied, correct.

The public hearing was opened.

Vice Chair McFadden stated that reading through the minutes of the Monday, July 23, 2018, Planning Commission study session he discovered an error. During the discussions he was talking about wireless offerings on television communications and the impacts. The minutes refer to his referral to such facilities on Roxy Ann repeatedly. He was not talking about facilities on Roxy Ann. He was talking about facilities on the west hills of the valley.

Chair Miranda asked, is there language in the code to limit the radius or distance between these small cells? Mr. Adams replied that there is not as proposed. Under Federal law it becomes a tricky situation preventing cell services to not be in close proximity when trying to maintain their coverage.

The public hearing was closed.

Motion: The Planning Commission based on the findings and conclusions that all of the approval criteria are either met or not applicable, forward a favorable recommendation for adoption of DCA-17-091 to the City Council per the staff report dated August 2, 2018, including Exhibits A through C.

Moved by: Vice Chair McFadden Seconded by: Commissioner Foley

Commissioner Poythress is going to vote no on this code amendment. He appreciates the intention and reason. It is a good and worthy effort. He thinks the City can do better than creating parameters around the poles that ideally the City would not have. There will always be street lights and traffic signal trusses. Traffic signal trusses will not hold these facilities. The comment about the City is already used to having ugly lights why not make them look uglier most accurately represents where he is coming from. He thinks the City can do better in terms of whether there will be creating parameters around designated towers or support structures for the devices so that the City is not adorning the poles that need to be reduced with more expensive equipment.

Roll Call Vote: Motion passed, 4-1, with Commissioner Poythress voting no.

50.2 CUP-18-076 Consideration of a modification to an existing Conditional Use Permit for a private recreation facility to add parking and to allow for new construction and site modifications to the former tennis and swim club facility located on the east side of North Phoenix Road, approximately 325 feet south of Calle Vista Drive (709 N Phoenix Road, 371W27 TL 701). Applicant: North Phoenix Properties Holdings, LLC; Agent: CSA Planning; Planner: Liz Conner.

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

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

Liz Conner, Planner II, stated that yesterday staff received a comment from David F. Cuttrell stating that he is in support of the proposed project. The comment was emailed to the Planning Commission this morning and will be entered into the record as Exhibit P. The Conditional Use Permit approval criteria can be found in the Medford Land Development Code Section 10.248. The applicable criteria were addressed in the staff report, property owner notices and hard copies are available at the entrance of Council Chambers for those in attendance. Ms. Conner gave a staff report.

Commissioner Foley asked, is this a new Conditional Use Permit or modifying the one from Jackson County? Ms. Conner reported that it is modifying the existing one from Jackson County as their conditions are coming forward into this one.

The public hearing was opened.

a. Raul Woerner, CSA Planning Ltd., 4497 Brownridge Terrance, Suite 101, Medford, Oregon, 97504-9173. Mr. Woerner reported that the Conditional Use Permit issued in 1981 allowed for a portable cover to be placed over the existing outdoor tennis courts along the north property line. In 1991 there was a change from that cover to a permanent steel building that exists today.

The immediate need was to expand the parking area that is identified in Phase 1. The applicant was told under the Conditional Use Permit standards it would be considered a major amendment. It was recommended by staff that if the applicant has long range plans to get them approved all at once.

The applicant wants to provide an aquatic center. It will be an indoor facility that would accommodate the 25 yard by 25 meter swimming pool. It would accommodate competitive events under the international standard in meters or the domestic interscholastic standard in yards.

Phase 3 is the outdoor pool. The applicant developed a plan that accommodated the 30 foot setback on the south line. The Southeast Plan had a black line that stated it was a local street. That map does not show any property lines. It just shows streets. When going through the narrative of the Southeast Plan it does not mention local streets. It discusses all streets standard and higher. A memorandum to staff mentioned that given the map is ambiguous to where property lines are is it really the case that the local street connection must go through the property if they were not proposing the Conditional Use Permit. The 37 ½ feet would go into the edge of the swimming pool. It does not make sense to put a street there for all the reasons in the memorandum. If the street is required they will have extend the parking. Mr. Woerner did not find any Dolan findings for the exaction. There is a boiler plate provision in the public facilities Exhibit K that speaks to Medford Land Development Code Section 10.668 stating: *"...an applicant for a development permit shall not be required, as a condition of granting the application, to dedicate land for public use or shall 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."* It is a local street so there are no SDC credits. It is 37 ½ feet plus the setback. If the property ever develops to the east/west there will be internal connectivity.

Regarding the Windgate easement connection. The subject property does not connect to Windgate right-of-way. There are existing subdivision lots that are between Windgate and the subject property corner. That is side yards for those properties. A pathway was not required as part of the subdivision approval so why is it requiring a connection to a path that does not exist. Recognizing there should be some access eventually to that side the applicant has proposed that the parking area that extends through Phase 3. The Phase 1 parking area will eventually add 10 more spaces to the east and is designed to provide the interconnection. When that property gets redeveloped staff stated that they will look at the applicants plan and if it is built out that way they will require that property to provide the connection at that time. It will accommodate a pedestrian access way.

Vice Chair McFadden agrees with Mr. Woerner about the path and roadway. The Southeast Plan was supposed to be flexible but both requirements do not make sense.

Commissioner Foley asked, is there a sidewalk in the front on the North Phoenix side? Mr. Woerner stated not currently. Commissioner Foley asked, is there one in the plan? Mr. Woerner replied yes.

Commissioner Foley asked, does the applicant intend to change the current entrance even if they have to put the other road in? Mr. Woerner replied that is not the applicant's

intention. It is a condition that the City would like once the street gets built make the applicant remove the existing commercial access and put the access on the local street.

Mr. Woerner reserved rebuttal time.

Commissioner Foley asked, how does the Planning Commission go about the applicant suggesting not requiring the road? Vice Chair McFadden stated to put it in the motion.

Commissioner Mansfield stated that he heard clearly that the applicant wants to get rid of the road. Why should the road remain? Ms. Conner reported that staff is obligated to address that the road is there because it is in the Southeast Circulation Plan which is adopted by the City's Comprehensive Plan.

Ms. Zerkel asked Commissioner Foley to restate his question.

Commissioner Foley asked, there are two issues that the Planning Commission needs to address, one being the road that is on the Southeast Plan that the majority of the Commissioners think does not make any sense. The other issue is the path through private property that is not part of this application. How does the Planning Commission make those go away without causing a lot of problems from a legal perspective? Ms. Zerkel reported that the pedestrian access way was recommended by Public Works. The Planning Commission does not have to adopt it as a condition. Make it clear in the motion it is not a condition. One of the conditions of the Conditional Use Permit is that it complies with the City code. The code states it must comply with the Southeast Plan map. There is not a clear legal out not requiring it without amending the Southeast Plan map.

Vice Chair McFadden thinks the Planning Commission is wanting to direct the City to change the Southeast Plan to eliminate this roadway or significantly relocate it at some point. There is nothing to move that forward to get it done. There needs to be a mechanism that the City will move forward to get it done.

Kelly Akin, Assistant Planning Director, reported that the street is adopted into the Comprehensive Plan as part of the Southeast Circulation Plan. The applicant could also apply to amend the Southeast Circulation Plan. Staff does not have to initiate although staff has been discussing it internally because there is some cleanup work that needs to happen in the Southeast Plan. Staff added an amendment that the conditions of approval reflected to the Public Works report stating: *"If the City Council amends the Southeast Neighborhood Circulation Plan Map to remove the future street prior to the approval of building permits for Phase 2 or 3, whichever comes first, the dedication and improvement are not required."* That is an out so staff would not have to come back to the Planning Commission to amend the condition.

Commissioner Mansfield asked, does it look like the best that the Planning Commission could do is agree with the applicant that the road is not usable or necessary? Chair Miranda stated that the best thing they can do is agree with staff's recommendation and accept everyone will do the best they can on the timing.

Commissioner Mansfield asked, does the applicant accept that?

Ms. Akin reported that Mr. Woerner reminded her of the testimony he gave. One was related to Dolan which is the Code Section 10.668 analysis the limitation of exactions. The other was locational exactness of the plan itself.

Commissioner Foley asked, what does that information mean to the Planning Commission? What can they do with that? Ms. Akin stated that the Public Works Department provides an analysis when improvements and dedications are required. Dolan is a three prong test. 1) Legitimate government purpose which all can agree public rights-of-way are legitimate public purpose; 2) The nexus to the development that there is a connection between the two things; and 3) Rough proportionality.

Commissioner Mansfield asked, can the Planning Commission find there is not a nexus and simply dump it? Ms. Akin reported that is the Planning Commission's perogative. They would have to make findings to that affect.

Commissioner Mansfield suggested that the Planning Commission makes the findings.

The public hearing was closed.

Motion: The Planning Commission adopts the findings as recommended by staff and directs staff to prepare the Final Order for approval of CUP-18-076 per the staff report dated August 2, 2018, including Exhibits A through P, and the Planning Commission does not see that the recommendation dealing with the pedestrian path to Windgate can legally be accomplished unless adjoining neighbors allow it to happen. The original Conditional Use Permit condition #22 regarding pedestrian gates can be deleted. The Southeast Circulation Plan due to inexactness and necessary to establish Dolan requirements for the establishment of a road in this location be stricken and the requirement of road improvements along the south property line.

Moved by: Vice Chair McFadden Seconded by: Commissioner Mansfield

Roll Call Vote: Motion passed, 5-0.

50.3 LDS-18-077 Consideration of a tentative plat for a 20 lot subdivision on approximately 3 acres within the SFR-10 (Single Family Residential – 10 dwelling units per gross acre) zoning district, located on the north side of Sweet Road approximately 270

feet east of North Ross Lane (372W26AA TL 800, 900, 1000). Applicant: Edward Fleming; Agent: Scott Sinner Consulting, Inc.; Planner: Liz Conner.

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

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

Liz Conner, Planner II, stated that staff received an email late afternoon yesterday from Jackson County Roads, Mike Kuntz that will be entered into the record as Exhibit P. The Land Division approval criteria can be found in the Medford Land Development Code Section 10.270. The applicable criteria were addressed in the staff report, property owner notices and hard copies are available at the entrance of Council Chambers for those in attendance. Ms. Conner gave a staff report.

Vice Chair McFadden asked, does staff agree that there is no airport facilities within several miles of the subject property? Did staff receive a boiler plate from FAA regarding restrictions on this property when maybe they did not understand where the property was? It was amazing to him to find a letter from the FAA dealing with airport stuff in this packet. It seems to him this is one that should be ignored. Maybe the City or the applicant could send a letter back to them straightening them up on this issue. Ms. Conner reported that the City is required to notify the airport if a property is in the airport area of concern which is an overlay on the subject property. Staff has just recently started receiving comments back from the airport.

Ms. Zerkel commented that the email is asking for two different things. The airport itself is asking for the avigation noise and hazard easement and by the way contact the FAA. It is not necessarily requiring the filing they just always ask. Vice Chair McFadden stated that it looks like a boiler plate email.

The public hearing was opened.

a. Scott Sinner, Scott Sinner Consulting, Inc., 4401 San Juan Drive, Suite G, Medford, Oregon, 97504-9343. Mr. Sinner reported that page 5 of the staff report in the agenda packet discusses the Rogue Valley International airport Exhibit L and the applicant agrees with staff stating that the easement has not been included. There are no Nollan and Dolan findings.

Lots 9, 10, 11 and 20 on the extension of Fleming Way to the east are proposed to be zero lot line dwellings.

Nicholas Lee Way was established with the approval of Silky Oaks Subdivision on the north side of Maple Park Drive. The approval and development of this plat will create another segment parallel to Ross Lane that is consistent with the block length requirement.

The difference between this plat and the expired plat is that the applicant added the tax lot to the east. This is infill development.

The original plat had an east/west street proposed for the north property line. This plat proposes coming back 100 feet that will benefit future development with back to back facing lots on the east/west street. It will allow the properties north of this between Sweet Road and Maple Park Drive another road segment that gives the circulation pattern they are striving for in urban development.

Mr. Sinner reserved rebuttal time.

b. Mitch Swan, 1310 Sweet Road, Medford, Oregon, 97501. Mr. Swan reported that he does not have concerns but has questions about the road ending at his fence. He has a commercial garden not accepted an accepted agricultural property. This is affecting his property value. Traffic will be extremely affected. How is the applicant going to deal with privacy, traffic and fencing to mitigate his issue? He does not see that density coming next door to him without anyone saying anything. He feels his questions are valid.

Ms. Zerkel reported that Mr. Sinner was correct when he stated the easement was not required because the findings have not been given and staff is not requiring it as a condition. However, on Exhibit A, Conditions of Approval (1) (h) states that the applicant shall comply with the Jackson County Airport email. If staff is not requiring that condition it should be stricken.

Mr. Sinner stated that this property has been zoned SFR-10 since 2007. It has been annexed into the City many years ago. Mr. Swan's property is also in the City. It currently has the SFR-00 zoning. He is in urban development.

As far as property value he is not in an agricultural zone so an agricultural impact analysis was not required.

The road 100 feet from his property line will at some point be valuable to him. It will extend services at some point when he or his successors choose to develop. Mr. Sinner gave Mr. Swan his business card and will be happy to talk to him.

Currently the applicant does not have plans for fencing. He believes the developer would fence his development as individual lots. That will be taken care of at the building permit stage.

The public hearing was closed.

Motion: The Planning Commission adopts the findings as recommended by staff and directs staff to prepare the Final Order for approval of LDS-18-077 per the staff report dated August 2, 2018, including Exhibits A through P, and Conditions of Approval (1) (g) be amended to mention the inclusion of Exhibit P as an explanation of itself, (1) (h) be stricken and all plats have correct road names.

Moved by: Vice Chair McFadden Seconded by: Commissioner Mansfield

Roll Call Vote: Motion passed, 5-0.

60. Reports

60.1 Site Plan and Architectural Commission.

Kelly Akin, Assistant Planning Director reported that the Site Plan and Architectural Commission met on Friday, August 3, 2018. They approved plans for the development of a 500 unit mini-warehouse storage facility, on 4.1 acres of a 10.3 acre parcel located at 576 E. Vilas Road within the General Industrial zoning district.

60.2 Report of the Joint Transportation Subcommittee.

Chair Miranda reported that the Joint Transportation Subcommittee has not met since the last Planning Commission meeting.

60.3 Planning Department

Ms. Akin, reported that the next Planning Commission study session scheduled for Monday, August 13, 2018 has been cancelled.

There is business scheduled for the Planning Commission through September. The dates are Thursday, August 23, 2018, Thursday, September 13, 2018 and Thursday, September 27, 2018.

Last week the City Council approved the System Development Charge deferral program. It is an incentive program to delay the fees for a period of time. They also approved the resolution that upheld the Planning Commission's decision on the Westminster Church Project Warm.

Next week the City Council will be hearing Senate Bill 1051 Interim Design Standards also the GLUP map amendment on Airport Road for Grace Christian School.

The City Council has requested a study session with the Planning Commission to discuss upcoming code amendments related to housing and accessory dwelling units. It will be held Monday, September 24, 2018, at 6:00 p.m. in the Prescott Room. The regular noon Planning Commission study session will be canceled.

Reminded the Planning Commission of the League of Oregon Cities conference scheduled for September 27-29. Commissioner Foley replied he was not interested but staff has not heard from any of the other Commissioners. If any Commissioners are interested to please notify staff as soon as possible. Chair Miranda declined.

70. Messages and Papers from the Chair. None.

80. Remarks from the City Attorney. None

90. Propositions and Remarks from the Commission. None.

100. Adjournment

The meeting was adjourned at 7:10 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:

Terri L. Richards
Recording Secretary

Patrick Miranda
Planning Commission Chair

Approved: August 23, 2018

STAFF REPORT

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

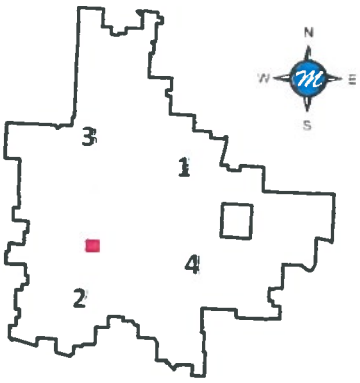
Project	Mail Tribune Facility Remodel & Zone Change Applicant: Rosebud Media, LLC; Agent: Ausland Group
File no.	ZC-18-087
To	Planning Commission *for August 23, 2018*
From	Liz Conner, Planner II
Reviewer	Kelly Akin, Assistant Planning Director
Date	August 16, 2018

BACKGROUND

Proposal

Consideration for request of approval for a zone change from C-C (Community Commercial) to C-H (Heavy Commercial) on a 0.69 acre parcel zoned located at 111 N Fir Street between West Fifth Street and West Sixth Street with in the Downtown Historic District and Central Business District (372W25AD TL 100).

Vicinity Map



Subject Site Characteristics

Zoning	C-C	Community Commercial
GLUP	CC	City Center
Overlay	H/CB	Historic, Central Business
Use	Newspaper production	

Surrounding Site Characteristics

North	Zone:	C-H
	Use:	Motion pictures production services
South	Zone:	C-C
	Use:	newspaper production/distribution facility
East	Zone:	C-C
	Use:	Big Pines Plaza / social services
West	Zone:	C-C
	Use:	Concord Apartments

Related Projects

PA-18-052 Pre-Application

Applicable Criteria

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

Medford Land Development Code §10.227, Zone Change Criteria

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

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

   ***

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

***

iv. *The C-H zone shall front upon an arterial street or state highway. The C-H zone may abut the General Industrial (I-G), Light Industrial (I-L), and/or any commercial zone. The C-H zone is ordinarily considered to be unsuitable if abutting any residential and I-H 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.*

2. *It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in Section 10.462 and Goal 2 of the Comprehensive Plan "Public Facilities Element" and Transportation System Plan.*
   a. *Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.*

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

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

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

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

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

Corporate Names

The Medford Mail Tribune has a James Singeltary listed as the authorized representative with a business address listed at 111 North Fir Street, Medford, OR 97501.

Rosebud Media LLC is also an Oregon Corporation with a principal place of business at 111 N Fir St Medford, Oregon 97501. The registered agent is Corporate Creations Network INC. located at 5708 S.E. 136th Ave # 2, Portland, Oregon 97236.

ISSUES AND ANALYSIS

Background

The Mail Tribune has plans to remodel the existing facility to combine newsprint with TV media. The proposed zone change request from C-C to C-H is to accommodate the applicant's combined media use.

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
481	Telephone Communication	X	X	P	P	P	P	P	P
	Wireless Communication Support Structure	Cs	Cs	Cs	Cs	Cs	Cs	Cs	Cs
	Wireless Communication Facilities, other than Support Structure	Ps	Ps	Ps	Ps	Ps	Ps	Ps	Ps
482	Telegraph Communication	X	X	P	P	P	P	P	P
483	Radio and Television Broadcasting Stations	X	X	X	P	P	P	P	P
484	Cable and Other Pay TV Stations	X	X	X	P	P	P	P	P
489	Communication Services, nec	X	X	X	P	P	P	P	P

The special use references for Wireless Communication Support Structure and Wireless Communication Facilities, other than Support Structure correspond with special use Section 10.824.

Television broadcasting is classified Standard Industrial Code 4833, which is not a permitted use in C-C per the MLDC Section 10.337.

The subject property is also within the Downtown Historic District as well as the Central Business District, and will continue to have Historic and Central Business Overlay applied.

Criteria Compliance

GLUP/TSP Consistency

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

The Transportation System Plan (TSP) serves as a blueprint to guide transportation decisions as development occurs in the City. It identifies both existing and future needs, and includes improvements to meet those needs. The TSP Functional Classification Plan identifies East Jackson Street and North Central Avenue as Major Arterial streets. The applicant's findings demonstrate that the proposed zone change is consistent with the goals outlined in the City's TSP, and accordingly, this demonstration of consistency assures compliance with the Oregon Transportation Planning Rule.

Locational Criteria

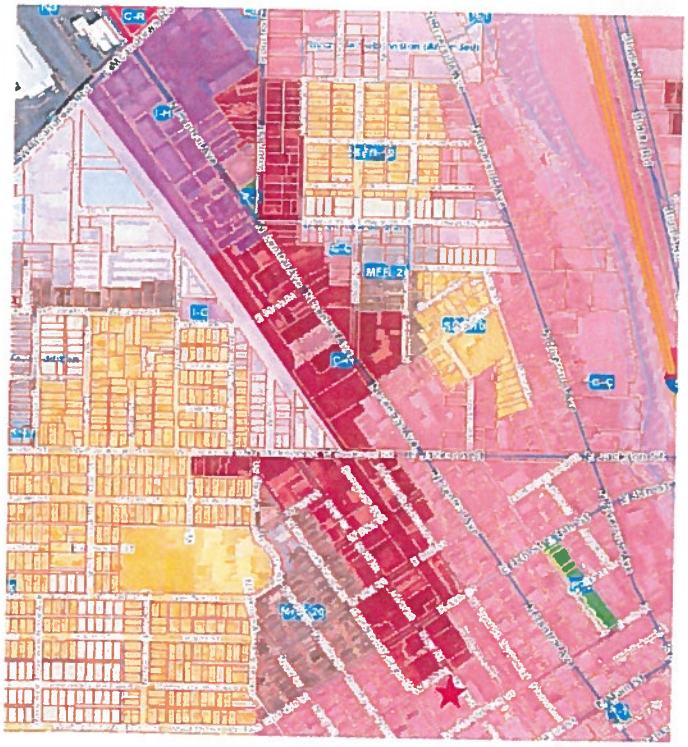
The C-H zoning district is across West Fifth Street from the subject parcel and continues north contiguously for roughly 56 acres crossing East Jackson and North Central Avenue finally terminating at Court Street and Manzanita Street.

The zone change criteria for C-H is found in MLDC Section 10.227(1)(c)(iv) and states the C-H zones shall front upon an arterial street or state highway.

Both East Jackson and North Central Avenue are classified as Major Arterial roads, and the inclusion of the subject parcel is consistent with this criterion.

The MLDC Section 10.227 (1)(e)

The subject parcel abuts the C-C zone to the east, west and south and C-H to the north.



The uses surrounding the property are listed in the table below.

	USE	SIC code	Permitted (Y/N) MLDC Table 10.337
North	Video Production	7812	Yes
East	Social Services	8322	Yes
South	Newspaper Printing	2711	Yes
West	Apartment Building	881	Yes per 10.837

Facility Adequacy

MLDC 10.227(2) requires demonstration that Category A facilities (storm drainage, sanitary sewer, water and streets) must already be adequate in condition, capacity and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction. The agency comments included in Exhibits C, D and demonstrate that the Category A facilities are adequate.

Historic Overlay

The subject parcels are located within the Downtown Historic Overlay District. As such, all exterior building and site modifications will require Historic Review pursuant to MLDC Section 10.188 The approving authority for historic review is the Landmarks and Historic Preservation Commission.

Committee Comments

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

FINDINGS AND CONCLUSIONS

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

RECOMMENDED ACTION

Adopt the findings as recommended by staff and direct staff to prepare the final order for approval of ZC-18-087 per the staff report dated August 16, 2018, including Exhibits A through H.

EXHIBITS

A Applicants findings and conclusions received June 28, 2018
B Traffic Impact Analysis Form dated May 22, 2018
C Public Works Staff Report dated August 1, 2018
D Medford Fire Department Memo dated August 1, 2018
E City Surveyor Comments received July 23, 20187
F Medford Water Commission Memo dated August 1, 2018
G Assessors Map
H Pre-Application Meeting Comments from Planning dated May 16, 2018
Vicinity map

PLANNING COMMISSION AGENDA: **AUGUST 23, 2018**

RECEIVED
JUN 28 2018
PLANNING DEPT.

Mail Tribune Facility Remodel
Zone Change Findings of Fact

Applicant: Steven Saslow
Rosebud Media, LLC

Location:
111 N. Fir Street
Medford, Oregon

June 27, 2018

Prepared By:
Ausland Group
3935 Highland Avenue
Grants Pass, Oregon 97526
Contact: Kelsy Ausland, P.E.

AUSLAND GROUP

CITY OF MEDFORD
EXHIBIT # A
File # ZC-18-087

FINDINGS OF FACT

Project Type:	Zone Change
Owner/Applicant:	Steven Saslow Rosebud Media LLC 310 Hunters Farm Road Henryville, PA 18332
Representative:	Kelsy Ausland, PE Ausland Group 3935 Highland Avenue Grants Pass, OR 97526
Property Address:	111 N Fir Street, Medford, Oregon 97501
Map and Tax Lot:	37-2W-25AD, Tax Lot 100
General Land Use Plan:	CC, City Center
Zoning District:	C-C, Community Commercial
Overlays:	Central Business District Historic District
Size:	0.69 Acres

I. PROPOSAL

This proposal is for a zone change, to accommodate remodeling of the existing Mail Tribune facility, that will combine newsprint and TV media together. This proposed zone change will allow KTVL television station to co-locate with the Mail Tribune, allowing both businesses to remain in the City Center, while adapting their business model to the 21st Century.

The proposed zone change is requested to accommodate the Applicant's proposed combined media use. While newspaper facilities are permitted within the C-C zoning district, a zoning change to C-H is required to allow for a Television Broadcasting Station (SIC 4833).

The location of both entities into one physical space will encourage collaboration of all forms of news, endeavoring to promote the success of journalism in today's changing economy, while keeping these dynamic businesses within the Medford downtown core. This proposal to rezone the subject property from C-C to C-H, is consistent with the existing C-H zoning immediately to the north of the subject site. The surrounding parcels are a mix of existing C-C & C-H zoning and the surrounding uses are a mix of retail, small manufacturing, offices & housing.

"A"

II. BACKGROUND

A. Property Characteristics

1. General Land Use Plan (GLUP):	CC, City Center
2. Current Zoning:	C-C, Community Commercial
3. Proposed Zoning:	C-H, Heavy Commercial
4. Size:	0.69 Acres (area of tax lot)
5. Access:	W 5th Street W 6th Street
6. Utilities:	Water: 6" in N Fir Street – 2" Service 8" in W 5th Street Sanitary Sewer: 8" in N Fir Street – 6" Lateral 12" in W 6th Street Storm Sewer: 12" off W 5th Street 24" off W 6th Street
7. Topography:	Generally flat with grades less than 5%
8. Overlay District:	Central Business District Historic Preservation

B. General Discussion.

Pre-Application.

The Pre-Application Conference has been completed May 16, 2018, for this development proposal, file number #PA-18-052.

"A"

II. AUTHORITY & CRITERIA

The decision is based on the zone change criteria contained in sections 10.227 of the Medford Land Development Code (MLDC).

A. Zoning Map Amendment

Section 10.227 of the of the Medford Land Development Code states that 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:

Criterion 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.*

Finding: Satisfied. The applicant submitted a Traffic Impact Analysis Form to the City of Medford. Associate Traffic Engineer Peter Mackprang performed ADT calculations and determined there will be no net-change impact changing from the current zoning to the proposed zoning, and therefore a Traffic Impact Analysis is not required. No change of the GLUP Map is required for the proposed change in zoning. The proposed change is also consistent with the current TSP.

Criterion 10.227(1)(c)(ii): The overall area of the C-C zoning district shall be over three (3) acres in size and shall front upon a collector or arterial street or state highway.

Finding: Satisfied. The C-C Zoning District of contiguous parcels, after the proposed re-zoning, will be 390.92 Acres. The remaining zoning area will continue to incorporate frontage on several arterial streets. See Figure 1.

Criterion 10.227(1)(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:

(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;

Finding: Satisfied. Over 50% of the surrounding properties have uses allowed in the C-H zoning. In fact, all of the surrounding uses are allowed in C-H zoning. An aerial map of the surrounding uses is on the following page, and is summarized below:

North	Video Production (Pilot Rock Productions, permitted)
West	Apartment Building (permitted as Special Use)
East	Social Services (Medford Disability Services, permitted)
South	Newspaper printing (Mail Tribune, permitted)

"A"

Surrounding use map:

All of the properties surrounding the subject site have Tax Lots with uses permitted in the C-H zone.

Criterion 10.227(1)(c)(iv:) *The C-H zone shall front upon an arterial street or state highway. The CH zone may abut the General Industrial (I-G), Light Industrial (I-L), and/or any commercial zone. The C-H zone is ordinarily considered to be unsuitable if abutting any residential and I-H zones.*

Finding: Satisfied. The C-H zoning district that is continuous to this property currently and will incorporate the subject property, is served by Jackson Street, an arterial. The inclusion of the subject property into this Zoning District of C-H is consistent with Comprehensive Plan policies of maintaining business within the City Center.

"A"

Criterion (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 Land Development Code and Goal 3, Policy 1 of the Comprehensive Plan "Public Facilities Element" and Transportation System Plan.*

Criterion (2)(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.*

Finding: Satisfied. Category A services and facilities, including water, sanitary sewer, storm drainage, and transportation are available to the site as indicate by the Public Works Department in the pre-application report, and exist as follows:

Water:	6" in N Fir Street – 2" Service to site
	8" in W 5th Street
Sanitary Sewer:	8" in N Fir Street – 6" Lateral to site
	12" in W 6th Street
Storm Sewer:	12" off W 5th Street
	24" off W 6th Street

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

Finding: Satisfied. There is no increase in capacity required for this zone change, as the City of Medford Associate Traffic Engineer has determined there is no net-increase in average daily trips associated with the proposed zone change. Public works has noted that some improvements to on-site storm drainage, street lamps, and public sidewalks may be required with future development applications associated with the remodel project.

Criterion (2)(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.*

Finding: Not applicable. The existing capacity of facilities has already been determined as to be adequate. Therefore, no special development conditions are required.

"A"

III. CONCLUSION

The applicant has demonstrated compliance with the applicable standards for a zone change of the subject parcel from C-C zoning to C-H zoning. The proposal is consistent with the economic and development goals of the City of Medford and this approval will facilitate the vitality of the downtown core. The specific use application will be processed separately but this zone change meets the standards of the Land Development Code and is hereby approved as set forth above.

"A"

AUSLAND GROUP
3935 Highland Avenue
Grants Pass, Oregon 97526
www.auslandgroup.com

AUSLAND GROUP
ENGINEERS. BUILDERS CONSULTANTS

May 22, 2018

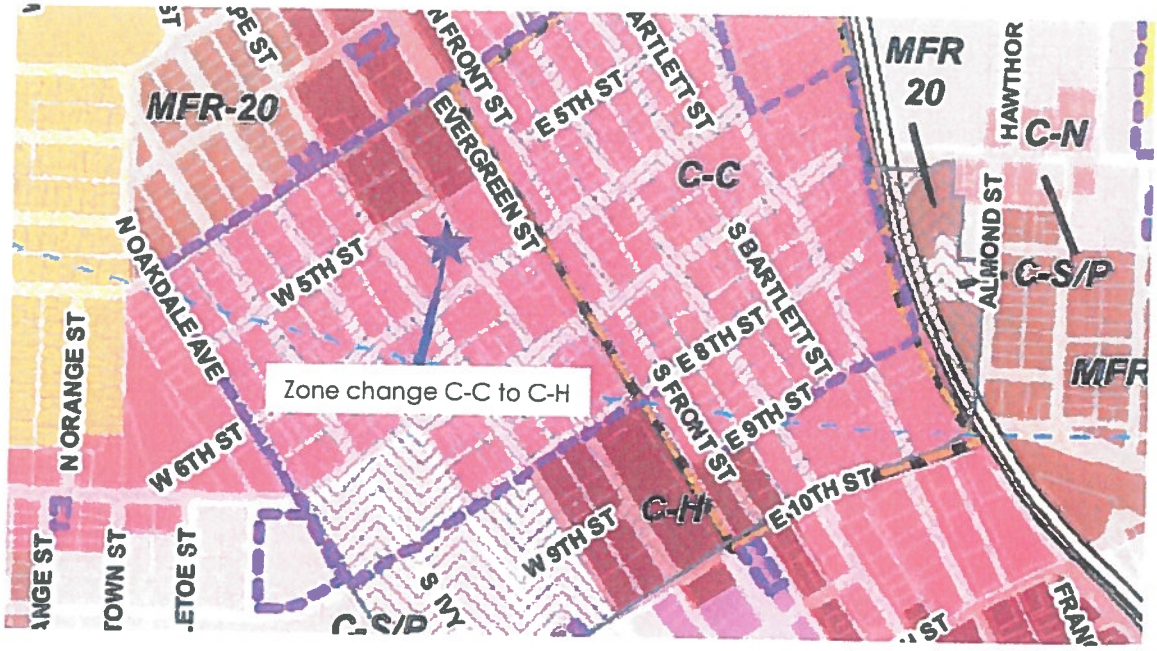
Seth Adams, Planner III
City of Medford – Planning Department
Seth.Adamas@cityofmedford.org

Re: Zone Change Application TIA Form
37-2W-25AD Tax Lot 100

Dear Seth,

Please find attached the Zone Change Application "Traffic Impact Analysis Form" that requires submittal and comment from Public Works.

The proposed Zone Change for a 0.69 acre parcel, currently occupied by the Medford Mail Tribune business. The Zone Change will be from C-C (Community Commercial) to C-H (Heavy Commercial). The surrounding parcels are a mix of existing C-C and C-H zoning.



Please let me know if you have any questions. We look forward to working with you.

Sincerely,

Kelsy N. Ausland

Kelsy Ausland, PE | President

CITY OF MEDFORD
EXHIBIT # B
File # ZC-18-087

ZONE CHANGE APPLICATION

TRAFFIC IMPACT ANALYSIS FORM

A. Form to be filled out and signed by a representative from the Public Works Department – Traffic Section **prior** to submittal of this **Zone Change** application.

Map and Tax Lot(s): 372W 25AD Lot 100

Current Zoning District: C-C 0.69 Ac * 1500 ADT = 1035 ADT

Proposed Zoning District: C-H 0.69 Ac * 1500 ADT = 1035 ADT

Δ = 0

B. Based upon the information submitted with this application:

- [x] A Traffic Impact Analysis is not required
- [ ] A Traffic Impact Analysis is required and has been submitted to the Public Works – Traffic Section.
- [ ] A Traffic Impact Analysis is required and has NOT been submitted to the Public Works – Traffic Section.
- [ ] Insufficient information to determine if TIA is required.

Peter T Mackprang
Printed Name

Signature

Assoc Traffic Engineer
Title

Medford – A fantastic place to live, work and play

CITY OF MEDFORD

LD Date: 8/1/2018
File Number: ZC-18-087

PUBLIC WORKS DEPARTMENT STAFF REPORT
111 North Fir Street
(TL 100)

Project: Consideration for request of approval for a zone change on a 0.69 acre parcel zoned C-C (Community Commercial) to C-H (Heavy Commercial).

Location: Located at 111 N Fir Street between West Fifth Street and West Sixth Street with in the Downtown Historic District and Central Business District (372W25AD TL 100).

Applicant: Applicant: Rosebud Media LLC; Agent: Ausland Group; Planner: Liz Conner.

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 services and facilities under its jurisdiction meet those requirements. The services and facilities that Public Works Department manages are sanitary sewers within the City's service boundary, storm drains, and the transportation system.

I. Sanitary Sewer Facilities

This site lies within the City of Medford Sewer Service area. There is capacity in the existing sanitary sewer system to allow this Zone Change.

II. Storm Drainage Facilities

This site lies within the Bear Creek West Drainage Basin. The City of Medford has existing storm drain facilities in the area.

III. Transportation System

No traffic impact analysis (TIA) will be required for this zone change. The proposed application

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-18-087

doesn't meet the requirements for a TIA, per Medford Municipal Code (MMC), Section 10.461 (3).

Prepared by: Doug Burroughs

The above report is based on the information provided with the Zone Change Application submittal and is subject to change based on actual conditions, revised plans and documents or other conditions. A full report with additional details on each item as well as miscellaneous requirements for the project, including requirements for public improvement plans (Construction Plans), design requirements, phasing, draft and final plat processes, permits, system development charges, pavement moratoriums and construction inspection shall be provided with a Development Permit Application.

PUBLIC WORKS DEPARTMENT
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MEDFORD, OREGON 97501
www.ci.medford.or.us
TELEPHONE (541) 774-2100
FAX (541) 774-2552

"C"

Medford Fire-Rescue Land Development Report

Review/Project Information

Reviewed By: Kleinberg, Greg

Review Date: 7/27/2018
Meeting Date: 8/1/2018

LD #: ZC18087

Planner: Liz Conner

Applicant: Rosebud Media LLC; Agent: Ausland Group

Project Location: 111 N Fir Street

ProjectDescription: Consideration for request of approval for a zone change on a 0.69 acre parcel zoned C-C (Community Commercial) to C-H (Heavy Commercial) located at 111 N Fir Street between West Fifth Street and West Sixth Street with in the Downtown Historic District and Central Business District (372W25AD TL 100). Applicant: Rosebud Media LLC; Agent: Ausland Group; Planner: Liz Conner.

Specific Development Requirements for Access & Water Supply

Conditions

Reference	Description
Approved	Approved as submitted with no additional conditions or requirements.

Construction General Information/Requirements

Development shall comply with access and water supply requirements in accordance with the Oregon Fire Code in affect at the time of development submittal. Fire apparatus access roads are required to be installed prior to the time of construction. The approved water supply for fire protection (fire hydrants) is required to be installed prior to construction when combustible material arrives at the site.

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

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

Design and installation shall meet the Oregon requirements of the International Fire, Building, Mechanicial Codes and applicable NFPA Standards.

Medford Fire-Rescue, 200 S Ivy St. Rm 180, Medford OR 97501 541-774-2300

www.medfordfirerescue.org

CITY OF MEDFORD
EXHIBIT # D
File # ZC-18-087

City of Medford

Planning Department

Working with the community to shape a vibrant and exceptional city

MEMORANDUM

Subject	Legal Description
File no.	ZC-18-087
To	Jon Proud, Engineering
From	Liz Conner, Planning Department
Date	July 18, 2018

Please verify the attached legal description covering the below subject at your earliest convenience. See attached map.

1. ZC-18-087
   Applicant: Rosebud Media, LLC
   Agent: Ausland Group

Liz, description describes "Subject tract" as depicted on attached Vicinity Map.

Thanks, Jon
7/23/18

cp

Attachments: Legal description, Vicinity Map.

CITY OF MEDFORD
EXHIBIT # E
File # ZC-18-087

84-12854

L-21953

RECEIVED
JUN 28 2018
PLANNING DEPT.

WARRANTY DEED

JAMES D. COLEMAN and VERDELL S. COLEMAN, grantors, convey and warrant to MEDFORD MAIL TRIBUNE CO., Division, Ottaway Newspapers, Inc., a Delaware corporation, grantee, the real property more particularly described in exhibit "A" attached hereto and made a part hereof, free of encumbrances except as specifically set forth herein.

The true consideration for this conveyance is $237,500.

Unless a change is requested, all tax statements shall be sent to the following address:

Medford Mail Tribune Co.
P. O. Box 1108
Medford, Oregon 97501

THIS INSTRUMENT DOES NOT GUARANTEE THAT ANY PARTICULAR USE MAY BE MADE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT. A GRANTEE SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

DATED this 27th day of July 1984.

James D. Coleman

Verdell S. Coleman

STATE OF OREGON)
) ss.
County of Jackson)

On this 27th day of July, 1984 personally appeared the above named James D. Coleman and Verdell S. Coleman and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:

Notary Public for Oregon
My commission expires: 2/25/87

Warranty Deed

CITY OF MEDFORD
EXHIBIT # E
File # ZC-18-087

6

84-12854

EXHIBIT "A"

TRACT A

Lots one (1), two (2) and three (3) in block forty-three (43) of the town (now city) of Medford, Jackson county, Oregon according to the official plat thereof, now of record.

TRACT B

Lots four (4), five (5), six (6), seven (7) and eight (8) in block forty-three (43) of the town (now city) of Medford, Jackson county, Oregon according to the official plat thereof, now of record.

TRACT C

Lots nine (9), ten (10), eleven (11) and twelve (12) in block forty-three (43) of the town (now city) of Medford, Jackson county, Oregon according to the official plat thereof, now of record.

SUBJECT TO:

1. 1984-85 taxes.

Jackson County, Oregon
Recorded
OFFICIAL RECORDS

9:01 AUG 7 1984 A.M.

KATHLEEN S BECKETT
CLERK and RECORDER

By [signature] Deputy

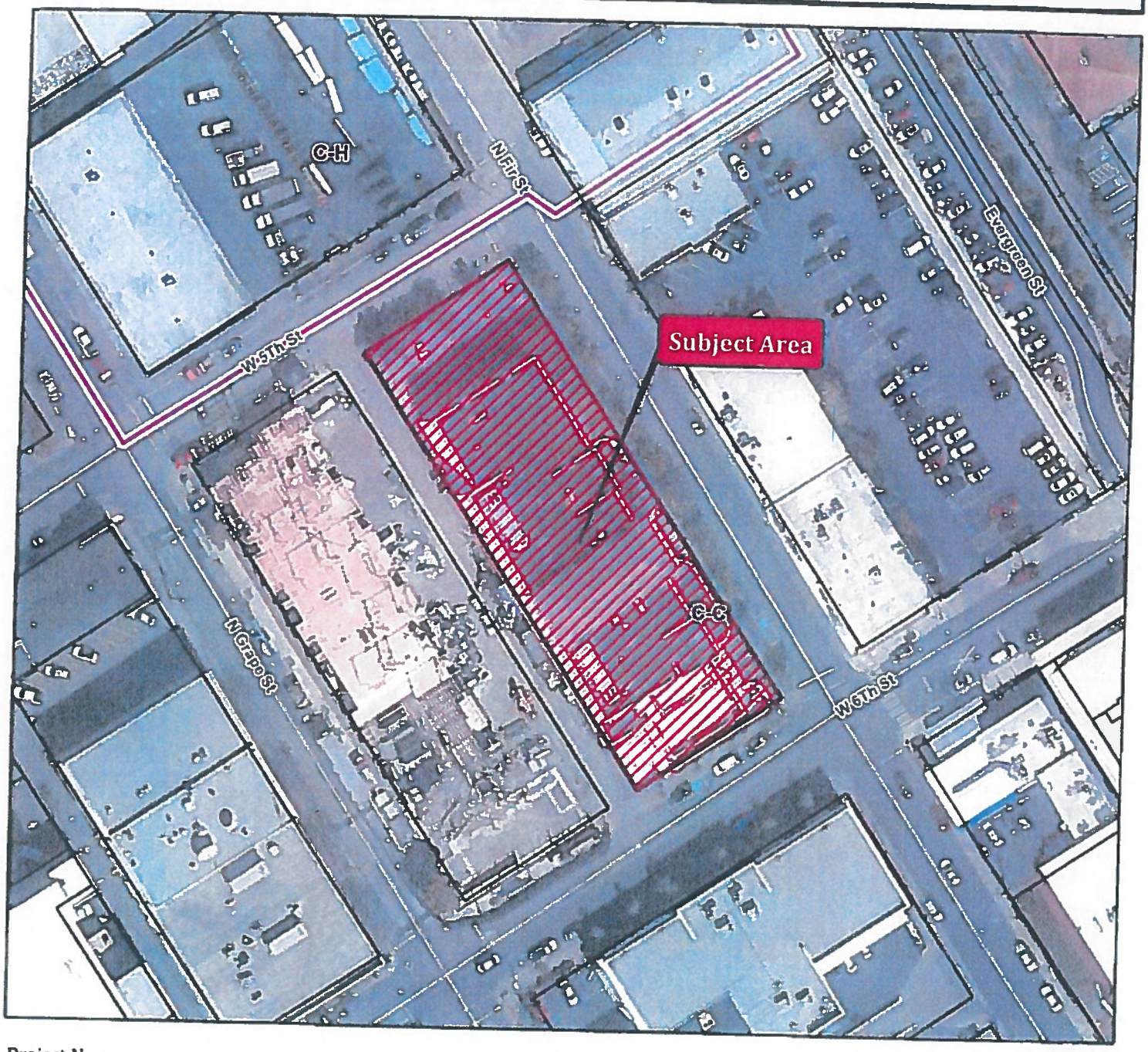
EXHIBIT "A"

"E"

City of Medford
Planning Department

Vicinity Map

File Number:
ZC-18-087



Project Name:

Mail Tribune Facility

Map/Taxlot:

372W25AD TL 100

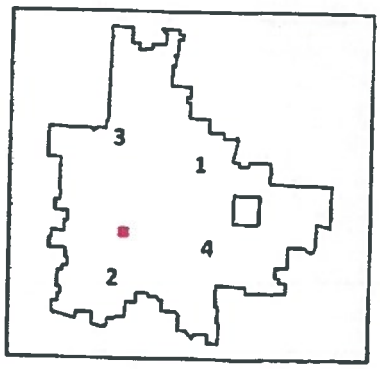
0 60 120 Feet

06/29/2018

Legend

- Subject Area
- Zoning Districts
- Tax Lots

N W E S



"E"

BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

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

SUBJECT: ZC-18-087

PARCEL ID: 372W25AD TL 100

PROJECT: Consideration for request of approval for a zone change on a 0.69 acre parcel zoned C-C (Community Commercial) to C-H (Heavy Commercial) located at 111 N Fir Street between West Fifth Street and West Sixth Street with in the Downtown Historic District and Central Business District (372W25AD TL 100). Applicant: Rosebud Media LLC; Agent: Ausland Group; Planner: Liz Conner.

DATE: August 1, 2018

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. (See Comment 6 below)

3. The MWC system does have adequate capacity to serve this property.

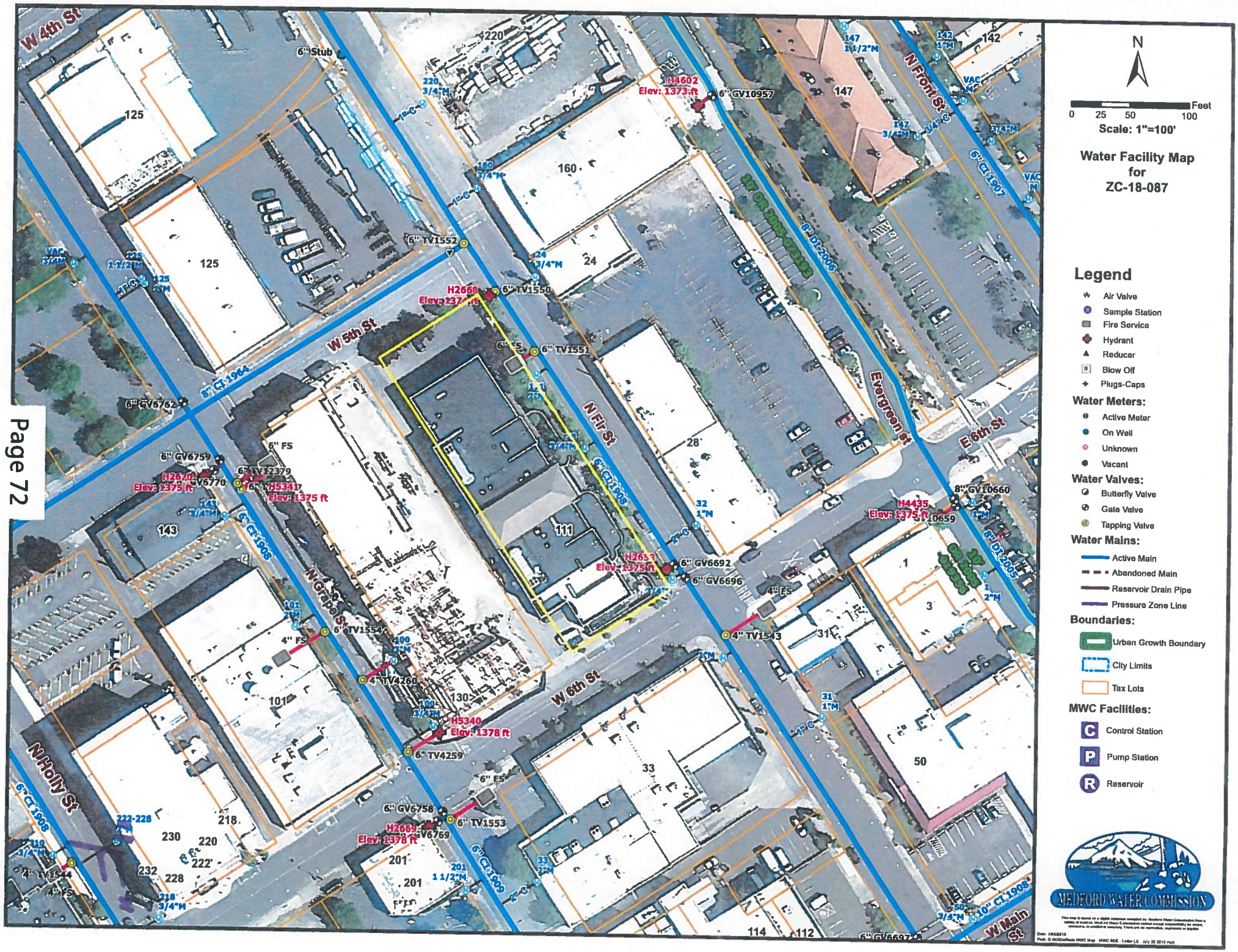
4. Off-site water facility construction is not required.

5. On-site water facility construction may be required depending on project needs.

6. MWC-metered water service does exist to this property. There are three (3) existing water meters that serve the existing Mail Tribune building. There is one (1) ¾-inch landscape irrigation water meter located on the southeast corner of the intersection of W 6th St & N Fir St. There is also a ¾-inch water meter located approximately mid-block along N Fir Street that serves the existing Mail Tribune Building, and a 2-inch water meter which is located along N Fir St near the existing fire sprinkler system vault.

7. Access to MWC water lines for connection is available. There is an existing 6-inch water line on the west side of N Fir Street, and an existing 8-inch water line is located on the north side of W 5th Street.

CITY OF MEDFORD
EXHIBIT # F
File # ZC-18-087



W 4th St
W 5th St
W 6th St
N Holly St
N Grape St
N Fir St
N Front St
Evergreen St
E 6th St
W Main St
6" Stub
6" TV1552
6" TV1550
6" TV1551
6" GV6762
6" GV6759
6" TV12379
6" TV1554
4" TV4260
6" TV4259
6" GV6758
6" TV1553
6" GV6769
6" GV6692
6" GV6696
4" TV1543
6" GV10957
8" GV10660
H4602 Elev: 1373 ft
H2668 Elev: 1374 ft
H2670 Elev: 1375 ft
H5341 Elev: 1375 ft
H2653 Elev: 1375 ft
H4435 Elev: 1375 ft
H5340 Elev: 1378 ft
H2669 Elev: 1378 ft
8" CI 1964
6" CI 1908
6" CI 1909
6" CI 1907
8" DI 2005
10" CI 1908
N
Feet
0 25 50 100
Scale: 1"=100'
Water Facility Map for ZC-18-087
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:
Control Station
Pump Station
Reservoir
MEDFORD WATER COMMISSION

FOR ASSESSMENT AND TAXATION ONLY

S.E.1/4, N.E.1/4, SEC.25, T.37S., R.2W., W.M.
JACKSON COUNTY
1" = 100'

37 2W 25AD
MEDFORD

CANCELLED TAX LOT NUMBERS

2400 REMAPPED TO 372W25AA
4200
6100
6902
7400
7600
7800
8100
8300
8600
9000
9401

RECEIVED
JUN 28 2018
PLANNING DEPT.

37 2W 25AD
MEDFORD
NEW MAP MAY 19, 2011
REV AUGUST 02, 2016

GIS DATA
08/02/2016 2:38:26 PM hlecket

CITY OF MEDFORD
EXHIBIT # 6
File # ZC-18-087

MEMORANDUM

Subject	Pre-Application Comments
File no.	PA-18-052
To	Applicants: Tom Waters (owner) and Mike Duffy (agent)
	Agents: Kate Miller and Todd Powell, Ausland Group
From	Seth Adams, Planner III
Date	May 16, 2018

PROJECT DESCRIPTION

Pre-application to review proposed modifications to the existing building and site located at 111 N. Fir Street (372W25AD100), and the vacant site located on the east corner of W. 6th Street and N. Holly Street (372W25AD10200, 372W25AD10300, 372W25AD10400, 372W25AD10800) in the C-C/CB/H (Community Commercial/Central Business District/Historic Preservation Overlay) zoning district.

GENERAL INFORMATION

General Land Use Plan (GLUP)	CC, City Center
Zoning	C-C, Community Commercial
Overlays	Central Business District Historic Preservation

PLANNING DEPARTMENT COMMENTS

Allowed Uses

The project narrative indicates that the site would continue to be used by the Mail Tribune, and that a portion of the building will be remodeled for use as a television studio for the recording, filming, and production of news broadcasts. While Newspapers are a permitted use within the C-C zoning district, Television Broadcasting Stations (SIC 4833) are not. In order to allow for a television broadcasting station, the applicant will need to apply for and receive Planning Commission approval for a Zone Change to C-H (Heavy

CITY OF MEDFORD
EXHIBIT # H
File # ZC-18-087

Commercial). The properties immediately to the north of the subject site are zoned C-H, and while the subject sites appear to meet the zone change criteria in Sections 10.227 of the Medford Land Development Code (MLDC), the applicant's formal submittal will need to include written findings of fact demonstrating the application complies with the applicable approval criteria in MLDC Section 10.227 (see attached Zone Change application).

Parking

The project site is legal non-conforming with regards to parking, and pursuant to MLDC Section 10.034, any change to serve another use (i.e. television broadcasting studio) is required to meet the standards that would apply to new development, including parking.

- The plans indicate that the building is 32,445 square feet in area. Office uses over 4,000 square feet within the C-B Overlay District require 2.6 spaces per 1,000 square feet of gross floor area. Based on the building's floor area the amount of parking spaces required under the current code is 84 spaces. Given the limited area of the proposed on-site and off-site parking lots, the applicant's formal submittal will need to demonstrate that the number of needed parking spaces is less than the minimum required (see MLDC Section 10.743(3) below).

> (3) Exceptions to Required Off-Street Parking for Non-Residential Uses. The approving authority may allow exceptions to the number of parking spaces in Table 10.743-1 for specific uses without complying with Section 10.251 if they find that the applicant's detailed description of the proposed use demonstrates that the number of needed parking spaces is less than the minimum required or more than the maximum allowable based upon one or both of the following:
>
> (a) An explanation why the characteristics of the proposed use require a different off-street parking standard than what is otherwise required.
>
> (b) An analysis providing parking data for the same business or a similar use within the city that demonstrates a need for a different off-street parking standard than what is otherwise required.

- The proposed parking lot is located more than 250 feet from the subject structure, and therefore exceeds the maximum walking distance allowed for off-site parking in MLDC Section 10.745. As such, the applicant will need to apply for an Exception to the maximum distance for off-site parking facilities. The application will need to include written findings of fact demonstrating that all of the Exception criteria in MLDC Section 10.253 are satisfied (see attached Exception application).

- Parking facilities for the proposed uses will need to comply with all applicable design requirements of MLDC Section 10.746 unless an Exception to said requirements is requested and approved.

Historic Review

The subject parcels are located within the Downtown Historic Overlay District. As such, all exterior building and site modifications will require Historic Review pursuant to MLDC Sections 10.256 through 10.261. The approving authority for historic review is the Landmarks and Historic Preservation Commission. The applicant's historic review submittal will need to include written findings substantiating that the proposal is consistent with the approval criteria for exterior alteration and/or new construction in MLDC Section 10.258(2) (see attached Standard Historic Review application).

ATTACHMENTS

- Zone Change Application
- Exception Application
- Standard Historic Review Application

City of Medford **Planning Department**	Vicinity Map	File Number: **ZC-18-087**

Project Name:

Mail Tribune Facility

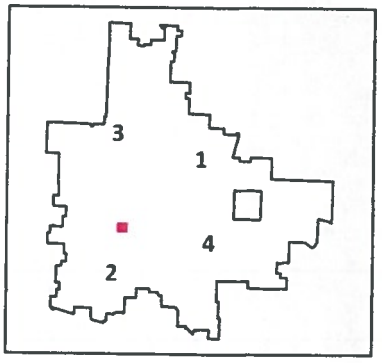
Map/Taxlot:

372W25AD TL 100

0 60 120 Feet

06/29/2018

Legend

- Subject Area
- Zoning Districts
- Tax Lots

N W E S