

PLANNING COMMISSION AGENDA DECEMBER 8, 2016



Commission Members

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

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

City of Medford

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



Planning Commission

Agenda

Public Hearing

December 8, 2016

5:30 PM

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

-
- 10. Roll Call**
- 20. Consent Calendar/Written Communications (voice vote)**
- 20.1 CUP-15-145** Consideration of request for a one-year time extension of the Conditional Use Permit to allow for office building expansion, a new maintenance and equipment storage building and other minor improvements to the Living Opportunities Headquarters, located on the west side of Valley View drive at the intersection of Ridge Way (857 Valley View Drive) on a 2.95 acre parcel located within a SFR-4 (Single Family Residential, 4 dwelling units per gross acre) zone district. (Living Opportunities, Inc., Applicant; CSA Planning Ltd., Agent)
- 20.2 LDS-14-102** Consideration of request for a one-year time extension of the approval of Ross Lane Subdivision, a 15 lot subdivision on approximately 2.11 acres located on the southwest corner of Maple Park Drive and North Ross Lane within the SFR-10 (Single-Family Residential – 10 units per gross acre) zoning district. (Ross Lane LLC, Ray Knapp, Applicant)
- 30. Minutes**
- 30.1** Consideration for approval of minutes from the November 10, 2016, hearing.
- 40. Oral and Written Requests and Communications**
Comments will be limited to 3 minutes per individual or 5 minutes if representing an organization. **PLEASE SIGN IN.**
- 50. Public Hearings**
Comments are limited to a total of 10 minutes for applicants and/or their representatives. You may request a 5-minute rebuttal time. All others will be limited to 3 minutes per individual or 5 minutes if representing a group or organization. **PLEASE SIGN IN.**
- New Business**
- 50.1 SV-16-110** Consideration of a request for the vacation of portions of Yamsay Drive and Farmington Ave.; segments of unimproved right-of-way within the northern portion of the Cedar Landing Planned Unit Development, lying North of Cedar Links Drive and West of Foothill Road. (Cedar Investment Group LLC, Applicant; CSA Planning Ltd., Mike Savage, Agent)
- 50.2 LDP-16-107** Consideration of a request to create two lots on a 0.80 acre parcel located on the west side of Modoc Avenue, approximately mid-block between Dellwood and Woodlawn Streets within an SFR-4 (Single-Family Residential

– 4 units per acre) zoning district. (Chris Adderson, Applicant; Rogue Planning & Development Services LLC, Amy Gunter, Agent)

- 50.3 **CUP-16-124** Consideration of an electronic message sign to be located within 150 feet of a residential zone as part of West Orthodontics, a new dental office building currently being constructed at 1475 E. McAndrews Road in the Commercial Service/Professional (C-S/P) zoning district (371W19BA2500). (West Orthodontics, Applicant; Steve Morgan, Agent)

60. Reports

60.1 Site Plan and Architectural Commission

60.2 Joint Transportation Subcommittee

60.3 Planning Department

70. Messages and Papers from the Chair

80. Remarks from the City Attorney

90. Propositions and Remarks from the Commission

100. Adjournment



City of Medford

Planning Department

Working with the community to shape a vibrant and exceptional city

STAFF REPORT – EXTENSION OF TIME

Project Living Opportunities Headquarters
Applicant: Living Opportunities, Inc.; Agent: CSA Planning, Ltd.

File no. CUP-15-145

To Planning Commission *for meeting of December 8, 2016*

From Kelly Akin, Interim Planning Director *KA*

Date December 1, 2016

Request

Consideration of request for a one-year time extension of the Conditional Use Permit to allow for office building expansion, a new maintenance and equipment storage building and other minor improvements to the Living Opportunities Headquarters, located on the west side of Valley View drive at the intersection of Ridge Way (857 Valley View Drive) on a 2.95 acre parcel located within a SFR-4 (Single Family Residential, 4 dwelling units per gross acre) zone district.

Background

The Planning Commission adopted the Final Order granting approval of the project on January 14, 2016. The applicant is requesting an extension of time as allowed under Medford Land Development Code (MLDC) Section 10.250.

Project Review

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

Recommended Action

Approve the one-year time extension to January 14, 2018, for CUP-15-145 per the Staff Report dated December 1, 2016.

Exhibits

- A Letter requesting extension received November 16, 2016
- B Approved site plan
Vicinity Map

RECEIVED
NOV 16 2016
PLANNING DEPT.



CSA Planning, Ltd
4497 Brownridge, Suite 101
Medford, OR 97504
Telephone 541.779.0569
Fax 541.779.0114
www.csaplanning.net
jay@csaplanning.net

November 16, 2016

City of Medford Planning Commission
200 South Ivy Street
Medford, Oregon 97501

RE: CUP-15-145 Extension Request

Dear Medford Planning Commission:

On January 14, 2016 the Planning Commission approved a conditional use permit, which will expire on January 14, 2017. Construction to date has not begun on the project development.

On behalf of our client, Living Opportunities Inc., a request for a one year extension for this conditional use permit be granted.

Thank you,

CSA Planning, Ltd.

A handwritten signature in black ink, appearing to read 'Jay Harland', is written over a horizontal line.

Jay Harland
Principal

CITY OF MEDFORD
EXHIBIT # A
File # CUP-15-145
EXTENSION OF TIME

SITE DATA

LEGAL DESCRIPTION:
37-1W-200B TAX LOT 4500
ZONING: SFR-4
SITE AREA: 2.95 AC /128,502 s.f.

EXISTING BUILDING AREAS

EXISTING OFFICE BUILDING: 4,181 s.f.
EXISTING TRAINING BUILDING: 2,560 s.f.
EXISTING MAINTENANCE BUILDING: 1,641 s.f.
EXISTING EQUIPMENT SHED: 692 s.f.
EXISTING COVERED WALKWAYS: 2,593 s.f.
TOTAL BUILDING COVERAGE: 11,667 s.f.

BUILDING AREAS TO BE REMOVED

EXISTING MAINTENANCE BUILDING: 1,641 s.f.
EXISTING EQUIPMENT SHED: 692 s.f.
EXISTING COVERED WALKWAYS: 1,101 s.f.
TOTAL BUILDINGS REMOVED: 3,434 s.f.

TOTAL BUILDING AREAS PROPOSED

EXISTING OFFICE BUILDING: 4,181 s.f.
EXISTING TRAINING BUILDING: 2,560 s.f.
EXISTING COVERED WALKWAYS: 1,098 s.f.
PROPOSED LOBBY ADDITION: 1,991 s.f.
PROPOSED EAST ADDITION: 1,561 s.f.
PROPOSED WEST ADDITION: 394 s.f.
PROPOSED PROP MAINT BLDG: 2,520 s.f.

TOTAL BUILDING COVERAGE: 14,305 s.f. 11 %

PARKING COMPUTATIONS

OFFICE & TRAINING BUILDINGS WITH DONATIONS: 10,687 s.f.

GENERAL OFFICE PARKING OVER 4,000 s.f.
MINIMUM: 3 SPACES/1,000 s.f. (GROSS)
MAXIMUM: 5 SPACES/1,000 s.f. (GROSS)
MINIMUM PARKING REQ'D: 32 SPACES
MAXIMUM PARKING ALLOWED: 54 SPACES

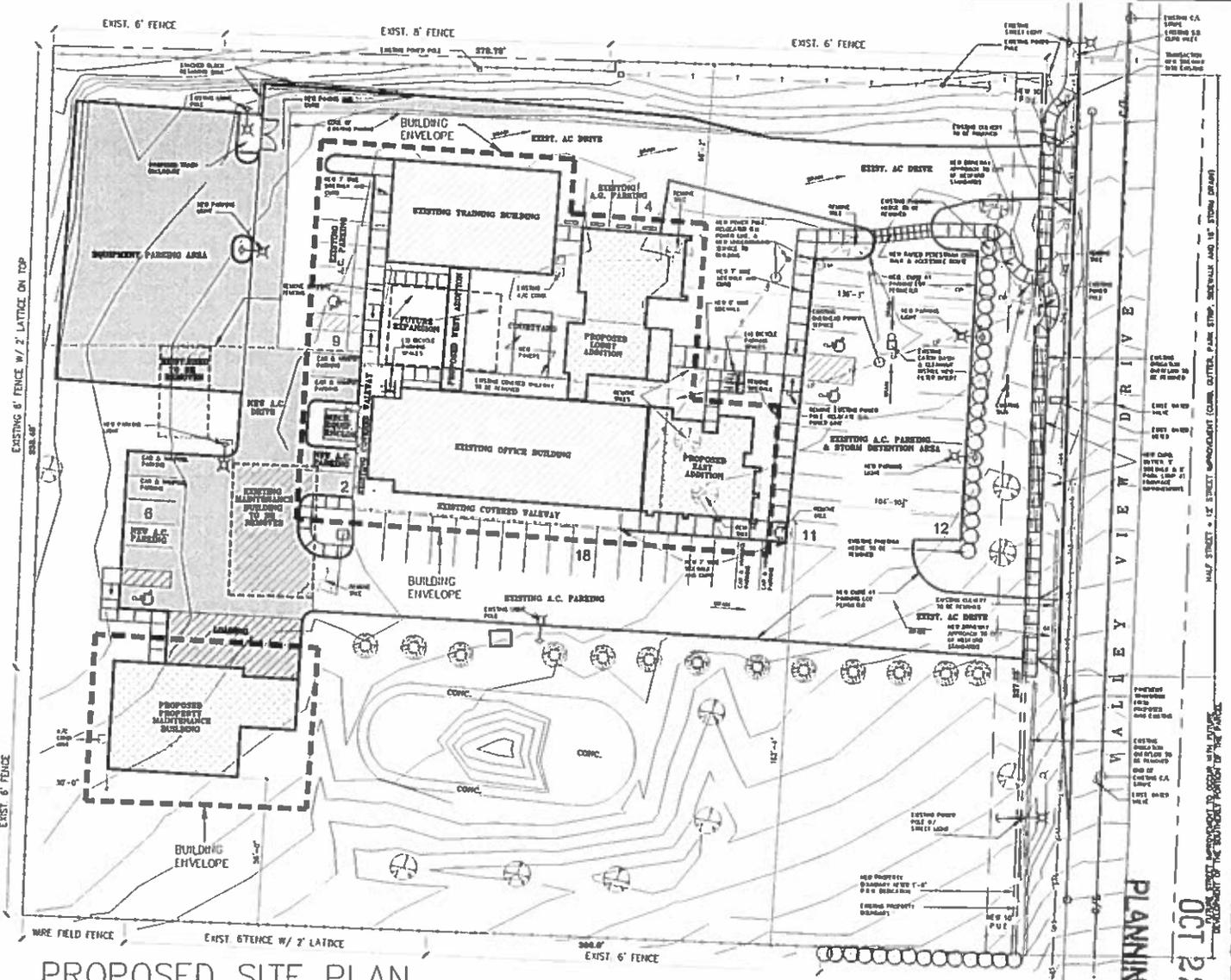
PROPERTY MAINTENANCE BUILDING: 2,520 s.f.
REPAIR SERVICES, EXCEPT VEHICLE.
MINIMUM: 3 SPACES/1,000 s.f. (GROSS)
MAXIMUM: 3.6 SPACES/1,000 s.f. (GROSS)
MINIMUM PARKING REQ'D: 8 SPACES
MAXIMUM PARKING ALLOWED: 9 SPACES

TOTAL MINIMUM REQ'D: 40 SPACES
TOTAL MAXIMUM ALLOWED: 63 SPACES

EXISTING PARKING: 48 SPACES
PROPOSED PARKING (incl. hcp.): 62 SPACES
HANDICAPPED PARKING: 4 SPACES

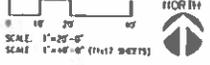
BICYCLE PARKING: (7) SPACES REQUIRED

UTILITY SEWER, WATER, PHONE, SERVICES WILL BE UTILIZED
OTHER SERVICE WILL BE REMOVED UNDERGROUND.
IRON TO BE PROVIDED OVER LOT NEW FILTER DISERT TO BE EXISTING CATCH BASIN FOR TREATMENT.



PROPOSED SITE PLAN

SCALE: 1"=20'-0"



Page 7 of 41

CITY OF MEDFORD
EXHIBIT 9
FILE # CUP-15-145

DATE	REVISION
STEVE ENNIS ARCHITECT 10 BOX 601 2501 N. W. 10TH AVE. MEDFORD, OREGON 97504	
PROJECT FOR LIVING OPPORTUNITIES	
PROJECT NAME LIVING OPPORTUNITIES	
SITE & BUILDING IMPROVEMENTS	
PROJECT ADDRESS 857 VALLEY VIEW DRIVE MEDFORD, OR. 97504	
SHEET TITLE PROPOSED SITE PLAN	
SCHEMATIC	
SHEET NO. SD-1	

OCT 22 2015

PLANNING DEPT.

RECEIVED

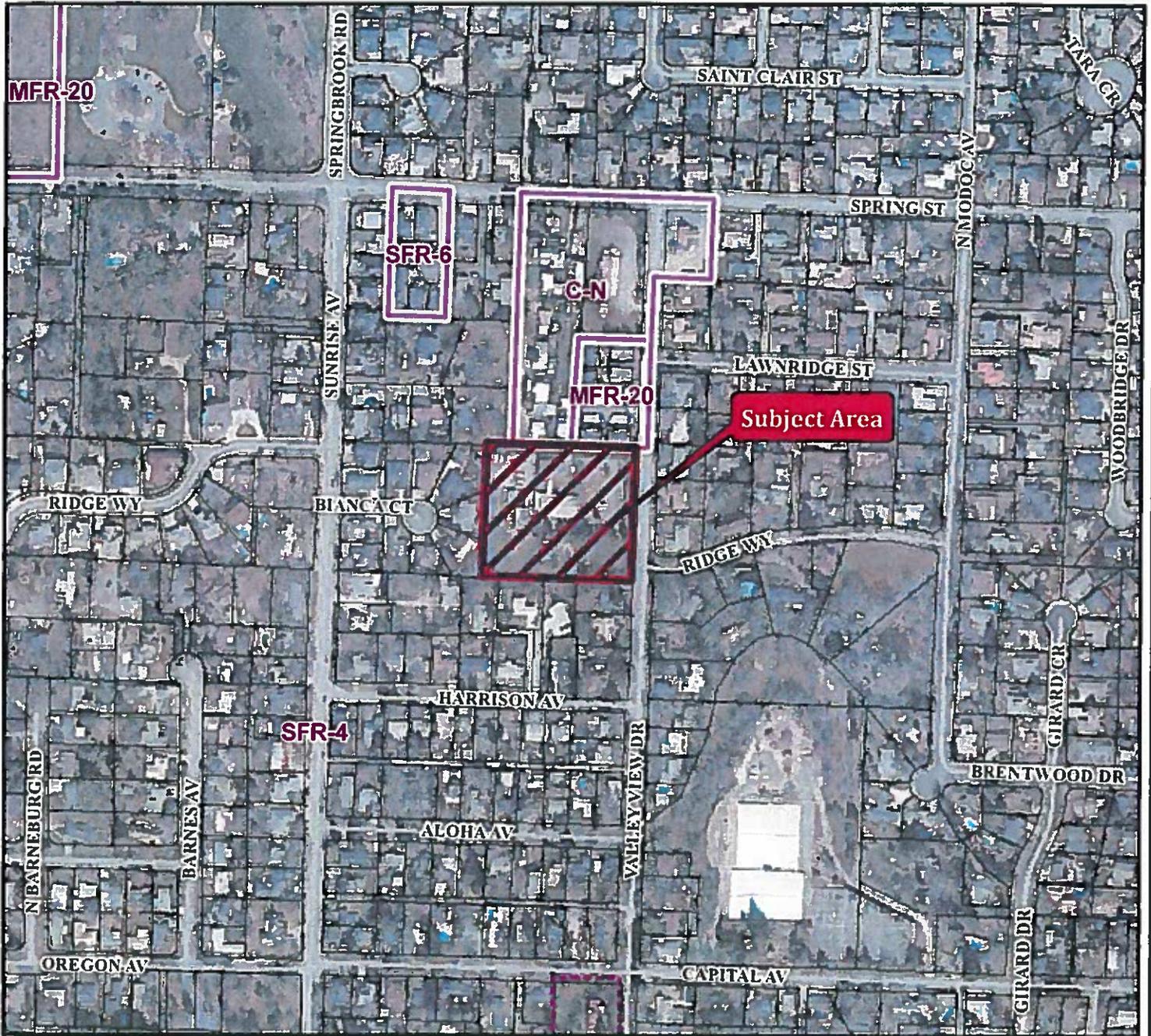


City of Medford Planning Department

Vicinity
Map

File Number:

CUP-15-145



Project Name:

Living Opportunities Inc

Map/Taxlot:

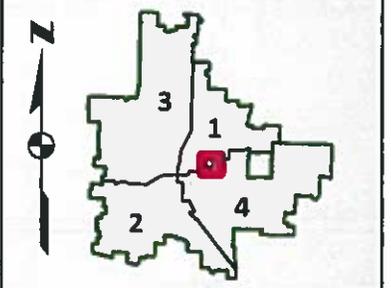
371W20DB TL 4500



10/23/2015

-  Subject Area
-  Medford Zoning
-  City Limits
-  Tax Lots
-  Historic

Medford UGB with Wards



Kelly A. Akin

From: Planning Department
Sent: Thursday, October 27, 2016 4:46 PM
To: Kelly A. Akin
Subject: FW: Ross Lane Subdivision - renewal of LDS-14-102
Attachments: Staff Report Approval 111314.pdf

From: Ray Knapp [mailto:riverlane@gmail.com]
Sent: Thursday, October 27, 2016 4:39 PM
To: Planning Department
Subject: Ross Lane Subdivision - renewal of LDS-14-102

Planners:

On 14 Nov 2014 Medford Planning approved the noted subdivision. We purchased the land with its approval and had the underground engineering prepared so we could create the lots and obtain Final Plat. One the the requirements was to contact the Army Corps for approval for a required 3' drain pipe (Roger Thom is quite familiar).

We've delayed ever since with stalling at ACOE, and have not been able to proceed. We have an attorney working on the matter (DSL has approved the design, but nothing yet from ACOE). Until this matter can be resolved, I need to request an extension of the expiration date (currently set as 13 Nov 2016).

Thank you for your assistance,

Ray M. Knapp, managing member of Ross Lane LLC, current property owner)

CITY OF MEDFORD
EXHIBIT # A
File # LDS-14-102
EXTENSION OF TIME

SEP 10 2014

PLANNING DEPT.

ROSS LANE SUBDIVISION

MAP ID: 37 2W 250C TL01800
 GROSS ACREAGE: 2.502 AC
 NET ACREAGE: 2.512 AC
 ZONE: SFR-10
 COMP. PLAN: URBAN RESIDENTIAL
 PROPOSED USE: RESIDENTIAL
 SCHOOL DISTRICT: MEDFORD
 IRRIGATION DISTRICT: MEDFORD
 SANITATION DISTRICT: RVSS

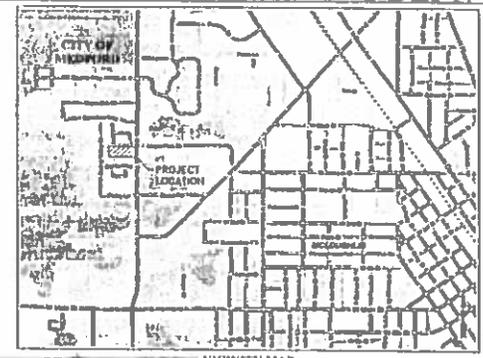
SURVEYOR:
 BRETT SHARP, PLS 01110
 10 ENGINEERING, INC.
 809 SE PINE STREET
 ROSELAND, OR 97170
 (541) 673-0196

CIVIL ENGINEER:
 ERIC RANKER, PLS 22623
 10 ENGINEERING, INC.
 809 SE PINE STREET
 ROSELAND, OR 97170
 (541) 673-0196

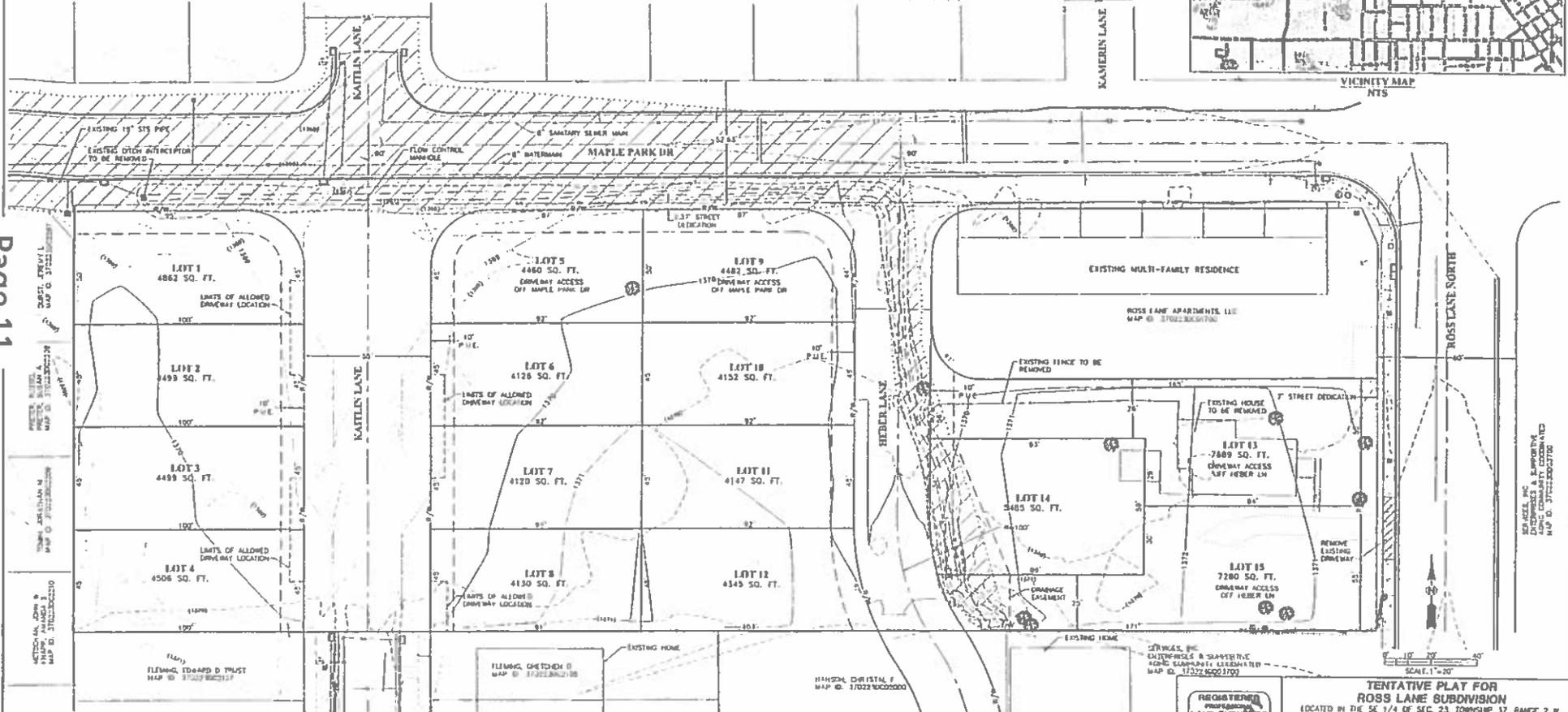
OWNER/DEVELOPER:
 UMPIQUA COMMUNITY DEVELOPMENT CORP
 605 WASHINGTON'S CAMPUS
 605 WASH STREET
 ROSELAND, OR 97170
 (541) 673-4900

LEGEND

---	(ELEV.)	EXISTING ELEV.	□	EXISTING CURB INLET (CI)
---	ELEV.	NEW ELEV.	□	EXISTING CATCH BASIN (CB)
---		EASTWENT	---	CLEARCUT
---		WESTWENT	---	CUT PIPE
---		EXISTING RIGHT-OF-WAY	---	GAS METER
---		NEW RIGHT-OF-WAY	---	EXISTING FIRE HYDRANT
---		EXISTING CABLE TV	○	LANDSCAPING
---		EXISTING EDGE OF AC OR GRVEL	○	EXISTING VALVE
---		EXISTING POWER (UNDERGROUND)	○	EXISTING MANHOLE (MH)
---		EXISTING POWER (UNDERGROUND)	○	PIERCE PCD
---		EXISTING CONCRETE	○	EXISTING LIGHT POLE
---		APPROXIMATE BOUNDARY OF	○	EXISTING WATER SERVICE
---		FLUM FLOODPLAIN	○	FLOW
---		(ENABLED 500-YEAR PER MAP	○	EXISTING WATER SERVICE
---		NUMBER 41022AC1905M)	○	FLOW
---			○	CABLE TV PCD (TV)



Page 11



TENTATIVE PLAT FOR ROSS LANE SUBDIVISION
 LOCATED IN THE SE 1/4 OF SEC. 23, TOWNSHIP 37, RANGE 2 N, WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON

SURVEYED FOR:
 UMPIQUA COMMUNITY DEVELOPMENT CORP

SURVEYED BY:
 BRETT SHARP, PLS 01110
 10 ENGINEERING, INC.
 809 SE PINE STREET
 ROSELAND, OR 97170
 (541) 673-0196

DATE: 8/8/2014
 DWG. BY: AW
 PLOT NO: 373-35
 SHEET NO: 1 OF 2

CITY OF MEDFORD
 EXHIBIT # B
 File # LDS-H-100

Application Name/Description:
**NeighborWorks
 Umpqua**

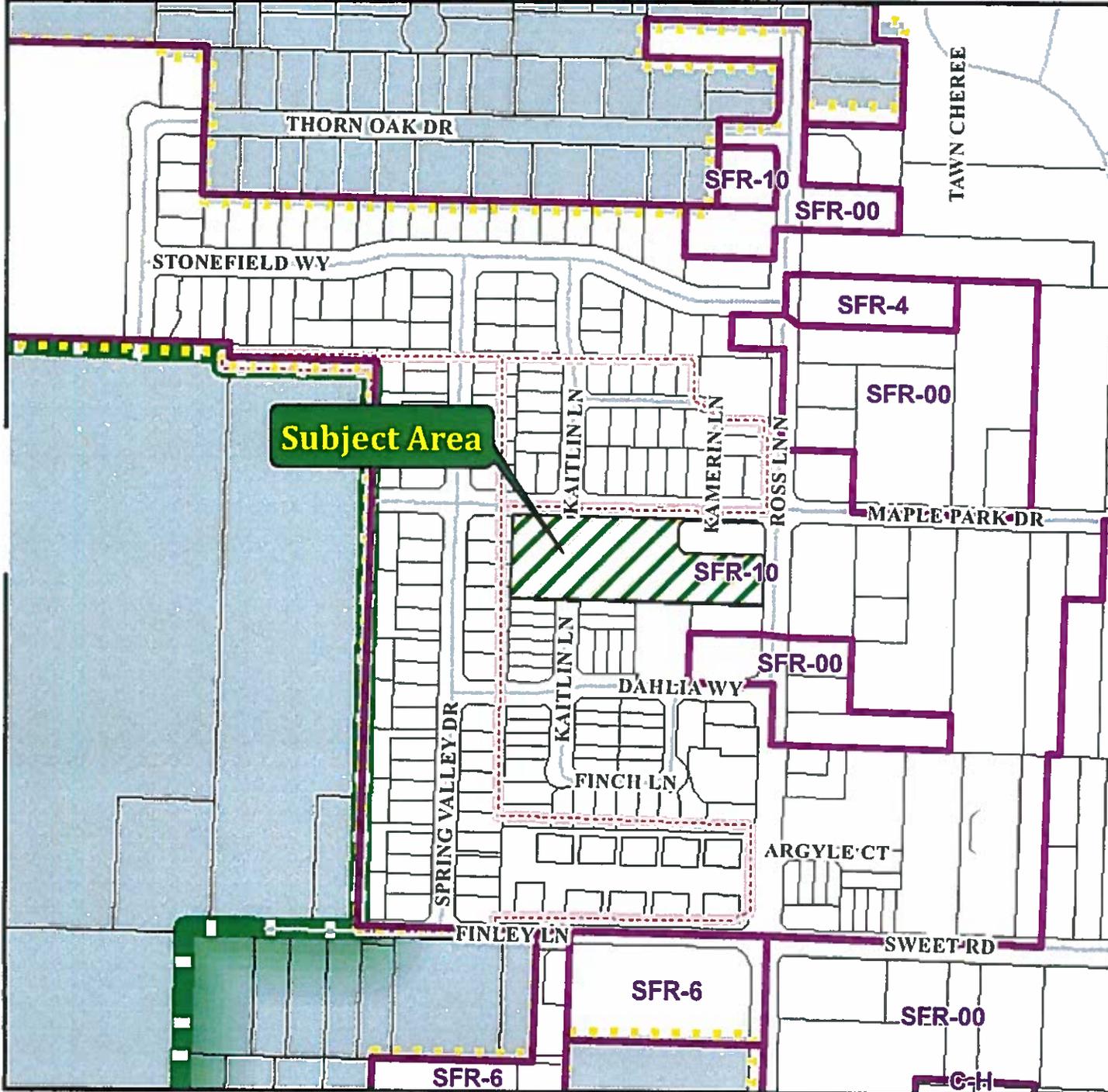
Proposal:
**Ross Lane
 Subdivision**

File Numbers:
LDS-14-102

Applicant:
**NeighborWorks
 Umpqua**

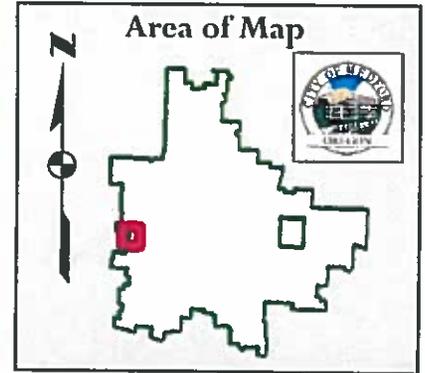
Map/Taxlot:
371W23DC TL 1600

SCANNED



Subject Area

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



09/11/2014



Planning Commission

Minutes

From Public Hearing on **November 10, 2016**

The regular meeting of the Planning Commission was called to order at 5:36 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
Tim D'Alessandro
David Culbertson
Joe Foley
Bill Mansfield
Mark McKechnie
Jared Pulver

Staff Present

Kelly Akin, Interim Planning Director
Kevin McConnell, Deputy City Attorney
Alex Georgevitch, City Engineer
Greg Kleinberg, Fire Marshal
Terri Rozzana, Recording Secretary
Kyle Kearns, Planner II
Carla Paladino, Planner IV
Praline McCormack, Planner II

10. Roll Call

20. Consent Calendar/Written Communications.

20.1 PUD-02-178 / LDP-14-111 Consideration of request for a one-year time extension of the approval of a two-lot partition of a 1.62 acre parcel within Creekstone Village Planned Unit Development Phase Two, located on the south side of Crestbrook Drive, 730 feet east of Ellendale Drive, within a SFR-10/PD (Single Family Residential – 10 dwelling units per gross acre/Planned Development) zoning district. (McAndrews Properties LLC, Applicant; Farber Surveying, Agent)

Motion: Adopt the consent calendar as submitted.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Culbertson

Voice Vote: Motion passed, 8–0.

30. Minutes

30.1. The minutes for October 27, 2016, were approved as submitted.

Commissioner Mansfield reported that the minutes for the Planning Commission study session on October 24, 2016, has a correction. On page four of six, second to the last paragraph, it reads: "Commissioner Mansfield stated that is called easement engross opposed to easement of pertinent." It should read: "...called easement in gross opposed to easement of appurtenant."

40. Oral and Written Requests and Communications. None.

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

50. Public Hearings – Old Business

50.1 ZC-16-089 / LDS-16-090 / E-16-091 Consideration of a request for a consolidated application, consisting of a Zone Change from SFR-10 (Single Family Residential, 10 dwelling units per gross acre) to SFR-6 (Single Family Residential, 6 dwelling units per gross acre) on 22.34 acres, a tentative plat for a 93 lot residential subdivision, and an associated Exception requests seeking relief to planter strip requirement fronting particular lots within the subdivision and relief to street spacing standard for an intersection within the development. The subject site is located east of the terminus of Owen Drive and north of the terminus of Cheltenham Way, within corporate limits of the City of Medford. (Hayden Homes LLC, Applicant; CSA Planning, Ltd./Jay Harland, Agent)

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.

Kelly Akin, Interim Planning Director, stated that this item was originally heard at the Thursday, October 13, 2016, Planning Commission meeting. Before the meeting the applicant submitted a traffic study that provided evidence adjusting the stipulation to improve Owen Drive offsite between Springbrook Road and the subject site to the west. Public Works reviewed the report and this afternoon Ms. Akin received a memorandum from the Associate Traffic Engineer accepting the study and stating no additional mitigation was required. The section of Owen Drive between Springbrook and the subject site would not be required to be improved at this time. The memorandum will be submitted into the record as Exhibit M. Also, at that meeting staff handed out a revised Public Works report and identified it as Exhibit D-1. Ms. Akin inadvertently added Exhibit D to the packet. Exhibit D-1 will be submitted into the record. Ms. Akin abbreviated the zone change, land division and exception approval criteria since it was read into the record at the Thursday, October 13, 2016, Planning Commission meeting and gave a staff report.

Commissioner Mansfield stated that Ms. Akin made it clear that there was a decrease in density but he did not hear how she justified that. Ms. Akin reported that the UR designation allows for a variety of densities. There are locational criteria that do not apply. In this case the SFR-6 zone is permitted.

Commissioner Mansfield asked if LCDC would come down on this? Ms. Akin replied no. She does not know why they would.

Commissioner McKechnie stated that by looking at the plat he is assuming there is no residential access onto Owen Drive. Ms. Akin replied that is correct. Owen Drive is a classified street.

Commissioner McKechnie asked if lot 73 was the benefit of the extra 8 feet at the intersection of Torrent Street and Durst Street? Ms. Akin replied yes.

Commissioner McKechnie stated there was a letter from neighbors opposing Owen Drive. Did that have to do with the improvements on Springbrook? Ms. Akin replied yes.

Ms. Akin reported that at the Thursday, October 13, 2016, Planning Commission meeting there was a question of how the section of Owen Drive was dedicated but not constructed. In staff's research they found the staff report from 1992 and the answer was that it was not required. It was noted it would be a City obligation in the future.

The public hearing was opened.

a. CSA Planning, Ltd., Jay Harland, 4497 Brownridge Terrace, Suite 101, Medford, Oregon, 97504-9173. Mr. Harland reported that at the previous hearing they discussed and answered questions regarding the design and layout of the project. The traffic study issue remained for Ford Drive. That has been worked out.

Commissioner McKechnie asked what was the rationale of decreasing the density from SFR-10 to SFR-6? Mr. Harland stated that there are two answers; regulatory and market. The SFR-6 is a base zone that applies in the urban residential areas.

Commissioner McKechnie asked if Phase 4 would be SFR-6? Mr. Harland stated that he could not speak to that because his client and owner have an agreement on only the subject portion.

Commissioner Pulver asked if the applicant has a preference on the exception options? Mr. Harland reported that the applicant would prefer the 190 feet of trimming the planter strips.

Mr. Harland reserved rebuttal time.

Commissioner Pulver asked Alex Georgevitch, City Engineer, how does Owen Drive get improved? Mr. Georgevitch reported that the project will eventually be added to their capital improvement program and put into their budget. Currently, it is not in the budget or in their five year forecasting. It was anticipated to be a developer driven project.

Vice Chair McFadden asked that if the developer or anyone in the neighborhood needs to ensure proper drainage and other utilities, that the property remain a right-of-way and those facilities could be buried. Mr. Georgevitch stated that the applicant has placed storm drains from their development west. It is their responsibility to adequately keep drainage from entering the area and ponding.

The public hearing was closed.

Motion: The Planning Commission adopts the findings as recommended by staff and adopts the Final Orders for approval of ZC-16-089, LDS-16-090 and E-16-091 per the second revised staff report dated November 3, 2016, including Exhibits A through L and all conditions therein, and including revised Public Works Report as Exhibit D-1 and the Public Works memo as Exhibit M.

Moved by: Vice Chair McFadden

Seconded by: Commissioner D'Alessandro

Commissioner Mansfield commented that he would be voting yes.

Commissioner Pulver stated that it is his opinion the applicant could improve Owen Drive in a more cost effective manner than the City. It could be done now and ensure alignment is done the correct way. The City could reimburse the applicant with SDC credits if he understands that correctly. He suggested exploring that to be an option for the City in circumstances like this.

Commissioner Foley stated that the credits were discussed in the documents and they would not be adequate enough for them to complete the street. They would need additional funding from the City. He agrees with Commissioner Pulver that it would have been good for the City to have done but he is not sure of their ability. It makes more sense to do it now. It would be the most cost effective way for the City to get it done.

Voice Vote: Motion passed, 6-0.

New Business

50.2 DCA-16-028 A code amendment within Articles I, III, and V to allow brewery–public houses, micro distilleries, and small wineries in commercial zoning districts under the umbrella term of “craft alcohol production.” (City of Medford)

Kyle Kearns, Planner II, reviewed the purpose of the amendment, read the approval criteria 10.184(2) and reviewed the proposal.

Commissioner Pulver asked, does the full on-premises sales license relate to having a certain amount of food? Mr. Kearns replied yes. There has to be at least five menu items served for a minimum of three hours a day.

Commissioner Pulver asked, does the proposed size limitation for the production area only apply to the Central Business District? Mr. Kearns reported as it reads now that is correct.

Commissioner Pulver asked, is a small winery a current use and allowed in the proposed zoning areas? Mr. Kearns replied that is correct.

Commissioner Pulver asked, does the special use regulation apply to all uses under craft alcohol production term? Mr. Kearns replied yes.

Commissioner Pulver stated that grain silos can have signage. He is not sure how it is measured and not in lieu of building signage. Is that correct? Mr. Kearns stated that currently if there are two street frontages then two signs are allowed and permitted to have it on the grain silo. The silo would have to fall into the height restrictions that the zoning district allows.

Commissioner Pulver stated that in Exhibit C the questionnaire that Immortal Spirits filled out mentions having odor issues. Is there a jurisdiction restriction on that issue? Mr. Kearns stated that in terms of odor, the code only addresses marijuana.

Commissioner Foley reported that when the participants of the tour had a discussion with the gentleman from Immortal Spirits he left Commissioner Foley with the impression that the issue was more a persnickety neighbor more than a general sense in the area. Mr. Kearns confirmed the statement.

Commissioner McKechnie addressed Commissioner Pulver's question regarding signage. It is his opinion the signage credited is based on the frontage rather than the bulk of the building.

Commissioner McKechnie stated that in Section 10.337 breweries and public houses are allowed in the light industrial zone. He remembers Mr. Kearns stating that was redundant. Where else does craft alcohol production appear that would allow it in the industrial zone? Is it in another category? Mr. Kearns replied yes. It would be SIC Code 208 Beverage Production.

Commissioner McKechnie asked how would he know that? It is his opinion that instead of having an X where craft alcohol production is not allowed that NA would be more appropriate. Mr. Kearns reported that he has not seen that anywhere else in the code.

Chair Miranda stated there could also be a footnote cross referencing SIC Code 208.

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

Motion: The Planning Commission, based on the findings and conclusions that all of the approval criteria are either met or not applicable, initiates the amendment, and forwards a favorable recommendation for adoption of DCA-16-028 to the City Council per the staff report dated November 3, 2016, including Exhibits A through C.

Moved by: Vice Chair McFadden

Seconded by: Commissioner McKechnie

Commissioner Pulver stated the production restriction of 5,000 square feet should be in all the zoning districts, not just the central business district. He has a concern about the three uses being similar and fitting them into one. He is not clear on the signage. He is in favor of the silos having signage. He does not know if it is clear as to the limitations of having signs on both, the amount of square footage allowed based on the size of the building frontage or based on the size of the silo. It is his opinion there is interpretation yet to be made on where exactly silo signage fits in the code. The smell issue was glossed over. He does not know how big of an issue smell is or is not. It is his opinion that this warrants more discussion and clarity.

Commissioner Mansfield asked Commissioner Pulver if he was suggesting postponing this decision and continuing it to another meeting, or to vote no, and would he care to make a motion? Commissioner Pulver replied that he would be agreeable continuing it until he gets clarity on some of the issues. There is already a motion on the table.

Mr. McConnell stated that he would not tell the Commission how they should conduct their business, but another option is to add that to the recommendation as to figure out an answer to Commissioner Pulver's question. They can address that at the City Council level and have staff ready to address that.

Friendly Amendment made by Commissioner Pulver: The production area is limited to 5,000 square feet in all zoning districts proposed and that staff provide clarity of the signage issue to City Council.

Commissioner McKechnie as seconder of the motion is not in favor of the friendly amendment.

Commissioner Foley asked what is the reason for restricting the size only in the central business overlay?

Commissioner Pulver commented that if the Planning Commission is going to approve the use in commercial zones, there are offices, medical offices, etc., that a 10,000 square foot brewery with a small tasting room and nachos served would not be acceptable for office type uses.

Commissioner McKechnie reported that it is one thing to be in the industrial area as a full on production. What is being discussed is intended to be in the commercial areas to be more of a boutique operation. In the study session it was discovered that 10,000

square feet would be closer to full on production. The 5,000 square foot limitation for production in commercial zones seemed to be appropriate for a boutique operation.

Commissioner Foley commented that the 5,000 square foot limitation is only for the Central Business overlay. The 5,000 square foot limitation goes away outside of the Central Business overlay. The question is why staff feels the central business overlay is the right restriction? Mr. Kearns reported that the thinking behind that was that it would fit the characteristics of the downtown. There are not a lot of 10,000 square foot buildings in the downtown.

Commissioner Foley responded that the goal is to allow craft breweries, microdistillers and small wineries to exist, which the Planning Commission is in favor of. If they are allowed in commercial zones, to keep them in the craft world, is why they are restricted to 5,000 square feet for production. He is struggling with why restricting it only to the Central Business overlay and not applying it to all zoning districts.

Commissioner McKechnie wanted to make sure that a footnote cross referencing SIC Code 208 on industrial zones is included in the text amendment.

Voice Vote: Motion passed, 8-0.

50.3 DCA-16-121 A Municipal Code amendment to revise the provisions of portable signs in the Central Business overlay district. (City of Medford)

Carla Paladino, Planner IV, reviewed the proposal, approval criteria 10.184(2), purpose, code history and proposed changes.

Commissioner Pulver asked if tables and chairs require approval or is it at the businesses discretion? Ms. Paladino reported that it does require approval. The Planning Department has a sidewalk café permit.

Vice Chair McFadden asked if there was a limit to the number of signs one could display. Ms. Paladino stated that the code states one per business entrance.

Vice Chair McFadden asked, could an upstairs business put an a-frame sign next to a ground floor business sign if they get a permit? What would stop one not getting a permit for advertising an event? Ms. Paladino stated that if it was complaint driven they would be taken down. Addressing the second floor issue is that it states one per entrance. If the Commission feels that staff needs to address the business entrance before going to the City Council she would like to hear that.

Commissioner Pulver and Commissioner McKechnie commented it is fine the way it is written.

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

Motion: The Planning Commission, based on the findings and conclusions that all of the approval criteria are either met or not applicable, forwards a favorable recommendation for adoption of DCA-16-121 to the City Council per the staff report dated November 3, 2016, including Exhibits A through D.

Moved by: Vice Chair McFadden

Seconded by: Commissioner D'Alessandro

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

50.4 CUP-16-109 Consideration of a Conditional Use Permit to install an electronic message sign along the Black Oak Drive frontage, build new on-site stormwater detention ponds and bioswales to direct water to a new outflow pipe into Larson Creek, and to revise the master plan to include a multi-phase project on the 23.4 acre parcel located on the west side of Black Oak Drive, approximately 700 feet south of Barnett Road, within a SFR-4 (Single-Family Residential – 4 units per acre) zoning district. Phase 1 proposes the reconfiguration of the existing front parking lot and drop-off area and the creation of a new student parking lot adjacent to the northern end of the track and football field. Phase 2 proposes the construction of a new two-story, 17,452 square foot dormitory building for international students. Phase 3 proposes the construction of a new two-story, 24,564 square foot Common Building and Plaza which will require the demolition of four older buildings. Phase 4 comprises the construction of a new 4,400 square foot Administration Building to be located between the Commons Plaza and the school drop-off area. A future phase comprises the completion of a loop road surrounding the built portion of the campus. (St. Mary's School of Medford Inc., Applicant; CSA Planning Ltd./Craig Stone, Agent)

Chair Miranda inquired whether any Commissioners have a conflict of interest or ex-parte communication they would like to disclose. Vice Chair McFadden declared he does not have a conflict but his son attended St. Mary's and has a warm spot in his heart for the school. Commissioner Foley disclosed that his daughter went to St. Mary's and he has no conflict.

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

Praline McCormack, Planner II, read the conditional use permit criteria and gave a staff report.

Commissioner McKechnie reported that staff stated the parking count exceeds the maximum by eight. Was that based on 550 students and however many faculty they have? Ms. McCormack replied yes.

Commissioner McKechnie asked if they had one, a couple of staff people or an extra student or two, they would be within the maximums. Ms. McCormack replied yes.

Vice Chair McFadden asked if the sign was one or two sided? Ms. McCormack reported that it is two sided but only one side is counted as the total square footage.

Vice Chair McFadden asked if the electronic sign was like a television screen? Ms. McCormack deferred the specifics of the sign to the applicant. She was told it was an electronic message sign.

Commissioner Pulver asked if staff comes across multiple phasing frequently? Ms. McCormack reported not with conditional use permits but this is a different kind of conditional use permit. It is sort of a quasi-site plan and architectural commission application that tends to have phases.

The public hearing was opened.

a. CSA Planning, Ltd., Craig Stone, 4497 Brownridge Terrace, Suite 101, Medford, Oregon, 97504-9173. Mr. Stone stated that in the audience there were a number of people that have worked on this project including the president of the school Frank Phillips, his right hand person, Chris Johnson, Tom Hall working through S & B James as the design build contractor, S & B James Architect, David Thurston, Civil Engineer Tom Sisul, Tom Madera, Landscape Architect and Beverly Thurston that works with Mr. Stone.

This project has four facets. Those are a change in a conditional use permit for the school in the arrangement of the buildings which is the primary part of the application. Secondly, it requires conditional use authorization for an electronic message sign. Third, the Medford Code requires a conditional use permit to cross the riparian area for, in this case, a storm drainage outflow pipe that goes from a detention pond to the creek.

The first phase will be the parking access area to the front of the school along Black Oak Drive. The second and third phases, before the Planning Commission now, are several buildings. First the Commons Building is food services and passive uses on the ground floor. The second floor is classroom activities. The applicant has submitted detailed elevations as well as perspective drawings. The drawings indicate various materials. Mr. Stone just found out that the siding on the Commons Building has changed to a less expensive panel system that would be the same as proposed for the dormitory. It is different than the plans that the Planning Commission has before them. The final building which would be an Administration Building will be for a latter phase. The applicant will undergo a Site Plan and Architectural Review as a stipulated matter.

Regarding the off-street parking, they have eight more parking stalls than would otherwise be allowed by the Code. It provides more than the maximum number of

parking if the applicant can provide a detailed explanation of why the need. Their detailed explanation focused on neighborhood impacts. The students mostly drive or their parents drop them off. They do not want to have a shortage of parking. There is no parking on Black Oak Drive and if there is an overflow it will go into the surrounding residential neighborhoods.

When the applicant submitted the application they had proposed to accommodate the City's pedestrian path through the property and to accommodate their own storm water detention needs. After filing their plans the City approached the applicant stating they would like to put the path in a different location. That location happened to be right over the top of their planned detention pond. They now have a plan that accommodates the path and the location that the applicant and the City have agreed to, along with the detention facilities that the applicant has to provide.

The wall panel graphics are viewed as a sign and the applicant takes issue with that. They think it is not a sign. The reason why is the definitions section in the sign section of the Code. It defines the term *"Signs...This definition is not to include architectural facades, or lighting features."* This is an architectural façade. These are graphic images that would be affixed permanently to the building in place of siding. They are not signs in the sense of advertising. They are inspirational messages. The graphic images that the applicant has shown the Planning Commission may not be the final ones but they will be of that nature. The school may want to decide later what those graphic images might look like. If the Planning Commission would like to see them the applicant will send them back in or have them viewed and approved by the Planning Department; whatever the Planning Commission's pleasure might be on that subject. The applicant does not believe it is a sign, but if it is a sign, it is an exempt sign. The second part of the Code that deals with that states *"those placed and located so as not to be viewed from the street."* This is not intended to be viewed from the street. In order to see it from the street one would have to look through street trees, more trees in the parking lot, trees within the courtyard and through fencing to this building. It would be some obscure image. If one wants to say this is a sign it is probably exempt. It is not a sign.

Commissioner D'Alessandro asked, is the school expecting to employ more people in this process? Mr. Stone replied he thinks so. There will be at a minimum a couple of resident managers within the dormitory. There will be food preparation staff. Possibly half a dozen or so additional jobs created.

Commissioner McKechnie stated that it looks like there is a one way ring road around the campus. If one is not dropping people off, one would come in through the north entrance, turn right, around the campus and out by the chapel. Is that correct? Mr. Stone stated that is correct.

Commissioner McKechnie asked Mr. Stone to point out on the plan where the panel that is not a sign, is located. Mr. Stone pointed to the location on the plan that was on the ELMO.

Chair Miranda asked if the Planning Commission had an actual representation or picture of what the sign is intended to be? Mr. Stone replied yes, but there again, the graphics that they are showing are representative. The graphic images might change.

Chair Miranda asked Mr. Stone to show the Planning Commission what it looks like. Mr. Stone showed several renderings stating the one in question is the one on the east elevation. The way staff is viewing the ordinance states that is the only one that is visible from the street and therefore the only one they are concerned with. In making these arguments about whether it is a sign or not Mr. Stone emphasized this is not a huge deal. If you say it is a sign and it has to be regular siding because it could offend someone's sensibility, the applicant will live with that.

Commissioner D'Alessandro asked, what is the approximate distance from the front of the building to the sidewalk? Mr. Stone replied 240 feet.

Mr. Stone reserved rebuttal time.

b. Marie Chesnut, 2525 Freedom Way, Medford, Oregon, 97504. Ms. Chesnut is concerned with the dormitory and the 50 students living on campus. The students that will be living on campus do not pay property taxes nor do their parents. Who is going to monitor this? Where are the kids going to go? These are a lot of people in a dense area living on that campus. She disagrees that the development will cause no impact on livability, value or appropriate development of abutting property.

Vice Chair McFadden asked, is the Planning Commission technically approving any part of the application that is architectural? Can the Planning Commission defer the entire application to the Site Plan and Architectural Commission? Ms. McCormack reported that the applicant is asking the Planning Commission to approve the dormitory and the Commons Building.

Chair Miranda asked if there was a functional definition of an architectural façade? What defines it? What represents it? Ms. McCormack replied none that she knew of. The description of it being a permanent fixture of the building would make it more of an architectural façade rather than a sign that can be removed. Mr. Stone stated it was going to be more like a siding.

Mr. McConnell asked, is it the Planning Department's interpretation that staff agrees with Mr. Stone's interpretation that this is an architectural façade and not a sign under 10.100(0) of the Code? Ms. McCormack replied that is correct. Staff has no issue with it being considered an architectural feature. It is quite a bit of distance from Black Oak Drive.

Mr. McConnell stated that is a plausible interpretation that the Planning Commission can accept.

Mr. Stone reported that the dormitory has its own outdoor area that is located off the front door that will allow the students a place to congregate. St. Mary's holds their students to a higher level of conduct than public schools. The students are not allowed to misbehave when they attend St. Mary's.

Regarding the approval of Site Plan and Architectural Commission, the Code is clear about conditional use permits. It states that the applicant, also, does not file for a Site Plan and Architectural Commission review. The applicant has followed the Code that requires the Planning Commission to make an architectural decision.

Commissioner Pulver asked if the architectural façade material was in the interior of the building. Mr. Stone reported that the graphic images are permanently affixed to the exterior of the building.

Commissioner McKechnie asked if the football field and basketball courts have lighting. Mr. Stone replied no.

Commissioner D'Alessandro stated that the renderings that are proposed need to have more detail. It would have mitigated some of the conversation. Mr. Stone submitted two renderings of the Commons Building to the Planning Commission for their review.

Vice Chair McFadden stated that Rogue Federal Credit Union on the corner of McAndrews and Poplar has exterior viewed panels. Are those considered the same type of panels being discussed this evening and are they inside or outside of the building? Ms. Akin stated that she believes the panels are interior but she is not positive. The Code does not regulate signs on the interior of the building, only on the exterior.

Ms. Akin addressed the issue of delegating to the Site Plan and Architectural Commission stating that the Code states that the Planning Commission can do two things. They can approve the application or they can delegate specific matters to the Site Plan and Architectural Commission. The Planning Commission would make a decision on the land use application giving the Site Plan and Architectural Commission authority approving in the Planning Commission's name the architecture and site design. The Code states that sending applications to the Site Plan and Architectural Commission there is no call for the applicant to demonstrate compliance with the criteria. There is nothing for the Site Plan and Architectural Commission to judge the application against. On a complex application the Planning Director has the authority to send those to the Site Plan and Architectural Commission first then give a recommendation on the architecture to the Planning Commission.

Mr. McConnell asked if the Planning Director did not do that this time because this was a relatively minor issue? Ms. Akin reported that staff believed the buildings were well designed and did not feel the need to exercise that authority.

Commissioner McKechnie stated that he is irritated that last time the Planning Commission came across one of these applications they were told they had to ignore what was submitted as a Site Plan and Architectural review. If that is still the case, there is 42,000 square feet of building that someone needs to review architecturally. If the Planning Commission is going to do this on a regular basis then they should be receiving the information that the Site Plan and Architectural Commission does. There is no site plan and landscape plan. They have reductions of buildings that are black and white. The renderings that Mr. Stone provided are better than what was in the agenda packet. The plans in the packet looked horrible. He does not necessarily care about the 120 day rule. It is his opinion that the buildings being discussed this evening need to be sent to the Site Plan and Architectural Commission giving them some criteria or continue this application requesting that the applicant submit Site Plan and Architecture Commission plans so that the Planning Commission can review until the next meeting.

Ms. Akin reported that the approval criteria that the Planning Commission works under with a conditional use permit do not address the same things that the Site Plan and Architectural Commission criteria address. The Site Plan and Architectural Commission have two criteria; one is compatibility and the other is that it complies with the requirements of the Code.

Mr. Stone reported that the applicant is on a tight time frame on the project. The applicant submitted everything that would be required of a Site Plan and Architectural Commission application. The Planning Commission is vested with decision making on that. He is not at liberty to grant any continuances to the time frame. He does not know if there is time to present this to the Site Plan and Architectural Commission. If there is, the applicant will do that, but they filed their materials in anticipation of a decision from the Planning Commission pursuant to the language in the Code for conditional use permits.

The public hearing was closed.

Commissioner McKechnie asked what takes place in the 120 days? Ms. Akin reported that the 120th day is January 21, 2017. The 64th day is November 26, 2016, when a Final Order from the Planning Commission is required in order to reserve time for an appeal if any are filed. If an appeal is filed and the Planning Commission is unable to render a decision then the applicant has the ability to file a Writ of Mandamus filed in the circuit court. It removes the decision authority from the City.

Mr. McConnell stated that the circuit court judge can make the decision for the City or he could direct the City to make the decision under its code.

Commissioner Pulver asked if the Planning Commission could approve the conditional use permit with the stipulation that the Site Plan and Architecture Commission review the buildings in some capacity and that would satisfy the 120 day rule. Mr. McConnell reported that under Section 10.247(a)(1) the Planning Commission can delegate all or some of its authority to the Site Plan and Architectural Commission. There was also a chance for the Planning Department to do that beforehand but chose not to exercise that authority. Commissioner Pulver asked that if some review authority was delegated to the Site Plan and Architectural Commission would it come back before the Planning Commission. Ms. Akin replied no. It remains in the Planning Commission's name. If the Planning Commission opts to refer the architecture to the Site Plan and Architecture Commission, it is limited.

Ms. Akin requested a short recess. The Planning Commission reconvened at 8:12 p.m.

Ms. Akin showed on ELMO the colored renderings that staff received from the applicant. The renderings were at the bottom of a plan sheet. She also stated that staff received colored elevations. The Planning Commission does not receive electronic versions of the plans. Site Plan and Architecture Commission is consistent in receiving electronic versions. Staff did not ask in this case. Staff reviews the plans submitted and makes comments. The Site Plan and Architecture Commission rarely comments on architecture. They do site function.

Commissioner D'Alessandro stated that Ms. Akin's comment is correct regarding that the Site Plan and Architecture Commission rarely comments on the architecture. Their comments are on the site plan.

Ms. Akin reported that staff's recommendation is that the Planning Commission makes the call on the architecture. Staff did not find any particular design concerns with this application. It is well located on the site. Access, circulation and parking are improved. The question before the Planning Commission is the use and design.

Commissioner McKechnie stated that the renderings are for the Commons Building. Did staff get renderings for the dormitory? Ms. Akin showed on ELMO the dormitory renderings that staff received.

Commissioner McKechnie suggested making three separate motions.

Commissioner Pulver stated that he is struggling with the timelines. Phases one, two and three would have approval with the only time frame of substantially completing the parking lot within one year. Does the approval on phase two and three just hang out there indefinitely? Ms. Akin reported that the master plan would not expire. At staff level they will manage future Site Plan and Architectural Commission applications against the master plan.

MOTION #1: The Planning Commission approves the conditional use permit for the electronic sign near the entrance of the school.

Moved by: Commissioner Mansfield Seconded by: Commissioner Pulver

Commissioner Pulver and Commissioner Foley wanted to set hour limitations on the electronic sign.

Commissioner Mansfield is opposed to electronic signs.

Ms. Akin reported that there are eleven different conditions that the Planning Commission can apply. In authorizing a conditional use permit the Planning Commission may impose any of the eleven conditions. Number (7): *“Limit or otherwise designate the number, size, location, height, or lighting of signs.”*

AMENDMENT TO THE MOTION: The electronic portion of the sign is required to be off during the hours of 10:00 p.m. to 6:00 a.m.

Moved by: Commissioner Pulver Seconded by: Commissioner McKechnie

Voice Vote for the AMENDMENT TO THE MOTION: Motion passed, 6-2, with Vice Chair McFadden and Chair Miranda voting no.

Voice Vote to MOTION #1: Motion passed, 6-2, with Commissioner Mansfield and Commissioner McKechnie voting no.

MOTION #2: The Planning Commission approves the conditional use permit for the new drainage facility within the Larson Creek riparian corridor.

Moved by: Commissioner McKechnie Seconded by: Commissioner Mansfield

Voice Vote: Motion passed, 8-0.

MOTION #3: The Planning Commission approves the conditional use permit for the revised master plan to include the multi-phase project on a 23.4 acre parcel located on the west side of Black Oak Drive comprising of five phases.

Moved by: Commissioner McKechnie Seconded by: Commissioner Mansfield

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

60. Reports

60.1 Site Plan and Architectural Commission.

Commissioner D’Alessandro reported that the Site Plan and Architectural Commission met on Friday, November 4, 2016. They considered Orchard Glen Estates Phase 3, a

proposed 57-unit multi-family development composed of five three story buildings, along with an Exception requesting a right-of-way reduction, on 2.02 gross acres located at 2686 West Main in the C-H zoning district. They also heard consideration of plans for the development of a 37,721 square foot, single-story, 40-unit memory care facility located on a 7.9 acre property west of the terminus of Misty Lane, west of the terminus of Honor Drive, and north and east of the intersection of Village Center Drive and Meadow View Drive, within the Rogue Valley Manor. The subject site is located in a SFR-4 with a Planned Unit Development Overlay zoning district. That application was continued.

60.2 Report of the Joint Transportation Subcommittee.

Commissioner Pulver reported that the Joint Transportation Subcommittee has not met.

60.3 Planning Department

Kelly Akin, Interim Planning Director, congratulated Commissioner D'Alessandro for winning his election ward to the City Council.

There are now three vacancies on the Planning Commission. Chair Miranda reapplied. The City Council has extended the application time to December 1, 2016. Commissioner Fincher's seat has been vacant for some time and Commissioner D'Alessandro's vacancy. The Planning Commission, on the first meeting in February, elects the Chair and Vice Chair along with appointments to the Site Plan and Architectural Commission and Joint Transportation Subcommittee. Commissioner D'Alessandro was the Planning Commission liaison to the Site Plan and Architectural Commission and the Joint Transportation Subcommittee.

The Planning Commission study sessions scheduled for Monday, November 14, 2016, and Monday, November 28, 2016, have been cancelled.

Thursday, November 24, 2016, is Thanksgiving so that meeting will be cancelled. December 8, 2016, is not as busy as anticipated. The second meeting in December is scheduled for Thursday, December 22, 2016. It is hard to get a quorum for that meeting and staff generally cancels that meeting but will keep the Planning Commission informed.

Last week City Council heard temporary food vendors and legislative history. A constituent came and requested the City Council to consider changing the size of mobile food units. It is a maximum of 170 feet outside of the downtown area. Increasing the size will come before the Planning Commission in a study session probably in December.

At the City Council meeting next week, Thursday, November 17, 2016 there is no Planning business. The Hope Village contract between the City and Rogue Retreat will be during the evening session hearing.

Commissioner McKechnie asked if there were any Planning Commission study sessions in December. Ms. Akin replied there will be a study session on Monday, December 12, 2016.

Chair Miranda stated that he would not be able to attend the Planning Commission study session on Monday, December 12, 2016.

Commissioner Pulver stated there was discomfort over the lack of Site Plan and Architectural Commission review on buildings with a conditional use permit application. It is apparent there is a flaw in the system. If planning staff is willing to address that at some point the Planning Commission would appreciate that. Ms. Akin reported that at the staff level they have discussed removing conditional use permits from the Planning Commission’s authority and giving them to the Site Plan and Architectural Commission. Generally speaking, the Site Plan and Architectural Commission are mitigation experts. They review site design and mitigation.

70. Messages and Papers from the Chair. None.

80. Remarks from the City Attorney. None.

90. Propositions and Remarks from the Commission.

90.1 Commissioner D’Alessandro stated that he has enjoyed his time on the Planning Commission, his education on land use and Medford’s Land Development Codes. The Planning Commission is a great group of people to work with. It has been an honor to serve with the members on the Planning Commission. Staff has been professional and helpful and looks forward to continue working with staff.

100. Adjournment

The meeting was adjourned at 8:44 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder’s office.

Submitted by:

Terri L. Rozzana
Recording Secretary

Patrick Miranda
Planning Commission Chair

Approved: December 8, 2016



STAFF REPORT

for a Class-B decision: Street Vacation

Project Vacation of portions of Farmington Avenue and Yamsay Drive
Applicant: Cedar Investment Group LLC

File no. SV-16-110

To Planning Commission *for 12/08/2016 hearing*

From Kyle Kearns, Planner II

Reviewer Kelly Akin, Interim Planning Director

Date December 1, 2016

BACKGROUND

Proposal

Consideration of a request to vacate two right-of-ways at portions of Farmington Avenue and Yamsay Drive, both of which are approximately 200 feet north of Cedar Links Drive (See Exhibits A & B).



History

The existing public rights-of-way proposed for vacation are in northeast Medford, on undeveloped portions of Farmington Avenue and Yamsay Drive within the Sky Lakes Village at Cedar Landing Subdivision (Phase 7A). The two streets were originally planned to connect via a local public cross street, but this connection has since been changed to a private access road further to the north. The rights-of-way are currently unimproved and abut several large tax lots, most of which are owned by Cedar Landings Investment Group, LLC (Photos, Exhibits C & D). The Planning Commission has since approved several Planned Unit Development (PUD) and Land Division (LDS) applications/revisions for this portion of the Cedar Landings Subdivision making the requested vacation necessary based on previous plan approvals for PUD-16-024, LDS-16-025, LDS-16-026, and LDS-16-027. All relevant PUDs and LDS approvals are:

- PUD-13-119, PUD-15-043, PUD-16-024
- LDS-13-121, LDS-15-044, LDS-16-025, LDS-16-026, LDS-16-027

Currently, neither Farmington Avenue nor Yamsay Drive includes any public facilities or utilities. The public utility easement dedicated and adjacent to both streets will be modified to align with the revised rights-of-way and be dedicated to the City of Medford, consistent with the aforementioned plan approvals. The rights-of-ways to be vacated will revert to Cedar Investment Group, LLC ownership.

Committee Comments

The proposal was presented at the November 2, 2016, Land Development Committee meeting in which there were no comments provided.

Agency Comments

The following agencies did not have any concerns or issues with the proposal: Medford Fire Department, Oregon Department of Transportation (ODOT), Medford Public Works Department, Medford Water Commission, Rogue Valley Sewer Services, Avista Gas and Jennifer Ingram, the City's Database Technician. Pertinent comments from The City Surveyor have been incorporated in the report and attached.

Authority

This proposed project is a Class-B application for vacation of public rights-of-way. The Planning Commission is authorized to recommend, and the City Council to approve vacations under Medford Municipal Code §§10.102–122, 10.165, and 10.185.

ANALYSIS

The proposed street vacation was requested by the property owner and initiated by City Council on October 20, 2016 (Resolution No. 2016-131). As stated above, the vacation of the rights-of-way along portions of Farmington Avenue and Yamsay Drive was made a condition of previous plan approvals. Given the new plans for the Cedar Landing PUD, the need for the previously dedicated rights-of-way has become unnecessary and would complicate future development of the site. The unimproved rights-of-way currently exist within an undeveloped portion of the Cedar Landing PUD in which there currently exist a pond and greenspace. No public utilities are currently provided and the City finds that reconfiguring the public utility easement would have no adverse effects to future development. Retaining the rights-of-way has become unnecessary as the development plans have changed rerouting traffic and redesigning lot line configurations.

FINDINGS AND CONCLUSIONS

The criteria that apply to vacations are in Medford Municipal Code §10.202. The criteria are rendered in italics; findings and conclusions in roman type.

Vacation Criteria. A request to vacate shall be approved by the approving authority (City Council) when the following criteria have been met:

10.202 (1). Compliance with the Public Facilities Element of the Comprehensive Plan, including the Transportation System Plan.

Findings

A review of the goals and policies in the Comprehensive Plan that relate to public facilities, transportation and the Transportation System Plan (TSP) do not specifically address the topic of right-of-way vacation. Both rights-of-way exist on unimproved sections of proposed and extensions of standard residential streets, those being Farmington Avenue and Yamsay Drive. Currently no public water, sanitary sewer facilities, electrical lines, telecommunications lines or natural gas lines exist and any future development of utilities will not be effected through the vacation. Upon vacation of the property, the ownership of the land would revert to Cedar Landings Investment Group, LLC the developer of the subdivision. Since the original PUD has since changed, the rights-of-way are no longer needed to develop the subdivision.

Conclusions

Since the goals and policies of the comprehensive plan are silent on right-of-way vacations, using the comprehensive plan directly for approval is unnecessary in this instance. Therefore, the criterion has been satisfied.

10.202 (2). If initiated by petition under ORS 271.080, the findings required by ORS 271.120.

Findings

The application was not initiated by petition per the requirements in ORS 271.080(2); therefore the findings required by ORS 271.120 are not applicable.

Conclusions

This criterion is not applicable to the project.

10.202 (3). If initiated by the Council, the applicable criteria found in ORS 271.130.

The proposal will comply with the requirement of ORS 271.130 if the City Council can make the following findings:

- a. That the owners of more than 50% of the affected area do not object in writing; and*
- b. That the vacation will not substantially affect the market value of any abutting property where the owner objects, unless the City provides for paying damages to the owner.*

Findings

The City Council initiated the vacation on Thursday, October 20, 2016, per Resolution No. 2016-131. The vacation was requested from Cedar Landings Investment Group, LLC the majority property owner in the affected area. No objections from property owners have been received to date. It is not anticipated that the vacation will substantially affect the market value of any abutting property.

Conclusions

No objections have been submitted regarding the proposal and a substantial effect in market value positively or negatively is not likely. The criterion is satisfied.

RECOMMENDED ACTION

Based on the findings and conclusions that all of the approval criteria are met or are not applicable, forward a favorable recommendation to the City Council for approval of the street vacation per the staff report dated December 1, 2016, including Exhibits A through H.

EXHIBITS

- A Legal description and map showing street location – Farmington Avenue
- B Legal description and map showing street location – Yamsay Drive
- C County Assessor’s map showing right-of-way – Farmington Avenue
- D County Assessor’s map showing right-of-way – Yamsay Drive
- E Photograph of the project area – Farmington Avenue
- F Photograph of the project area – Yamsay Drive
- G City Surveyor comments
- H Applicant’s findings of fact with applicant’s exhibits
Vicinity map

PLANNING COMMISSION AGENDA: DECEMBER 8, 2016

Exhibit A

Legal Description and Map showing street location – Farmington Avenue

EXHIBIT
ROAD VACATION
LEGAL DESCRIPTION
(PORTION OF FARMINGTON AVENUE)

RECEIVED
SEP 27 2016
PLANNING DEPT

BEGINNING at the northeast corner of that portion of Lot 94 of Sky Lakes Village at Cedar Landing, Phase 7A, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon which is located westerly of Farmington Avenue; thence South 89°36'40" East 17.52 feet; thence along the arc of a 20.00 foot radius non-tangent curve to the left (the long chord to which bears North 54°41'31" East 23.34 feet) a distance of 24.92 feet; thence South 18°59'44" West 4.18 feet; thence along the arc of a 292.00 foot radius curve to the left (the long chord to which bears South 10°28'23" West 86.54 feet) a distance of 86.86 feet; thence along the arc of a 20.00 foot radius non-tangent curve to the left (the long chord to which bears North 43°49'48" West 28.67 feet) a distance of 31.96 feet; thence North 00°23'20" East 55.00 feet to the point of beginning.

See attached Exhibit Map

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Darrell L. Huck

OREGON
FEBRUARY 4, 1983
DARRELL L. HUCK
2023

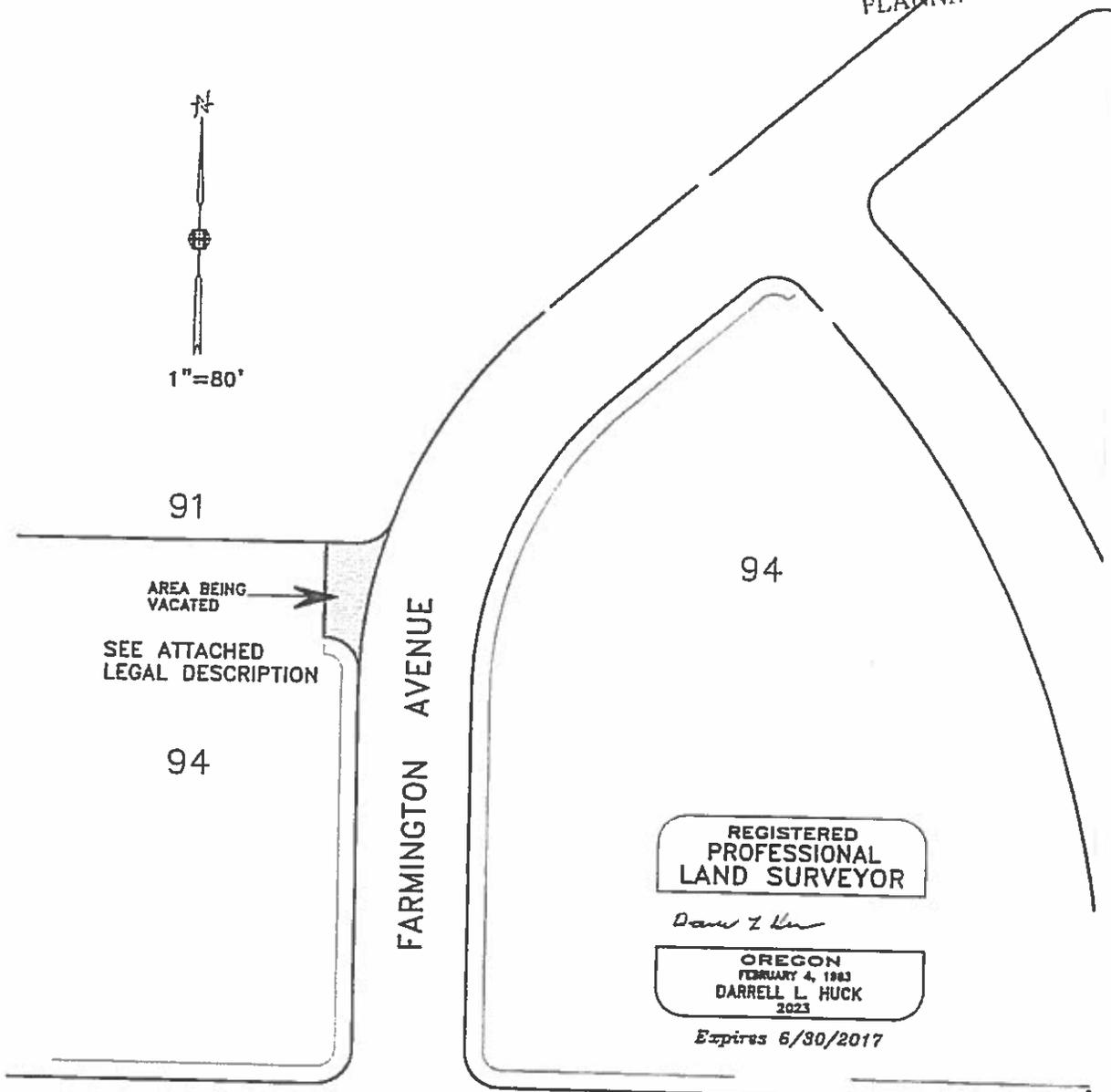
EXPIRES 6/30/2017

Darrell L. Huck
L.S. 2023 – Oregon
Expires 6/30/2017
Hoffbuhr & Associates, Inc

(14083 farm vacate.doc)

EXHIBIT MAP
ROAD VACATION
(PORTION OF FARMINGTON AVENUE)

RECEIVED
SEP 27 2016
PLANNING DEPT



91
AREA BEING VACATED
SEE ATTACHED LEGAL DESCRIPTION

FARMINGTON AVENUE

94

94

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Dan Z. Huck

OREGON
FEBRUARY 4, 1983
DARRELL L. HUCK
2023

Expires 6/30/2017

CEDAR LINKS DRIVE

CITY OF MEDFORD
EXHIBIT # 37A
File # SV-16-110

Exhibit B

Legal Description and Map showing street location – Yamsay Drive

EXHIBIT
ROAD VACATION
LEGAL DESCRIPTION
(PORTION OF YAMSAY DRIVE)

RECEIVED
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BEGINNING at the northwest corner of Lot 94 of Sky Lakes Village at Cedar Landing, Phase 7A, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon; thence along the westerly line of said Lot 94, South 00°23'20" West 55.00 feet; thence along the arc of a 20.00 foot radius non-tangent curve to the left (the long chord to which bears South 42°30'38" West 29.67 feet) a distance of 33.43 feet; thence leaving said westerly line, along the arc of a 531.50 foot radius non-tangent curve to the left (the long chord to which bears North 09°23'32" West 74.61 feet) a distance of 74.67 feet; thence along the arc of a 468.50 foot radius curve to the right (the long chord to which bears North 12°11'31" West 20.03 feet) a distance of 20.03 feet to the westerly line of Lot 91 of the aforesaid Sky Lakes Village at Cedar Landing, Phase 7A; thence along the boundary line of said Lot 91, along the arc of a 20.00 foot radius non-tangent curve to the left (the long chord to which bears South 50°40'30" East 25.56 feet) a distance of 27.72 feet; thence continue along said boundary line, South 89°36'40" East 17.06 feet to the point of beginning. (containing 0.04 acres, more or less)

See attached Exhibit Map



Darrell L. Huck
L.S. 2023 – Oregon
Expires 6/30/2017
Hoffbuhr & Associates, Inc

(14083 yamsay vacate.doc)

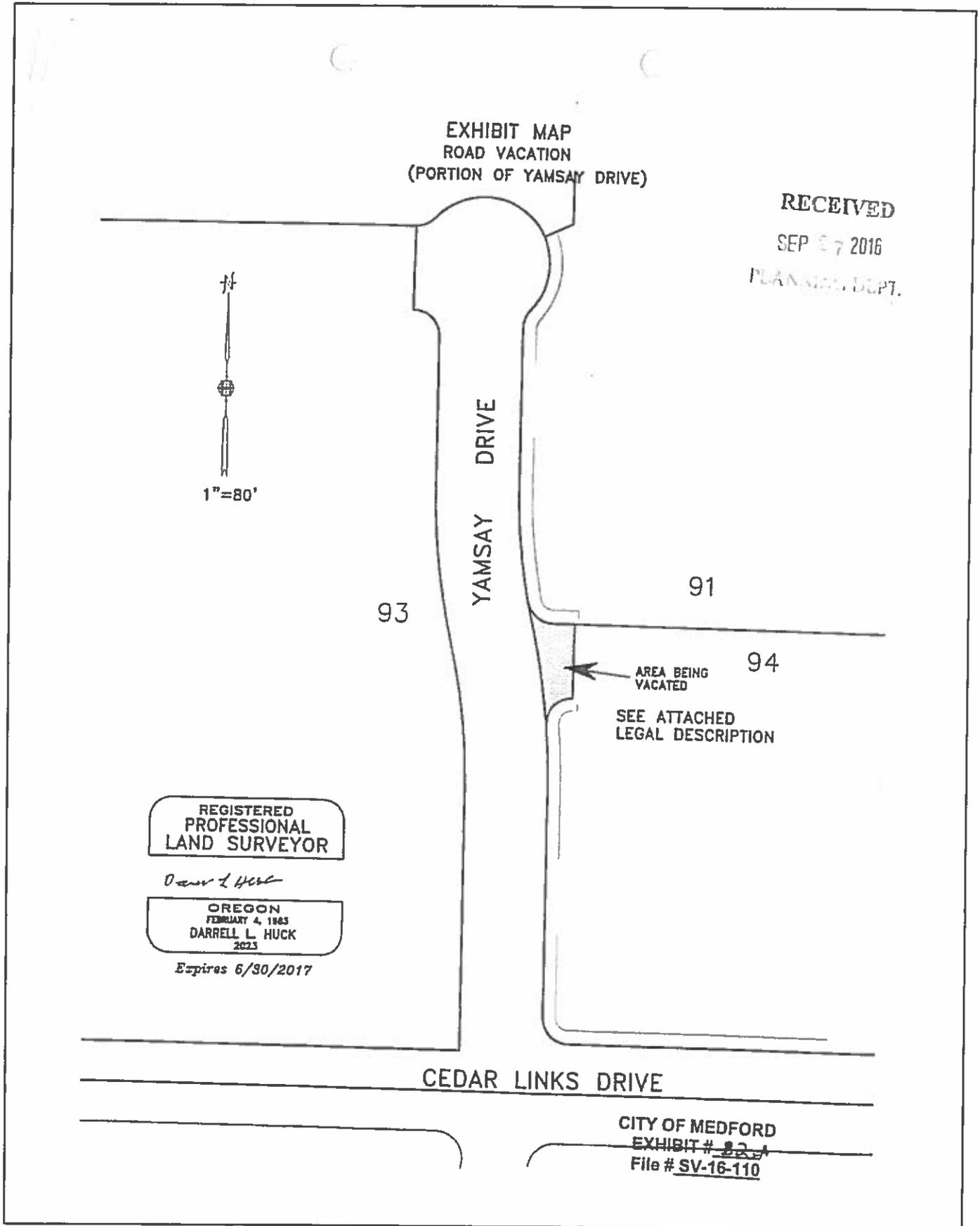


Exhibit C

County's Assessor map showing right-of-way- Farmington Avenue

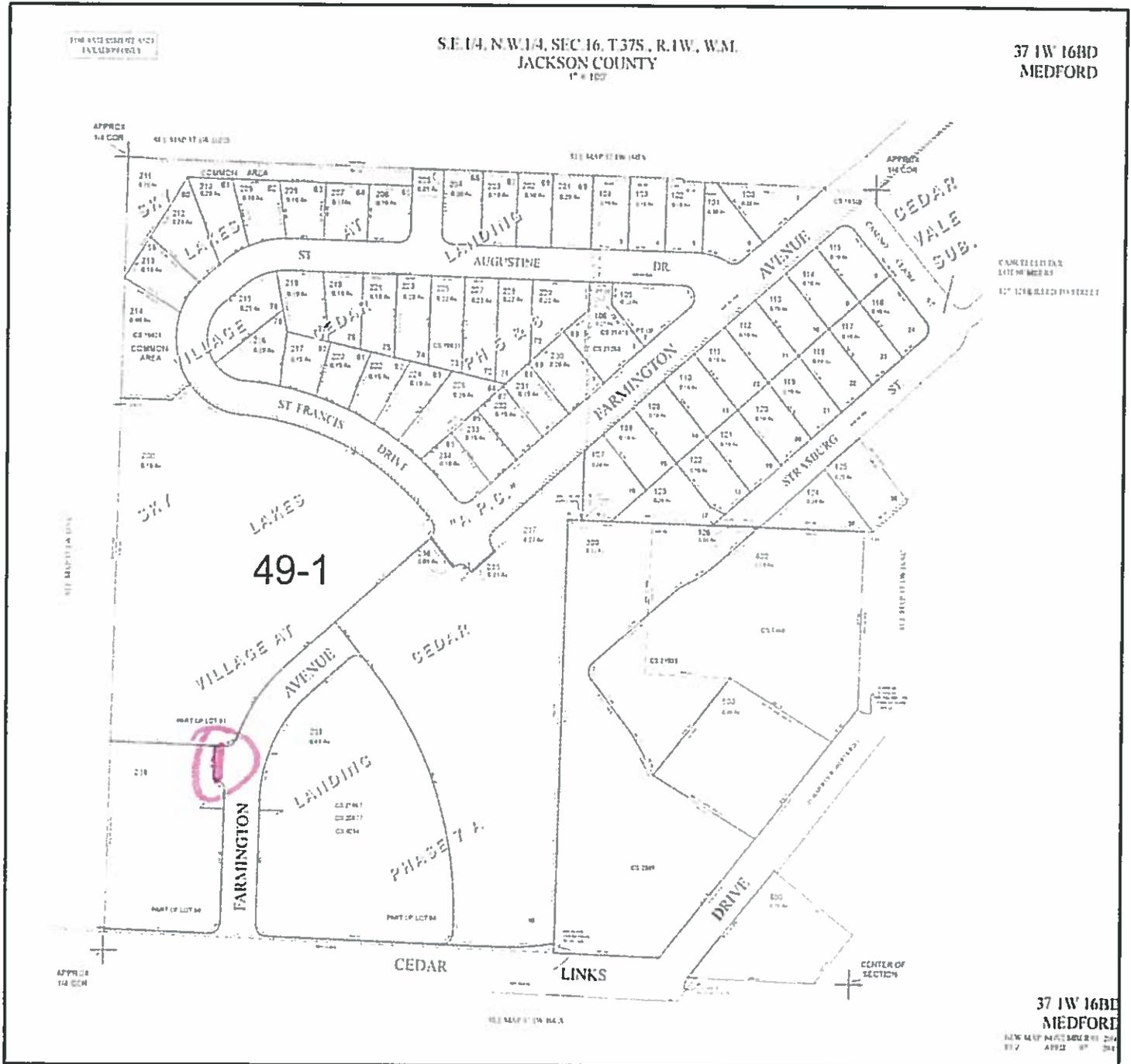


Exhibit D

County's Assessor map showing right-of-way – Yamsay Drive

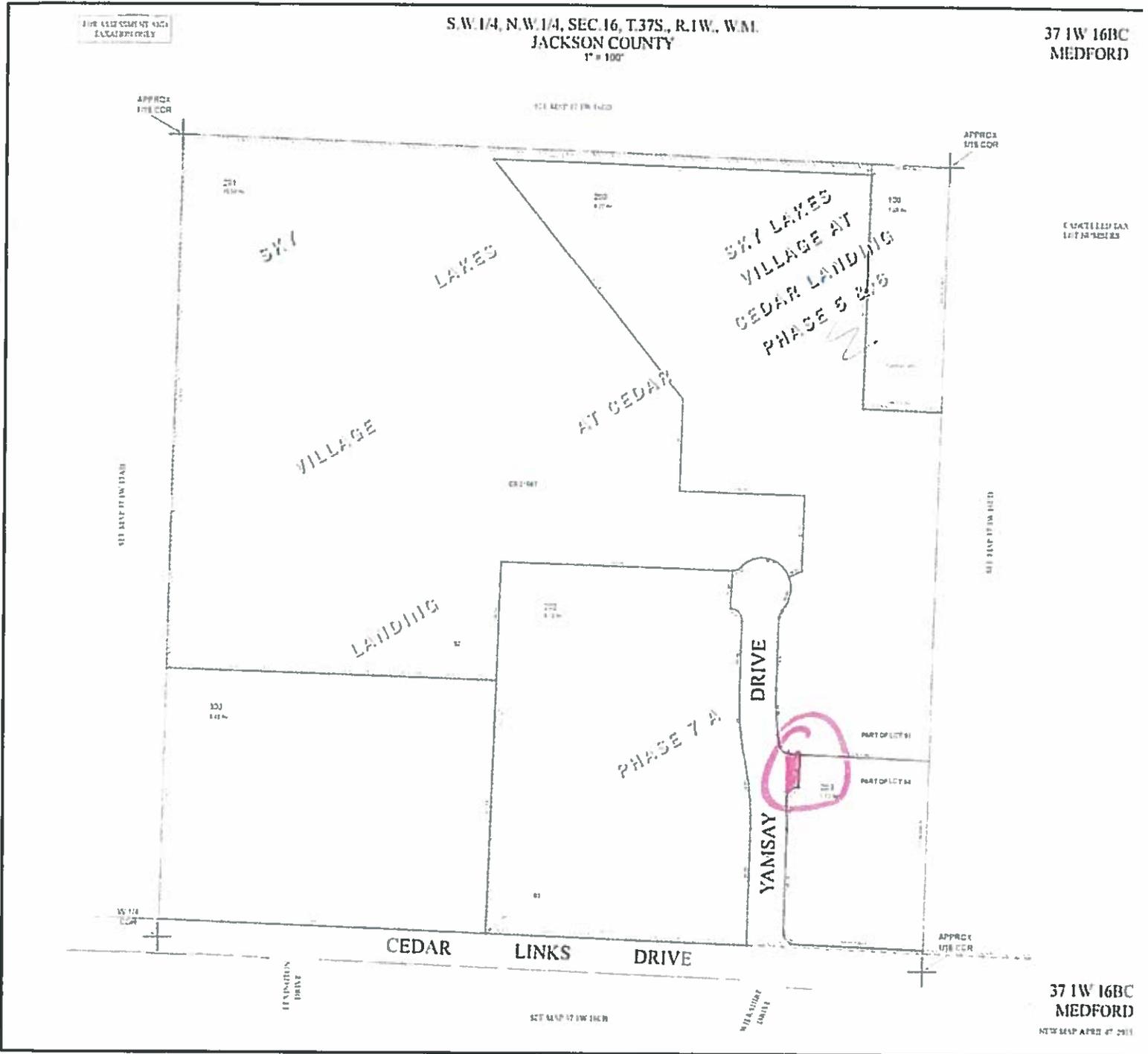


Exhibit E

Photo of project area – Farmington Avenue



Exhibit F

Photo of project area – Farmington Avenue



Exhibit G

City Surveyor Comments



CITY OF MEDFORD MEMORANDUM

To: Jon Proud, Engineering
From: Kyle Kearns, Planning Department
Date: 9/14/2016
Subject: Legal Description (File No. SV-16-110)

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

1. SV-16-110: The unimproved portions of Yamsay Drive (approx. 200' N. and 16' E. of Cedar Links Drive) and Farmington Ave (approx. 200' N. and 16' W. of Cedar Links Drive). —

o This description is confusing & not correct.

o Description of portions of Farmington & Yamsay Aves technically correct. Exhibit maps are very minimal & lacking information if they are to be used as a document in vacation in my opinion.

na
Attachments

o THE VACATION ORDER SHOULD REFERENCE BOTH DOCUMENTS AS EXHIBITS,

THANKS, JON

"Working with the Community to Shape a Vibrant and Exceptional City"

Exhibit H

Applicant's findings of fact

BEFORE THE CITY COUNCIL
FOR THE CITY OF MEDFORD

JACKSON COUNTY, OREGON

RECEIVED

SEP 12 2016

PLANNING DEPT.

IN THE MATTER OF THE PARTIAL)
VACATION OF THE FARMINGTON)
AVENUE AND YAMSAY DRIVE)
UNIMPROVED RIGHTS-OF-WAY)
LOCATED WITHIN THE NORTHERLY)
PORTION OF THE CEDAR LANDING)
PLANNED UNIT DEVELOPMENT)
ADJACENT TO THE PROPERTY)
DESCRIBED IN THE JACKSON)
COUNTY ASSESSMENT RECORDS AS)
TOWNSHIP 37 SOUTH, RANGE 1 WEST,)
SECTION 16BC, TAX LOTS 200 & 203;)
TOWNSHIP 37 SOUTH, RANGE 1 WEST,)
SECTION 16BD, TAX LOTS 200 & 238;)
LYING NORTH OF CEDAR LINKS DRIVE)
AND WEST OF FOOTHILL ROAD IN)
MEDFORD, OREGON)

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

Applicant's Exhibit 1

Applicant: City of Medford, Oregon)
Agent: CSA Planning, Ltd.)

1

SCOPE AND NATURE OF THE ACTION

This matter concerns the vacation of Farmington Avenue and Yamsay Drive, both of which are within the Cedar Landing Planned Unit Development (PUD). The vacations were made a condition of approval in earlier approvals granted by the Planning Commission concerning this Planned Unit Development (PUD) under municipal files PUD-16-024, LDS-16-025, LDS-16-026 and LDS-16-027.

As background, this PUD was previously approved with a local public cross street between Farmington Avenue and Yamsay Drive. As a result of the prior approvals, both Yamsay Drive and Farmington Avenue were dedicated to the public. Portions of the intersections of both Farmington and Yamsay Drive with the local cross street were also dedicated yet not improved. Later, the PUD was redesigned to remove the aforementioned cross street in lieu of a private road / cross street to be situated further to the north. A consequence of the redesign is the need to vacate the previously dedicated yet unimproved portions of Yamsay and Farmington where they intersect with the previously approved local cross street. The revised plans were approved by the Commission and were not appealed.

Oregon Revised Statutes (ORS) Chapter 271 provides two methods to vacate public streets. The first, pursuant to ORS 271.130 is on the City Council's own motion. The second,



Findings of Fact and Conclusions of Law
Vacation of Portions of Farmington Avenue and Yamsay Drive
Applicant: City of Medford, Oregon

pursuant to ORS 271.080 is on petition and the consent of affected property owners. Street vacations in Medford have nearly always been initiated by the Council on its own motion because this process is more streamlined and exposes the City to less risk. Accordingly, the property owner (Cedar Investment Group, LLC) requested that the Council initiate this street vacation proceeding under its own motion and the Council has done so.

II

EVIDENCE SUBMITTED WITH APPLICATION

The following evidence was before the City Council:

- Exhibit 1. The proposed findings of fact and conclusions of law, demonstrating how the vacation complies with the applicable substantive criteria of the City of Medford and State of Oregon
- Exhibit 2. Vicinity Map
- Exhibit 3. Map Showing Street Vacation Areas on *Tentative Plat For Sky Lakes Village Phases 1-4, The Village, and The Cottages At Cedar Landing (A Planned Community)*
- Exhibit 4. Notice Area Map
- Exhibit 5. LDS-16-025, LDS-16-026, LDS-16-027 Approved Tentative Plats
- Exhibit 6. PUD-16-025 Approved Preliminary PUD Plan
- Exhibit 7. Final Order PUD-16-024, LDS-16-025, LDS-16-026 and LDS-16-027
- Exhibit 8. Jackson County Assessor plat maps 37-1W-16BC and 37-1W-16BD which depict the areas proposed to be vacated.
- Exhibit 9. Vacation Area Legal Description (*Included in September 12, 2016 update*)
- Exhibit 10. Assessment Ownership Information
- Exhibit 11. Completed vacation application forms with written authorization from Cedar Investment Group, LLC.

III

RELEVANT SUBSTANTIVE APPROVAL CRITERIA

The Council has determined that the following constitutes all of the relevant substantive standards and criteria prerequisite to the vacation of city streets under the Medford Land Development Code (MLDC) and pursuant to the relevant procedures and requirements in ORS 271.080 through 271.170 when public streets are vacated by the Council's own motion pursuant to ORS 271.130:

Medford Land Development Code (MLDC)
10.202 Vacation Criteria.

A request to vacate shall only be favorably considered by the approving authority (City Council) when the following criteria have been addressed.



Findings of Fact and Conclusions of Law
Vacation of Portions of Farmington Avenue and Yamsay Drive
Applicant: City of Medford, Oregon

- (1) Compliance with the Public Facilities Element of the Comprehensive Plan.
- (2) If initiated by petition under ORS 271.080, the Council shall make the findings required by ORS 271.120.
- (3) If initiated by the Council, applicable criteria are found in ORS 271.130

Oregon Revised Statutes ("ORS") Chapter 271

271.080. Vacation in incorporated cities; petition; consent of property owners.

- (2) [. . .]The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted. In the vacation of any plat or part thereof the consent of the owner or owners of two-thirds in area of the property embraced within such plat or part thereof proposed to be vacated shall be sufficient, except where such vacation embraces street area, when, as to such street area the above requirements shall also apply. The consent of the owners of the required amount of property shall be in writing.

271.110 Notice of hearing

- (1) The city recorder or other recording officer of the city shall give notice of the petition and hearing by publishing a notice in the city official newspaper once each week for two consecutive weeks prior to the hearing. If no newspaper is published in such city, written notice of the petition and hearing shall be posted in three of the most public places in the city. The notices shall describe the ground covered by the petition, give the date it was filed, the name of at least one of the petitioners and the date when the petition, and any objection or remonstrance, which may be made in writing and filed with the recording officer of the city prior to the time of hearing, will be heard and considered.

- (2) Within five days after the first day of publication of the notice, the city recording officer shall cause to be posted at or near each end of the proposed vacation a copy of the notice, which shall be headed, "Notice of Street Vacation," "Notice of Plat Vacation" or "Notice of Plat and Street Vacation," as the case may be. The notice shall be posted in at least two conspicuous places in the proposed vacation area. The posting and first day of publication of such notice shall be at least 14 days before the hearing.

- (3) The city recording officer shall, before publishing such notice, obtain from the petitioners a sum sufficient to cover the cost of publication, posting and other anticipated expenses. The city recording officer shall hold the sum so obtained until the actual cost has been ascertained, when the amount of the cost shall be paid into the city treasury and any surplus refunded to the depositor. [Amended by 1991 c.629 §1; 2005 c.22 §196]

271.130. Vacation on council's own motion; appeal.

- (1) The city governing body may initiate vacation proceedings authorized by ORS 271.080 and make such vacation without a petition or consent of property owners. Notice shall be given as provided by ORS 271.110, but such vacation shall not be made before the date set for hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages. Provision for paying such damages may be made by a local assessment, or in such other manner as the city charter may provide.
- (4) Any property owner affected by the order of vacation or the order awarding damages or benefits in such vacation proceedings may appeal to the circuit court of the county where such city is situated in the manner provided by the city charter. If the charter does not provide for such appeal, the appeal shall be taken within the time and in substantially the manner provided for taking an appeal from justice or district court in civil cases.



Findings of Fact and Conclusions of Law
Vacation of Portions of Farmington Avenue and Yamsay Drive
Applicant: City of Medford, Oregon

IV

FINDINGS OF FACT

The Council reaches the following facts and finds them to be true with respect to this matter:

1. **Street Ownership:** The sections of Farmington Avenue and Yamsay Drive to be vacated are unimproved and owned by the City of Medford. The rights-of-way (now to be vacated) were made requirements by the City Planning Commission in an earlier PUD proceeding as further explained in "History" below.
2. **History:**
 - In 2014, the City of Medford Planning Commission approved PUD-13-119, an amendment to PUD-05-35.
 - Also in 2014, the City of Medford Planning Commission approved LDS-13-121 a final plat creating, in part, 9 *reserve acreage lots* throughout the PUD. The plat was titled, "Sky Lakes Village at Cedar Landing, Phase 7A". Five of the lots approved under LDS-13-121 are situated on the portion of the PUD lying south of Cedar Links Drive, including lots 95-99. Also, portions of Farmington Avenue and Normil Terrace, providing legal access from Cedar Links Drive and Foothill Road to interior lots 96 and 97 were dedicated through LDS-13-121 as unimproved public right-of-way.
 - On June 11, 2015 the City of Medford Planning Commission approved files PUD 15-043 and LDS-15-044, a revision to the preliminary PUD plan and a tentative plat for the portion of the Cedar Landing PUD lying south of Cedar Links Drive. The modified PUD and tentative plat include changes to the previously approved phase boundaries and underlying road layouts.
 - On November 19, 2015, the Medford City Council approved Ordinance 2015-122 vacating portions of Farmington Avenue and Normil Terrace in order to accommodate the realignment of both streets consistent with design approvals under PUD-15-043 and LDS-15-044.
 - On July 28, 2016 the City of Medford Planning Commission approved file PUD-16-024, a revision to the preliminary PUD plan for the Cedar Landing PUD. With exception of lot coverage modifications that affected the entire PUD, PUD-16-024 primarily dealt with a redesign of the portion of the PUD lying north of Cedar Links Drive, west of Farmington Avenue and east of Yamsay Drive. Coincident with the PUD modifications, the City also approved files LDS-16-025, LDS-16-026 and LDS-16-027 including changes to the tentative plats for lands lying north of Cedar Links Drive. As a condition of approval for each of the applications noted above, the subject portions of Yamsay Drive and Farmington Avenue were required to be vacated, in order to carry out the design modifications.
3. **Zoning:** All properties abutting the subject right-of-way for Farmington Avenue and Yamsay Drive are within the Cedar Landing PUD and are zoned SFR-4.
4. **Surrounding properties description:** All properties surrounding the subject portions of Farmington Avenue and Yamsay Drive are within the Cedar Landing PUD.



Findings of Fact and Conclusions of Law
Vacation of Portions of Farmington Avenue and Yamsay Drive
Applicant: City of Medford, Oregon

5. **Ownership after Vacation:** The ownership of all areas to be vacated will revert to Cedar Investment Group LLC.¹ Following the now sought vacations, the new or modified rights-of-way for both Farmington Avenue and Yamsay Drive are to be dedicated to the City of Medford as required by and in a manner consistent with PUD-16-024, LDS-16-025, LDS-16-026 and LDS-16-027.
6. **Topography:** The vacation areas for both Yamsay Drive and Farmington Avenue include flat to gentle slopes. A preliminary grading plan for the area was reviewed under PUD-16-024.
7. **Public Facilities and Utilities:** Neither street currently includes any public facilities or utilities. The Public Utility Easement dedicated and adjacent to both streets will be modified to align with the revised rights-of-way, consistent with PUD-16-024, LDS-16-025, LDS-16-026 and LDS-16-027.

V

CONCLUSIONS OF LAW

The following discussion and conclusions of law are preceded by the criterion to which they relate, and are based upon the findings of fact as set forth in above Section III and the evidence enumerated in Section II. The Council reaches the following conclusions of law and ultimate conclusions under each of the relevant substantive criteria:

Criterion 1

A request to vacate shall only be favorably considered by the approving authority (City Council) when the following criteria have been addressed.

- 1.) Compliance with the Public Facilities Element of the Comprehensive Plan.

Conclusions of Law: The fact that Criterion 1 requires proposed street vacations to comply with the Medford Comprehensive Plan, Public Facilities Element, does not make all goals and policies in that element function as approval criteria. See, *Bennett v. City of Dallas*, 17 Or LUBA 450, aff'd 96 Or App 645 (1989). Approval criteria requiring compliance with elements of the comprehensive plan do not automatically transform all comprehensive plan goals and policies into decisional criteria. A determination of whether particular plan policies are approval criteria must be based on the language used in the goals and policies and the context in which they appear. The Council has carefully examined the plan Public Facilities Element and concludes as follows:

1. There are no goals or policies in the Public Facilities Element, or elsewhere in the City of Medford Comprehensive Plan, which, by its language or context, were intended by the City to function as approval criteria for the vacation of public streets.
2. While the vacation areas have proper access to all needed and required public facilities

¹ Before the rights-of-way were dedicated, the right-of-way land was owned by Cedar Investment Group, LLC. By law, the ownership of vacated street right-of-way is returned to its original owner (from which the dedication was made).



Findings of Fact and Conclusions of Law
Vacation of Portions of Farmington Avenue and Yamsay Drive
Applicant: City of Medford, Oregon

and services², as described in the findings of fact in Section IV, public water and sanitary sewer facilities, along with electrical/telecommunications and natural gas lines do not *presently* exist within the rights-of-way intended to be vacated. However, the same can and will be provided prior to the time that lands adjacent to the to-be-vacated rights-of-way are developed.

Therefore, the Council concludes that this vacation will have no affect upon the future delivery of adequate public facilities and services in ways the same are required to be evaluated by the plan Public Facilities Element and MLDC.

Criterion 2

A request to vacate shall only be favorably considered by the approving authority (City Council) when the following criteria have been addressed.

2.) If initiated by petition under ORS 271.080, the Council shall make the findings required by ORS 271.120

ORS 271.080 Vacation in incorporated cities; petition; consent of property owners. (1) Whenever any person interested in any real property in an incorporated city in this state desires to vacate all or part of any street, avenue, boulevard, alley, plat, public square or other public place, such person may file a petition therefor setting forth a description of the ground proposed to be vacated, the purpose for which the ground is proposed to be used and the reason for such vacation.

Conclusions of Law: The above MLDC 10.202(2) is concluded to be inapplicable because the subject street vacations have *not* been initiated by petition pursuant to ORS 271.080. Instead, the vacations have been initiated by the Council on its own motion pursuant to ORS 271.130 which is addressed below as a part of Criterion 3.

Criteria 3

3.) If initiated by the Council, applicable criteria are found in ORS 271.130.

and

Oregon Revised Statutes ("ORS") Chapter 271

271.080. Vacation in incorporated cities; petition; consent of property owners. (Inapplicable parts omitted)

2) . . . The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted. In the vacation of any plat or part thereof the consent of the owner or owners of two-thirds in area of the property embraced within such plat or part thereof proposed to be vacated shall be sufficient, except where such vacation embraces street area, when, as to such street

² The general adequacy of public facilities and services has been ascertained earlier under the requirements of earlier PUD and subdivision approvals.



Findings of Fact and Conclusions of Law
Vacation of Portions of Farmington Avenue and Yamsay Drive
Applicant: City of Medford, Oregon

area the above requirements shall also apply. The consent of the owners of the required amount of property shall be in writing.

271.110 Notice of hearing. (1) The city recorder or other recording officer of the city shall give notice of the petition and hearing by publishing a notice in the city official newspaper once each week for two consecutive weeks prior to the hearing. If no newspaper is published in such city, written notice of the petition and hearing shall be posted in three of the most public places in the city. The notices shall describe the ground covered by the petition, give the date it was filed, the name of at least one of the petitioners and the date when the petition, and any objection or remonstrance, which may be made in writing and filed with the recording officer of the city prior to the time of hearing, will be heard and considered.

(2) Within five days after the first day of publication of the notice, the city recording officer shall cause to be posted at or near each end of the proposed vacation a copy of the notice, which shall be headed, "Notice of Street Vacation," "Notice of Plat Vacation" or "Notice of Plat and Street Vacation," as the case may be. The notice shall be posted in at least two conspicuous places in the proposed vacation area. The posting and first day of publication of such notice shall be at least 14 days before the hearing.

(3) The city recording officer shall, before publishing such notice, obtain from the petitioners a sum sufficient to cover the cost of publication, posting and other anticipated expenses. The city recording officer shall hold the sum so obtained until the actual cost has been ascertained, when the amount of the cost shall be paid into the city treasury and any surplus refunded to the depositor. [Amended by 1991 c.629 §1; 2005 c.22 §196]

271.130. Vacation on council's own motion; appeal.

(1) The city governing body may initiate vacation proceedings authorized by ORS 271.080 and make such vacation without a petition or consent of property owners. Notice shall be given as provided by ORS 271.110, but such vacation shall not be made before the date set for hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages. Provision for paying such damages may be made by a local assessment, or in such other manner as the city charter may provide.

(4) Any property owner affected by the order of vacation or the order awarding damages or benefits in such vacation proceedings may appeal to the circuit court of the county where such city is situated in the manner provided by the city charter. If the charter does not provide for such appeal, the appeal shall be taken within the time and in substantially the manner provided for taking an appeal from justice or district court in civil cases.

Conclusions of Law: As evidenced by Exhibit 4, all lands abutting the portions of Farmington Avenue and Yamsay Drive requested to be vacated are owned by Cedar Investment Group, LLC which also represents in excess of two thirds of the ownership of all real property deemed potentially affected under ORS 271.080.

The petition for vacation is being initiated by the City Council. As stated in Section I (Scope and Nature of the Action) the purpose of the vacation is to realign both Farmington Avenue and Yamsay Drive in order to implement the street and phasing layout approved under PUD-16-024, LDS-16-025, LDS-16-026 and LDS-16-027. Based on the foregoing, the Council concludes as follows:

1. No potentially affected landowners have objected in writing to this vacation pursuant to ORS 271.130. The owner of the majority of the land affected by the vacation pursuant to ORS 271.080 and 271.130 (Cedar Investment Group, LLC) and all of the abutting land has testified to its support of the street vacations.
2. Proper notice of this vacation public hearing has been given and evidence of the City's proper notice is a part of the record of the vacation proceedings.



Findings of Fact and Conclusions of Law
Vacation of Portions of Farmington Avenue and Yamsay Drive
Applicant: City of Medford, Oregon

3. Beyond the properties which abut the street segments to be vacated, all parcels or tracts of land will retain street access at levels that the Council concludes are adequate and appropriate. As such, the Council concludes that its decision to vacate the subject rights-of-way will not produce significant impacts upon present or future land uses or their owners because: A) no land is dependent upon the subject rights-of-way for access because the abutting and nearby land is vacant, and B) new street rights-of-way will be dedicated in the future and in only a slightly different configuration to serve future development in this PUD.
4. The Council has carefully considered all of the evidence and testimony in this matter and, based upon the foregoing findings of fact and conclusions of law, the Council concludes that the public interest will not be prejudiced by the proposed vacation.

VI

ULTIMATE CONCLUSIONS

Based on the foregoing findings of fact and conclusions of law and upon the evidence and record of the proceeding, the Council ultimately concludes as follows:

1. The criteria set forth in MLDC 10.202 for the vacation of public streets has been fully and completely satisfied.
2. The requirements in relevant parts of ORS Chapter 271 have been fully and completely satisfied and public notice of the vacation public hearing was properly given.
3. The vacation of the subject portions of Farmington Avenue and Yamsay Drive are required as an earlier condition of approval imposed by the Medford Planning Commission and are necessary in order to achieve a realignment of both streets in a manner consistent with the earlier approvals that were the subject of city files PUD-16-024, LDS-16-025, LDS-16-026 and LDS-16-027.
4. The vacation of subject portions of Farmington Avenue and Yamsay Drive is not a land use decision.
5. If the street vacation is a land use decision, the Council concludes that, based upon the foregoing findings of fact and conclusions of law, the vacation is not inconsistent (and it therefore is consistent) with the Medford Comprehensive Plan Public Facilities Element because:
 - A. Based upon *Bennett, supra*, there are no plan goals nor policies which, by their language or context, were intended to function as approval criteria for street vacations. The Council has consistently interpreted provisions of the MLDC which require compliance with the comprehensive plan (or elements thereof) to mean, compliance with the plan's goals and policies; background text contained in the comprehensive plan do not constitute approval criteria.
 - B. The portion of streets to be vacated are neither arterials nor collector streets.
 - C. The portion of streets to be vacated are not designated routes for bicycles or pedestrians, yet pedestrian facilities can and will be provided consistent with files PUD-16-024, LDS-16-025, LDS-16-026 and LDS-16-027.



Findings of Fact and Conclusions of Law
Vacation of Portions of Farmington Avenue and Yamsay Drive
Applicant: City of Medford, Oregon

- D. There is no public water, sanitary sewer, electrical/telecommunications or natural gas facilities which now exist within the rights-of-way to be vacated and the same will be accommodated within one or more public utility easements complimentary to the realignment and subsequent dedications — which the city can assure before finalization of the vacation.
6. The vacations comply with MLDC 10.202(3) and applicable provisions of ORS Chapter 271 for street vacation(s) initiated by the City Council on its own motion pursuant to ORS 271.130 because all parcels or tracts of land which are arguably affected by the street vacations will continue to have frontage and access through the new dedications. As such, the Council concludes that its decision to vacate portions of Farmington Avenue and Yamsay Drive will not produce significant impacts upon present or future land uses or their owners.

Dated September 12, 2016 in Medford, Oregon.

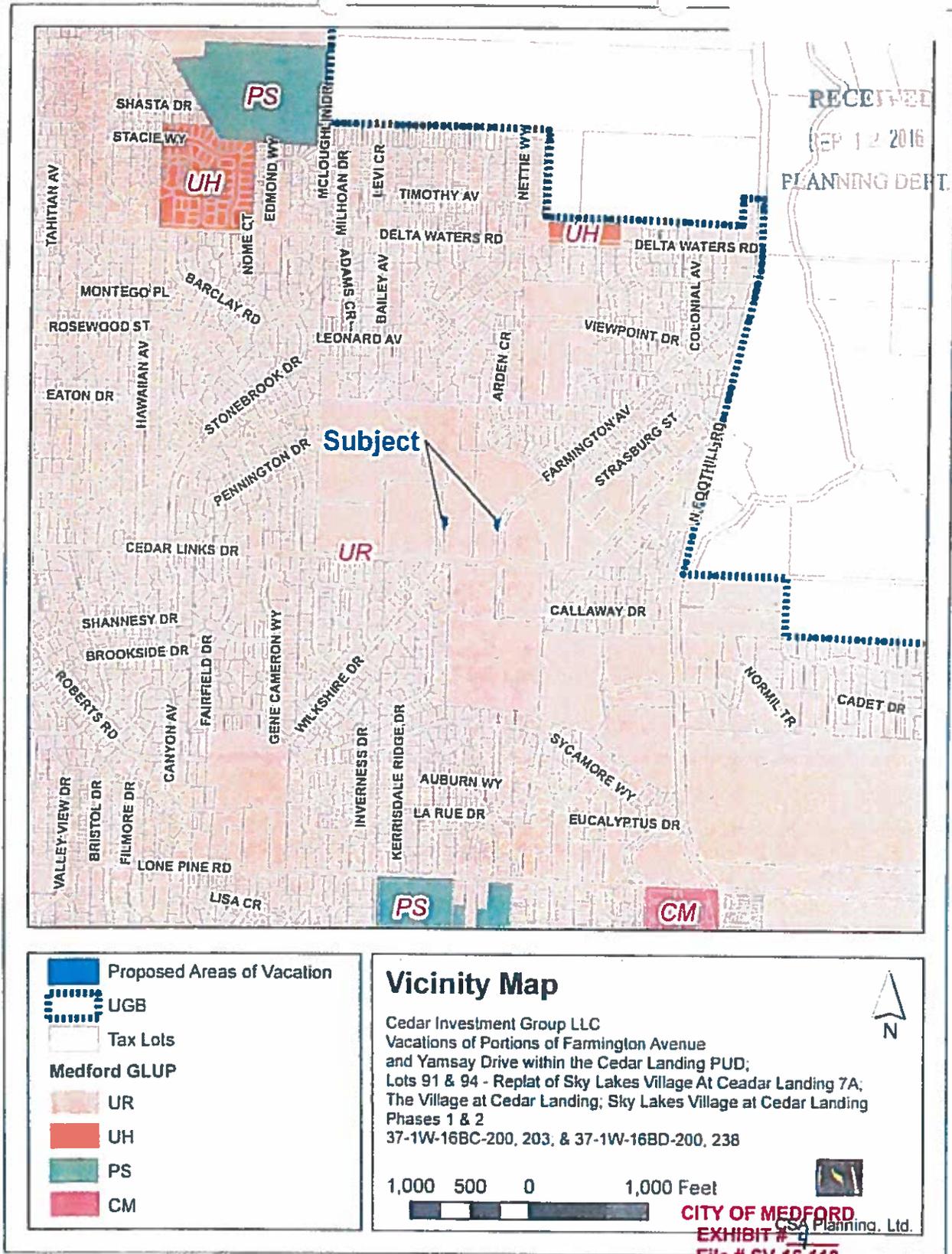
Respectfully submitted on behalf of Applicant,

CSA Planning, LTD.



Mike Savage
Consulting Urban Planner





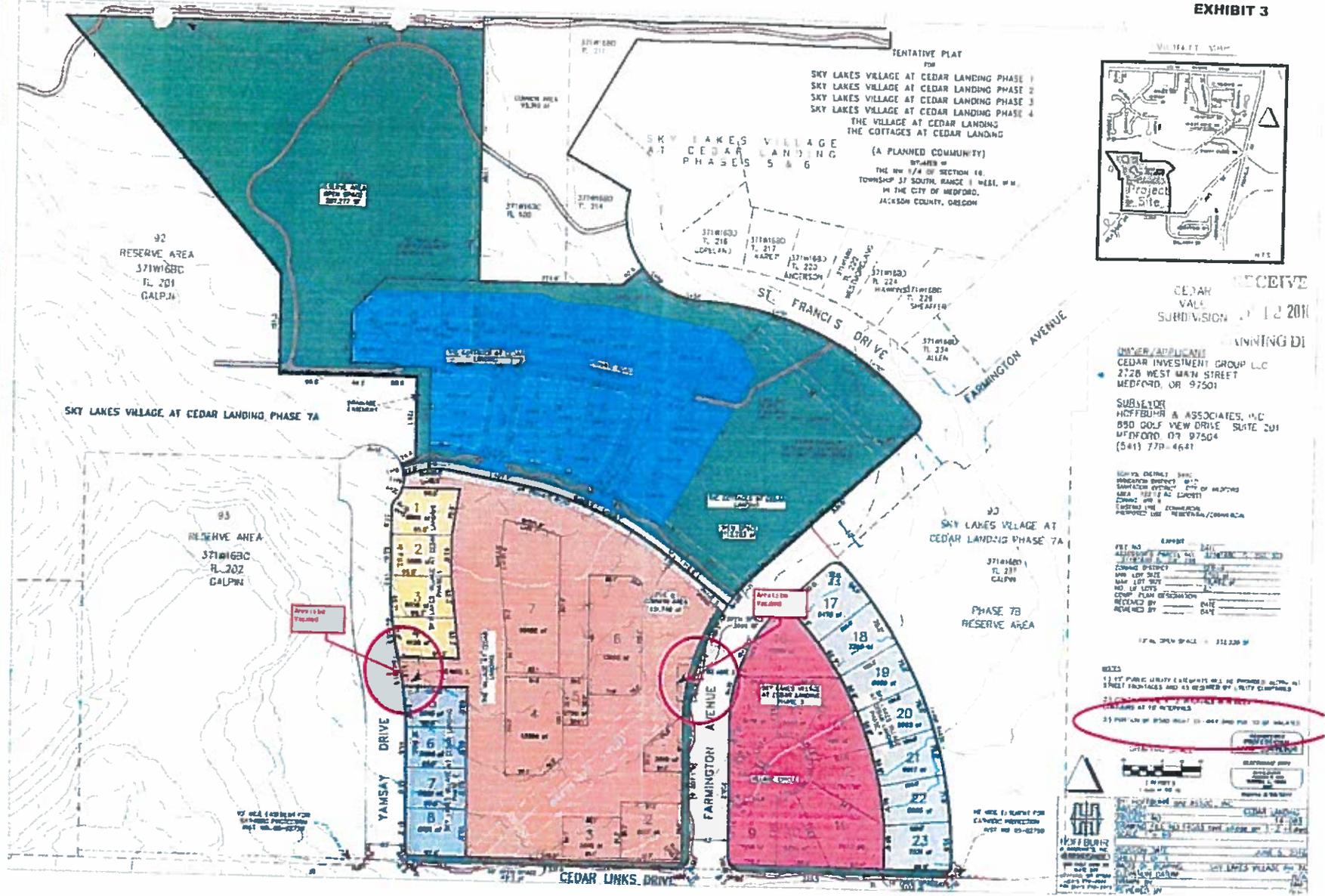


EXHIBIT 3

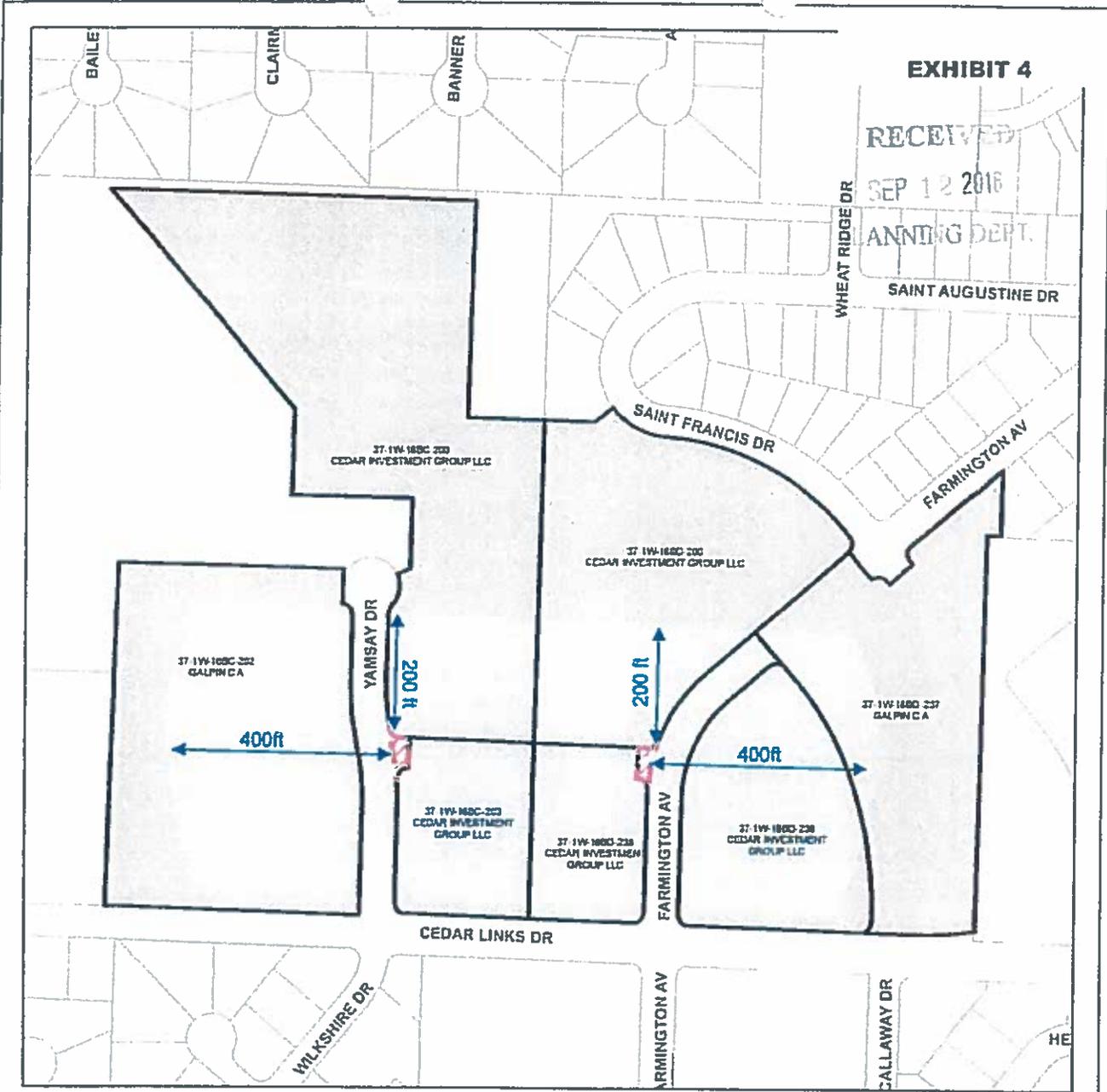


EXHIBIT 4

RECEIVED
 SEP 12 2016
 ANNING DEPT.

 **Proposed Areas of Vacation**

-  Tax Lots
-  Notice Area
-  Notice Lots

Notice Map

Cedar Investment Group LLC
 Vacations of Portions of Farmington Avenue
 and Yamsay Drive within the Cedar Landing PUD;
 Lots 91 & 94 - Replat of Sky Lakes Village At Cedar Landing 7A,
 The Village at Cedar Landing; Sky Lakes Village at Cedar Landing
 Phases 1 & 2
 37-1W-16BC-200, 203, & 37-1W-16BD-200, 238


N

250 125 0 250 Feet



CSA Planning, Ltd.

BEFORE THE MEDFORD PLANNING COMMISSION

EXHIBIT 7

STATE OF OREGON, CITY OF MEDFORD

RECEIVED

IN THE MATTER OF PLANNING COMMISSION FILE PUD-16-024
APPLICATION FOR REVISIONS TO CEDAR LANDING PLANNED UNIT
DEVELOPMENT SUBMITTED BY CEDAR INVESTMENT GROUP LLC

) SEP 12 2016
) ORDER
) PLANNING DEPT.

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

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

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

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

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

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

19

FINAL ORDER

PUD-16-024

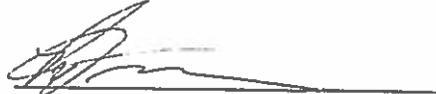
WHEREAS:

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

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

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

CITY OF MEDFORD PLANNING COMMISSION


Planning Commission Chair

ATTEST:


Planning Department Representative

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

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

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

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

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Sections 10.265 through 10.267; and
2. The Medford Planning Commission has duly held a public hearing on the request as described above, with the public hearing a matter of record of the Planning Commission on June 23, 2016.
3. At the public hearing on said tentative plat, evidence and recommendations were received and presented by the developer and Planning Department Staff; and
4. At the conclusion of said hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded granted the request as described above and directed staff to prepare a final order with all conditions and findings set forth.

THEREFORE LET IT BE HEREBY ORDERED that the request as described above stands approved per the Staff Report dated June 16, 2016, and subject to compliance with all conditions contained therein.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this request as describe above hereafter supported by the findings referenced in the Staff Report dated June 16, 2016.

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

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

CITY OF MEDFORD PLANNING COMMISSION


Planning Commission Chair

ATTEST:


Planning Department Representative

BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

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

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

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Sections 10.265 through 10.267; and
2. The Medford Planning Commission has duly held a public hearing on the request to authorize a replat of lots 91 and 94 of the Sky Lakes Village at Cedar Landing Phase 7A, with the public hearing a matter of record of the Planning Commission on June 23, 2016.
3. At the public hearing on said tentative plat, evidence and recommendations were received and presented by the developer and Planning Department Staff; and
4. At the conclusion of said hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded granted the request to authorize a replat of lots 91 and 94 of the Sky Lakes Village at Cedar Landing Phase 7A and directed staff to prepare a final order with all conditions and findings set forth.

THEREFORE LET IT BE HEREBY ORDERED that the request to authorize a replat of lots 91 and 94 of the Sky Lakes Village at Cedar Landing Phase 7A stands approved per the Staff Report dated June 16, 2016, and subject to compliance with all conditions contained therein.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this request to authorize a replat of lots 91 and 94 of the Sky Lakes Village at Cedar Landing Phase 7A hereafter supported by the findings referenced in the Staff Report dated June 16, 2016.

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

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

CITY OF MEDFORD PLANNING COMMISSION


Planning Commission Chair

ATTEST:


Planning Department Representative

BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF TENTATIVE PLAT APPROVAL FOR SKY LAKES PHASES 1-4, THE)
) ORDER
VILLAGE AND THE COTTAGES AT CEDAR LANDING (LDS-16-027))

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

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

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Sections 10.265 through 10.267; and
2. The Medford Planning Commission has duly held a public hearing on the above request, with the public hearing a matter of record of the Planning Commission on June 23, 2016.
3. At the public hearing on said tentative plat, evidence and recommendations were received and presented by the developer and Planning Department Staff; and
4. At the conclusion of said hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded granted the above request and directed staff to prepare a final order with all conditions and findings set forth.

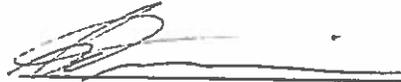
THEREFORE LET IT BE HEREBY ORDERED that the above request stands approved per the Staff Report dated June 16, 2016, and subject to compliance with all conditions contained therein.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving the above request is hereafter supported by the findings referenced in the Staff Report dated June 16, 2016.

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

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

CITY OF MEDFORD PLANNING COMMISSION


Planning Commission Chair

ATTEST:


Planning Department Representative

37 1W 16BC
MEDFORD

EXHIBIT 8

1 of 2

LANDS RECORDED
11/13/2008 BY

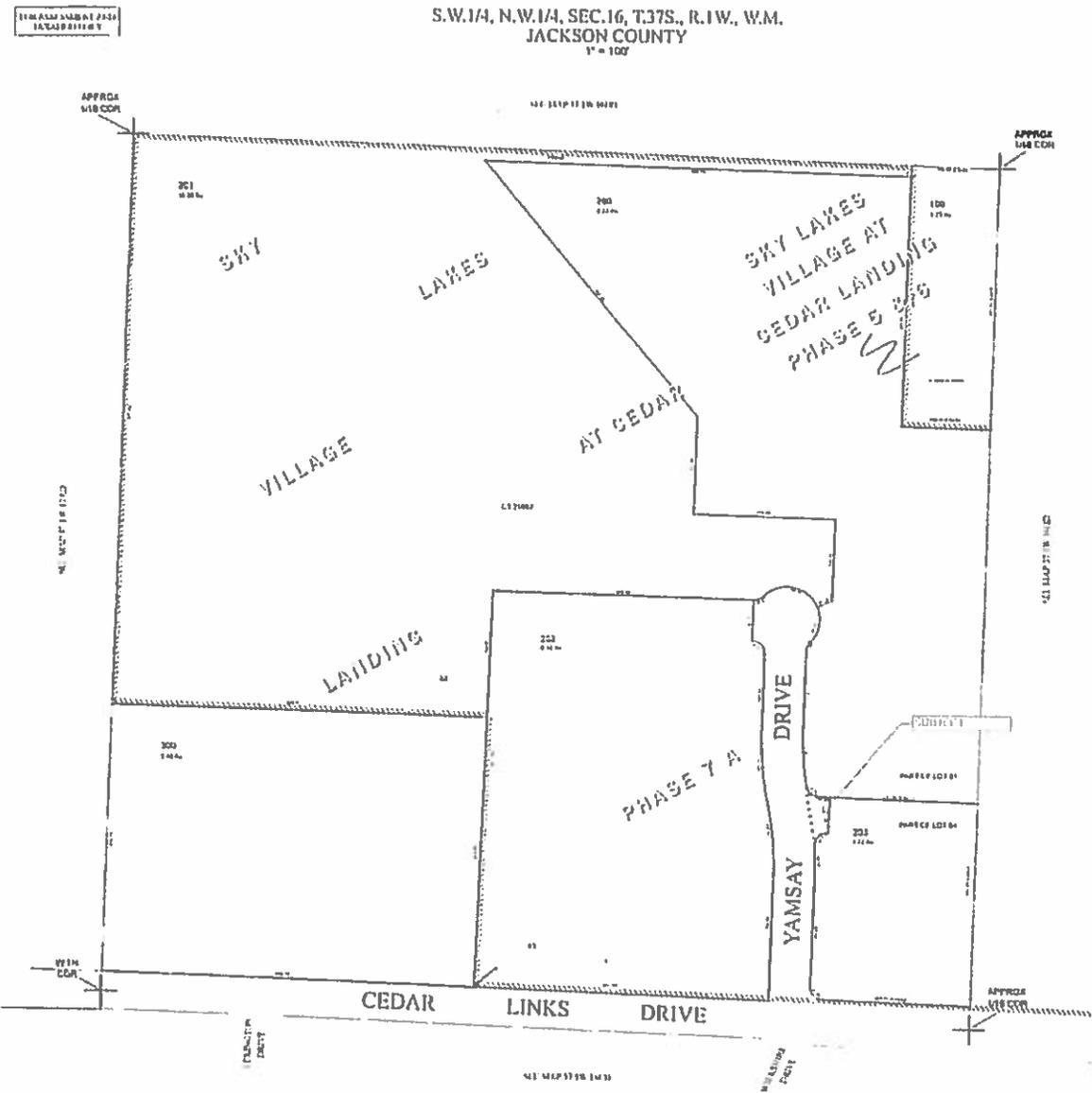
37 1W 16BC
MEDFORD

11/13/2008 BY

PLANNING DEPT.

SEP 12 2016

RECEIVED



S.W.1/4, N.W.1/4, SEC.16, T.37S., R.1W., W.M.
JACKSON COUNTY
1" = 100'

RECORDED
11/13/2008 BY

APPROX
1/4\"/>

APPROX
1/4\"/>

CALL IN 1/2\"/>

CALL IN 1/2\"/>

WEST
COR

APPROX
1/4\"/>

PLANNING
DEPT.

11/13/2008
BY

2 of 2

37 1W 160D
MEDFORD

37 1W 160D
MEDFORD

S.E. 1/4, N.W. 1/4, SEC. 16, T.37S., R.1W., W.M.
JACKSON COUNTY
1" = 400'

11/16/2016 10:00 AM
TAX MAP 16-110

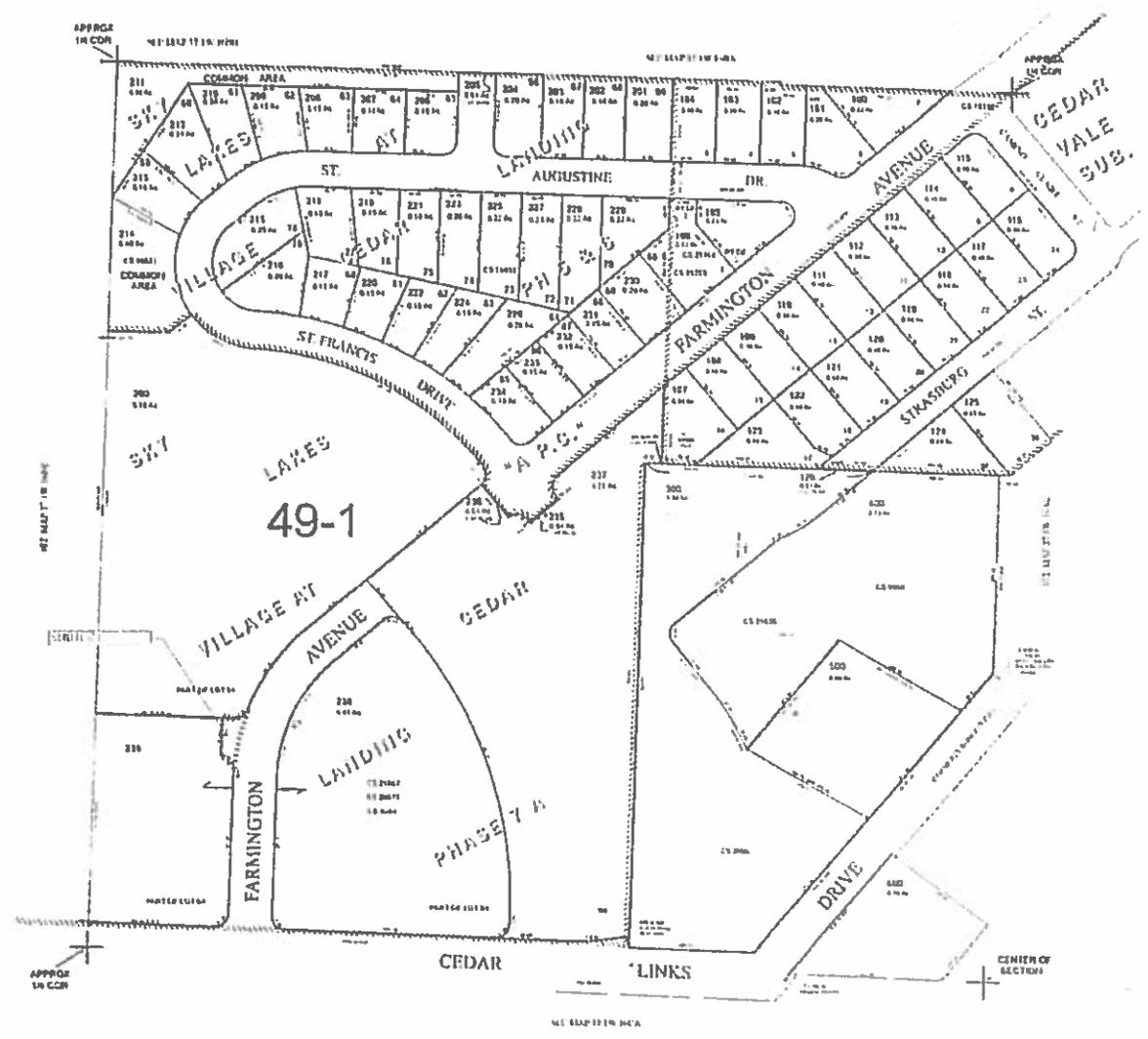
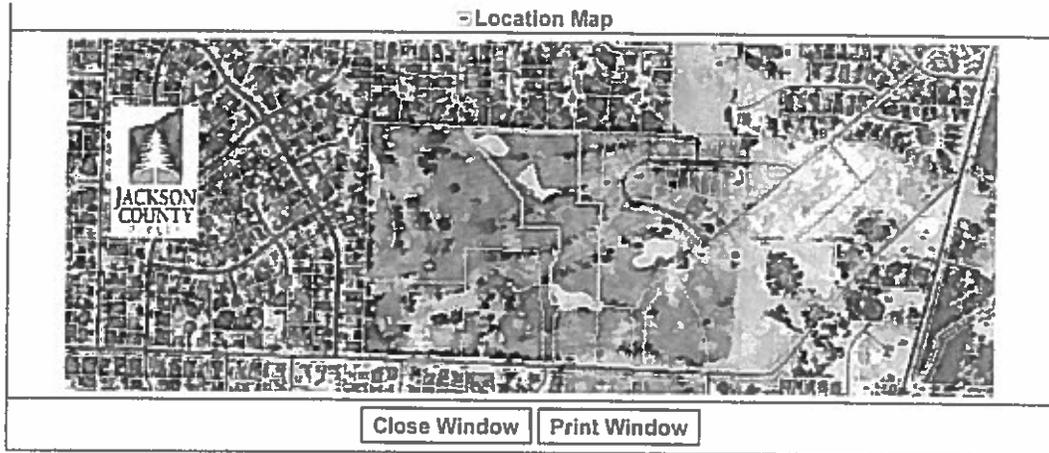


EXHIBIT 10

Account Sequence	Map TL Sequence	Assessment Year 2016	Print Window	Close Window		
Assessment Info for Account 1-042379-8 Map 371W16BC Taxlot 200 Report For Assessment Purposes Only Created August 31, 2016						
Account Info		Tax Year 2015 Info		Land Info		
Account	1-042379-8	Pay Taxes Online		Tax Code 49-01		
Map Taxlot	371W16BC 200	Tax Report	Details	Acreage 8.22		
Owner	CEDAR INVESTMENT GROUP LLC	Tax Statement	Details	Zoning		
Situs Address	3155 CEDAR LINKS DR MEDFORD	Tax History	Details	Land Class		
Mailing Address	CEDAR INVESTMENT GROUP LLC JACK KEESE C/O JIN YOO SECURED MGMT CORP 10250 CONSTELLATION BLVD 2770 LOS ANGELES CA, 90067	Tax Code 49-01		RT 8.22 Ac		
Associated Taxlots	1 Acct	Tax Type	Due Date	Amount		
49-01 R	1-042381-1 371W16BD 200 ACTIVE	Advalorem	11/15/15	\$10,255.26		
Appraiser	154	Tax Rate		15.8837		
		District Rates		Details		
		District Amounts		Details		
		Tax Rate Sheet		Details		
Sales Data (ORCATS)						
Last Sale (consideration > 0)	Sale Date	Instrument Number	Sales History			
\$ 4,000,000	Aug 07, 2013	2013-26856	Details			
Value Summary Detail (For Assessment Year 2016 - Subject To Change)						
Market Value Summary (For Assessment Year 2016 - Subject To Change)						
Code Area	Type	Acreage	RMV	M5	MAV	AV
49-01	LAND	8.22	\$ 621,210	\$ 621,210	\$ 621,210	\$ 621,210
Value History	Details	Total:	\$ 621,210	\$ 621,210	\$ 621,210	\$ 621,210
Improvements						
Images / Plans						
Image type	Item Number	Image Files				
RESIDENTIAL	1	1	PDF			
RESIDENTIAL	2	1	PDF			
All in One Report			PDF			
Appraisal Maintenance						
Account Comments						
(2) 1.4 acre site for the clubhouse (4) FOR INFORMATION ON ASSESSMENT DETAIL (5) SEE THE FILE IN THE COMMERCIAL SECTION. 09/29/97: VALUED BY DIRECT ENTRY, DO NOT PUT IN FINAL STATUS >>>03/04/13 SEVER AIC DUE TO NAMES/SALE #133>>>05/28/15 UPDATED SA/PC. NEW LOT IN SKY LAKES VILLAGE AT CEDAR LANDING PH 7A PART OF LOT#91 (MAKE AIC WITH 371W16BD-200 10423811) #133>>>6/11/15 NAC #154>>>						
Exemptions / Special Assessments / Notations / Potential Liability						
Notations						
Description	Tax Amount	Year Added	Value Amount			
TRC DOWNLOADED FROM CAAP						
BALANCED VALUE		2015				
CARTOGRAPHIC ACTIVITY		2015				
ERROR OF ANY KIND- DECREASE		2013				
CARTOGRAPHIC ACTIVITY		2012				
OPEN SPACE LAND (POTENTIAL ADD'L TAX)		2012				
BOPTA ORDER-REDUCTION 309.120		1989				
BOPTA ORDER-REDUCTION 309.120		1988				

21



Account Sequence	Map TL Sequence	Assessment Year 2016	Print Window	Close Window
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Assessment Info for Account 1-100084-3 Map 371W16BC Taxlot 203
 Report For Assessment Purposes Only Created August 31, 2016

Account Info		Tax Year 2015 Info		Land Info	
Account	1-100084-3	Pay Taxes Online		Tax Code	49-01
Map Taxlot	371W16BC 203	Tax Report	Details	Acreage	1.72
Owner	CEDAR INVESTMENT GROUP LLC	Tax Statement	Details	Zoning	
Situs Address		Tax History	Details	Land Class	
YAMSAY DR MEDFORD	R	Tax Code 49-01		RT 1.72 Ac	
CEDAR LINKS DR MEDFORD	R	Tax Type	Due Date	Amount	Unit ID
Mailing Address	CEDAR INVESTMENT GROUP LLC JACK KEESE C/O JIN YOO SECURED MGMT CORP 10250 CONSTELLATION BLVD 2770 LOS ANGELES CA, 90067	Advalorem	11/15/15	\$1,999.68	292171-2
Associated Taxlots	1 Acct	Tax Rate		15.8837	Maintenance Area
49-01 R	1-100084-5 371W16BD 238 ACTIVE	District Rates		Details	6
Appraiser		District Amounts		Details	Neighborhood
		Tax Rate Sheet		Details	000
					Study Area
					11
					Account Status
					ACTIVE
					Tax Status
					Assessable
					Sub Type
					NORMAL

Sales Data (AS 400)

***Value Summary Detail (For Assessment Year 2016 - Subject To Change)**

[- Market Value Summary (For Assessment Year 2016 - Subject To Change)

Code Area	Type	Acreage	RMV	M5	MAV	AV
49-01	LAND	1.72	\$ 129,990	\$ 129,990	\$ 129,990	\$ 129,990
Value History		Details	Total	\$ 129,990	\$ 129,990	\$ 129,990

Improvements

[- Account Comments

05/28/15 NEW LOT IN SKY LAKES VILLAGE AT CEDAR LANDING PH 7A PART OF LOT#94 (MAKE AIC WITH 371W16BD-238 11000845) #133>>>

[- Exemptions / Special Assessments / Notations / Potential Liability

Notations

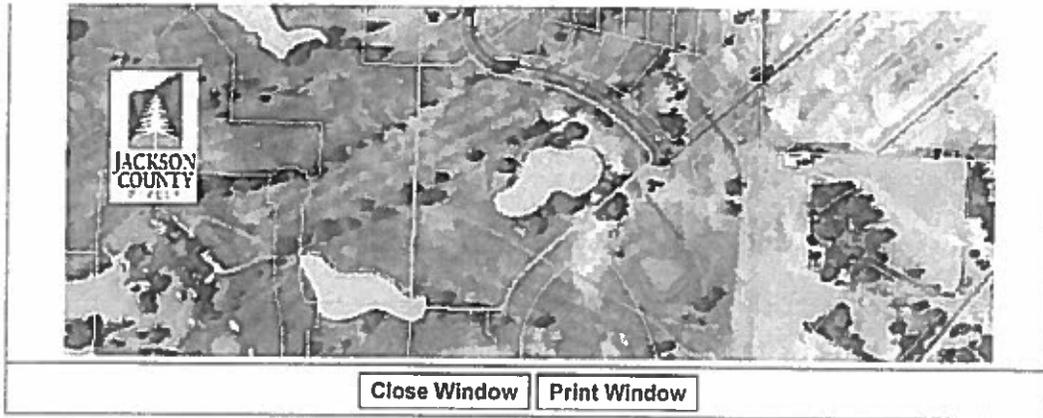
Description	Tax Amount	Year Added	Value Amount
BALANCED VALUE		2015	
CARTOGRAPHIC ACTIVITY		2015	
OPEN SPACE LAND (POTENTIAL ADD'L TAX)		2015	

[- Location Map



Close Window Print Window

Account Sequence	Map TL Sequence	Assessment Year 2016 ▼	Print Window	Close Window		
Assessment Info for Account 1-042381-1 Map 371W16BD Taxlot 200 Report For Assessment Purposes Only Created August 31, 2016						
Account Info		Tax Year 2015 Info		Land Info		
Account	1-042381-1	Pay Taxes Online		Tax Code 49-01		
Map Taxlot	371W16BD 200	Tax Report	Details	Acreage 5.16		
Owner	CEDAR INVESTMENT GROUP LLC	Tax Statement	Details	Zoning		
<input checked="" type="checkbox"/> Situs Address		Tax History	Details	Land Class		
CEDAR LINKS DR MEDFORD	R	Tax Code 49-01		RT 5.16 Ac		
YAMSAY DR MEDFORD	R	Tax Type	Due Date	Amount		
CEDAR LINKS DR MEDFORD	R	Advalorem	11/15/15	\$2,845.16		
Mailing Address	CEDAR INVESTMENT GROUP LLC JACK KEESE C/O JIN YOO SECURED MGMT CORP 10250 CONSTELLATION BLVD 2770 LOS ANGELES CA, 90067	Tax Rate		15.8837		
<input checked="" type="checkbox"/> Associated Taxlots 1 Acct		District Rates		Details		
49-01 R	1-042379-8 371W16BC 200 ACTIVE	District Amounts		Details		
Appraiser	154	Tax Rate Sheet		Details		
Sales Data (ORCATS)						
Last Sale (consideration > 0)	Sale Date	Instrument Number	Sales History			
\$ 4,000,000	Aug 07, 2013	2013-26866	Details			
<input checked="" type="checkbox"/> Value Summary Detail (For Assessment Year 2016 - Subject To Change)						
<input checked="" type="checkbox"/> Market Value Summary (For Assessment Year 2016 - Subject To Change)						
Code Area	Type	Acreage	RMV	M5	MAV	AV
49-01	LAND	5.16	\$ 389,960	\$ 389,960	\$ 389,960	\$ 389,960
Value History	Details	Total:	\$ 389,960	\$ 389,960	\$ 389,960	\$ 389,960
Improvements						
Images / Plans						
Image type	Item Number	Image Files				
RESIDENTIAL	1	1	PDF			
ACCOUNT PHOTOS	2	1	PDF			
RESIDENTIAL	3	1	PDF			
All in One Report			PDF			
<input checked="" type="checkbox"/> Appraisal Maintenance						
<input checked="" type="checkbox"/> Account Comments						
<input checked="" type="checkbox"/> Exemptions / Special Assessments / Notations / Potential Liability						
Notations						
Description	Tax Amount	Year Added	Value Amount			
OPEN SPACE LAND (POTENTIAL ADD'L TAX)						
TRC DOWNLOADED FROM CAAP						
BALANCED VALUE		2015				
CARTOGRAPHIC ACTIVITY		2015				
CARTOGRAPHIC ACTIVITY		2008				
CARTOGRAPHIC ACTIVITY		2007				
BOPTA ORDER-REDUCTION 309.120		1989				
BOPTA ORDER-REDUCTION 309.120		1988				
<input checked="" type="checkbox"/> Location Map						



Account Sequence	Map TL Sequence	Assessment Year 2016	Print Window	Close Window
Assessment Info for Account 1-100084-5 Map 371W16BD Taxlot 238 Report For Assessment Purposes Only Created August 31, 2016				
Account Info		Tax Year 2015 Info		Land Info
Account	1-100084-5	Pay Taxes Online		Tax Code
Map Taxlot	371W16BD 238	Tax Report	Details	49-01
Owner	CEDAR INVESTMENT GROUP LLC	Tax Statement	Details	Acresage
<u>Situs Address</u>		Tax History	Details	4.41
FARMINGTON AVE MEDFORD	R	Tax Code 49-01		Zoning
CEDAR LINKS DR MEDFORD	R	Tax Type	Due Date	Land Class
		Advalorem	11/15/15	RT 4.41 Ac
		Tax Rate	15.8837	Property Class
		District Rates	Details	190
		District Amounts	Details	Stat Class
		Tax Rate Sheet	Details	000
Mailing Address	CEDAR INVESTMENT GROUP LLC JACK KEESE C/O JIN YOD SECURED MGMT CORP 10250 CONSTELLATION BLVD 2770 LOS ANGELES CA, 90067	Amount	\$2,431.59	Unit ID
<u>Associated Taxlots</u>	1 Acct			292171-2
49-01 R	1-100084-3 371W16BC 203 ACTIVE			Maintenance Area
Appraiser				6
				Neighborhood
				000
				Study Area
				11
				Account Status
				ACTIVE
				Tax Status
				Assessable
				Sub Type
				NORMAL
Sales Data (AS 400)				
Value Summary Detail (For Assessment Year 2016 - Subject To Change)				
Market Value Summary (For Assessment Year 2016 - Subject To Change)				
Code Area	Type	Acresage	RMV	M5
49-01	LAND	4.41	\$ 333,280	\$ 333,280
Value History		Total	\$ 333,280	\$ 333,280
			\$ 333,280	\$ 333,280
Improvements				
Account Comments				
05/28/15 NEW LOT IN SKY LAKES VILLAGE AT CEDAR LANDING PH 7A PART OF LOT#94 (MAKE AIC WITH 371W16BC-203 1100084-3) #133>>>				
Exemptions / Special Assessments / Notations / Potential Liability				
Notations				
Description	Tax Amount	Year Added	Value Amount	
BALANCED VALUE		2015		
CARTOGRAPHIC ACTIVITY		2015		
Location Map				
Close Window		Print Window		



CSA Planning, Ltd
4497 Brownridge, Suite 101
Medford, OR 97504
Telephone 541.779.0588
Fax 541.779.0114
Mike@CSAplanning.net

August 23, 2016

MAYOR AND CITY COUNCIL
c/o Planning Department
City Hall
Medford, OR 97501

RECEIVED
AUG 30 2016
PLANNING DEPT.

REQUEST TO INITIATE STREET VACATION

Dear Mayor and Council:

We represent Cedar Landing Investment Group, LLC and record owner of the Cedar Landing Planned Unit Development (formerly the Cedar Links Golf Course). The topic of this letter concerns the partial vacation of Farmington Avenue and Yamsay Drive, both of which are within the Cedar Landing PUD. The vacations were made a condition of approval in earlier approvals granted by the Planning Commission concerning this PUD and Tentative Plat under municipal files PUD-16-024, LDS-16-025, LDS-16-026 and LDS-16-027

As background, the two streets were dedicated for public use (but not improved) as a condition of earlier approvals for this PUD. Later, under PUD-16-024, the PUD was redesigned and placed before the Planning Commission for consideration. The redesign effectively relocated the previously approved local cross street between Yamsay Drive and Farmington Avenue and replaced it with a private road cross street situated slightly further to the north. The revised plans were approved and were not appealed. A consequence of the redesign is the vacation of a small portion of the edges of both Farmington Avenue and Yamsay Drive.

Oregon Revised Statutes (ORS) Chapter 271 provides two methods for the vacation of public streets. The first, pursuant to ORS 271.130 is on the City Council's own motion. The second, pursuant to ORS 271.080 is on petition and consent of affected property owners. Street vacations in Medford have nearly always been initiated by the Council on its own motion because this process is more streamlined and exposes the City to little or no risk. As such and by this letter Cedar Landing Investment Group LLC herewith requests that the Council formally initiate these two street vacations on its own motion. Once initiated, CSA Planning on behalf of this client will furnish Findings of Fact and Conclusions of Law and other materials as required to prosecute and finalize the street vacations.

We appreciate the Council's consideration of this matter.

Very truly yours,
CSA Planning, Ltd.

A handwritten signature in black ink, appearing to read 'Mike Savage', is written over a light blue horizontal line.

Mike Savage
Associate Planner

cc. Eric Artner
File



CITY OF MEDFORD
PLANNING DEPARTMENT

VACATION APPLICATION

- Vacation of Public Right-of-Way
 Vacation of Subdivision Plat

RECEIVED
AUG 30 2016
PLANNING DEPT.

1. APPLICANT INFORMATION (If a corporation, list all principals)

Name _____
Company CEDAR INVESTMENT GROUP LLC
Address 67 FAIRWAY CIR
City MEDFORD State OR Zip Code 97504
Email _____
Telephone (Primary) _____ (Secondary) _____

2. AGENT INFORMATION (Owner's consent required)

Name _____
Company CSA PLANNING, LTD
Address 4497 BROWNRIDGE TERRACE, SUITE 101
City MEDFORD State OR Zip Code 97504
Email mike@csaplanning.net
Telephone (Primary) 541 779-0569 (Secondary) _____

3. OWNER/CONTRACT PURCHASER OF RECORD

Name _____
Company _____
Address _____
City _____ State _____ Zip Code _____
Email _____
Telephone (Primary) _____ (Secondary) _____

"Working with the Community to Shape a Vibrant and Exceptional City"

Lausmann Annex • 200 South Ivy Street • Medford OR 97501
Phone (541)774-2380 • Fax (541)618-1708
www.ci.medford.or.us

SV-16-110

VP

VACATION APPLICATION

4. PROJECT DESCRIPTION

Include a general description of the area to be vacated, and the objective of the project:

Vacate unimproved portions of Yamsay Drive and Farmington Avenue consistent with conditions of approval under PUD-16-024; LDS-16-025; LDS-16-026; and LDS-16-027

5. REQUIRED SUBMITTALS

*to follow
Per DM*

- Application Form (signed)
- Vicinity Map to scale per Section 10.201
- Legal Description of area to be vacated
 - Emailed or on a CD, in Microsoft Word Format
- Assessor's Map of area to be vacated
 - Showing abutting and affected properties
 - Identifying the parcels for which consents to vacate have been acquired (if not initiating by letter to City Council)
- Findings of Fact (page 4)
- Typed Mailing Labels for each property owner within 200-feet of the site
 - Check with Planning Department, notice varies with type of vacation
- Written Consent of Owner (if applicable) (page 6)
- One of the Following:
 - If initiated by petition: Completed & signed consent forms for the required abutting and/or affect property owners
 - If initiated by City Council, a letter to the City Council requesting initiation of the vacation
- Fee:

<input type="radio"/> Vacation of Right-of Way	\$3,413	\$ 3,413.00
<input type="radio"/> Publication and Recording of Vacation of Right-of-Way	\$990	\$ 990.00
<input type="radio"/> Vacation of Subdivision Plat	\$970	\$ _____
TOTAL		\$ 4,403.00

 - Fees are due at time of project submittal.
 - Checks shall be made payable to *City of Medford*.

Mailing Label Example:
 372W19DB Tax Lot 3700
 Jane and John Jones
 000 Delta Waters Road
 Medford, OR 97504

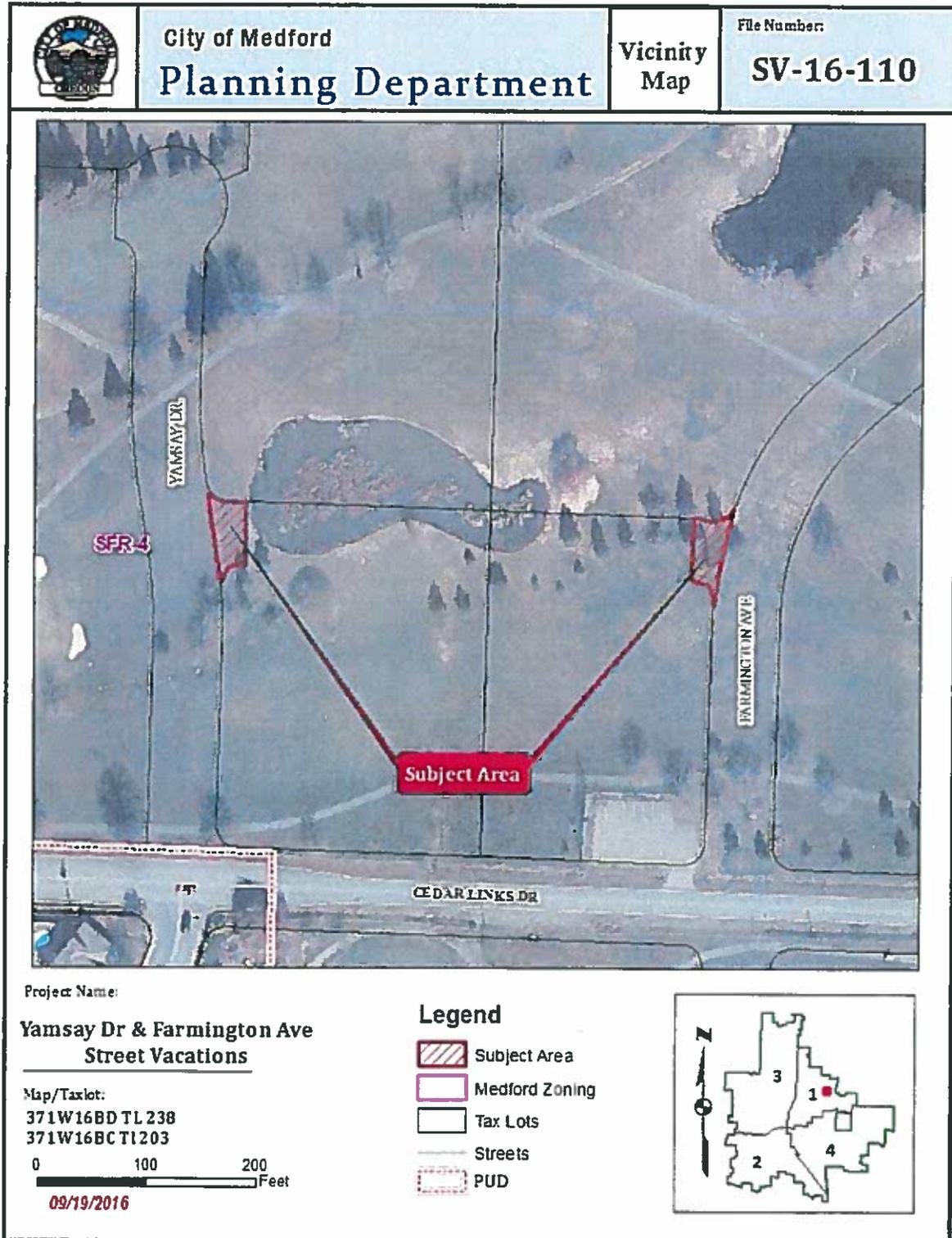
VACATION APPLICATION

6. I HEREBY STATE THAT THE FACTS RELATED IN THE ABOVE APPLICATION AND THE PLANS AND DOCUMENTS SUBMITTED HERewith ARE COMPLETE, TRUE, CORRECT, AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

Signature  Date August 30, 2016
CSA PLANNING LTD/MIKE SAVAGE
 Applicant Agent Owner

If any wetlands exist on the site, it is the applicant's responsibility to apply for a permit to the Division of State Lands and Army Corps of Engineers before any site work begins.

Vicinity Map



BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF TENTATIVE PLAT APPROVAL FOR)
)
CHRIS ADDERSON [LDP-16-107]) ORDER

ORDER granting approval of a request for tentative plat approval of File No. LDP-16-107 described as follows:

Create two lots on a 0.80 acre parcel located on the west side of Modoc Avenue, approximately mid-block between Dellwood and Woodlawn Streets within an SFR-4 (Single-Family Residential – 4 units per acre) zoning district.

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Sections 10.265 through 10.267; and
2. The Medford Planning Commission has duly held a public hearing on the request for consideration of tentative plat approval as described above, with a public hearing a matter of record of the Planning Commission on December 8, 2016; and
3. At the public hearing on said tentative plat, evidence and recommendations were received and presented by the developer and Planning Department Staff; and
4. At the conclusion of said hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded granted tentative plat approval and adopted the final order with all conditions and findings set forth for the granting of the tentative plat approval.

THEREFORE LET IT BE HEREBY ORDERED that the tentative plat for Chris Adderson, stands approved per the Staff Report dated December 1, 2016, and subject to compliance with all conditions contained therein.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this request for tentative plat approval is hereafter supported by the findings referenced in the Staff Report dated December 1, 2016.

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 8th day of December, 2016.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative

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

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

Project Summary

The subject site is partially developed with a single family residence in the eastern portion, fronting South Modoc Avenue. The applicant seeks to partition the property into two separate parcels.

Code Compliance

Density

The standard density calculation for the SFR-4 zone is between two and one-half and four dwelling units per gross acre. The net parcel size is 0.80 acres and the gross parcel size, including fronting half street, is 0.94 acres. Based on the gross acreage, a minimum of two dwelling units is required, and the maximum number of units permitted is three. The applicant is proposing two parcels and two dwelling units. Therefore, the partition meets density standards.

Street Dedications & Improvement

South Modoc Avenue is classified as a Standard Residential street and Section 10.430 requires a total right-of-way width of 63-feet. Currently, there are 80 feet of right-of-way along the property frontage. Therefore, additional right-of-way is not required. The property frontage is constructed with curb and gutter, but lacks a sidewalk. Per the Public Works Report (Exhibit E), the applicant shall provide a five-foot sidewalk along the property frontage on Modoc. The applicant has requested that the sidewalk be placed curb-tight along the frontage of South Modoc Avenue, which the Planning Commission has the authority to approve per Section 10.501(5).

The applicant shall provide a 10-foot wide Public Utility Easement (PUE) adjacent to the street frontage of this partition. A condition of approval has been included requiring the applicant to comply with the Public Works Report (Exhibit E).

Minimum Access Easement

The applicant proposes a minimum access easement and access will be shared by both parcels. Proposed Parcel 2 does not meet lot depth and width requirements as a flag lot but does meet them with the minimum access easement. The easement creates a street side yard setback of 10 feet which is met for the existing residence and the abutting residence to the south. The existing circular driveway on Parcel 1 will remain. Section 10.450 requires findings for minimum access easements. Those findings have not been provided as of the date of this report. The proposed partition is located in a fully developed residential area. Therefore, existing development on adjacent properties prevent a street connection.

Lot Standards

Both of the proposed parcels meet the lot design standards found in Article V, Site Development Standards, of the Medford Land Development Code. The proposed minimum access easement serving both parcels shall be private, and constructed in

accordance with applicable Building and Medford Municipal Codes. A condition of approval has been included requiring that prior to final plat the circular driveway located on proposed parcel one shall be paved per Section 10.746.

Storm Drainage

A drainage plan showing the impacted site with information to determine runoff direction to the drainage system shall be submitted with the first building permit for approval. A condition of approval has been included requiring the applicant to comply with the Public Works Report (Exhibit E).

Sanitary Sewer

The site lies within the Medford Sewer service area. Each lot is to be provided one service lateral prior to approval of the Final Plat. The applicant shall cap any other remaining unused sewer laterals within the project frontage at the main. A condition of approval has been included requiring the applicant to comply with the Public Works Staff Report (Exhibit E).

Water Facilities

The Medford Water Commission (MWC) Memo (Exhibit F) identifies that no off-site water line installation or on-site water facility construction is required for this development. Proposed parcel two is required to have metered water service prior to approval of the final plat. Access to MWC water lines is available to this development via a six-inch water line in South Modoc Avenue. A condition of approval has been included requiring the applicant to comply with the Memo from the Medford Water Commission dated October 12, 2016 (Exhibit F).

CONCLUSIONS

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

RECOMMENDED ACTION

Adopt the findings as recommended by staff and adopt a Final Order for approval of LDP-16-107 per the staff report dated November 23, 2016, including Exhibits A through H.

EXHIBITS

- A Conditions of Approval dated November 23, 2016
- B Applicant's Findings of Fact received November 18, 2016
- C Tentative Plat received November 18, 2016
- D Conceptual Grading, Drainage Plan received November 18, 2016
- E Public Works Department Staff Report received October 12, 2016
- F Medford Water Commission Staff Memo received October 12, 2016
- G Medford Fire Department Land Development Report received October 7, 2016
- H Medford Building Department Memo received October 12, 2016
Vicinity map

PLANNING COMMISSION AGENDA:

DECEMBER 8, 2016

Exhibit A
Adderson Partition
LDP-16-107
Conditions of Approval
November 23, 2016

CODE REQUIREMENTS

1. Prior to final plat the circular driveway on Parcel One shall be paved per Section 10.746.
2. Comply with the Public Works Department Staff Report received October 12, 2016 (Exhibit E);
3. Comply with the Medford Water Commission Staff Memo received October 12, 2016 (Exhibit F);
4. Comply with the Medford Fire Department Land Development Report received October 7, 2016 (Exhibit G).
5. Comply with the Medford Building Department Memo received October 12, 2016 (Exhibit H).



PROJECT PROPOSAL:

A request for a two lot, Minor Land Partition approval to allow for the creation of a lot accessed via a minimum ingress / egress access easement for the property located at 300 S Modoc Avenue.

Property Address: 300 S Modoc Avenue
Map & Tax Lot: 39 1E 10BD; 128
Comprehensive Plan Designation: Single Family Residential
Zoning: SFR-4
Adjacent Zones: SFR-4
Lot Area: .80 ac / 34,732 square feet

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 NOV 18 2016
 PLANNING DEPT.

Property Owner: Anne and Chris Adderson
 3144 Payne Road
 Medford, OR 97504

Land Surveyor: Polaris Land Surveying;
 Shawn Kampmann
 PO BOX 459
 Ashland, OR 97520

Land Use Consultant: Rogue Planning & Development Services
 Amy Gunter
 1424 S Ivy Street
 Medford, OR 97501

PROPERTY DESCRIPTION:

The subject property is on the west side of South Modoc Avenue, approximately mid-block between Dellwood and Woodlawn Streets. The property is 34,732 square feet in area and is zoned SFR-4 (2.8 to 4 dwelling units per lot). The properties to the North, South and West are zoned SFR-4 and are developed with single family residential homes. The property across the street is a large parcel known as Holmes Park. It is also zoned SFR-4 but developed as a City park.

The existing lot is rectangular with 156.47 feet of frontage on S Modoc Avenue and the lot is 225.68 feet deep along the north property line and 265.04 feet deep along the south property line. The average lot depth is 245.36 feet deep. The lot is occupied by a 2,315 square foot single story residence, and a detached carport and shed.

The subject property was created as part of a Verde Hills Unit No. 3 subdivision from 1951.

Modoc Avenue is improved with curb and gutter. There are no sidewalks or parkrows on Modoc Avenue in its entirety.

CITY OF MEDFORD
 EXHIBIT # B
 File # LDP-16-107



The proposed minor land partition will not prevent the development of adjoining land or of access to adjoining land.

(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;

Applicant's Finding: No specific name for the minor land partition has been proposed. The property is Lot 13 of the Verde Hills Unit 3, platted in 1956, which was created from the extension of the Siskiyou Heights Addition circa 1911.

(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;

Applicant's Finding: A Minimum Access Easement as allowed in 10.430 (A) is proposed to access Parcel #2. The easement will contain a shared driveway that provides the direct access to Parcel #1 and #2 providing access to a minimum of two dwelling units.

The minimum access easement meets the minimum driveway turnaround standards in Section 10.746 (11). The minimum access easement does not have sidewalks or planter strips. No parking will be allowed on the minimum access easement. The street side yard for 300 S Modoc Ave complies with the minimum required 10-foot side yard setback. Parcel #2 has the required 30-feet of lot frontage. Setbacks for the future residence on Parcel #2 will comply with setbacks at the time of building permit.

The minimum access easement is necessary to access the proposed parcel because a through street cannot be created through the developed lot(s) to the west due to the placement of structures and improved yard areas on the adjacent properties.

The proposed minimum access easement is 20-feet wide and complies with the required minimum width. No sidewalks will be provided along the minimum access easement.

(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;

Applicant's Finding: The minimum access easement is a non-street alternative allowed in AMC 10.430 A. The easement complies with the requirements for minimum driveway turnaround standards in Section



10.746. Parcel #2 has the required 30-feet of lot frontage. Setbacks for the future residence on Parcel #2 will comply with setbacks at the time of building permit. The minimum access easement is to address that a through street cannot be created through the developed lot(s) to the west. The proposed minimum access easement is 20-feet wide and complies with the required minimum width. No sidewalks will be provided along the minimum access easement.

(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.

Applicant's Finding: No unmitigated land use conflicts between the proposed land division and adjacent properties is present. There are no agricultural lands within the EFU zoning district near the subject property.

10.432 Street Improvement, Deferred

(1) **Criteria for Deferral.** Subject to the criteria and standards set forth in this section, the improvement of existing streets, alleys, or unimproved rights-of-way may be deferred by the Public Works Director or designee to such time as a complete street segment can be improved to City standards. For purposes of this section, a street segment shall be considered as the length of a street between street intersections on the same side of the street as the project site. Street improvements may only be deferred when the project site complies with the following criteria:

(a) Commercial, Industrial, and Residential street improvements may be deferred if:

(i) More than 50% of the block between street (not including alley) intersections on which the project site fronts is unimproved (street improvements required within subdivisions and Planned Unit Developments shall not be deferred); or,

Applicant's Finding: The applicant is requesting to install the required five-foot wide sidewalk eight-feet back of the curb line versus as the back of the public right-of-way (ROW) because there are no other sidewalks on the entirety of the S Modoc Avenue. Additionally, the ROW for S Modoc Ave is overly large and the sidewalk at the back of the ROW would put the sidewalk approximately 20-feet from the curb.

The applicant is requesting a deferral to not install a street light. A financial deposit will be paid to the city for the future installation of a street light. This is because the electrical infrastructure is not in place to service a single street light and street lighting should be developed comprehensively.

(ii) There are site conditions confirmed by the City Engineer that justify the deferral.

(b) Arterial and Collector street improvements shall not be deferred under this section.

Applicant's Finding: S Modoc Avenue is not an arterial or a collector street.

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3400 SW 27th & Park Hill Lot #100
3414003100



Drawn By:
INITIALS

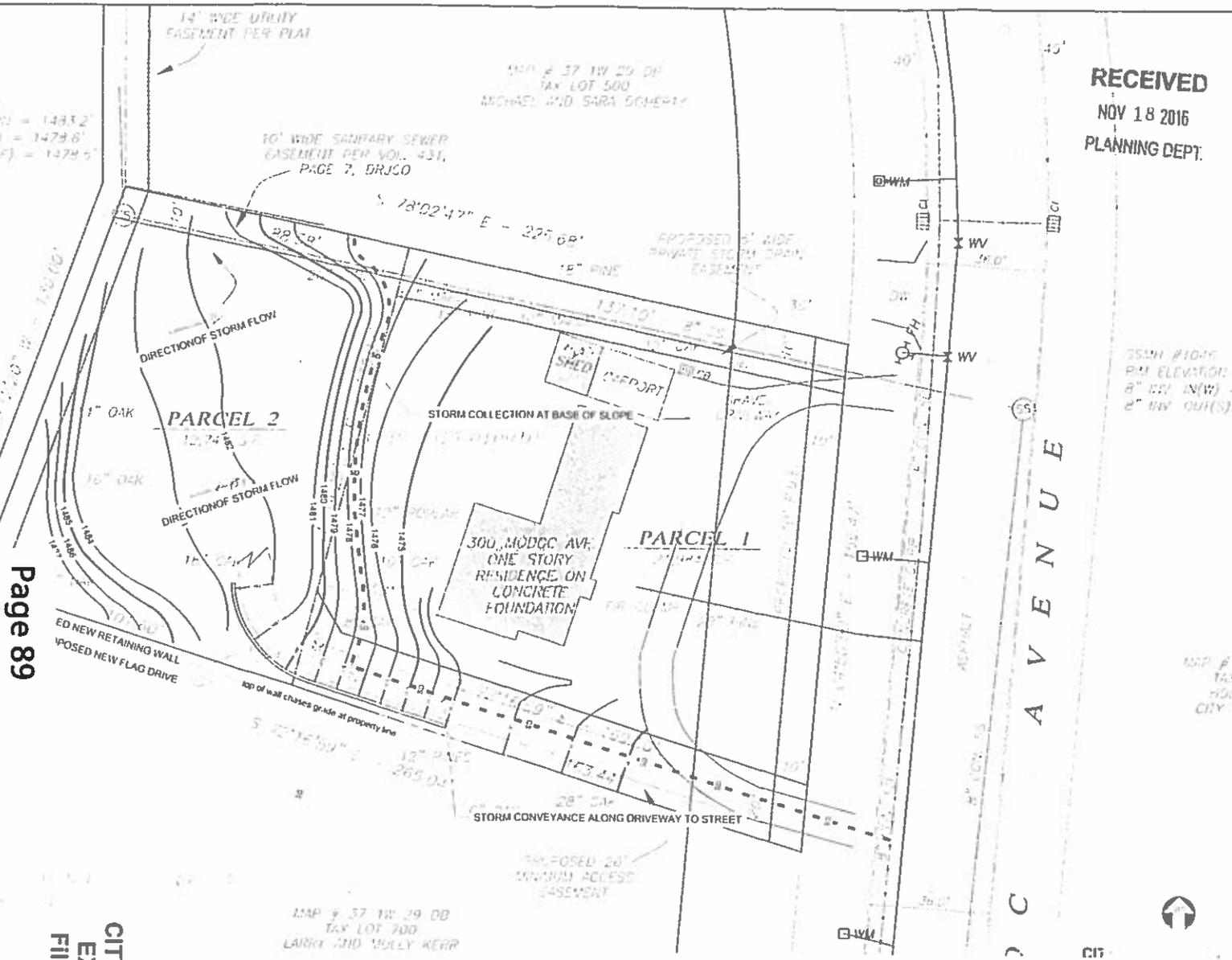
SCALE
1" = 30'

ADDERSON BUILDERS LLC, PARTITION
MODOC AVENUE
MEDFORD, OREGON

REVISION DATE

CONCEPT
GRADE/DRAIN
PLAN

ISSUE DATE





Continuous Improvement Customer Service

CITY OF MEDFORD

RECEIVED

OCT 12 2016

PLANNING DEPT.

LD Date: 10/12/2016
File Number: LDP-16-107

PUBLIC WORKS DEPARTMENT STAFF REPORT
Land Partition – 300 Modoc Avenue
Adderson Builders, LLC

- Project:** Consideration of a request to create two lots on a 0.80 acre parcel.
- Location:** Located on the west side of Modoc Avenue, approximately mid-block between Dellwood and Woodlawn Streets within an SFR-4 (Single-Family Residential – 4 units per acre) zoning district.
- Applicant:** Chris Adderson, Applicant (Rogue Planning & Development Services, LLC., Agent). Praline McCormack, Planner.

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

- **Approval of Final Plat:**
 - Right-of-way, construction and/or assurance of the public improvements in accordance with Medford Land Development Code (MLDC), Section 10.666 & 10.667 (Items A, B & C)
- **Issuance of first building permit for residential construction:**
 - Construction of public improvements (Items A through E)
- **Issuance of Certificates of Occupancy for individual units:**
 - Sidewalks (Items A2)

A. STREETS

1. Dedications

Modoc Avenue is classified as a Standard Residential street, and in accordance with Medford Land Development Code (MLDC) Section 10.430, it requires a total right-of-way width of 63-feet. However, there is currently 80-feet of right-of-way along the property frontage. **Therefore, no additional right-of-way is required for this development.**

Public Utility Easements, 10-feet in width, shall be dedicated along and adjacent to the street

frontage of both Parcels within this Partition (MLDC 10.471).

The easement dedication shall be submitted directly to the Engineering Division of the Public Works Department. The submittal shall include: the 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 PUE area.

2. Public Improvements

a. Public Streets

Modoc Avenue is currently improved in close conformance to Standard Residential street standards, which includes a 36-foot wide paved section, with curbs and gutters. However, there is currently no sidewalk along this developments frontage. **The Developer shall provide a 5-foot wide sidewalk along this developments frontage in accordance with MLDC 10.430.**

Request to differ public improvements shall be submitted to and approved by the City Engineer. If the Modoc Avenue improvements meet the deferral criteria; are approved by the City Engineer; and are elected to be deferred, the Developer shall deposit with the City of Medford a financial deposit acceptable to the City in the amount of 125 percent of the City Engineer's estimate of the costs for the deferred sidewalk improvements, in lieu of the Developer constructing the sidewalk improvements. This financial deposit shall be deposited with the City prior to approval of Final Plat (MLDC, Section 10.432).

b. Street Lighting and Signage

Modoc Avenue currently has no street lights along its frontage, therefore additional street lights are required. The Developer shall enter into a Deferred Improvement Agreement for the future installation of a single street light in accordance with MLDC 10.495(1)d.

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.

d. Access to Public Street System

Driveway access to the proposed development site shall comply with MLDC 10.550.

All on-site parking and vehicle maneuvering areas, including the existing driveway, shall be paved in accordance with MLDC, Section 10.746, prior to issuance of certificate of occupancy for any new structures on the site.

e. Easements

Easements shall be shown on the final plat for all sanitary sewer and storm drain mains or laterals, which cross lots, including any common area, other than those being served by said lateral.

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 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.

Modoc Avenue:

The additional improvements will provide for a future planter strip and sidewalk on Modoc Avenue. Modoc Avenue is a 25 mile per hour facility, which currently carries approximately 900 vehicles per day. The planter strip moves pedestrians a safe distance from the edge of the roadway. Modoc Avenue will be the primary route for pedestrians traveling to and from this development.

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

B. SANITARY SEWERS

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

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

C. STORM DRAINAGE

1. Drainage Plan

A 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.

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

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

2. Grading

A comprehensive grading plan showing the relationship between adjacent property and the proposed development shall be submitted with the building permit application 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. Mains and Laterals

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

directly to a storm drain system.

A storm drain lateral shall be constructed to each parcel prior to approval of the Final Plat. Easements shall be shown on the Final Plat for storm drain laterals crossing property other than the one being served by the lateral. If a private storm drain system is being used to drain this site, the applicant shall provide a joint use maintenance agreement.

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

4. 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. SURVEY MONUMENTATION

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

E. 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

As 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 Planning Commission's Final Order, together with all pertinent details and calculations. A checklist for public improvement plan submittal can be found on the City of Medford, Public Works web site (<http://www.ci.medford.or.us/Page.asp?NavID=3103>). The Developer shall pay a deposit for plan review and construction inspection prior to final plan approval. Public Works will keep track of all costs associated with the project and, upon our acceptance of the completed project, will reconcile the accounting and either reimburse the Developer any excess deposit or bill the Developer for any additional amount not covered by the

deposit. The Developer shall pay Public Works within 60 days of the billing date or will be automatically turned over for collections.

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

3. Construction and Inspection

The Developer or Developer's contractor shall obtain appropriate right-of-way permits from the Department of Public Works prior to commencing any work within the public right-of-way that is not included within the scope of work described within approved public improvement plans. Pre-qualification is required of all contractors prior to application for any permit to work in the public right-of-way.

4. Draft of Final Plat

The Developer shall submit 2 copies of the preliminary draft of the final plat at the same time the public improvement plans (3 copies) are submitted. Neither lot number nor lot line changes shall be allowed on the plat after that time, unless approved by the City and all utility companies.

5. Permits

Building Permit applications shall not be accepted by the Building Department until the Final Plat has been recorded, and a "walk through" inspection has been conducted and approval of all public improvements as required by the Planning Commission has been obtained for this development.

Concrete or block walls built within a PUE, or within sanitary sewer or storm drain easements require review and approval from the Engineering Division of Public Works. Walls shall require a separate permit from the Building Department and may also require certification by a professional engineer.

6. System Development Charges (SDC)

Future buildings in this development are subject to street and sanitary sewer collection and treatment SDCs. These SDC shall be paid at the time individual building permits are taken out.

This division of land may be subject to a storm drain system development charges for the additional parcels being created thereby. The storm drain system development charge shall be paid prior to Final Plat Approval.

Prepared by: Doug Burroughs

SUMMARY CONDITIONS OF APPROVAL

Land Partition – 300 Modoc Avenue

Adderson Builders, LLC
LDP-16-107

A. Streets

1. Street Dedications to the Public:

- **Modoc Avenue** – No street dedications are required for this partition.
- Dedicate 10-foot Public Utility Easements (PUE) along frontage of both parcels.

2. Improvements:

a. Public Streets

- No public improvements are required along **Modoc Avenue**, aside from 5-foot sidewalk.

b. Lighting and Signing

- No additional street lights are required however, Developer shall enter into a DIA.

c. Other

- There is no pavement moratorium currently in effect on Modoc Avenue.
- Pave existing and proposed driveways.

B. Sanitary Sewer

- Provide a private lateral to each lot.

C. Storm Drainage

- Provide an investigative drainage report.
- Provide a comprehensive grading plan.
- Provide Erosion Control plans as required.
- Provide storm drain laterals to each tax lot.

D. Survey Monumentation

- Provide all survey monumentation.

E. General Conditions

- Provide public improvement plans and drafts of the final plat.
- Building permits will not be issued until after final plat approval.

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



BOARD OF WATER COMMISSIONERS
Staff Memo

RECEIVED

OCT 12 2016

PLANNING DEPT.

TO: Planning Department, City of Medford

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

SUBJECT: LDP-16-107

PARCEL ID: 371W29DB TL 600

PROJECT: Consideration of a request to create two lots on a 0.80 acre parcel located on the west side of Modoc Avenue, approximately mid-block between Dellwood and Woodlawn Streets within an SFR-4 (Single-Family Residential – 4 units per acre) zoning district; Chris Adderson, Applicant (Rogue Planning & Development Services, LLC., Agent). Praline McCormack, Planner.

DATE: October 12, 2016

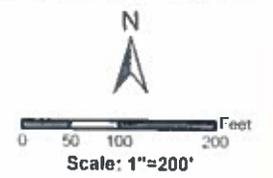
I have reviewed the above plan authorization application as requested. Conditions for approval and comments are as follows:

CONDITIONS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.
3. The existing water meter located approximately mid lot shall continue to serve the existing home at 300 S Modoc Avenue, also being proposed Parcel 1.
4. Proposed Parcel 2 is required to have a new water service installed to serve new home. Proposed water meter shall be located outside of proposed driveway improvements, and shall be installed just north of the proposed driveway. Water meter shall be located away from north side of driveway so that it will not be damaged by vehicular traffic.

COMMENTS

1. Off-site water line installation is not required.
2. On-site water facility construction is not required.
3. Static water pressure is approximately 50 psi.
4. MWC-metered water service does exist to this property. A 1-inch water meter serves the existing home at 300 S Modoc Avenue. (See Condition 3 above)
5. Access to MWC water lines is available. There is an existing 6-inch water line in S Modoc Avenue.



**Water Facility Map
for
LDP-16-107**

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



Page 98

**CITY OF MEDFORD
EXHIBIT #1
File # LDP-16-107**

This map is based on a digital elevation model by Medford Water. It should not be used as a basis for engineering or other professional services. The water utility is not responsible for any errors or omissions. It is intended for informational purposes only.



Medford Fire Department

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

RECEIVED

OCT 07 2016

PLANNING DEPT.

LAND DEVELOPMENT REPORT - PLANNING

To: Praline McCormack

LD Meeting Date: 10/12/2016

From: Greg Kleinberg

Report Prepared: 10/07/2016

Applicant: Chris Adderson, Applicant (Rogue Planning & Development Services, LLC.,

File #: LDP - 16 - 107

Site Name/Description:

Consideration of a request to create two lots on a 0.80 acre parcel located on the west side of Modoc Avenue, approximately mid-block between Dellwood and Woodlawn Streets within an SFR-4 (Single-Family Residential - 4 units per acre) zoning district; Chris Adderson, Applicant (Rogue Planning & Development Services, LLC., Agent). Praline McCormack, Planner.

DESCRIPTION OF CORRECTIONS	REFERENCE
----------------------------	-----------

Requirement FD APPARATUS ACCESS ROAD DESIGN

OFC

503.2.1

For Parcel 2: Either design driveway to meet the below requirements (minimum 14' of pavement for this project with three feet of clear space on each side-total 20 feet) including the weight requirements, or provide an alternate method of protection for the home (residential fire sprinklers).

Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and unobstructed vertical clearance of not less than 13 feet 6 inches. The required width of a fire apparatus access road shall not be obstructed in any manner, including parking of vehicles. Minimum required widths and clearances established under section 503.2.1, shall be maintained at all times. The fire apparatus access road shall be constructed as asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 60,000 pounds.

(See also OFC 503.4; D102.1)

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

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

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

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

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

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

**CITY OF MEDFORD
EXHIBIT # G
File # LDP-16-107**

Memo



RECEIVED
OCT 12 2016
PLANNING DEPT.

To: Praline McCormack, Planning Department
From: Mary Montague, Building Department
CC: Chris Adderson, Applicant; Rogue Planning & Development Services, LLC., Agent
Date: October 12, 2016
Re: LDP-16-107

Building Department:

Please Note: This is not a plan review. These are general notes based on general information provided. Plans need to be submitted and will be reviewed by a residential plans examiner to determine if there are any other requirements for this occupancy type. Please contact the front counter for fees.

1. Applicable Building Codes are 2014 ORSC with additional Oregon amendments to the 2011 ORSC; 2014 OPSC; and 2014 OMSC. For list of applicable Building Codes, please visit the City of Medford website: www.ci.medford.or.us Click on "City Departments" at top of screen; click on "Building"; click on "Design Criteria" on left side of screen and select the appropriate design criteria.
2. All plans are to be submitted electronically. Information on the website: www.ci.medford.or.us Go to "City Departments" at top of screen; click on "Building"; click on "ELECTRONIC PLAN REVIEW (ePlans)" for information.
3. Site Excavation permit required to develop, install utilities.
4. Demo Permit is required for any buildings being demolished.

CITY OF MEDFORD
EXHIBIT # H
File # LDP-16-107



Project Name:

Modoc Avenue MLP

Map/Taxlot:

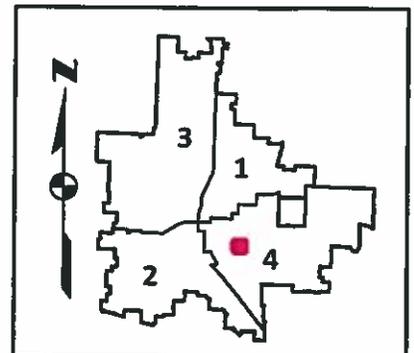
371W29DB TL 600



08/19/2016

Legend

-  Subject Area
-  Medford Zoning
-  Tax Lots
-  Streets



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

IN THE MATTER OF PLANNING COMMISSION FILE CUP-16-124 APPLICATION FOR A)
) **ORDER**
CONDITIONAL USE PERMIT SUBMITTED BY WEST ORTHODONTICS)

ORDER granting approval of a request for a conditional use permit for West Orthodontics described as follows:

An electronic message sign to be located within 150 feet of a residential zone as part of West Orthodontics, a new dental office building currently being constructed at 1475 E. McAndrews Road in the Commercial Service/Professional (C-S/P) zoning district (371W19BA2500).

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 West Orthodontics as described above, with a public hearing a matter of record of the Planning Commission on December 8, 2016.
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 West Orthodontics as described above.

THEREFORE LET IT BE HEREBY ORDERED that the application for West Orthodontics stands approved in accordance per the Staff Report dated December 1, 2016.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this request for West Orthodontics as describe above, is hereafter supported by the findings referenced in the Staff Report dated December 1, 2016.

Accepted and approved this 8th day of December, 2016.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative



Planning Department

Working with the community to shape a vibrant and exceptional city

STAFF REPORT

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

PROJECT West Orthodontics
 Applicant: West Orthodontics; Agent: Steve Morgan

FILE NO. CUP-16-124

TO Planning Commission *for December 8, 2016 hearing*

FROM Dustin Severs, Planner II

REVIEWER Kelly Akin, Principal Planner *KA*

DATE December 1, 2016

BACKGROUND

Proposal

Consideration of a request for a Conditional Use Permit (CUP) to allow an electronic message sign to be located within 150 feet of a residential zone as part of West Orthodontics, a new dental office building currently being constructed at 1475 E. McAndrews Road in the Commercial-Service/Professional (C-S/P) zoning district (371W19BA2500).

Subject Site Characteristics

Zoning: Commercial Service/Professional (C-S/P)

GLUP: Service Commercial (SC)

Overlay(s): None

Use: New building (West Orthodontics) currently under construction

Surrounding Site Characteristics

<i>North</i>	Zone: SFR-4 (Single-Family Residential – 4 dwellings units per gross acre)
	Use(s): Residences
<i>South</i>	Zone: C-S/P
	Use(s): Oregon Ear, Nose, and Throat Center
<i>East</i>	Zone: C-S/P
	Use(s): Jacob O. Layer Family Dentistry

West Zone: C-S/P
 Use(s): PremierWest Bank

Related Projects

AC-15-122/ E-15-151 West Orthodontics SPAC Approval

Applicable Criteria

Medford Land Development 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.

Corporate Names

West Orthodontics is the owner of the property. The Oregon Secretary of State website lists Lance E. West as the authorized representative and registrant of West Orthodontics.

ISSUES AND ANALYSIS

Background

The subject site of the associated request is the future location of West Orthodontics, a dental office currently under construction at 1475 E. McAndrews Road. The construction of the dental office building, along with an Exception request, was granted approval by the Site Plan & Architectural Commission (SPAC) on December 18, 2015 (AC-15-122/E-1-151). West Orthodontics currently has two offices: one office located in Brookings, and a second office at 1322 E. McAndrews Road in Medford which will be relocating to the subject site.

The development of the site will include the construction of a monument style ground sign to be located at the southwest corner of the lot fronting along McAndrews Road. The applicant has submitted an application for a sign permit for a proposed 30 square foot sign at the height of 9 feet (BP-16-4216). The applicant is now proposing the sign to include a 16 square foot bottom panel with a light-emitting diode (LED) display (Exhibit C).

Pursuant to MLDC 10.1400, titled *Signs in Service and Commercial and Professional Offices (C-S/P); Basic Regulations*, subsection (1)(d)(i) states the following:

(d) Electronic Message Signs are permitted as a ground sign subject to the following limitations:

(i) Each parcel of land is permitted one (1) electronic message sign if the sign is 150 feet or farther from any residential zoning district. An electronic message sign located less than 150 feet from any lot in a residential zoning district shall require the approval of a Conditional Use Permit. Such sign must meet the other provisions of this section.

The applicant's proposed electronic message sign is located approximately 146 feet from the southwest corner of a residentially zoned lot containing a single-family home located to the northeast of the subject site and fronting Corona Avenue. CUP approval by the Planning Commission is required.

The applicant's submitted sign permit application did not show the inclusion of an LED display panel in the submitted design specs. In the event that the CUP request is denied, the applicant will still be permitted for a static sign – minus the proposed LED display bottom panel – as part of the approved ground sign. However, if the CUP request is approved, the applicant will be required to apply for a new sign permit showing the altered 30 square foot sign incorporating a 16 square foot bottom panel with an LED display which will be inspected by the Building Department for Building Code compliance.

Staff concurs with the applicant's submitted findings, as it is the view of staff that the subject request complies with the first criterion identified in MLDC 10.248 in that it can be found that the proposed sign will not cause a significant adverse impact on the surrounding area, and that the granting of the CUP can be granted in keeping with the purpose and intent of the Code for the following reasons:

- The space between the proposed sign and the residential lot is effectively blocked by the West Orthodontics building and the Jacob O. Leary Dentistry building located to the south of the subject residence, preventing light emanating from the sign from significantly impacting the existing residence located on the lot.
- While the boundary of the residential lot is located within 150 feet of the proposed sign, all parts of the existing dwelling unit are located outside of this distance. Additionally, no visible windows currently face southwest toward the proposed sign.
- Any future dwelling units constructed on the residential lot would have to meet a minimum four foot building setback from the side and rear lot line, placing any future buildings outside of the 150 foot distance.

Agency Comments

The Public Works Department notes code requirements regarding the placement of the sign. Comments were received from the Medford Water Commission and Medford Fire Department, but no conditions were recommended.

Committee Comments

No comments were received from committees such as BPAC.

FINDINGS AND CONCLUSIONS

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

RECOMMENDED ACTION

Adopt the findings as recommended by staff and adopt the Final Order of CUP-16-124 per the staff report dated December 1, 2016, including Exhibits A through H.

EXHIBITS

- A Conditions of Approval drafted December 1, 2016.
- B Site Plan received October 11, 2016.
- C Sign Design received October 11, 2016.
- D Applicant's Narrative, Questionnaire, and Findings of Fact received October 11, 2016.
- E Photographs received October 11, 2016.
- F Public Works staff report received November 16, 2016.

- G Medford Water Commission memorandum received November 16, 2016.
- H Medford Fire Department report received November 16, 2016.
Vicinity map

PLANNING COMMISSION AGENDA:

DECEMBER 8, 2016

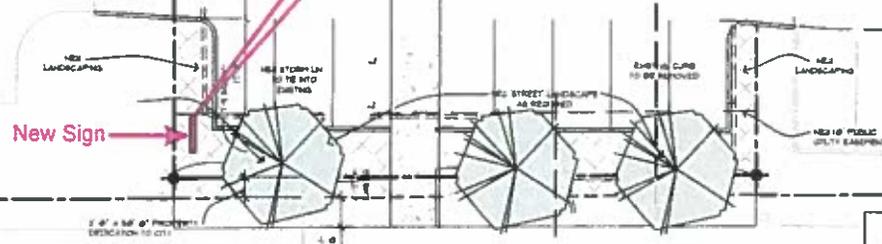
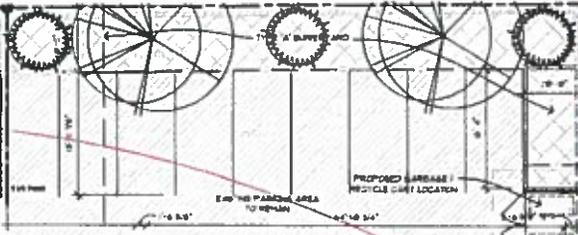
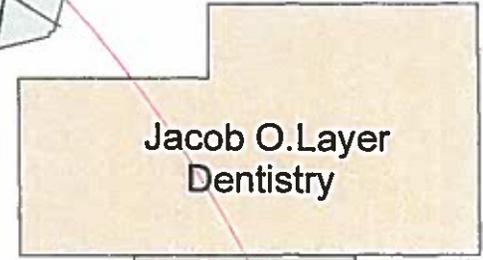
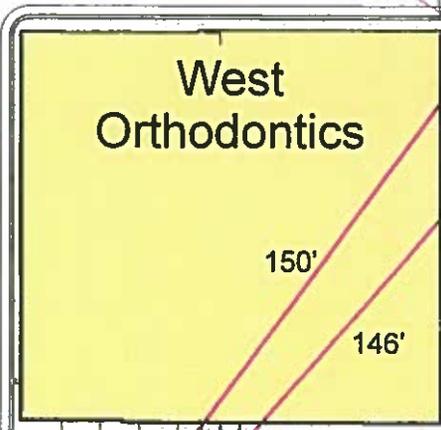
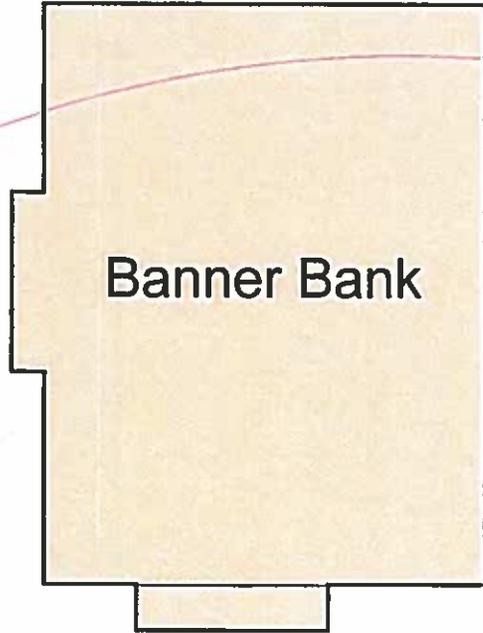
EXHIBIT A

West Orthodontics Electronic Message Sign CUP
CUP-16-124
Conditions of Approval
December 1, 2016

CODE REQUIREMENTS

1. Prior to issuance of the first building permit, the applicant shall:
 - a. Comply with the Public Works Department Staff Report received November 16, 2016 (Exhibit F).

CITY OF MEDFORD
EXHIBIT # **B**
File # CUP-16-124



SITE PLAN
SCALE 1" = 5' 0"

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PLANNING DEPT.

McAndrews Rd.

STREET FRONTAGE

EXISTING DRIVE ACCESS ON ADJACENT PARCEL

Property line

C-S/P Zoning

C-S/P Zoning

Residential Zoning

Banner Bank

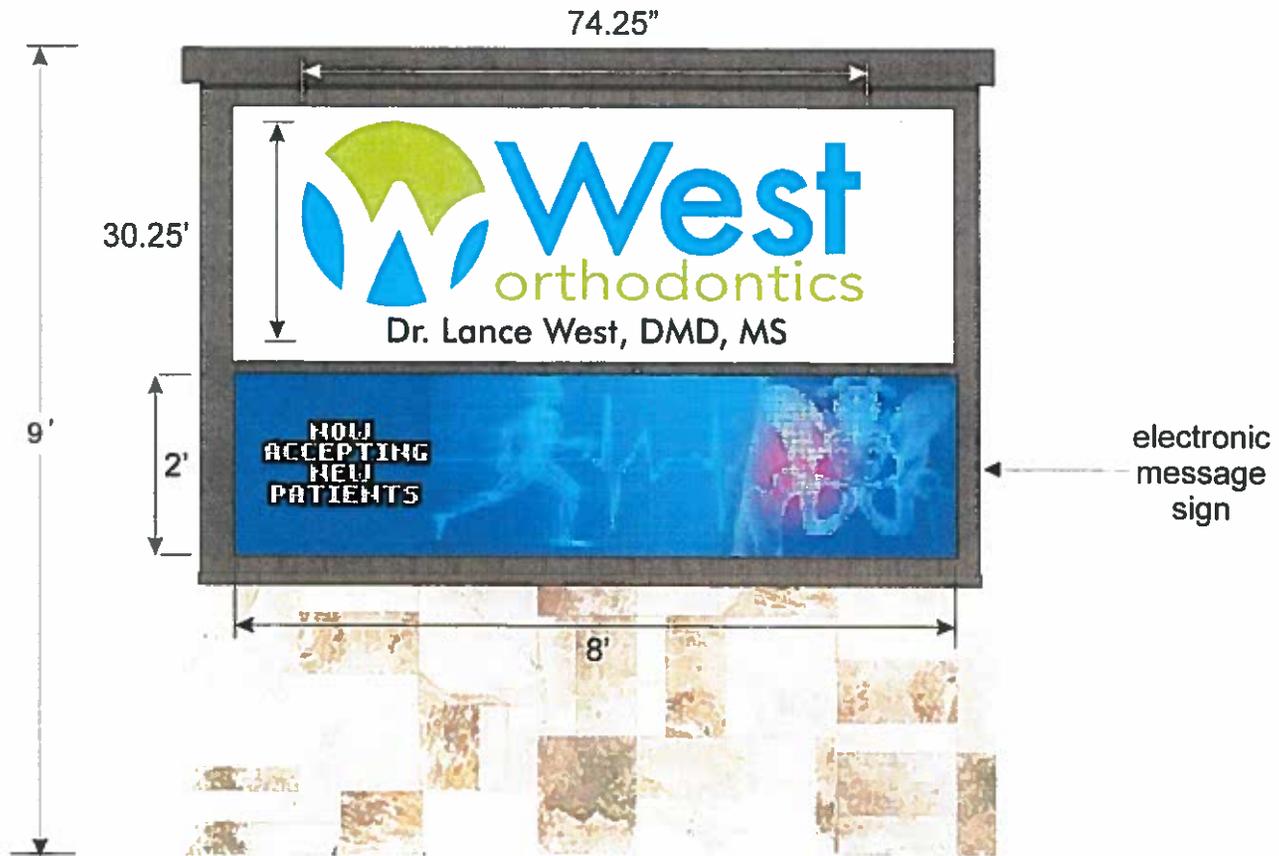
West Orthodontics

Jacob O. Layer Dentistry

New Sign

150'

146'



Two-sided freestanding sign with
 electronic message sign
 on the bottom portion of the sign
 31.6 sf of signage

RECEIVED
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 PLANNING DEPT.

DESIGNER
 Signs

BEFORE THE PLANNING COMMISSION

FOR THE CITY OF MEDFORD

JACKSON COUNTY, OREGON

IN THE MATTER OF A CONDITIONAL USE)
PERMIT TO ALLOW AN ELECTRONIC)
MESSAGE SIGN ON LAND LOCATED)
WITHIN A C-S/P ZONE WHERE THE SIGN)
IS TO BE LOCATED NEARER THAN 150 FT)
TO A RESIDENTIAL ZONE ON LAND)
LOCATED ON EAST MCANDREWS ROAD)
WITHIN THE CORPORATE LIMITS OF THE)
CITY OF MEDFORD.)

Applicant: West Orthodontics)
Agent: Designer Signs LLC)

PROPOSED NARRATIVE)
AND FINDINGS)

I. NARRATIVE

The purpose of this application is for West Orthodontics ("Applicant") to seek approval of a conditional use permit (CUP) in order to install an Electronic Message Sign (Sign) on their property ("the Property") where a new dental office building at 1475 E. McAndrews Road, Medford, Oregon 97504 is currently being constructed.

The CUP is being applied for because per Medford Land Development Code ("Code"), businesses located in C-S/P zoning within 150 feet of any lot in a residential zone may apply for a CUP to allow for the installation of an Electronic Message Sign, provided that the sign complies with the other provisions of the MLDC sign code regulations (cited in Section IV below).

II. REQUIRED SUBMITTALS SUPPORTING THIS APPLICATION

- Findings of Fact addressing approval criteria
- Application Form
- Assessor's Map
- Site Plan (20 copies)
- Sign Drawing
- Photos of Proposed Sign Location and surrounding area
- Written Consent of Owner
- Signed Statement Regarding Posting of Public Hearing Signs
- Application Fee
- Mailing Labels

5

III. RELEVANT APPROVAL CRITERIA

10.248 Conditional Use Permit

The approving authority (Medford 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.

IV. RELEVANT SIGN REGULATIONS

10.1400 Signs in Service Commercial and Professional Offices (C-S/P); Basic Regulations:

Signs shall be permitted only as follows in the C-S/P district:

- (1) Ground Signs: Each parcel of land is permitted one (1) ground sign per street frontage, subject to the following limitations:
 - (a) Maximum Height: 9 feet
 - (b) Maximum Square Footage: 32 square feet per sign.
 - (c) Minimum Setback: 5 feet from any lot in a residential zoning district or from a street right-of-way.
 - (d) Electronic Message Signs are permitted as a ground sign subject to the following limitations:
 - (i) Each parcel of land is permitted one (1) electronic message sign if the sign is 150 feet or farther from any residential zoning district. An electronic message sign located less than 150 feet from any lot in a residential zoning district shall require the approval of a Conditional Use Permit. Such sign must meet the other provisions of this section.
 - (ii) All text displayed on an electronic message sign must be static for a minimum of five seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.
 - (iii) All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night.

- (iv) The conversion of an existing, conforming ground sign to an electronic message sign is permitted.
- (v) The conversion of an existing, nonconforming ground sign to an electronic message sign is prohibited.

V. FINDINGS SUPPORTING THIS APPLICATION

1. **Property Location:** Property is located on Lot 2500 on the north side of E. McAndrews Rd. The address is 1475 E. McAndrews Road, Medford, OR 97504.
2. **Applicant:** Applicant is West Orthodontics.
3. **Ownership:** West Orthodontics is owned by West McAndrews Properties LLC.
4. **Property Description:** Property consists of a single parcel having .39 acres.
5. **Property Line:** 5. The distance from the Property line and the inside edge of the sidewalk is 5 feet.
6. **Zoning:** The Property is zoned C-S/P, Commercial Service Professional.
7. **Existing Land Use:** New building being constructed. West Orthodontics' new building is scheduled to be completed in January.
8. **Area Description / Surrounded Land Use:**

North: To the north and northeast of Property is SFR-4 zoned property well beyond the 150 foot radius.

Northeast: To the northeast of Property is a residentially zoned lot ("Lot") within 150 of the proposed sign. The southwest corner of the property line is 146 ft from proposed location of Sign. The house on the lot is inset well past the 150 foot radius and has no visibility to Sign due to West Ortho building that completely blocks any view in that direction.

East, West & South:

C-S/P zoned.

VI. CONCLUSIONS

Per MLDC 10.248, the approval criteria allows for the granting of a conditional use permit in the case that:

- (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.

The MLDC allows that if one of the above criteria is met, this provides sufficient basis upon which to approve a conditional use permit application. Applicant chooses the first criteria as the basis in support of this application. The sign proposed will cause no significant adverse impact on the livability, value, or appropriate development of abutting property, nor on the surrounding area when compared to the impacts of permitted development not classified as conditional.

Sign Conclusions:

- The Lot is completely blocked by the West Orthodontics building. It will have no visibility to the Sign whatsoever.
- The house on the Lot is well out of the 150 foot radius to sign. No visible windows face southwest toward Sign.
- If a new house was built on Lot, it would have to be inset 5 feet from the property line. This would place it outside of the 150 foot radius.
- A photocell will be installed with the sign. A photocell responds to ambient light conditions regardless of the time of day adjusting brightness to levels stricter than Code dimming requirements.

The proposed Sign complies with all other MLDC sign code regulations (cited in Section IV above) including operation of the proposed sign which will be consistent with the standards for Electronic Message Signs.

Applicant will follow all rules pertaining to the operation of an electronic message sign as set forth in the Medford sign code.

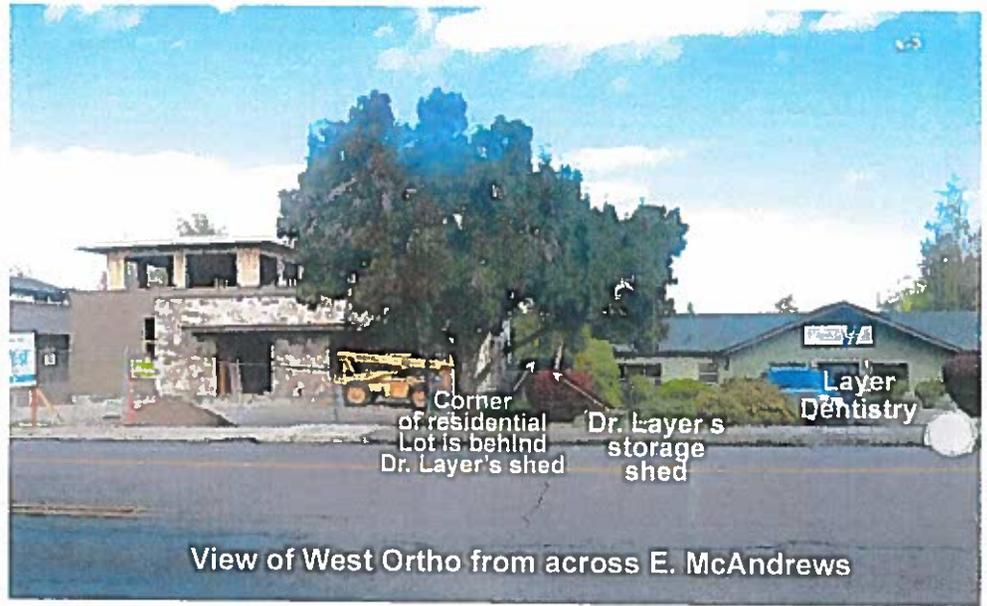
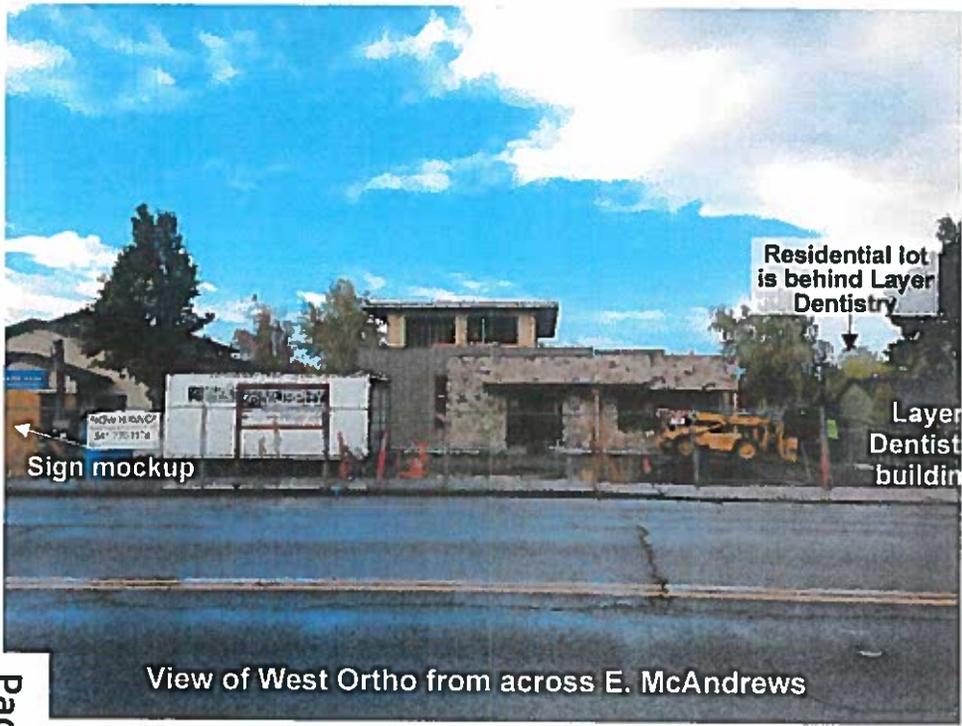
Based on the above Findings and the Exhibits attached herein, applicant respectfully asks that the Planning Commission grant the issuance of the requested conditional use permit.

DESIGNER SIGNS –*Agent for West Orthodontics*

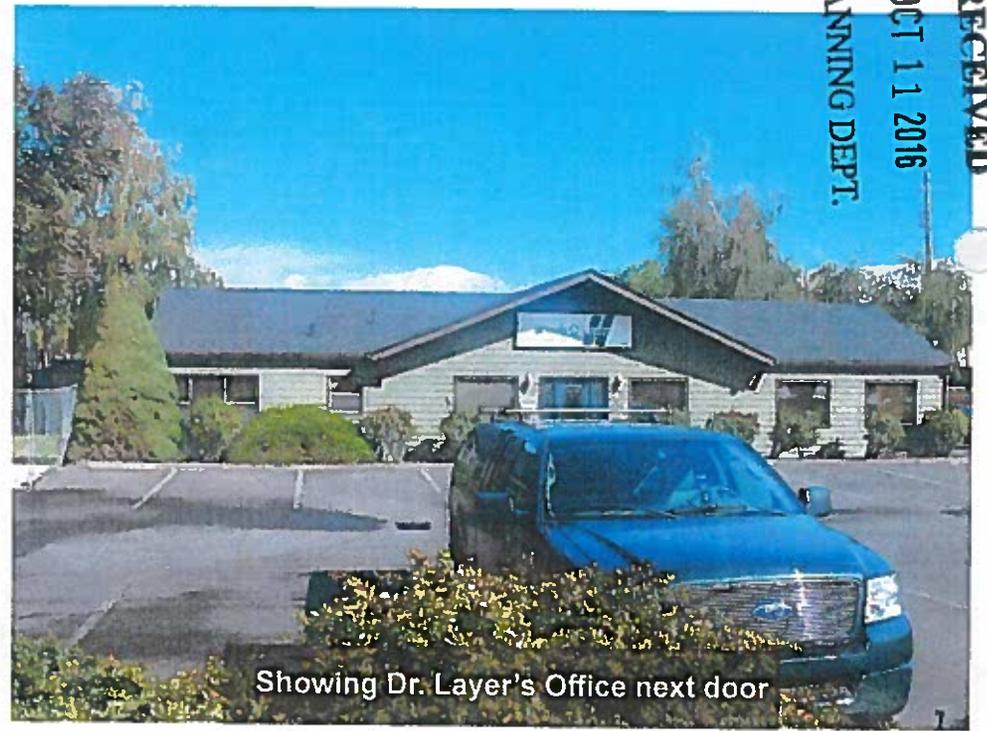
Stephen R. Morgan
Owner



Attachments: 1. Application Form, 2. Assessor's Map, 3. Site Plan (20 copies), 4. Sign Drawing, 5. Photos of Proposed Sign Location and Surrounding Area, 6. Written Consent of Owner, 7. Signed Statement Regarding Posting of Public Hearing Signs

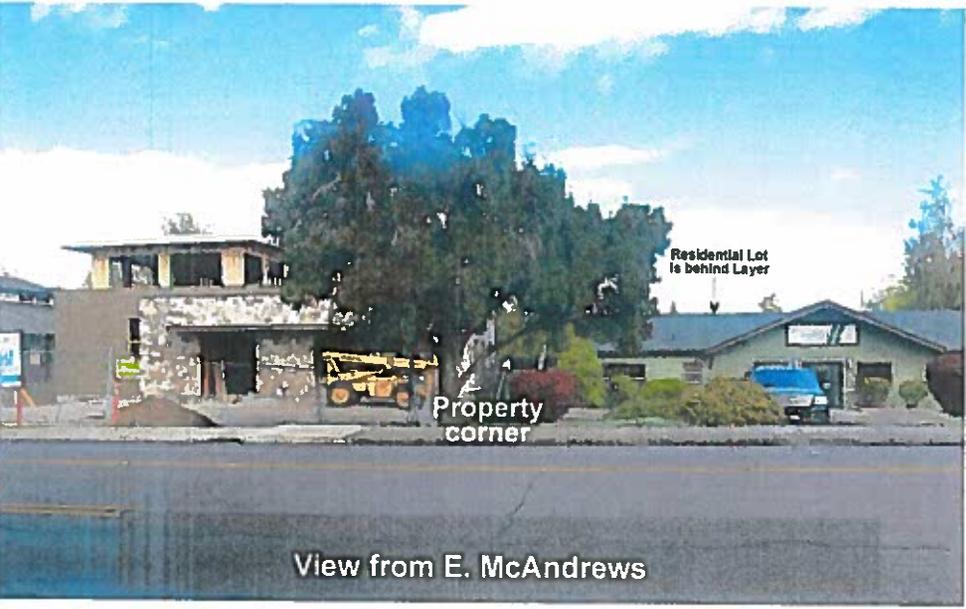


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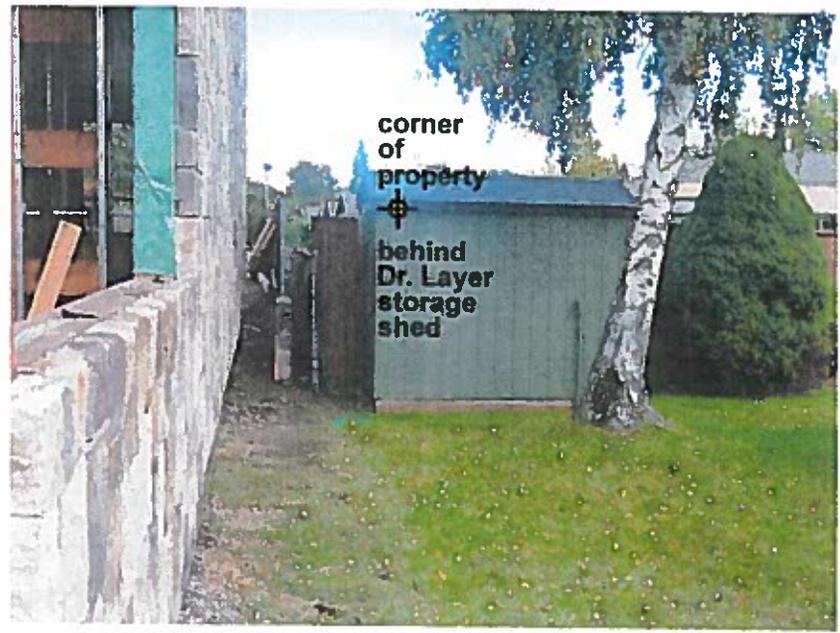
EXHIBITS CUP-16-124



Property corner

Residential Lot is behind Layer

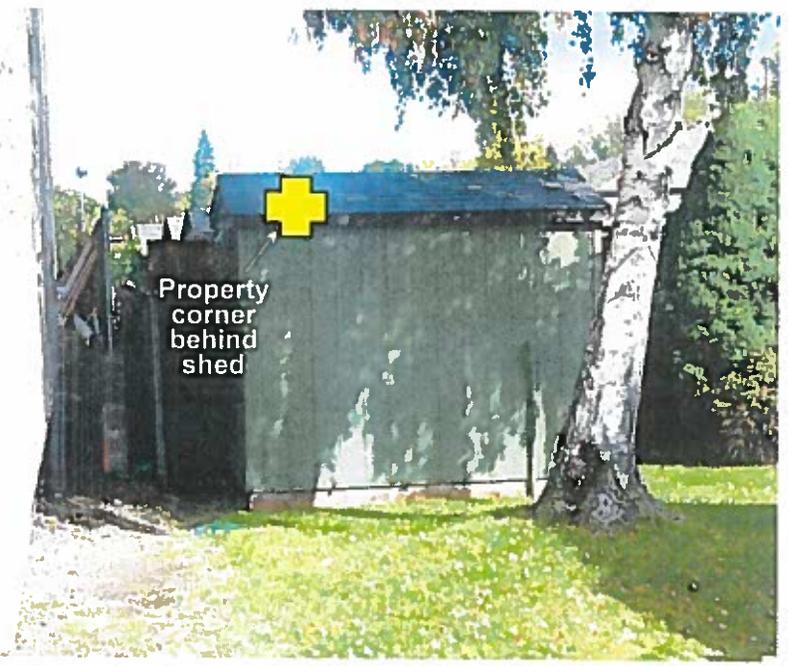
View from E. McAndrews



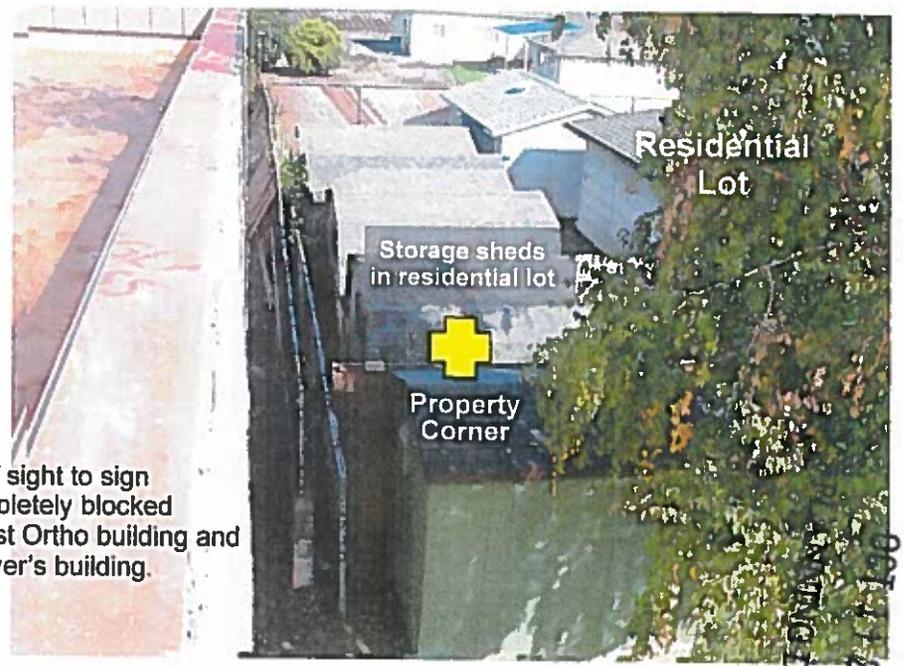
corner of property

behind Dr. Layer storage shed

Page 116



Property corner behind shed



Residential Lot

Storage sheds in residential lot

Property Corner

Line of sight to sign is completely blocked by West Ortho building and Dr. Layer's building.

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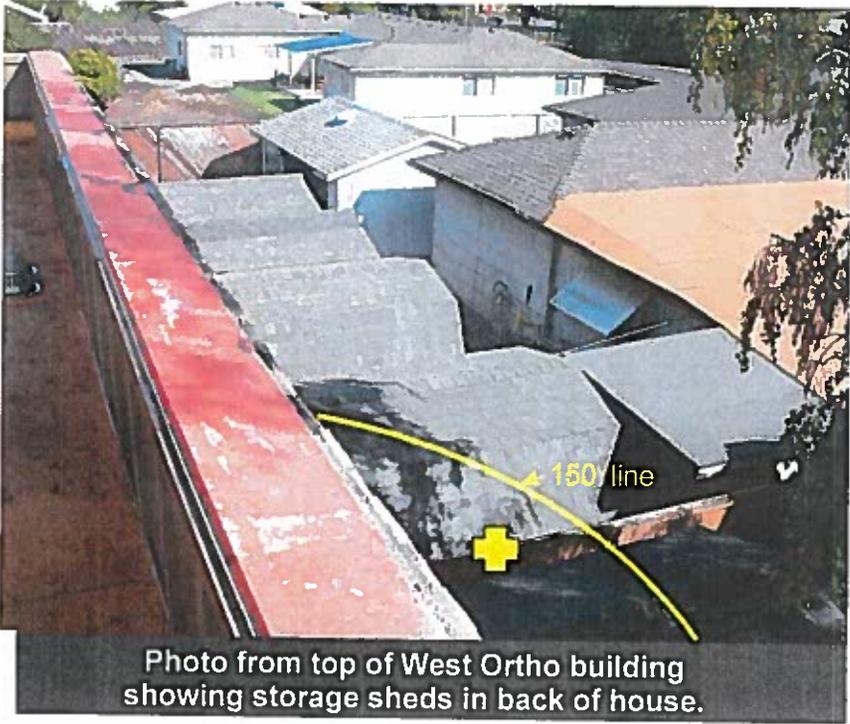


Photo from top of West Ortho building showing storage sheds in back of house.

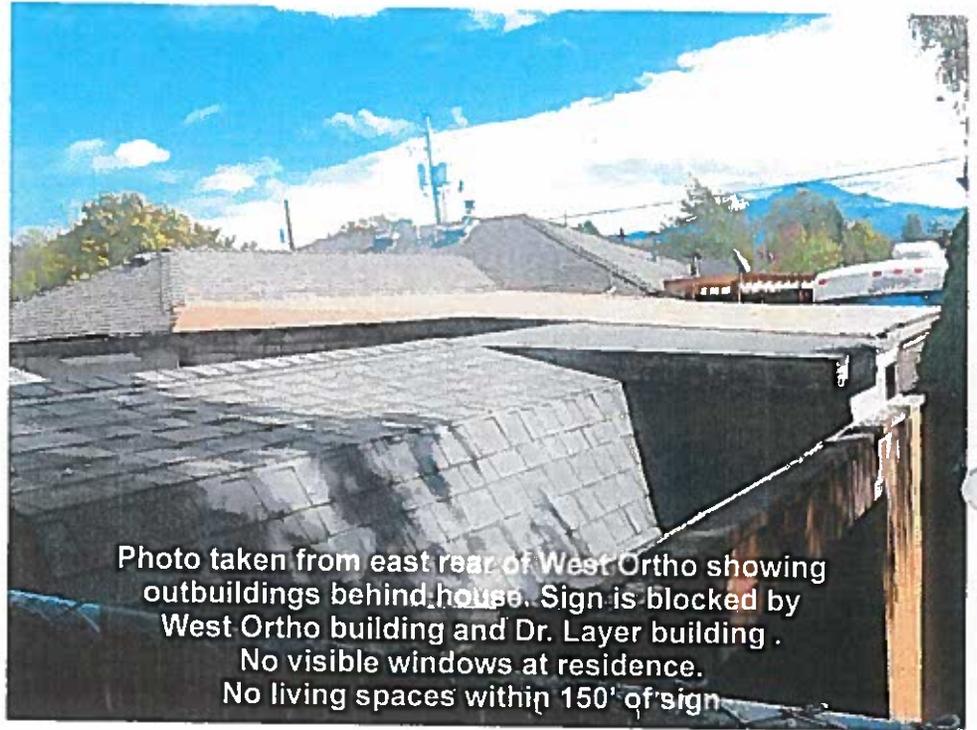


Photo taken from east rear of West Ortho showing outbuildings behind house. Sign is blocked by West Ortho building and Dr. Layer building . No visible windows at residence. No living spaces within 150' of sign

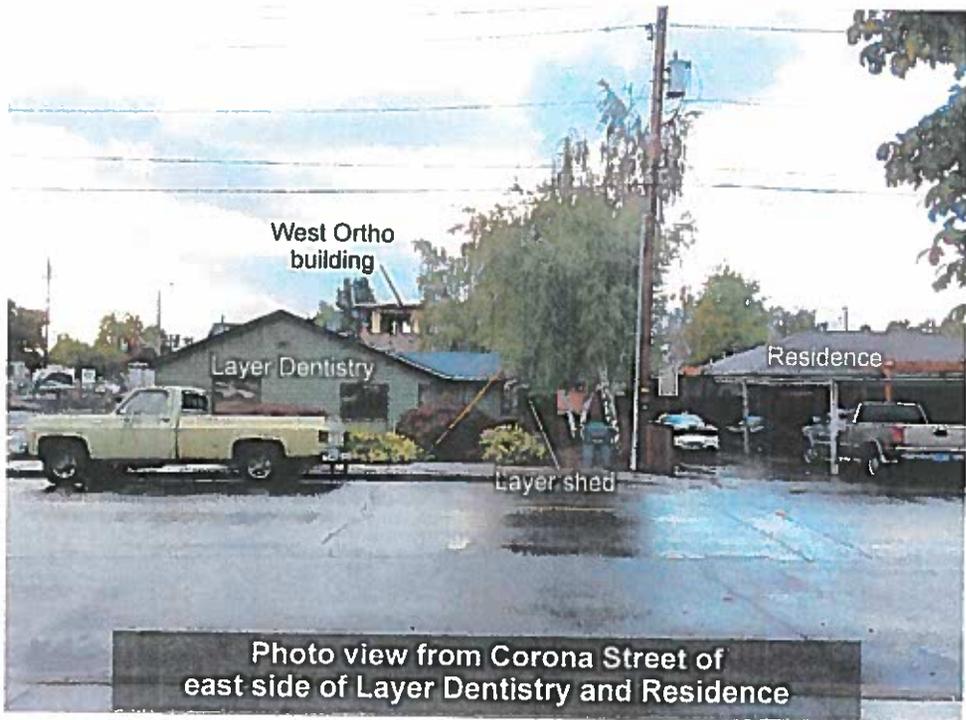


Photo view from Corona Street of east side of Layer Dentistry and Residence

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 OCT 11 2016
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Continuous Improvement Customer Service

CITY OF MEDFORD

LD Date: 11/16/2016
File Number: CUP-16-124

PUBLIC WORKS DEPARTMENT STAFF REPORT West Orthodontics – Electronic Message Sign

- Project:** Consideration of an electronic message sign to be located within 150 feet of a residential zone as part of West Orthodontics, a new dental office building currently being constructed.
- Location:** The subject site is located at 1475 E. McAndrews Road in the Service/Professional (C-S/P) zoning district (371W19BA2500).
- Applicant:** West Orthodontics, Applicant, (Designer Signs, Agent). Dustin Severs, Planner.
-

Public Works Department comments:

1. The proposed sign shall be out of the site triangle of driveway to the west.
2. The Developer shall coordinate the location of the proposed sign with the public utilities benefiting from the Public Utility Easement (PUE) and provide approval from said utilities or relocate the proposed sign completely outside the PUE and right-of-way. If located within the PUE, approvals from utility companies must be provided prior to the public hearing.

Prepared by: Doug Burroughs



BOARD OF WATER COMMISSIONERS
Staff Memo

TO: Planning Department, City of Medford
FROM: Rodney Grehn P.E., Water Commission Staff Engineer
SUBJECT: CUP-16-124
PARCEL ID: 371W19BA TL 2500
PROJECT: Consideration of an electronic message sign to be located within 150 feet of a residential zone as part of West Orthodontics, a new dental office building currently being constructed at 1475 E. McAndrews Road in the Service/Professional (C-S/P) zoning district (371W19BA2500); West Orthodontics, Applicant, (Designer Signs, Agent). Dustin Severs, Planner.
DATE: November 16, 2016

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

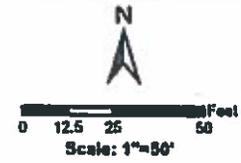
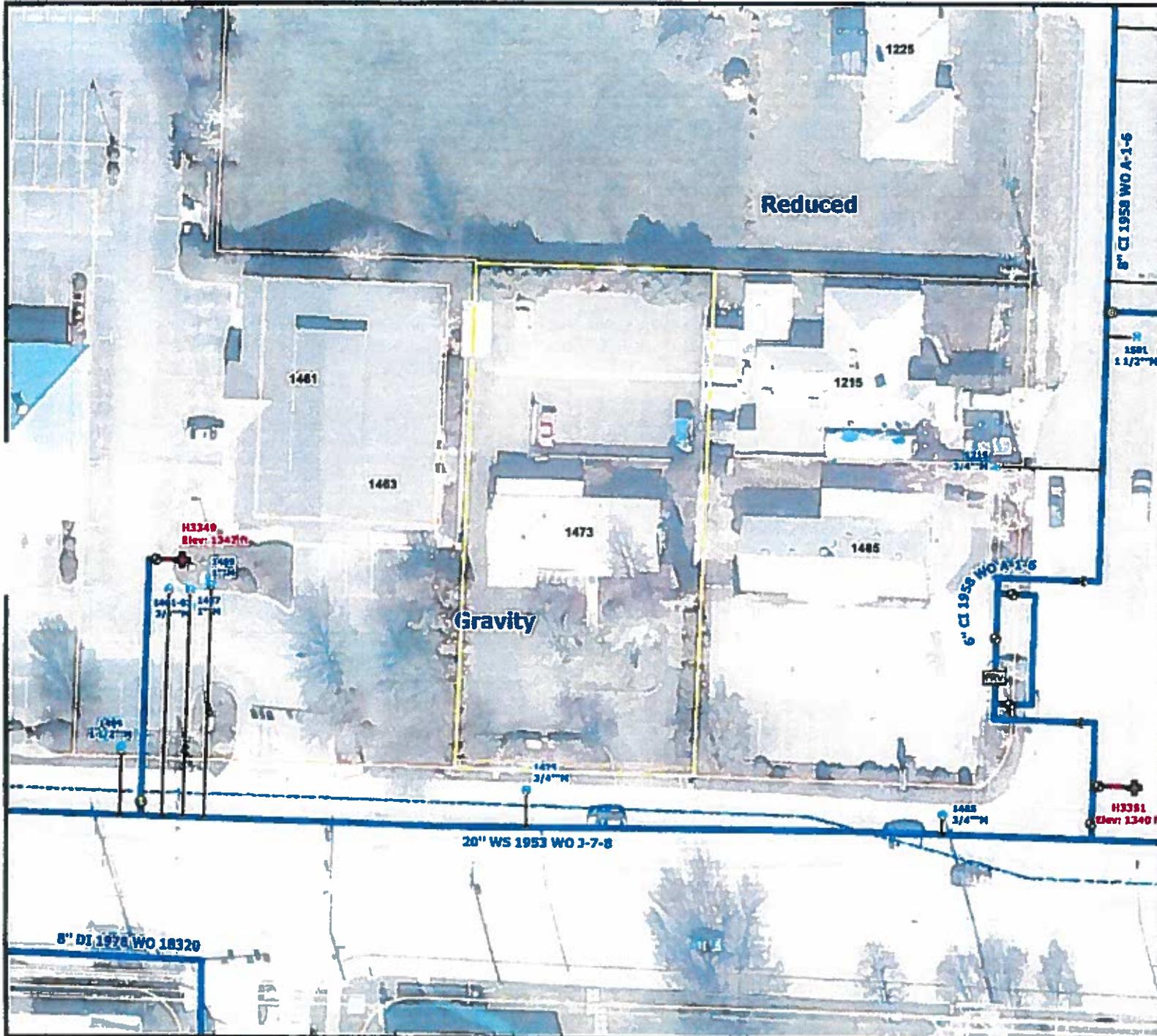
CONDITIONS

1. No Conditions

COMMENTS

1. There are no existing public water facilities in the location of the proposed Electronic Message sign.

CITY OF MEDFORD
EXHIBIT # 6
File # CUP-16-124
Page 1 of 1



**Water Facility Map
for
CUP-16-124**

Legend

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



Map prepared by Metropolitan Water Commission. All rights reserved. No part of this map may be reproduced without the written consent of the Metropolitan Water Commission.



Medford Fire Department

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

LAND DEVELOPMENT REPORT - PLANNING

To: Dustin Severs

LD Meeting Date: 11/16/2016

From: Fire Marshal Kleinberg

Report Prepared: 11/14/2016

File #: CUP - 16 - 124

Site Name/Description: West Orthodontics

Consideration of an electronic message sign to be located within 150 feet of a residential zone as part of West Orthodontics, a new dental office building currently being constructed at 1475 E. McAndrews Road in the Service/Professional (C-S/P) zoning district (371W19BA2500); West Orthodontics, Applicant, (Designer Signs, Agent), Dustin Severs, Planner.

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

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

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

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

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

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

CITY OF MEDFORD
EXHIBIT # 4
File # CUP-16-124



City of Medford Planning Department

Vicinity
Map

File Number:
CUP-16-124



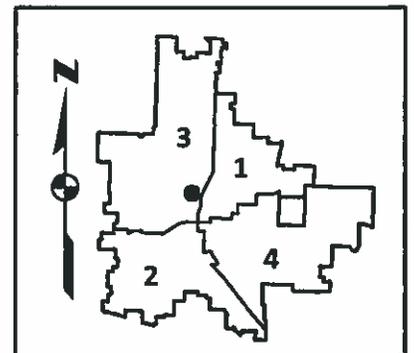
Project Name:
**West Orthodontics
Electronic Message Sign**

Map/Taxlot:
371W19BA TL 2500

0 50 100
Feet

Legend

-  Subject Area
-  Medford Zoning
-  Tax Lots
-  Streets



10/17/2016