

PLANNING COMMISSION

AGENDA

JUNE 8, 2017



Commission Members

David Culbertson
Joe Foley
Bill Mansfield
David McFadden
Mark McKechnie
E. J. McManus
Patrick Miranda
Alex Poythress
Jared Pulver

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

City of Medford

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



Agenda

REVISED

Public Hearing

June 8, 2017

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 **LDS-15-012** Consideration of request for a one-year time extension of the approval of 10th Fairway Office Park Subdivision, a 7-lot commercial subdivision on two parcels totaling 3.79 acres located on the south side of North Phoenix Road, approximately 370 feet south of Hillcrest Road, within the SFR-4 (Single Family Residential – 4 dwelling units per gross acre) and C-S/P (Service Commercial and Professional Office) zoning districts, and the PD (Planned Development) overlay. (Michael Mahar, Applicant; CSA Planning Ltd., Agent)
30. Minutes
- 30.1 Consideration for approval of minutes from the May 25, 2017, hearing.
40. Oral and Written Requests and Communications
Comments will be limited to 3 minutes per individual or 5 minutes if representing an organization. **PLEASE SIGN IN.**
50. Public Hearings
Comments are limited to a total of 10 minutes for applicants and/or their representatives. You may request a 5-minute rebuttal time. All others will be limited to 3 minutes per individual or 5 minutes if representing a group or organization. **PLEASE SIGN IN.**
- Continuance Request**
- 50.1 **ZC-17-041** Consideration of a zone change from SFR-6 (Single Family Residential – 6 dwelling units per gross acre) to MFR-20 (Multi-Family Residential – 20 dwelling units per gross acre) on 0.22 acres located on the southwest corner of Howard Avenue and Bayberry Drive (372W13CB5900). (James Mendolia, Applicant; Milan Hanson, Agent). **The applicant has requested that the item be continued to September 28, 2017, Planning Commission meeting.**
- 50.2 **PUD-17-023** Consideration of a Preliminary PUD Plan for Coker Butte Business Park, a proposed development consisting of office and light industrial uses to be located on a 14.5-acre site composed of five contiguous lots bounded generally by Crater Lake Highway 62, Coker Butte Road, and Crater Lake Avenue, within the Light Industrial (I-L) zoning district. (Coker Butte LLC & Table Rock LLC, Applicant; CSA Planning Ltd./Craig Stone, Agent). **The applicant has requested that the item be continued to the July 13, 2017, Planning Commission meeting.**

- 60. Reports**
- 60.1 Site Plan and Architectural Commission
- 60.2 Joint Transportation Subcommittee
- 60.3 Planning Department
- 70. Messages and Papers from the Chair**
- 80. Remarks from the City Attorney**
- 90. Propositions and Remarks from the Commission**
- 100. Adjournment**



STAFF REPORT – EXTENSION OF TIME

Project 10th Fairway Office Park Subdivision
Applicant: Michael Mahar; Agent: CSA Planning

File no. LDS-15-012

To Planning Commission *for meeting of June 8, 2017*

From Kelly Akin, Assistant Planning Director *K.A.*

Date June 1, 2017

Request

Consideration of request for a one-year time extension of the approval of 10th Fairway Office Park Subdivision, a 7-lot commercial subdivision on two parcels totaling 3.79 acres located on the south side of North Phoenix Road, approximately 370 feet south of Hillcrest Road, within the SFR-4 (Single Family Residential – 4 dwelling units per gross acre) and C-S/P (Service Commercial and Professional Office) zoning districts, and the PD (Planned Development) overlay.

Background

The Planning Commission adopted the Final Order granting approval of the project on May 28, 2015. The applicant is requesting an extension of time as allowed under Medford Land Development Code (MLDC) Section 10.269.

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 site 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 May 28, 2018, for LDS-15-012 per the Staff Report dated June 1, 2017.

Exhibits

- A Letter requesting extension received May 24, 2017
- B Approved site plan
Vicinity Map



CSA Planning, Ltd
4497 Brownridge, Suite 101
Medford, OR 97504

Telephone 541.779.0569
Fax 541.779.0114

www.cseplanning.net

Jay@cseplanning.net

RECEIVED

MAY 24 2017

PLANNING DEPT.

May 23, 2017

Ms. Kelly Akin
Asst. Planning Director-City of Medford
City Hall - Lausmann Annex, Room 240
200 South Ivy Street
Medford, OR 97501

**RE: Extension of Time Request- File LDS-15-012
Tentative Plat for the 10th Fairway Office Park**

On May 28, 2015 the Planning Commission approved a Tentative Plat, which will expire on May 28, 2017. The Final Plat is being prepared and will be submitted soon, however it is not yet complete.

Therefore, on behalf of Michael T. Mahar, the property owner for the above referenced project, we request a one year extension of the tentative plat approval pursuant to Section 10.269(1) of the city of Medford Land Development Code.

Very Truly Yours,

CSA Planning, Ltd.

Jay Harland
Principal

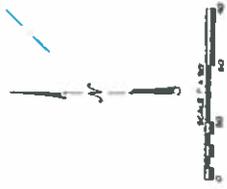
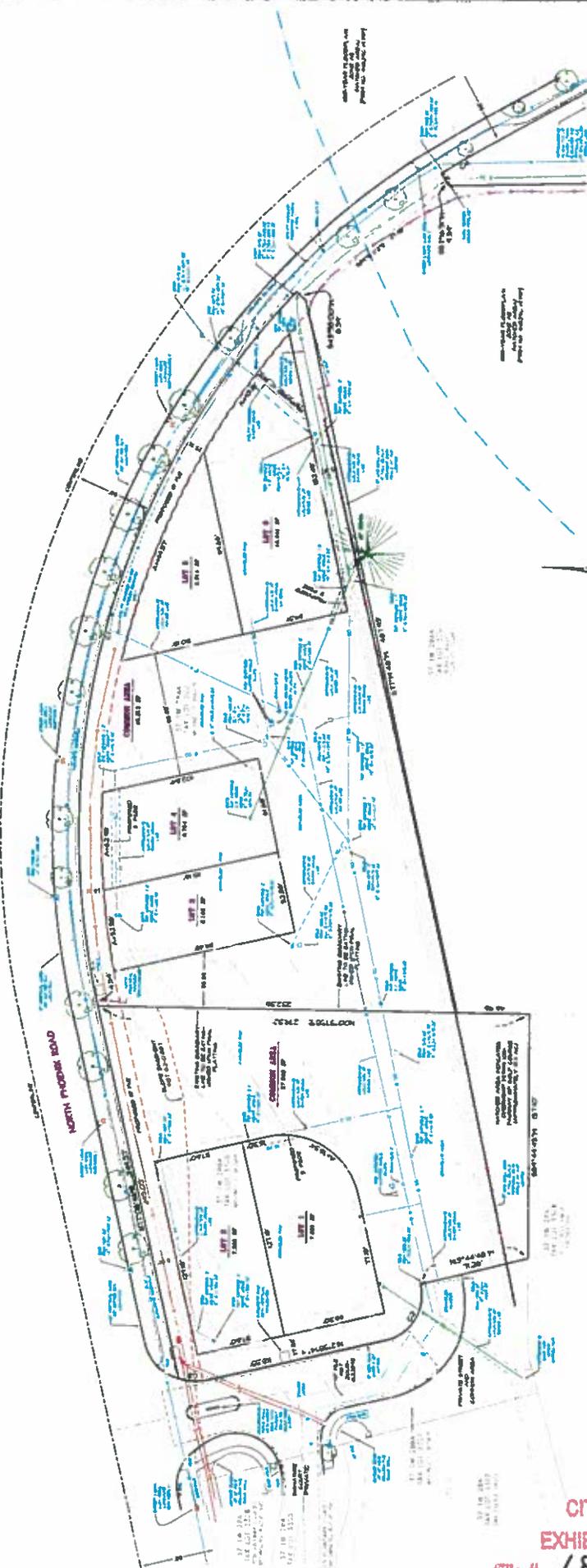
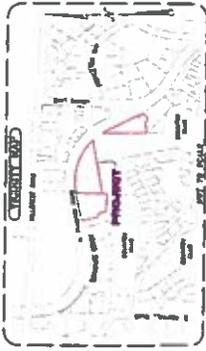
cc. File

CITY OF MEDFORD
EXHIBIT # A
File # LDS-15-012
EXTENSION OF TIME

**TENTATIVE PLAT
10th FAIRWAY OFFICE PARK, PUD**

Prepared for: **Northstar Outcomes, Inc.**
 318 State St., Suite 202
 P.O. Box 1288
 Medford, Oregon 97504
 Phone: (541) 752-2889
 Fax: (541) 752-1288

PREPARED FOR:
 STEVE HARBAY ARCHITECTS
 210 Lake Street
 Medford, Oregon 97504



PLEASE DO NOT COPY OR REPRODUCE

APPROVED LAND USE DESIGNATION
OFFICE
OR
OFFICE BUILDING
 Medford, Oregon 97504

PREPARED BY:
Northstar Outcomes, Inc.
 318 State St., Suite 202
 P.O. Box 1288
 Medford, Oregon 97504
 Phone: (541) 752-2889
 Fax: (541) 752-1288

DATE: December 18, 2014 **PROJECT NUMBER:** 10000
 Sheet 1 of 2

CURVE TABLE

STATION	CHORD BEARING	CHORD LENGTH	ARC LENGTH	ANGLE
1+00.00	S 89° 59' 54" W	100.00	100.00	90.00
1+10.00	S 89° 59' 54" W	100.00	100.00	90.00
1+20.00	S 89° 59' 54" W	100.00	100.00	90.00
1+30.00	S 89° 59' 54" W	100.00	100.00	90.00
1+40.00	S 89° 59' 54" W	100.00	100.00	90.00
1+50.00	S 89° 59' 54" W	100.00	100.00	90.00
1+60.00	S 89° 59' 54" W	100.00	100.00	90.00
1+70.00	S 89° 59' 54" W	100.00	100.00	90.00
1+80.00	S 89° 59' 54" W	100.00	100.00	90.00
1+90.00	S 89° 59' 54" W	100.00	100.00	90.00
2+00.00	S 89° 59' 54" W	100.00	100.00	90.00
2+10.00	S 89° 59' 54" W	100.00	100.00	90.00
2+20.00	S 89° 59' 54" W	100.00	100.00	90.00
2+30.00	S 89° 59' 54" W	100.00	100.00	90.00
2+40.00	S 89° 59' 54" W	100.00	100.00	90.00
2+50.00	S 89° 59' 54" W	100.00	100.00	90.00
2+60.00	S 89° 59' 54" W	100.00	100.00	90.00
2+70.00	S 89° 59' 54" W	100.00	100.00	90.00
2+80.00	S 89° 59' 54" W	100.00	100.00	90.00
2+90.00	S 89° 59' 54" W	100.00	100.00	90.00
3+00.00	S 89° 59' 54" W	100.00	100.00	90.00
3+10.00	S 89° 59' 54" W	100.00	100.00	90.00
3+20.00	S 89° 59' 54" W	100.00	100.00	90.00
3+30.00	S 89° 59' 54" W	100.00	100.00	90.00
3+40.00	S 89° 59' 54" W	100.00	100.00	90.00
3+50.00	S 89° 59' 54" W	100.00	100.00	90.00
3+60.00	S 89° 59' 54" W	100.00	100.00	90.00
3+70.00	S 89° 59' 54" W	100.00	100.00	90.00
3+80.00	S 89° 59' 54" W	100.00	100.00	90.00
3+90.00	S 89° 59' 54" W	100.00	100.00	90.00
4+00.00	S 89° 59' 54" W	100.00	100.00	90.00
4+10.00	S 89° 59' 54" W	100.00	100.00	90.00
4+20.00	S 89° 59' 54" W	100.00	100.00	90.00
4+30.00	S 89° 59' 54" W	100.00	100.00	90.00
4+40.00	S 89° 59' 54" W	100.00	100.00	90.00
4+50.00	S 89° 59' 54" W	100.00	100.00	90.00
4+60.00	S 89° 59' 54" W	100.00	100.00	90.00
4+70.00	S 89° 59' 54" W	100.00	100.00	90.00
4+80.00	S 89° 59' 54" W	100.00	100.00	90.00
4+90.00	S 89° 59' 54" W	100.00	100.00	90.00
5+00.00	S 89° 59' 54" W	100.00	100.00	90.00
5+10.00	S 89° 59' 54" W	100.00	100.00	90.00
5+20.00	S 89° 59' 54" W	100.00	100.00	90.00
5+30.00	S 89° 59' 54" W	100.00	100.00	90.00
5+40.00	S 89° 59' 54" W	100.00	100.00	90.00
5+50.00	S 89° 59' 54" W	100.00	100.00	90.00
5+60.00	S 89° 59' 54" W	100.00	100.00	90.00
5+70.00	S 89° 59' 54" W	100.00	100.00	90.00
5+80.00	S 89° 59' 54" W	100.00	100.00	90.00
5+90.00	S 89° 59' 54" W	100.00	100.00	90.00

CITY OF MEDFORD
EXHIBIT # B 10/2
File # US-15-012
EXTENSION OF TIME

**TENTATIVE PLAT
10th FAIRWAY OFFICE PARK, FUD**

Submitted to the Planning Commission for review and approval of the proposed subdivision of the 10th Fairway Office Park, FUD, located in the City of Medford, Oregon, as shown on the attached plat.

PREPARED FOR:
MTR FAIRWAY OFFICE PARK
10th Fairway Office Park
Medford, Oregon 97504

SURVEY REFERENCE NOTES:

1. Surveyed by James H. ...
2. Surveyed by James H. ...
3. Surveyed by James H. ...
4. Surveyed by James H. ...
5. Surveyed by James H. ...
6. Surveyed by James H. ...
7. Surveyed by James H. ...
8. Surveyed by James H. ...
9. Surveyed by James H. ...
10. Surveyed by James H. ...

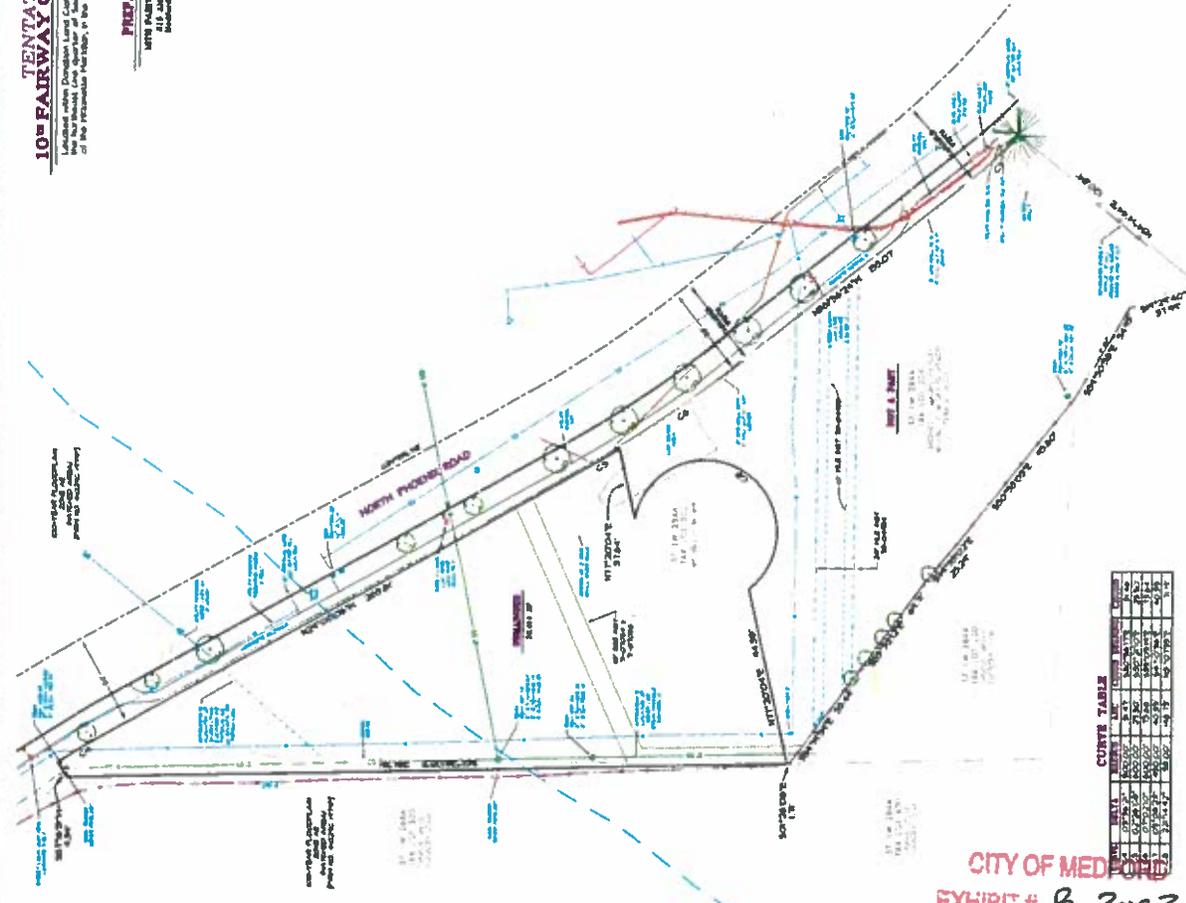
All bearings and distances were measured by the ...
The bearings were measured with a ...
The distances were measured with a ...

GENERAL SURVEY NOTES:

The property and/or survey were depicted herein, as shown on ...
The survey was conducted in accordance with the ...
The bearings were measured with a ...

PROJECT INFORMATION:

PROJECT DISTRICT: MEDFORD
PROJECT AREA: 10th FAIRWAY
PROJECT AREA NUMBER: 10th FAIRWAY



CURVE TABLE

STATION	CHORD BEARING	CHORD DISTANCE	ARC DISTANCE	CHORD BEARING	CHORD DISTANCE	ARC DISTANCE
1+00.00	S 89° 59' 54" W	100.00	100.00	S 89° 59' 54" W	100.00	100.00
1+100.00	S 89° 59' 54" W	100.00	100.00	S 89° 59' 54" W	100.00	100.00
1+200.00	S 89° 59' 54" W	100.00	100.00	S 89° 59' 54" W	100.00	100.00
1+300.00	S 89° 59' 54" W	100.00	100.00	S 89° 59' 54" W	100.00	100.00
1+400.00	S 89° 59' 54" W	100.00	100.00	S 89° 59' 54" W	100.00	100.00
1+500.00	S 89° 59' 54" W	100.00	100.00	S 89° 59' 54" W	100.00	100.00
1+600.00	S 89° 59' 54" W	100.00	100.00	S 89° 59' 54" W	100.00	100.00
1+700.00	S 89° 59' 54" W	100.00	100.00	S 89° 59' 54" W	100.00	100.00
1+800.00	S 89° 59' 54" W	100.00	100.00	S 89° 59' 54" W	100.00	100.00
1+900.00	S 89° 59' 54" W	100.00	100.00	S 89° 59' 54" W	100.00	100.00
2+000.00	S 89° 59' 54" W	100.00	100.00	S 89° 59' 54" W	100.00	100.00

CITY OF MEDFORD
EXHIBIT # B 2x2
File # L05-15-012
EXTENSION OF TIME

- LEGEND:**
- 1. Includes a 10' wide easement for utility lines.
 - 2. Includes an existing utility easement.
 - 3. Includes an existing utility easement.
 - 4. Includes an existing utility easement.
 - 5. Includes an existing utility easement.
 - 6. Includes an existing utility easement.
 - 7. Includes an existing utility easement.
 - 8. Includes an existing utility easement.
 - 9. Includes an existing utility easement.
 - 10. Includes an existing utility easement.
- ABBREVIATIONS:**
- 1. Includes a 10' wide easement for utility lines.
 - 2. Includes an existing utility easement.
 - 3. Includes an existing utility easement.
 - 4. Includes an existing utility easement.
 - 5. Includes an existing utility easement.
 - 6. Includes an existing utility easement.
 - 7. Includes an existing utility easement.
 - 8. Includes an existing utility easement.
 - 9. Includes an existing utility easement.
 - 10. Includes an existing utility easement.

PREPARED BY:
Northamer Surveying, Inc.
1000 State St., Suite 203
Medford, Oregon 97501
Phone: (541) 752-2888
Fax: (541) 752-1382

DATE: November 18, 2011
PROJECT NUMBER: 1000
Sheet 2 of 2

APPROVED:
CITY OF MEDFORD
PLANNING COMMISSION
DATE: 11/18/11

Application Name/Description:
**10th Fairway Office
 Park PUD**

Proposal:
**Revisions to PUD and
 7 lot subdivision**

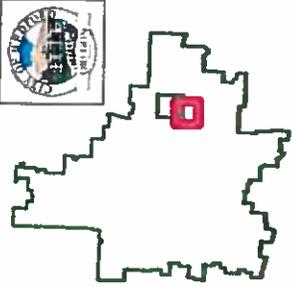
File Numbers:
PUD-15-011 & LDS-15-012

Applicant:
Michael T. Mahar

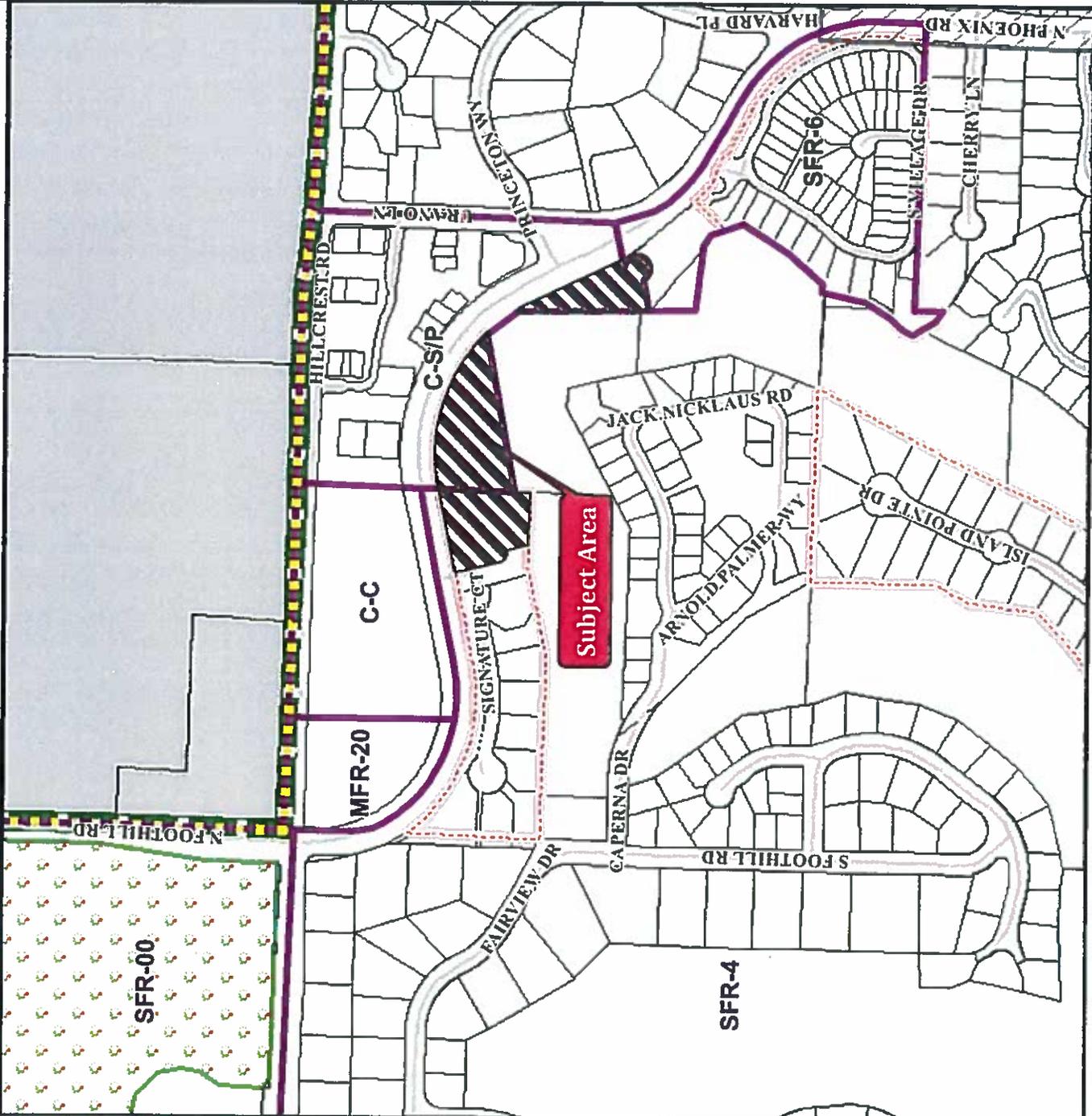
Map/Taxlot:
**371W28A TL 3306
 371W28AA TL 202**

	Subject Area
	Medford Zoning
	UGB
	Tax Lots
	City Limits
	PUD

Area of Map



02/27/2015





Planning Commission

Minutes

From Public Hearing on May 25, 2017

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

Commissioners Present

Patrick Miranda, Chair
David McFadden, Vice Chair
David Culbertson
Joe Foley
Bill Mansfield
Mark McKechnie
E.J. McManus
Alex Poythress
Jared Pulver

Staff Present

Kelly Akin, Assistant Planning Director
Kevin McConnell, Deputy City Attorney
Alex Georgevitch, City Engineer
Liz Conner, Planner II

10. Roll Call

20. Consent Calendar/Written Communications.

20.1 LDS-16-152 Final Order for Lilybrook, a 14 lot residential subdivision on a 1.64 acre parcel located on the northeast corner of Agate Street and Hart Avenue within the SFR-10 (Single-Family Residential, 10 dwelling units per gross acre) zoning district. (Clyde Akins, Applicant; CSA Planning Ltd./Mike Savage, Agent)

Motion: Adopt the consent calendar as submitted.

Moved by: Vice Chair McFadden

Seconded by: Commissioner McKechnie

Voice Vote: Motion passed, 9-0.

30. Minutes

30.1. The minutes for May 11, 2017, were approved as submitted.

40. Oral and Written Requests and Communications. None.

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

50. Public Hearings – New Business

50.1 ZC-17-041 Consideration of a zone change from SFR-6 (Single Family Residential – 6 dwelling units per gross acre) to MFR-20 (Multi-Family Residential – 20 dwelling units per

gross acre) on 0.22 acres located on the southwest corner of Howard Avenue and Bayberry Drive (372W13CB5900). (James Mendolia, Applicant; Milan Hanson, Agent)

Chair Miranda inquired whether any Commissioners have a conflict of interest or ex-parte communication they would like to disclose. Vice Chair McFadden disclosed that he has known the applicant, Mr. Mendolia, for a number of years. He does not believe it will affect his decision in this regard. Commissioner Poythress disclosed that he lives a few blocks away from the project and commutes by it twice a day. He does not believe that will affect his judgment.

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

Liz Conner, Planner II, reported that the zone change approval criteria are found in the Medford Land Development Code Section 10.227. The applicable criteria was included in the staff report, property owner notices and hard copies are available at the entrance of Council Chambers for those in attendance. Ms. Conner gave a staff report.

Commissioner Pulver asked, is there a downstream sanitary sewer facilities project in the near future? Alex Georgevitch, City Engineer, reported that currently Public Works is working on their Sanitary Sewer Masterplan. That plan will give their next twenty years of projects, priorities and funding capacity. It is premature on knowing where any constraints, if any, will exist in the project area. Mr. Georgevitch emphasized "if any". Their previous Sanitary Sewer Masterplan is what they are currently relying on. As they are moving forward with the current plan they are seeing different results. He is not familiar with the subject area but there may be no capacity restraints or they could be low or high priority. That will be determined around September 2017.

Commissioner McKechnie asked, does the SFR-6 zoning district allow a duplex? Ms. Conner stated that duplexes are permitted on a corner lot. She did a density calculation for the property and it allows only one unit. Commissioner McKechnie took issue on that. Is it not calculated based on the gross area? Half of the street on two sides? The lot is 100 by 100. One street is 60 feet and the other 40 feet. That is 120 by 130 calculating to 15,600 square feet divided by 43560 for the acreage totaling .358 acres times 6 equals a little over 2. Ms. Conner referenced the density calculation of Exhibit N in the agenda packet. Ms. Conner also referenced Medford Land Development Code Section 10.708 (A)(1) "Dwelling Unit (DU). The number of dwelling units permitted. Minimum density is rounded to the nearest whole number (up for numbers 0.5 and greater, and down for numbers less than 0.5)..." Commissioner McKechnie stated so it looks like 2 would work. Ms. Connor replied that the minimum staff calculated is 1.31 based on .33 acres. Commissioner McKechnie stated that by the same token if the applicant goes to MFR-20 he has to put at least five units on the site. Ms. Conner replied that is correct.

Commissioner McKechnie stated that he could not put a duplex. He has to figure how to do five units. Ms. Connor agreed.

The Public Hearing was opened.

a. Milan Hanson, 800 West 8th Street, Medford, Oregon, 97501. Mr. Hanson reported that he had nothing to add to Ms. Connor's staff report. They would like to file restrictions and covenants that the property could not be developed until the City's capacity issues are corrected.

Commissioner McKechnie asked Mr. Hanson if he could enlighten the Planning Commission why the applicant feels he needs an MFR-20 zone opposed to the current SFR-6 zone. Mr. Hanson reported that the land is largely undeveloped. Currently, there is a mobile home, where the owner of the property is residing. Surrounding properties are zoned MFR-20. This is just one tiny corner in the block that is zoned SFR-6. It seems appropriate. There are large developments around the property. The plans were to build the maximum of five units on the property. Those plans have changed. Mr. Hanson advised the owner to continue with the zone change on the theory that with the zone change and restrictions it might increase the market value of the property by at least \$1000 or so. They are looking into selling the property and find a piece of property that is ready to develop to MFR-20 or MFR-30.

The Public Hearing was closed.

Motion: The Planning Commission adopts the findings as recommended by staff and directs staff to prepare a Final Order for approval of ZC-17-041 per the staff report dated May 18, 2017, including Exhibits A through O.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Poythress

Commissioner McKechnie is troubled by a number of items. He does not like doing things on the fly at the dais. They are in a better position to say yes or no to something presented rather than refashion a project. He is troubled by rezoning on a lot by lot basis. If this were his project and came it at 1.9 he would apply for a variance to get to 2 rather than going to 5. There is a sewer problem on the site that will limit it to one for the foreseeable future. He is not in favor of the motion.

Commissioner Pulver stated that if the applicant gets the zoning it may be difficult to put five units on the site. The calculation of building a duplex with the current zoning is shy of 2. Is a variance an appropriate and allowable mechanism to do something different than the calculation; whether they cannot build the minimum or build more than the maximum? Kelly Akin, Assistant Planning Director, reported that there are several things staff has done in the past to address situations like this where this is small properties on

a corner or have a lot of right-of-way that boost the density. One was added relief for properties less than an acre reducing the minimum by a unit. In theory that would get this project down to four. Something else staff has toyed with changing the way they round. One can round conventionally on top just as the bottom when doing the density range. In this case at 1.98 it would round to 2.

The Public Hearing was reopened.

Vice Chair McFadden asked Mr. Hanson, after hearing the discussion, does it have any effect on his client's decision to proceed with this particular zone change? If a variance or other things could happen that would be easier to develop this property. Mr. Hanson replied, absolutely.

The Planning Commission took a five minute recess at 5:57 p.m. They reconvened at 6:01 p.m.

Mr. Hanson requested a continuance.

Motion: The Planning Commission continued ZC-17-041 to the June 8, 2017, Planning Commission meeting.

Moved by: Commissioner Mansfield

Seconded by: Vice Chair McFadden

Roll Call Vote: Motion passed, 9-0.

60. Reports

60.1 Site Plan and Architectural Commission.

Commissioner Culbertson reported that the Site Plan and Architectural Commission met on Friday, May 19, 2017. They considered plans for the construction of a 32,000 square foot three story residential care facility to be located at 2180 Poplar Drive. They also heard a proposal to construct Newbridge Place, a 64-unit multi-family complex on approximately 3.44 acres located on the west side of N. Ross Lane, approximately 430 feet south of W. McAndrews Road. Both applications were approved.

60.2 Report of the Joint Transportation Subcommittee.

Commissioner Pulver, reported that the Joint Transportation Subcommittee met on Wednesday, May 24, 2017. The Transportation System Plan is with the consultants. A contract with them has been signed.

There were reports from RVT, BPAC and Public Works.

Lozier Lane work is continuing.

Signals will soon be changed on Oakdale, 8th and Main.

The Joint Transportation Subcommittee finally has a full amount of members.

Chair Miranda stated that there are supposed to be three Planning Commissioners on the Joint Transportation Subcommittee. Commissioner Pulver and Chair Miranda are currently on the Subcommittee. If any Commissioner is interested please let staff and the Commission know. Presently, they meet quarterly on the 4th Wednesday of the month from 3:30 p.m. to 5:00 p.m.

60.3 Planning Department

Kelly Akin, Assistant Planning Director, reported that staff was going to request that the Urban Growth Boundary hearing at the Jackson County Board of Commissioners be continued. The Jackson County Board of Commissioners did not think that was a good idea because they knew they would have people testifying. They took approximately ten to fifteen testimonials last week. They continued the item until Wednesday, June 21, 2017.

The Planning Commission's next study session is scheduled for Monday, June 12, 2017. There is no business at this time but staff will keep the Commissioners informed.

There is business scheduled for the Planning Commission on Thursday, June 8, 2017, and Thursday, June 22, 2017, Thursday, July 13 and Thursday, July 27, 2017.

Last week the City Council approved marijuana production in the heavy commercial zoning district.

Next week City Council will hear a street vacation on the south side of Garfield across from Rogue Federal Credit Union.

Saturday, June 3, 2017, Rogue Retreat will be starting work on Hope Village at Columbus and McAndrews from 9:00 a.m. to 3:00 p.m. They are looking for volunteers.

70. Messages and Papers from the Chair. None.

80. Remarks from the City Attorney. None.

90. Propositions and Remarks from the Commission. None.

100. Adjournment

The meeting was adjourned at 6:11 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: June 8, 2017



STAFF REPORT – CONTINUANCE REQUEST

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

Project James Mendolia Zone Change
Applicant: James Mendolia; Agent: Milan Hanson

File no. ZC-17-041

To Planning Commission *for June 8, 2017 hearing*

From Kelly Akin, Assistant Planning Director

Date June 1, 2017

BACKGROUND

Proposal

Consideration of a zone change from SFR-6 (Single Family Residential – 6 dwelling units per gross acre) to MFR-20 (Multi-Family Residential – 20 dwelling units per gross acre) on 0.22 acres located on the southwest corner of Howard Avenue and Bayberry Drive.

Request

The applicant has requested that the item be continued to September 28, 2017. The applicant wishes to obtain more data regarding downstream sewer constraints.

EXHIBITS

- A Continuanace request received May 31, 2017
Vicinity map

PLANNING COMMISSION AGENDA:

JUNE 8, 2017

Continuance Request

RECEIVED

MAY 31 2017

Planning Dept.

To: Landmarks and Historic Preservation Commission
 Planning Commission
 Site Plan and Architectural Commission

RE: Project Name: MENDOLIA ZONE CHANGE

File No(s): EC-17-041

I am the applicant authorized agent for the above referenced project. Please continue the public hearing for the above referenced file to the following date:

SEPTEMBER 28, 2017

Reason for request: Need time to review possible
sight plans

This request is made pursuant to ORS 222.178(5):

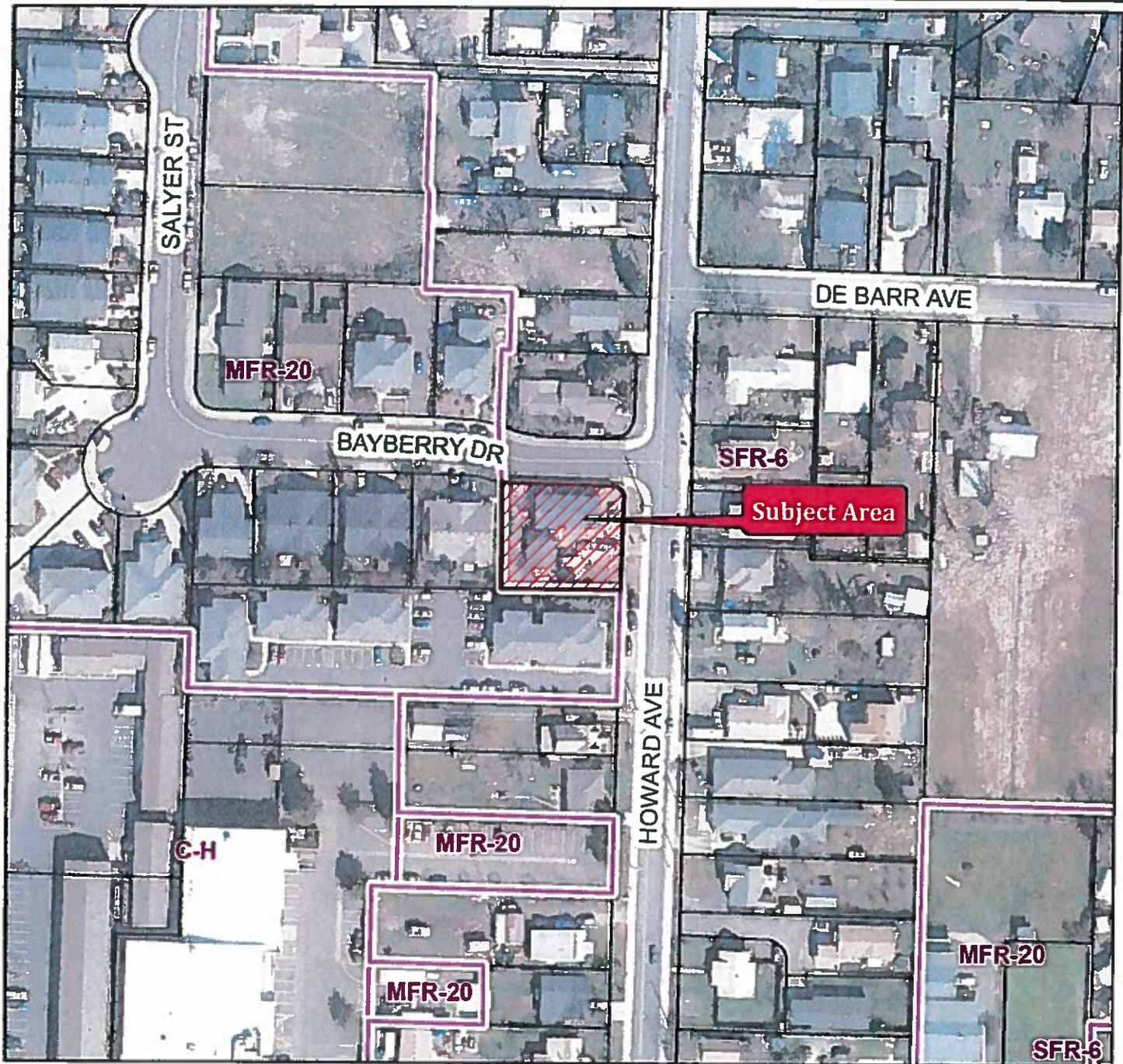
The 120-day period set in subsection (1) of this section may be extended for a specified period of time at the written request of the applicant. The total of all extensions, except as provided in subsection (11) of this section for mediation, may not exceed 245 days.

I understand that this request extends the 120-day period equal to the number of calendar days between hearings (i.e., April 10 to May 8 = 28 days).

Milan Hanson
Signature

5/31/17
Date

Milan Hanson Milan Hanson agent for James Mendolia
Print Name



Project Name:
**James Mendolia
Zone Change**

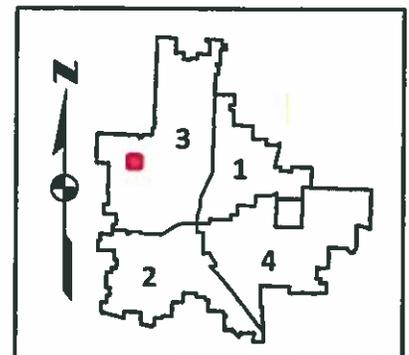
Map/Taxlot:
372W13CB TL 5900



03/30/2017

Legend

-  Subject Area
-  Medford Zoning
-  Tax Lots





STAFF REPORT

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

PROJECT Coker Butte Business Park – Preliminary PUD
 Applicant: Table Rock Holdings, LLC. / Coker Butte Properties, LLC.
 Agent: CSA Planning, Ltd.

FILE NO. PUD-17-023

TO Planning Commission *for 06/8/2017 hearing*

FROM Dustin Severs, Planner III

REVIEWER Kelly Akin, Assistant Planning Director

DATE June 1, 2017

BACKGROUND

Proposal

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

Subject Site Characteristics

Zoning I-L

GLUP CM Commercial

Overlay AC Airport Area of Concern
 RZ Restricted Zoning

Use(s) Rogue Disposal & Recycling (TL 1000, 1002, and 1100)
 Vacant (1001 and 1003)

Surrounding Site Characteristics

North Zone: Jackson County Exclusive Farm Use (EFU)
 Uses: Vacant land

South Zone: I-L

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

Applicable Criteria

Planned Unit Development, §10.235(D)

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

1. *The proposed PUD:*
 - a. *preserves an important natural feature of the land, or*
 - b. *includes a mixture of residential and commercial land uses, or*
 - c. *includes a mixture of housing types in residential areas, or*
 - d. *includes open space, common areas, or other elements intended for common use or ownership, or*
 - e. *is otherwise required by the Medford Land Development Code.*
2. *The proposed PUD complies with the applicable requirements of this Code, or*
 - a. *the proposed modified applications of the Code are necessary for the project to be consistent with the criteria in Section 10.235(C)(1)(a-e), and*
 - b. *the proposed modifications enhance the development as a whole resulting in a more creative and desirable project, and*
 - c. *the proposed modifications to the limitations, restrictions, and design standards of this Code will not materially impair the function, safety, or efficiency of the circulation system or the development as a whole.*
3. *The property is not subject to any of the following measures or if subject thereto the PUD can be approved under the standards and criteria there under:*
 - a. *Moratorium on Construction or Land Development pursuant to ORS 197.505 through 197.540, as amended.*
 - b. *Public Facilities Strategy pursuant to ORS 197.768 as amended.*
 - c. *Limited Service Area adopted as part of the Medford Comprehensive Plan.*
4. *The location, size, shape and character of all common elements in the PUD are appropriate for their intended use and function.*
5. *If the Preliminary PUD Plan includes uses not allowed in the underlying zone pursuant to Subsection 10.230(D) (8)(c), the applicant shall alternatively demonstrate that either:*

- 1) *demands for the Category "A" public facilities listed below are equivalent to or less than for one or more permitted uses listed for the underlying zone, or*
- 2) *the property can be supplied by the time of development with the following Category "A" public facilities which can be supplied in sufficient condition and capacity to support development of the proposed use:*
 - a. *Public sanitary sewerage collection and treatment facilities.*
 - b. *Public domestic water distribution and treatment facilities.*
 - c. *Storm drainage facilities.*
 - d. *Public streets.*

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

6. *If the Preliminary PUD Plan includes uses proposed under Subsection 10.230(D)(8)(c), approval of the PUD shall also be subject to compliance with the conditional use permit criteria in Section 10.248.*
7. *If approval of the PUD application includes the division of land or the approval of other concurrent development permits applications as authorized in Subsection 10.230(C), approval of the PUD shall also be subject to compliance with the substantive approval criteria in Article II for each of the additional development applications.*

Conditional Use Permit Approval Criteria, §10.248

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

- (1) *The development proposal will cause no significant adverse impact on the livability, value, or appropriate development of abutting property, or the surrounding area when compared to the impacts of permitted development that is not classified as conditional.*
- (2) *The development proposal is in the public interest, and although the development proposal may cause some adverse impacts, conditions have been imposed by the approving authority (Planning Commission) to produce a balance between the conflicting interests.*

Corporate Names

The subject property is separately owned by Coker Butte Properties LLC (TL 1000, 1002 and 1100) and Table Rock Holdings LLC (TL 1001 & 1003). The Oregon Secretary of State business registry website lists Coker Butte Properties LLC as a registered business located at 8001 Table

Rock Rd in White City, Oregon, and Richard A Stark as the registered agent; Table Rock Holdings is also listed as located at 8001 Table Rock Rd in White City, Oregon, and Eric R. Stark is listed as the registered agent.

Related Projects

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

ISSUES AND ANALYSIS

Background

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

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

The applicant's submitted narrative (exhibit H) explains that tax lots 1000, 1002 and 1100 are currently used by Rogue Disposal & Recycling for the storage and maintenance of dumpsters and other garbage receptacle equipment in connection with its business, while tax lots 1001 and 1003 are currently vacant. The applicant's narrative further explains that Rogue Disposal's uses and facilities will be relocated to a different site with the proposed development of the subject site.

Site History

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

designation of Restricted Zoning (RZ) which applied a trip cap to a portion of the property (TL 1100, 1000 and 1002) as part of the previous zone change.

Current proposal

The applicant is proposing a redevelopment of the subject site, creating a business park PUD designed to serve office and light industrial businesses along with supporting commercial businesses such as banks and restaurants contemplated for the area of the site most highly visible to Highway 62. The subject request involves only 9.54 acres of the total 14.50-acre PUD site, with the remaining 4.96 acres, encompassing tax lots 1003 and 1002, designated as Reserve Acreage for future development.

Phasing

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

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

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

GLUP/zoning consistency

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

"The Commercial designation is not incompatible with the property's I-L zoning because the industrial uses contemplated for the Business Park PUD and those permitted in an I-L zone, by nearly all measures, are similar or less intensive than the broad range of retail and service commercial uses that are permitted under the Commercial GLUP designation. This is clearly the case when intensity is measured by

traffic loading as it is well known that commercial uses on whole produce greater traffic loading than light industrial uses. The same is evidenced by the disparate average traffic loading multipliers applied by the city to land in commercial versus industrial categories where the multipliers for commercial traffic generation are several times higher."

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

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

It is staff's view, that pursuant to *Baker V Milwaukee*, the Commission has the authority to approve I-L uses to be developed on the site despite the fact that the zone is not permitted in the CM GLUP per the Comprehensive Plan, contingent on the applicant's ability to effectively demonstrate that the I-L uses proposed are of less or equal intensity of those allowed on properties located within the CM GLUP designation. While staff is in agreement with the applicant that many of the uses permitted in the I-L zone meet this test, staff is not of the view that the entire spectrum of uses permitted in the I-L do so. As such, staff recommends that as a condition of approval the applicant submit an itemized list of the I-L uses specifically proposed for the site, allowing the Commission the ability to adequately and thoroughly review the matter.

Staff spoke with the applicant's agent, Craig Stone, and Mr. Stone agreed to stipulate to the aforementioned condition; however, at the time of this writing the list has yet to be prepared and, therefore, will be submitted at a later date to be added as an exhibit and forwarded to the Commission.

Proposed Modifications of Standards

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

Vehicular Access

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

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

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

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

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

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

The strict application of the Code would preclude the applicant from being permitted to include the two additional driveways proposed for the development without the approval of an Exception; however, MLDC 10.550(3)(a)(1) grant PUDs the flexibility to deviate from the strict standards of the Code contingent on the applicant's ability to provide a sufficient basis for the

deviation in which the Planning Commission finds will not violate substantive provision of the Oregon Transportation Planning Rule.

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

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

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

Cross Access Easement

Pursuant to MLDC 10.550, Public Works requires that the applicant grant cross access easements to all parcels or tracts that do not abut a street of lower order than an Arterial or Collector Street, and to show such design features on the PUD Concept Plan in order to demonstrate that use of such accesses can be accommodated in the future (Exhibit J). The submitted PUD Concept Plan complies with the aforestated access standards with the exception of showing cross access between tax lot 1001 - located within the development - and County tax lot 902 - located outside of the development within County EFU zoned land. As a condition of approval, the applicant will be required to submit a revised PUD Concept Plan showing such connection prior to Final Plan approval.

Uses Not Otherwise Permitted in the I-L Zone

MLDC 10.230(D)(7)(C) allows that uses not permitted in the underlying zone may, nevertheless, be permitted and approved to occupy up to 20% of the gross area of the PUD. The proposed business park is intended to be developed with a collection of uses occupying the various buildings identified on the PUD plan. Though the applicant intends for the businesses within the PUD to predominately consist of uses permitted in the I-L zoning district, it is also contemplated that potential tenants might desire to place one or more commercial uses on the

property which are not permitted in the I-L zone. Accordingly, the applicant is requesting that the 20% use allowance allowed per the Code be approved for the proposed development. When calculated to the entire 14.5-acre site, 20% equals 2.90 acres.

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

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

Staff generally concurs with the applicant's conclusions as provided in the submitted narrative (Exhibit H, page 23-28) addressing the Conditional Use Permit criteria for portions of the PUD occupied by uses not permitted in the underlying zone. However, in the interest of making the request more manageable, staff has recommended to the applicant that the range of commercial uses proposed for the site be narrowed down to a single commercial zoning district. Staff spoke with the applicant's agent, Craig Stone, and Mr. Stone agreed to stipulate to restrict the proposed 20% of non-permitted uses to only uses permitted in the Community Commercial (C-C) zoning district.

Staff is supportive of the applicant's request that the 20% use allowance be allowed for the subject PUD site, contingent on the uses being restricted to those permitted in the C-C zone. While no commercial tenants have yet been identified by the applicant, the broad range of C-C uses that might occupy the buildings identified on the PUD Concept Plan will not pose the potential for significant adverse impacts to the surrounding area when compared to the impacts of permitted development that is not classified as conditional. All abutting properties currently located within the city are zoned I-L (a use classification generally more intense than those permitted in commercial zones), while tax lot 1001, abutting County EFU zoned land, will provide agricultural buffering sufficient to effectively minimize or mitigate the adverse potential impacts associated with the proximity of urban development abutting the agricultural land. Further, per MLDC 10.822, commercial businesses, including such uses as restaurants and banks, are permitted in the I-L zone as special uses (size restriction). As such, the Commission can find that the development proposal complies with criterion 1 as outlined in MLDC 10.248.

Agricultural Buffering

Three of the five tax lots proposed to be incorporated within the PUD, tax lots 1003, 1002 and 1001, share a common boundary of roughly 1,450 feet along the site's easterly and northerly property lines with land located outside of city limits within the Exclusive Farm Use (EFU) zoning District of Jackson County. Tax lot 1001 is proposed to be developed with the initial phase of the PUD, while tax lots 1003 and 1002 are proposed as Reserve Acreage to be planned and

developed in the future. The County EFU land sharing the site's easterly property line is located within the UGB and designated as Urban Residential (UR) on the City's GLUP map, and therefore, is not subject to the agricultural mitigation provisions of the Code. The County EFU land sharing the PUD's northerly lot line with tax lots 1003 and 1001 is identified as Urban Reserve (MD-2) and is currently located outside of the UGB, but proposed by the City for inclusion in the UGB, which is currently undergoing amendment. Per MLDC 10.801, land proposed for urban development which abuts and has a common lot line with other land which is zoned EFU requires agricultural buffering.

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

(1) Agricultural Classification (Intensive or Passive). For the purposes of this Section, agricultural land is hereby classified as either intensive or passive. Intensive agriculture is defined as farming which is under intensive day-to-day management, and includes fruit orchards and the intensive raising and harvesting of crops or, notwithstanding its current use, has soils of which a majority are class I through IV as determined by the NRCS, has irrigation water available and is outside of the Urban Growth Boundary. Passive agriculture is defined as farming that is not under intensive day-to-day management, and includes land used as pasture for the raising of livestock. The approving authority shall determine whether adjacent agricultural uses are intensive or passive based upon the specific circumstances of each case and the nature of agriculture which exists on the adjacent land zoned EFU or EA at the time the urban development application is filed and accepted by the City.

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

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

accommodate the additional landscaping in the event that the Commission determines that the adjacent EFU land constitutes “intensive” agriculture.

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

The submitted PUD Concept Plan shows the buildings directly along the northerly boundary of the PUD within tax lot 1001. As such, the applicant is proposing to install the requisite fencing between the breaks of the buildings, as the proposed buildings do not form a continuous barrier. The AIA states, “The combination of buildings and fencing will appropriately mitigate any potential for agricultural impacts to the subject property or from the subject property to the adjacent EFU land.” The AIA additionally states that the applicant agrees to stipulate to all other requirements for land abutting EFU land classified as Passive Agriculture, including, recordation of a Deed Declaration in accordance with 10.801(D)(3)(a), and assumption of management responsibilities to control any irrigation runoff. Additionally, the applicant stipulates to accommodate the additional landscaping in the event that the Commission determines that adjacent EFU land constitutes “intensive” agriculture; however, the AIA stipulations include the caveat that any such requirement should be automatically negated if the adjacent tax lot 902 is incorporated into the UGB prior the proposed PUD buildings being constructed.

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

Traffic Impact Analysis (TIA)

MLDC 10.461(3) requires a Traffic Impact Analysis (TIA) to be conducted to evaluate development impacts to the transportation system if a proposed application has the potential of generating more than 250 net average daily trips (ADT) or the Public Works Department has concerns due to operations or accident history. Public Works determined that a Limited Traffic Analysis was required to evaluate all existing and proposed access points and intersections of

Coker Butte Road / OR 62 and Coker Butte Road / Crater Lake Avenue (Exhibit R). A Limited Traffic Analysis was prepared by Southern Oregon Transportation Engineering (SOTE), and submitted to Public Works on February 7, 2017 (Exhibit Q).

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

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

Public Improvements

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

Committee Comments

No comments were received from committees such as BPAC.

Other Agency Comments

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

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

FINDINGS AND CONCLUSIONS

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

- In order to meet compliance with criterion 1 for the Preliminary PUD Plan pursuant to MLDC 10.235(D)(1)(d) as identified in the applicant's submitted *Findings of Fact and*

Conclusions of Law, the applicant will be required to comply with the following condition of approval prior to final plan approval:

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

- The approval of final landscaping plans and architectural plans shall be deferred to the Site Plan & Architectural Commission; therefore, stipulation 4 identified in the applicant's listed *Stipulations and Acknowledgements* as found in the submitted Findings of Fact and Conclusions of Law (Exhibit H, Part IV, page 27) is inconsistent with the substantive criteria of the Code and, thereby, denied as an agreed upon stipulation.
- In order to comply with *Baker V Milwaukee*, the Light-Industrial uses allowed to be developed on the site are limited to the those specific uses expressly approved by the Planning Commission based on their determination that said uses are of equal or less intensity to those uses allowed in commercial zoning districts permitted in the Commercial (CM) GLUP.

RECOMMENDED ACTION

Adopt the modified findings as recommended by staff and direct staff to prepare a Final Order for approval of PUD-17-023 per the staff report dated June 1, 2017, including Exhibits A through W.

EXHIBITS

- A Conditions of Approval, drafted June 1, 2017.
- B PUD Concept Plan, received February 10, 2017.
- C Accessor's Map, received February 10, 2017.
- D Landscape Plan, received February 10, 2017.
- E Aerial Map, received February 10, 2017.
- F Zoning Map, received February 10, 2017.
- G Trip Cap Map, received February 10, 2017.
- H Applicant's Findings of Fact and Conclusions of Law, received February 10, 2017.
- I Agricultural Impact Analysis report, received February 15, 2017.
- J Public Works Report, received May 31, 2017.
- K Medford Water Commission report, received May 17, 2017.
- L Medford Fire Department report, received May 17, 2017.

- M FAA email, received April 4, 2017.
- N Rogue Valley International – Medford Airport email, received March 29, 2017.
- O Jackson County Roads email, received May 9, 2017
- P RVSS email, received March 19, 2017.
- Q Limited Traffic Analysis (cover sheet/executive summary only), received February 10, 2017.
- R Public Works initial Limited Traffic Analysis review, drafted October 18, 2016.
- S Applicant response to Public Works Limited Traffic Study Submittal, drafted April 6, 2017.
- T Public Works memo approving Limited Traffic Analysis, drafted April 14, 2017.
- U ODOT application, received February 10, 2017.
- V ODOT letter to applicant, received February 10, 2017.
- W Legal description of property, received February 10, 2017.
Vicinity Map

PLANNING COMMISSION AGENDA:

JUNE 8, 2017

EXHIBIT A

Coker Butte Business Park
PUD-17-023
Conditions of Approval
June 1, 2017

DISCRETIONARY CONDITIONS

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

Prior to final plan approval, the applicant shall:

1. Submit to staff legal documentation confirming approval for the creation of a non-residential condominium by the State of Oregon Real Estate Commissioner for the subject PUD consistent with the requirements of the Oregon Condominium Act (ORS 100.660), along with a copy of the recorded declaration and plat recorded in the official records of Jackson County; or gain tentative plat approval from the Planning Commission for the establishment of a pad lot development consistent with the requirements outlined in MLDC 10.703.
2. Submit a revised site plan showing a design for a future vehicular connection between tax lots 1001 and 902 consistent with MLDC 10.550(3)(a)(3).
3. The non-permitted uses allowed to occupy up to 20% of the gross area of the PUD per MLDC 10.230(D)(7)(C) shall be limited to commercial uses permitted in the Community Commercial (C-C) zoning district as identified in MLDC 10.337.

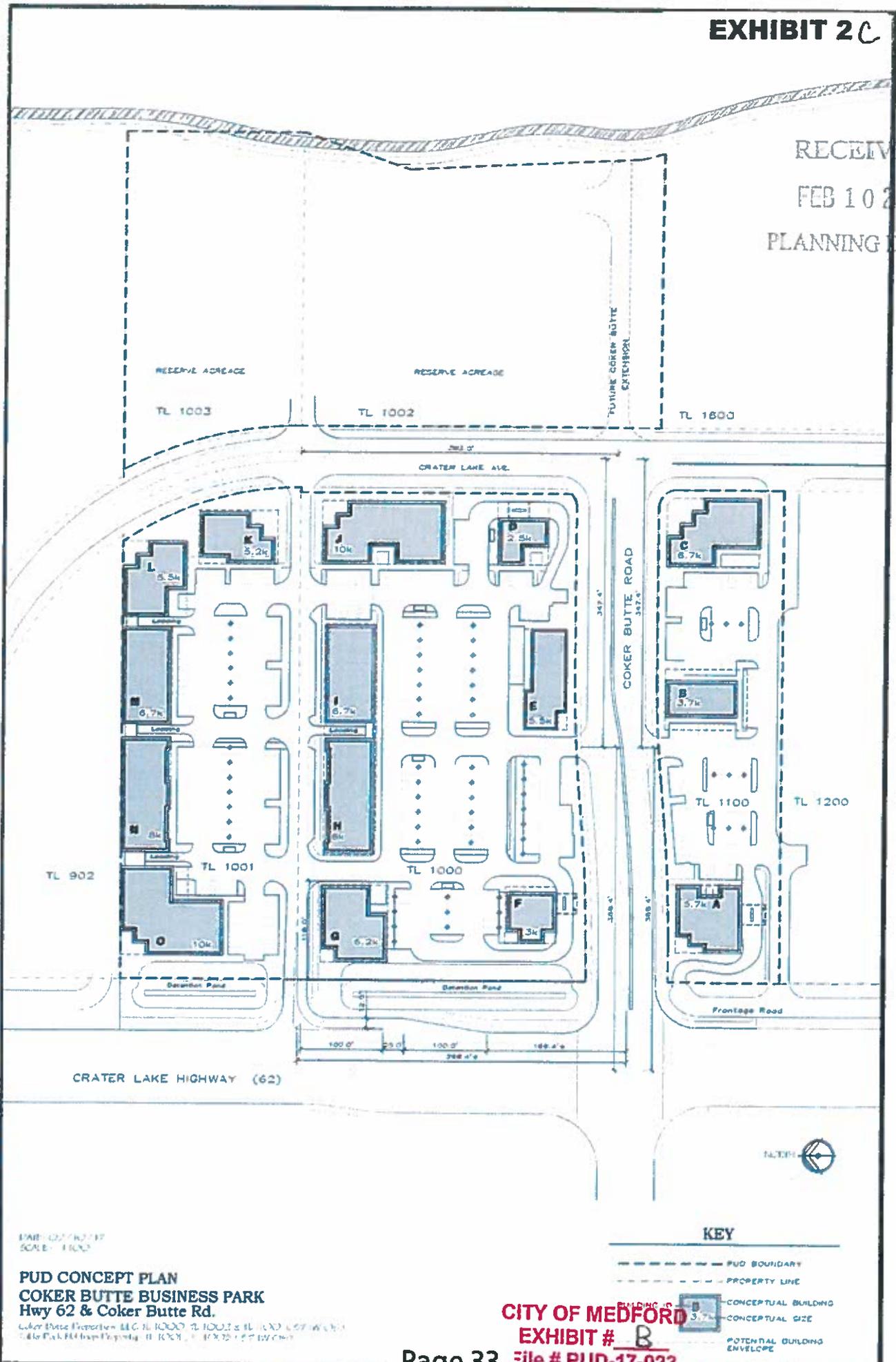
CODE REQUIRED CONDITIONS

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

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

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

RECEIVED
FEB 10 2017
PLANNING DEPT.



DATE: 02/02/17
SCALE: 1"=60'

**PUD CONCEPT PLAN
COKER BUTTE BUSINESS PARK
Hwy 62 & Coker Butte Rd.**

Other Tract Properties: M.C. TL 1000, TL 1002 & TL 1001 (SFR/WR/CR)
Salem Park, LLC (SFR/WR/CR); TL 1003, TL 1005 & TL 1006 (SFR/WR/CR)

KEY

- PUD BOUNDARY
- PROPERTY LINE
- CONCEPTUAL BUILDING
- CONCEPTUAL SIZE
- POTENTIAL BUILDING ENVELOPE

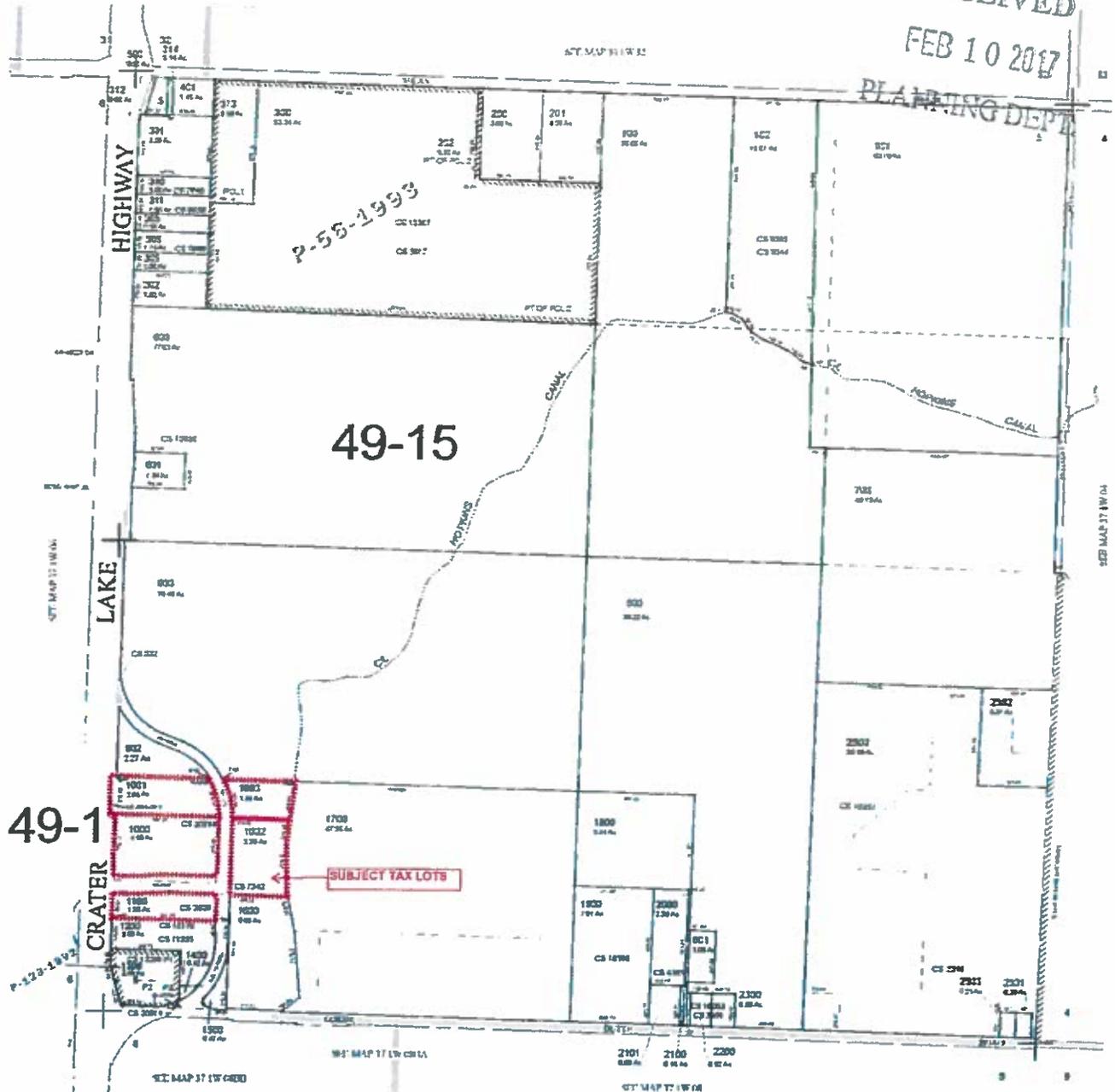
CITY OF MEDFORD
EXHIBIT # B
File # PUD-17-023

SECTION 5, T.37S., R.1W., W.M.
JACKSON COUNTY
1" = 400'

FOR ASSESSOR (AND
TAXPAYER'S REFERENCE)

RECEIVED
FEB 10 2017

PLANNING DEPT



 Subject Lots

Assessor's Map

Table Rock Holdings, LLC /
Coker Butte Properties, LLC
PUD

37S-1W-5 tax lots 1000, 1001, 1002, 1003, 1100



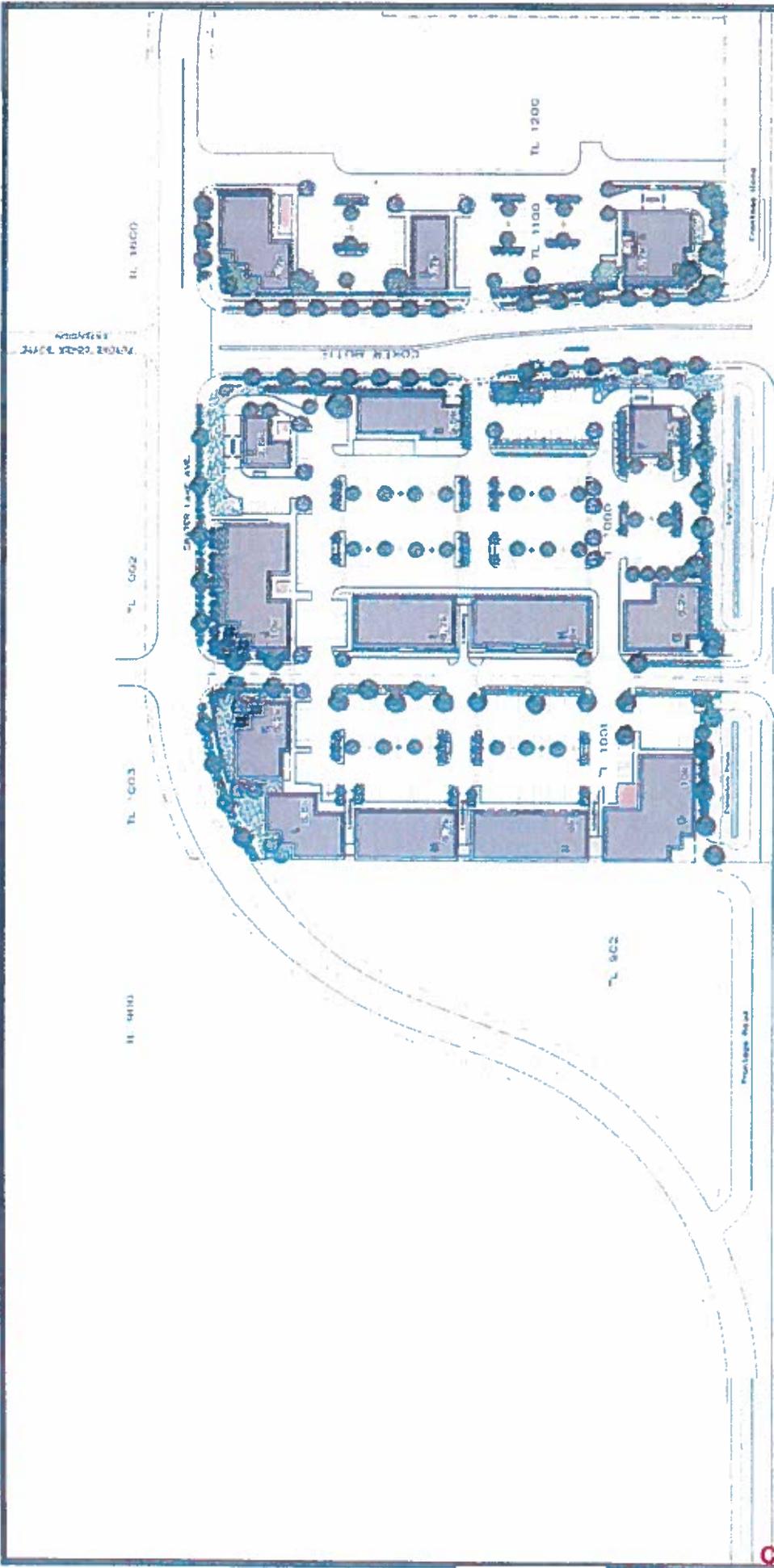
CSA Planning, Ltd.



CITY OF MEDFORD

EXHIBIT # C

File # PUD-17-023



CRATER LAKE HIGHWAY (02)

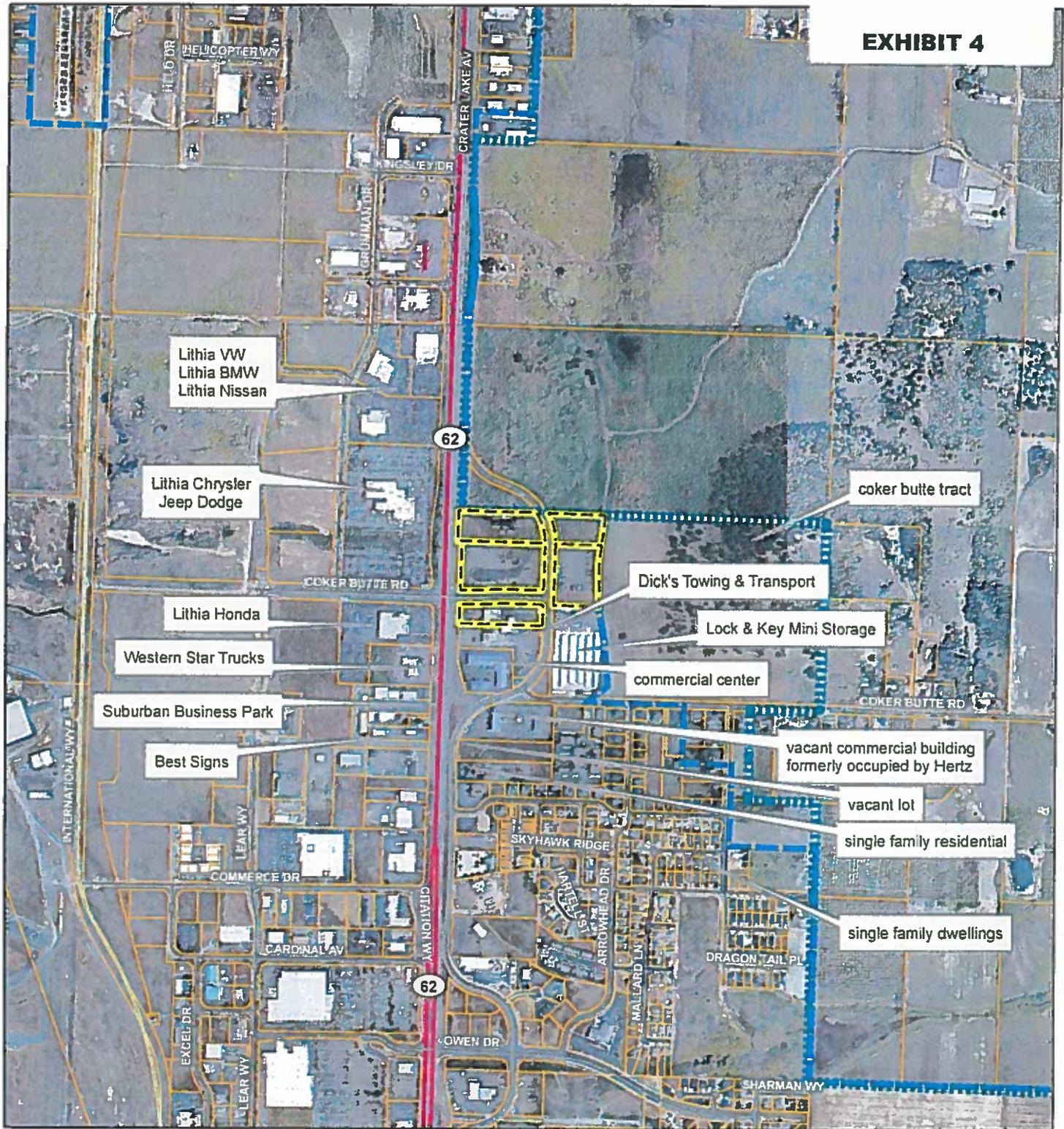
LANDSCAPE PLAN
COKER BUTTE BUSINESS PARK
Hwy 62 & Coker Butte Rd.

Coker Butte Properties, LLC 12-10000 TL 10000 S.E. 1000 E. W. 0203
 Coker Butte Properties, LLC 12-10000 TL 10000 S.E. 1000 E. W. 0203

RECEIVED
 FEB 10 2017
 PLANNING DEPT.



DATE: 12/27/17
 SCALE: 1" = 100' (AS SHOWN)



-  Subject Lots
-  City Limits
-  Urban Growth Boundary
-  Tax Lots

Vicinity Map with Existing Land Uses on Aerial

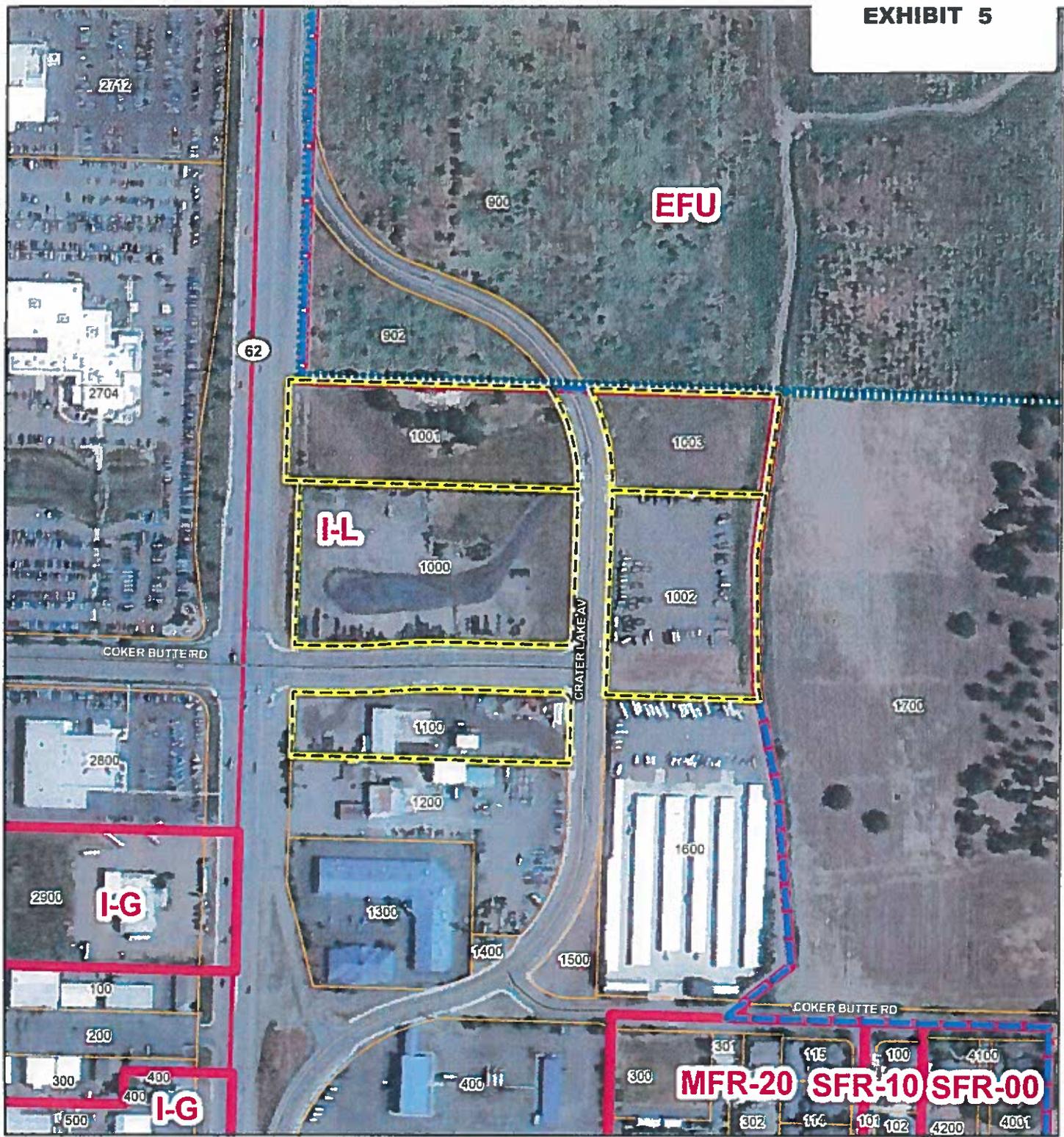
Table Rock Holdings, LLC / FEB 10 2017
 Coker Butte Properties, LLC PLANNING DEPT.
 PUD
 37S-1W-5 tax lots 1000, 1001, 1002, 1003, 1100



1,000 500 0 1,000 Feet

CSA Planning, Ltd.

CITY OF MEDFORD



2016 Aerial

-  Subject Lots
-  City Limits
-  Urban Growth Boundary
-  Medford Zoning
-  Tax Lots

RECEIVED
FEB 10 2017

PLANNING DEPT.

CITY OF MEDFORD

EXHIBIT 5

File # PUD-17-023

Zoning Map

Table Rock Holdings, LLC /
Coker Butte Properties, LLC
PUD
37S-1W-5 tax lots 1000, 1001, 1002, 1003, 1100

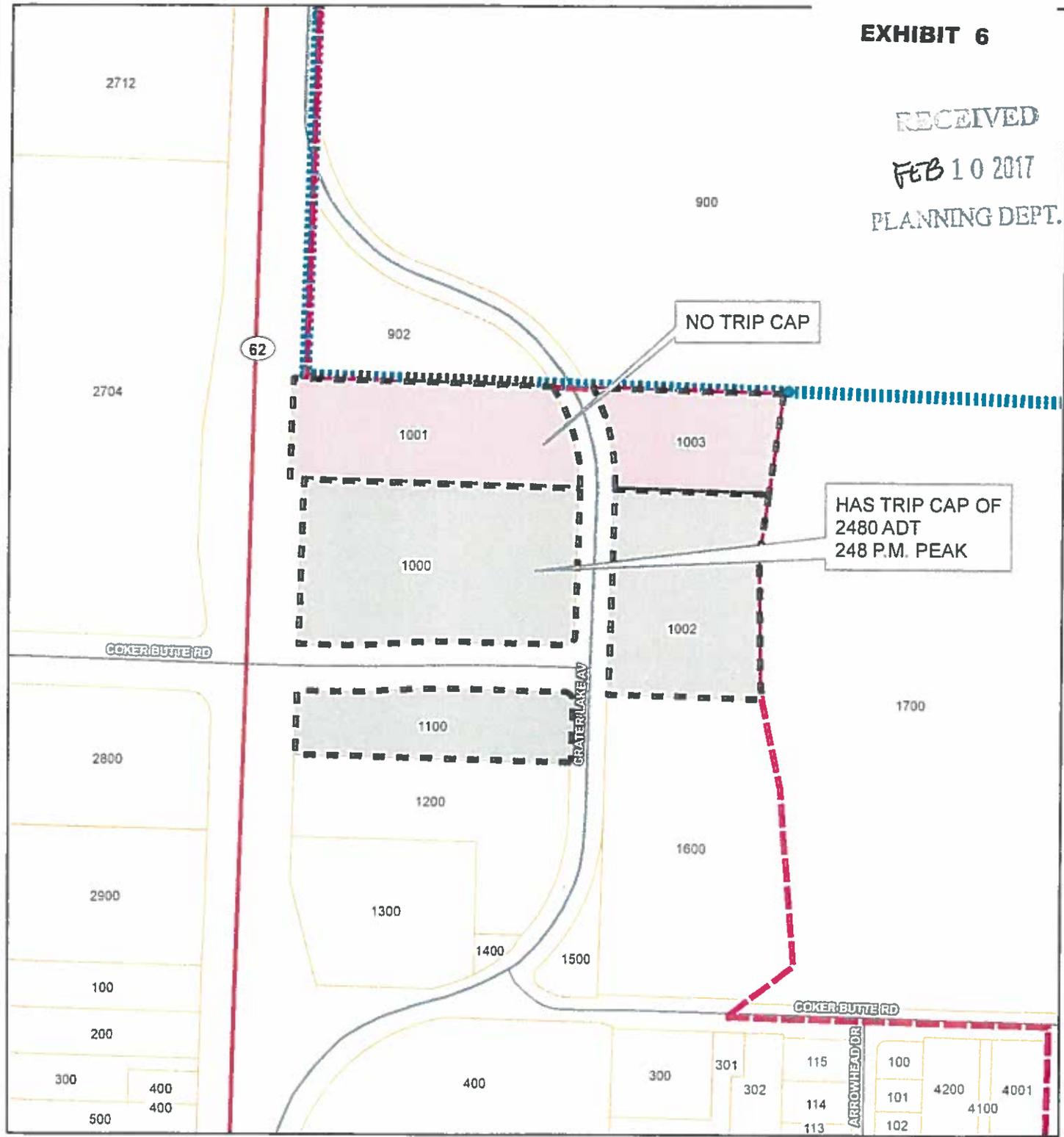
N
W
E
S

300 150 0 300 Feet

CSA Planning, Ltd.

Source: City of Medford GIS Data; Jackson County GIS

RECEIVED
FEB 10 2017
PLANNING DEPT.



-  Land Subject to an Existing Trip Cap
-  Land with No Trip Cap
-  City Limits
-  Urban Growth Boundary
-  Tax Lots

Trip Cap Map

Table Rock Holdings, LLC /
Coker Butte Properties, LLC
PUD
37S-1W-5 tax lots 1000, 1001, 1002, 1003, 1100



CSA Planning, Ltd.  300 150 0 300 Feet

CITY OF MEDFORD
EXHIBIT # 6

RECEIVED
FEB 10 2017
PLANNING DEPT.

BEFORE THE PLANNING COMMISSION
FOR THE CITY OF MEDFORD
JACKSON COUNTY, OREGON

IN THE MATTER OF AN APPLICATION)
FOR AN INDUSTRIAL PLANNED UNIT)
DEVELOPMENT ON 5 TAX LOTS)
LOCATED ON THE NORTH AND SOUTH)
SIDES OF COKER BUTTE ROAD, AND)
THE EAST AND WEST SIDES OF)
CRATER LAKE AVENUE AND)
FRONTING UPON CRATER LAKE)
HIGHWAY 62 WITHIN AND ABUTTING)
THE CORPORATE LIMITS OF THE CITY)
OF MEDFORD AND WITHIN ITS URBAN)
GROWTH BOUNDARY)

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

Applicant's Exhibit 1

Owner/Applicant:)
Coker Butte Properties, LLC and Table)
Rock Holdings, LLC)
Agent: CSA Planning, Ltd.)

NATURE AND SCOPE OF APPLICATION
PUD PROJECT RATIONALE

This matter involves a Preliminary Planned Unit Development (PUD) Plan application that seeks approval to create Business Park PUD. The Project's preliminary name is the *Coker Butte Business Park*. The Project has been planned, in its initial phases, to be held and managed by a single owner. The owners would be responsible for all aspects of the Project's management, including the maintenance of common off-street parking areas, landscaping, lighting, fencing, signing, security features and other appurtenances. The Project is ultimately intended for conversion to Unit Ownership pursuant to the Oregon Condominium Act.¹ The Project represents a significant redevelopment opportunity as this land is presently used for the outdoor storage of large garbage receptacles such as dumpsters. The property is also periodically used for parking vehicles and equipment used by Rogue Disposal & Recycling, Inc. in connection with its business. An existing building on the property is used to maintain and repair dumpsters and other equipment. The PUD envisions a redevelopment that would relocate the functions presently occurring on the property to a different location in White City, and replacing these with the improvements shown on the Preliminary PUD Plan.

¹ It could also later be partitioned into Pad Lots consistent with the MLDC, which would permit buildings to be sold but have the common facilities managed by an Association of Owners.



The PUD land is located on the east side of Crater Lake Highway 62 at its intersection with Coker Butte Road. However, the Project is unique in that it exists in three quadrants divided by arterial and collector streets (while also fronting upon Crater Lake Highway 62). The PUD property comprises 14.5 acres in five tax lots. The application is proffered by the owners of the property: Coker Butte Properties LLC and Table Rock Holdings LLC, hereinafter "Applicant."

Coker Butte Business Park is designed to serve office and light industrial enterprises operating from enclosed buildings that will offer attractive office-like storefronts served by facilities for heavier shipping and loading for several of the buildings. The Project is designed to also attract and operate alongside supporting commercial services such as banks and restaurants on the sites most highly visible from Highway 62. The same is hoped to produce an attractive project with its most attractive buildings facing the direction of highest community visibility. Views of the property from Highway 62 are through a depressed open area designed for stormwater detention that can be expanded to serve a significant portion of the property. Applicant intends to landscape its portion of the detention area in ways that are attractive but do not alter the facilities' function to temporarily detain stormwater. Applicant will coordinate its landscaping with ODOT pursuant to an agreement between Applicant and ODOT regarding Applicant's use of the detention facilities and which contains a landscaping plan already approved by ODOT See, Exhibit 10.

Through this PUD application, Applicant seeks to deliver enhanced site access that is beneficial for nearby intersection operations. Based upon expert traffic analysis, the Project accomplishes both objectives. Zoned Light Industrial (I-L) the buildings would be occupied by uses that are permissible in that zone. However, Applicant through this PUD seeks greater flexibility regarding the range of uses that can occupy the planned buildings. The PUD ordinance — Sections 10.230 through 10.245 of the Medford Land Development Code (MLDC) — permits up to 20 percent of the PUD area to be occupied by uses not otherwise allowed in the zone (in this instance, the I-L zone). Fronting upon three major streets, the property's prominent visibility underscores its greater potential and drives Applicant's desire to produce an attractive project. Applicant believes that accommodating a broader range of commercial uses will complement light industrial and commercial uses permitted within Medford's I-L zone and which would occupy the remaining 80 percent of the property. Applicant believes broadening the range of permissible commercial uses and providing enhanced access in ways that improve traffic operations at the nearby intersections of arterial and collector streets and a State highway, are worthy objectives best accomplished as a comprehensively planned project by and through the City's PUD process.

By way of history, redevelopment planning for the subject property began in 2001 and 2008, project planning for the realignment of Coker Butte Road Crater Lake Avenue commenced. Funding for this joint ODOT/City of Medford project was secured from the State of Oregon. However due to unanticipated project cost escalation Table Rock Holdings, Lithia Properties, the Oregon Department of Transportation (ODOT), the City of Medford and Jackson County developed and participated in a private public partnership to enable funding the Coker Butte project to facilitate its construction.

As a result of project construction timing, ODOT's Statewide Expressway designation of this portion of Highway 62 prevented its direct access to the subject property Applicant's original



plans planned redevelopment would have sought once the Expressway designation were to be removed in the future. Given timing constraints, TRH agreed to accept what it deemed to be inferior access to the parcels created by the Project and would seek the access being requested in the future. Under terms of a land donation commitment to the City of Medford, Table Rock Holdings agreed to donate (without reimbursement) all right-of-way on its properties sufficient to provide for both Coker Butte Road and Crater Lake Avenue realignments, as they exist today. Table Rock Holdings (Applicant) now, in recognition of its participation in the development of this regional transportation asset, seeks conditional access to Highway 62 as explained herein.

II

EVIDENCE SUBMITTED WITH APPLICATION

Applicant has submitted the following evidence with its application for Preliminary PUD Plan:

- Exhibit 1.** The proposed Findings of Fact and Conclusions of Law (this document) demonstrating how the modified Preliminary PUD Plan and Land Division applications comply with the applicable substantive criteria of the MLDC
- Exhibit 2.** Applicant's PUD Plans, which include:
 - A. Preliminary PUD Plan
 - B. Preliminary Landscape Plan
 - C. Preliminary PUD Plan containing key dimensions
- Exhibit 3.** Assessor's plat maps T37S-R1W-Section28A and T37S-R1W-Section28AA which depicts the subject properties
- Exhibit 4.** Vicinity Map with Existing Land Uses on Aerial Photograph Map
- Exhibit 5.** City of Medford Zoning shown on Aerial Photograph Map
- Exhibit 6.** Trip Cap Map (map shows land subject to an existing Trip Cap)
- Exhibit 7.** Traffic Impact Analysis prepared by Southern Oregon Transportation Engineering, LLC
- Exhibit 8.** ODOT Letter of May 23, 2016
- Exhibit 9.** Neighborhood Meeting Certificate of Mailing and Neighborhood Meeting Verification forms
- Exhibit 10.** ODOT Agreement dated February 11, 2011 governing shared use of stormwater detention facilities and detention facilities landscape plan
- Exhibit 11.** Completed Preliminary PUD application form including a duly authorized Power of Attorney authorizing CSA Planning, Ltd. to act procedurally on behalf of Applicant Coker-Butte, LLC and Table Rock Holdings LLC.



III

RELEVANT SUBSTANTIVE APPROVAL CRITERIA

Criteria underpinning consideration of this application for Preliminary PUD Plan are in Section 10.235 of the Medford Land Development Code (MLDC). The approval criteria for this application are recited verbatim below and again in Section V where each is followed by the conclusions of law, which Applicant offers on behalf of the Planning Commission:

MLDC 10.235 PRELIMINARY PUD PLAN - APPLICATION PROCEDURES

- D. **Approval Criteria for Preliminary PUD Plan:** The Planning Commission shall approve a Preliminary PUD if it concludes that compliance exists with each of the following criteria:
1. The proposed PUD
 - a. preserves an important natural feature of the land, or
 - b. includes a mixture of residential and commercial land uses, or
 - c. includes a mixture of housing types in residential areas, or
 - d. includes open space, common areas, or other elements intended for common ownership, or
 - e. is otherwise required by the Medford Land Development Code.
 2. The proposed PUD complies with the applicable requirements of this Code, or
 - a. the proposed modified applications of the Code are related specifically to the implementation of the rationale for the PUD as described in Section 10.235(B)(3)(a), and
 - b. the proposed modifications enhance the development as a whole resulting in a more creative and desirable project, and
 - c. the proposed modifications to the limitations, restrictions, and design standards of this Code will not materially impair the function, safety, or efficiency of the circulations system or the development as a whole.
 3. The property is not subject to any of the following measures or if subject thereto the PUD can be approved under the standards and criteria thereunder:
 - a. Moratorium on Construction or Land Development pursuant to ORS 197.505 through 197.540, as amended.
 - b. Public Facilities Strategy pursuant to ORS 197.768 as amended.
 - c. Limited Service Area adopted as part of the Medford Comprehensive Plan.
 4. The location, size, shape and character of all common elements in the PUD are appropriate for their intended use and function.
 5. If the Preliminary PUD Plan includes uses not allowed in the underlying zone pursuant to Subsection 10.230(D)(7)(c), the applicant shall alternatively demonstrate that either: 1) demands for the Category "A" public facilities listed below are equivalent or less than for one or more permitted use listed for the underlying zone, or 2) the property can be supplied by the time of development with the following Category "A" public facilities which can be supplied in sufficient condition and capacity to support development of the proposed use:
 - a. Public sanitary sewerage collection and treatment facilities.
 - b. Public domestic water distribution and treatment facilities
 - c. Storm drainage facilities.
 - d. Public streets.

Determination of compliance with this criterion shall be based on standards of public facility adequacy as set forth in this Code and in goals and policies of the comprehensive plan which by their language and context function as approval criteria for comprehensive plan amendments, zone changes or new development. In instances where the Planning Commission determines that there is insufficient public facility capacity to support the development of a particular use, nothing in this criterion shall prevent the approval of early phases of a phased PUD which can be supplied with adequate public facilities.
 6. If the Preliminary PUD Plan includes uses proposed under Subsection 10.230(D)(7)(c), approval of the PUD shall also be subject to compliance with the conditional use permit criteria in Section 10.248.
 7. If approval of the PUD application includes the division of land or the approval of other concurrent development permit applications as authorized in Subsection 10.230(C), approval of the PUD shall also be subject to compliance with the substantive approval criteria in Article II for each of the additional development applications.



IV

FINDINGS OF FACT

Applicant has offered and the Planning Commission reaches the following facts and finds them to be true with respect to this matter:

- 1. Subject Property Ownership and Authorization; Property Description:** The subject property is comprised of three tracts² and five tax lots. The three tracts are separately owned by Coker Butte Properties LLC and Table Rock Holdings LLC, which below appear in this matter singularly below as “Applicant.” Tract A is comprised of Tax Lots 1000 and 1002. Tract B is comprised of Tax Lots 1001 and 1003. Tract C is comprised of Tax Lot 1100. The ownership and size of the various parcels and tracts is reported in below Table 1 and referred to variously hereinafter as the “subject property,” the “PUD” or “the Project.”

Table 1

Ownership, Description and Acreage of Subject Property

Sources: Jackson County Assessor; CSA Planning, Ltd (GIS Division)

Property Ownership	Tax Lot	Acreage
TRACT A		
Coker Butte Properties LLC	1000	4.60
Coker Butte Properties LLC	1002	3.20
TRACT B		
Table Rock Holdings LLC	1001	2.96
Table Rock Holdings LLC	1003	1.76
TRACT C		
Coker Butte Properties LLC	1100	1.98
TOTAL		14.50

Applicant’s tract was divided by the reconfiguration of Crater Lake Avenue at Coker Butte Road. Applicant’s land located east of Crater Lake Avenue is a part of this PUD although its 4.96 acres is denoted as Reserve Acreage in this application for reasons later explained.

This application has been duly authorized by Applicant who has further authorized the application to be represented by CSA Planning, Ltd. and a Power of Attorney to that effect is included as part of Exhibit 11.

- 2. Property Location and Jurisdiction:** The property is located on both sides of Coker Butte Road between Crater Lake Highway 62 and Crater Lake Avenue. The land has been annexed to and is inside the corporate limits of the City of Medford and is within its UGB. As such, land use activities are subject to the laws and regulations of the City of Medford.

² Pursuant to definition in the MLDC the subject property (even though segregated by major streets) is considered a single tract.



including its Land Development Ordinance called the Medford Land Development Code (MLDC) within which is contained the PUD Ordinance comprised of MLDC Section 10.230 through 10.245.

Crater Lake Highway 62, a State Highway, is presently classified as a Statewide Expressway, a classification that carries with it highly restrictive access standards. A new expressway is now being built along a route formerly known as the Medco Haul Road. The new expressway is intended to replace the present function of Highway 62 as an expressway. Completion of the new expressway will in turn trigger two things that have an important bearing on this project: 1) The highway segment which includes the subject property, will be changed from its present Statewide Expressway classification to one anticipated that will accommodate Applicant's access plan. In its letter (Exhibit 8) ODOT expressed no objection to the Highway 62 access plan proposed for this PUD. 2) Completion of the expressway is expected to result in an exchange of jurisdiction, after which this segment of Highway 62 would be owned and controlled by the City of Medford. Applicant has agreed to stipulate that the Highway 62 driveway access it has requested in this application (and shown on the Preliminary PUD Plans), cannot be used unless and until both the State highway designation is changed by the State and jurisdiction, with the City's consent, has been transferred. See Applicant's stipulation in Section VI.

- 3. Prior Land Use Actions, Comprehensive Plan and Zoning Designations:** In 2008, the subject property was annexed to the City of Medford and rezoned from Jackson County's Light Industrial zone to Medford's Light Industrial (I-L) zone. The property is additionally denoted on the official zoning map as RZ, which signifies that a traffic Trip Cap³ was applied to a portion of the property as part of an earlier land use action. In 2016, the City concluded work on the Internal Study Area phase of its larger Urban Growth Boundary (UGB) amendment process. The same culminated in a legislative amendment to Medford's General Land Use Map (GLUP) that affected roughly 800 acres, including the subject property, which was changed to Commercial. The Commercial designation is not incompatible⁴ with the property's I-L zoning because the industrial uses contemplated for this Business Park PUD and those permitted in an I-L zone, by nearly all measures, are similar or *less* intensive than the broad range of retail and service commercial uses that are permitted under the Commercial GLUP designation. This is clearly the case when intensity is measured by traffic loading as it is well known that commercial uses on whole produce greater traffic loading than light industrial uses. The same is evidenced by the disparate average traffic loading multipliers⁵ applied by the city to land in commercial versus

³ A trip cap signifies that only a certain amount of traffic can be produced by a given tract of land. The same is typically imposed with an owner's consent at the time a property is rezoned. A trip cap can also (or in addition) be imposed when the GLUP designation of a property is changed. In this instance, the trip cap was imposed when the property was rezoned.

⁴ In 1975 the Oregon Supreme Court decision in *Baker v. City of Milwaukie*, 271 Or 500, 533 P2d 772 (1975) held that: " * * * a zoning ordinance which allows a more intensive use than that prescribed in the [comprehensive] plan must fail."

⁵ The multiplier described here is the average amount of daily traffic which is then multiplied by the acreage. The City applies a multiplier of 1,500 average trips per acre for commercial land and only 200 average trips per acre for industrial land.



industrial categories where the multipliers for commercial traffic generation are several times higher.

4. **Existing Use of Subject Property:** Tax lots 1000, 1002 and 1100 are now used by Rogue Disposal & Recycling, Inc. primarily for the storage and maintenance of dumpsters, other garbage receptacle equipment in connection with its business. The existing building located on Tax Lot 1100 is used to maintain the containers in serviceable condition for use by Rogue Disposal's customers. As the subject property develops in accord with this PUD plan, Rogue Disposal's uses and facilities will be relocated to a different site, most likely to its Transfer Station in White City.

Tax Lot 1001 was once occupied by a dwelling. The dwelling was demolished and Tax Lot 1001, along with Tax Lot 1003 lying east of Crater Lake Avenue is vacant.

5. **Surrounding Area:** Applicant's Exhibit 4 is an aerial photograph which shows the location of existing lands and land uses that abut and surround the subject property and which constitute the Surrounding Area⁶ which is coincidental to the area entitled to notice under the MLDC:

North: The northern boundary of the subject property coincides with Medford's present corporate limits and UGB. Property immediately adjacent to the north is vacant, at a higher elevation than the majority of the subject property and served by Crater Lake Avenue and a highway frontage road. The land is zoned Exclusive Farm Use (EFU) by Jackson County. The property never appears to have been farmed and exists as part of a larger tract now being considered for inclusion in Medford's UGB.

East: The easterly boundary of the subject property is collinear with Medford's present corporate limits and Urban Growth Boundary (UGB). The subject property is also bordered on the east by the Medford Irrigation District's Hopkins Canal. The large tract east and beyond the canal is zoned Exclusive Farm Use (EFU) appears to be used for seasonal livestock grazing and has two dwellings. This parcel is inside the UGB. To the southeast is a mini-storage and truck/trailer rental facility; truck and trailer parking are on the land directly across subject property Tax Lot 1100.

South: Land to the south contains a variety of light industrial and retail uses. The abutting parcel is headquarters for Dick's Towing, a local tow truck operator and contains multiple buildings and a large area used for parking and outdoor storage. Further to the south is a small shopping center and Hertz automobile sales lot. To the southeast is a large mini-storage facility and south of it heavy commercial uses and single family dwellings, which are located south of Coker Butte Road.

⁶ Surrounding Area is a term used in Medford's CUP Ordinance to denote the area within which impacts should be analyzed. The Surrounding Area is typically the area entitled to receive public notice for land use and development actions. For PUD's the notice area includes the parcels located 200 feet (from the subject property) increasing as needed in 50-foot increments to capture not less than 75 parcels.



West: The subject property is bordered on the west by Highway 62. Across the highway are well-established and attractive new automobile dealerships which extend an appreciable distance to the north. There is a commercial truck sales and service facility further south on the west side of the highway.

6. **Topography:** The natural grade of the subject property is such that it slopes and drains from northeast to southwest. There is a more substantial grade change at/near the subject property's north boundary.
7. **Description of the Planned Unit Development (PUD) and Rationale:** The PUD Ordinance requires Applicant to furnish a description and rationale for the PUD. The same is contained in Section I above and incorporated again here as Applicant's testimony.
8. **Off-Street Parking and Landscaping:** The PUD buildings total approximately 93,400 square feet and 409 off-street parking stalls are proposed, providing one stall per each 229 square feet of planned building area. The amounts of parking area and general landscaping are reported in below Tables 3 and 4. As earlier explained, the Preliminary Landscaping Plan in Exhibit 2(B) is conceptual and only intended to distinguish areas of the property devoted to landscaping and showing trees, shrubs and groundcover without reference to species, variety or number. Final landscaping plans to be submitted for each Project phase will include detailed planting and irrigation plans with plant materials selected from the City's approved list of plant materials.

Table 3
Required Parking and Parking Area Landscaping

Sources: CSA Planning, Ltd

Tax Lot	Parking Stalls	/24	500 SF / 24 Stalls	Landscaping (SF) Provided	Compliance
1001	126	5.3	2,625	9,245	Yes
1000	194	8.1	4,042	28,540	Yes
1100	89	3.7	1,854	10,340	Yes
Total	409				

Table 4
Provided Landscaping

Sources: CSA Planning, Ltd

Tax Lot	Total SF of Landscaping	Perimeter Landscaping (SF)	Parking Lot Landscaping (SF)
1001	21,980	12,735	9,245
1000	39,500	20,960	28,520
1100	17,125	6,785	10,340
Total	78,605	30,480	48,125



9. **Project Phasing:** This PUD is contemplated in phases, although precise phasing boundaries are not proposed and phasing will be established through the phased filing of Final PUD Plans as contemplated in the PUD Ordinance. Until Final PUD Plans have been completed, Applicant seeks to defer the submittal of architectural and final landscaping plans.
10. **Reserve Acreage:** As shown in Table 1 above, the subject property is comprised of four Tax Lots that have an aggregate 14.50 acres. The portion of the property located east of Crater Lake Avenue has no specific uses or buildings proposed on the Preliminary PUD Plan; this portion is identified as Reserve Acreage and contains of 4.96 acres of which 3.20 acres are subject to the Trip Cap.
11. **Existing Trip Cap:** In 2008, the zoning on Tax Lots 1000, 1002 and 1100 was changed to Medford's Light Industrial (I-L) zone. A Traffic Impact Analysis was conducted for these properties and established a "trip cap" amounting to the lesser of 2,480 average daily trips (ADT) or 248 peak hour trips, a matter to which Applicant then agreed to stipulate and the same was made a condition of the zone change approval. The Trip Cap is not sought to be altered or removed at this time and the Exhibit 7 Traffic Impact Analysis has properly considered the amount of potential traffic this PUD will produce, determining that the Project can be accommodated within the Trip Cap. Tax Lots 1001 and 1003 were similarly zoned I-L but have no trip cap.

The portion of the Reserve Acreage within Tax Lot 1002 (3.20 acres) will remain subject to the Trip Cap and Applicant acknowledges and accepts that traffic generation ultimately produced in the now-planned PUD will influence and affect the traffic capacity later permitted on the Tax Lot 1002 Reserve Acreage. See Applicant's stipulation in Section VI. Applicant believes that the conditions that gave rise to the Trip Cap will be mitigated and thereafter Applicant can seek its removal by action of the City. Otherwise (if the Trip Cap is not removed) Applicant acknowledges that uses which might ultimately occupy the Reserve Acreage will need to properly observe the Trip Cap when development plans are proposed for City approval. This will ensure that the Trip Cap, if not earlier removed, will not be exceeded.

12. **Modified Standards (Deviations) Sought:** The PUD Ordinance at MLDC 10.230(D) gives the Planning Commission authority to deviate from certain standards that non-PUD projects must strictly observe. Among the standards the Planning Commission is empowered to flex are the City's frontage and access standards pursuant to MLDC 10.230(D)(4). The deviations here which are sought pursuant to MLDC 10.230(D) are those explained below and involve MLDC 10.550 (Access Standards). More specifically:
- MLDC 10.550(3)(a)(1) does not permit driveway access from an arterial or collector street for parcels that have access from a lower-order street. It also requires driveways to be placed adjacent to the property line of a contiguous parcel if possible to do so.



Based upon *Medford Transportation System Plan*⁷ (TSP) Figure 1-2 and the Exhibit 7 Traffic Impact Analysis, Medford identifies Coker Butte Road as a Major Arterial and Crater Lake Avenue as a Major Collector. The TSP does not assign a functional classification to Crater Lake Highway 62 as it is a State Highway which is designated by ODOT in the State Highway Plan as a Statewide Expressway. As such, access to Highway 62 is subject to State/ODOT standards. Authorized representatives from ODOT have expressed their opinion in Exhibit 8 that no new access would likely be permitted until the designation of Crater Lake Highway 62 is later changed which will occur when the new Expressway (formerly the Medco Haul Road) is complete, which is expected in the future. At which time, ODOT states, the jurisdiction of Highway 62 would be transferred to the City. ODOT officials also state their expectation that the Highway 62 access would be limited to right-in/right-out movements (as proposed) and express that in its proposed location, the intersection sight distance is met.

In this application, it is proposed to have right-in/right-out access on Crater Lake Highway 62 in the location shown on the Preliminary PUD Plan. Its approval by the Planning Commission would be pursuant to the agreed to stipulation offered by Applicant in Section VI that prohibits Highway 62 access until its classification has by changed by ODOT and jurisdiction has been transferred to the City of Medford.

- Pursuant to MLDC 10.550(2) only one driveway is permitted for each *tract* of land.⁸ The subject property is traversed by two higher-order streets (Coker Butte Road and Crater Lake Avenue) which divide the property into three quadrants. *Access to each of the three quadrants that make up this PUD cannot be accommodated by only a single driveway and relief from this standard is necessary to reasonably serve the property.*

13. Uses Not Otherwise Permitted in the I-L Zone: This PUD is intended to be developed with a collection of uses occupying the various buildings within a Business Park. Like the City's I-L zone, Business Park as analyzed in the Exhibit 7 Traffic Impact Analysis, contemplates a mixture of light retail and service commercial uses along with more light industrial uses that require an office front with operations space behind and a roll-up door at the rear or side to accommodate shipping and receiving. Most of the light retail/service commercial uses contemplated for this PUD are already permitted in the I-L zone and are likely to occupy buildings nearest the Highway 62 frontage. However, it is also contemplated that potential tenants might desire to place one or more commercial uses on the property that are not permitted in the I-L zone. As such, Applicant has requested that the 20-percent use allowance as provided for in the MLDC be approved. As part of Medford's PUD ordinance, MLDC 10.230(D)(7)(c) provides that uses not otherwise permitted in an underlying zone, may nonetheless be approved to occupy up to 20 percent of a PUD. Applied to the whole 14.50-acre PUD, twenty percent equals 2.90 acres.⁹

⁷ The Transportation System Plan is a partially acknowledged part of the City of Medford Comprehensive Plan.

⁸ A tract is defined in the MLDC as parcels that are contiguous and under the same ownership or which are part of the same development application. The MLDC defines the term "contiguous" to mean: "Having a common border with, or being separated from such common border by, an alley, easement or right-of-way."

⁹ The City typically applies the 20-percent allowance to a building along with its associated off-street parking and Applicant expects this procedure to govern the 20-percent determinations in the future.



- 14. Building Envelopes:** The Preliminary PUD Plan illustrates the location of conceptual buildings on the PUD property. The conceptual building footprints are generic and are expected to differ somewhat from those shown on the Preliminary PUD Plan as actual tenants are identified and the buildings are adjusted to suit their unique needs. To facilitate reasonable flexibility in ultimate building design, Applicant has shown Building Envelopes around each building. The Building Envelope is a simple tool intended to confine and restrict the limits of any future building while permitting a degree of flexibility in building design.
- 15. Public Facilities and Services:** Medford identifies its public facilities and services in two categories, A and B. Category A facilities are required to be addressed as capacity for the same is required at the time (rather than in response to) of development. Category A facilities include public sanitary sewer service, potable water service, storm drainage and streets/transportation facilities and each are addressed in turn as follows:
- A. Sanitary Sewer:** Sanitary sewer service within the City of Medford is provided by the City of Medford and Rogue Valley Sewer Services (RVSS). The City and RVSS have determined which areas of Medford are more efficiently serviced by each entity. The subject property is located within an area the City and RVSS have agreed is best served by RVSS. Public maps show the location of RVSS sanitary sewer lines near the subject property and indicate the existence of a 10-inch sanitary sewer within the subject property that runs near and parallel to Crater Lake Highway 62. Upon consulting with RVSS, its manager replied to an electronic inquiry from Applicant's agent, stating, "There are no capacity limitations on the sewer. You most likely will need to do some main line extension to serve the easterly lots. That will be dependent upon the final development plans." RVSS may comment further during the City's consideration of this application, but the evidence to date indicates no restrictions that prevent the existing line from serving this PUD.
- B. Potable Water:** Applicant's representatives consulted with those of the Medford Water Commission (MWC) regarding the location and capacity of MWC water mains near the subject property and delivery of potable water to the PUD property. According to MWC maps, there is an 8-inch ductile iron water main in the segment of Coker Butte Road running between Crater Lake Highway 62 and Crater Lake Avenue. There is also an 8-inch ductile iron water main in Crater Lake Avenue that extends north 45 feet from its intersection with Coker Butte Road. The lines were pressure tested in January 2017 by MWC. The pressure flow test shows the line to have a static pressure of 77 psi and a flow of 916 gallons per minute (at 20 psi residual pressure). MWC representatives indicated and Applicant acknowledges that the lines will need to be extended and perhaps enlarged to accommodate fire flows for future commercial or industrial uses that might occupy the property. The evidence to date indicates no restrictions that prevent the existing water mains from being extended, enlarged, looped or otherwise improved to serve this PUD.
- C. Storm Drainage:** The subject property slopes and drains from east to west toward Crater Lake Highway 62. An existing 18-inch storm drain line is located on the opposite side of Crater Lake Highway 62 from the subject property. In cooperation



with Applicant, a storm drainage project was undertaken by Oregon Department of Transportation (ODOT) in connection with its Highway 62 improvements. The project involved the construction of stormwater detention facilities along the highway frontage of the subject property. See, Exhibit 10. The detention facilities accommodate surface drainage from the highway and nearby streets. However, the facilities were designed to be expanded to accommodate storm drainage from most of the subject PUD property. There is an agreement between ODOT and Applicant which entitles Applicant to use the facilities. See Exhibit 10. The detention facilities are connected to the 18-inch storm drain by a pipe that runs beneath Highway 62. Some additional stormwater detention facilities may later be installed (if needed) to serve any additional detention requirements beyond the capacity of the ODOT detention facilities. The provision of adequate stormwater detention will be ensured at the time each proposed building is later reviewed by the City.

- D. Streets and Transportation:** Applicant commissioned a limited Traffic Impact Analysis (TIA) for the purpose of analyzing traffic impacts in connection with this proposed PUD. The TIA is attached as Exhibit 7. As earlier noted, there is an existing Trip Cap that limits the amount of traffic the property can produce. The Trip Cap applies to only a portion of the subject property. See, Exhibit 6. The TIA examined the amount of traffic loading associated with this PUD in relation to the limits placed by the Trip Cap. It also analyzed Applicant's proposal to locate three right-in/right-out only access points for which a deviation is sought by Applicant. The TIA states as its conclusions:

"The findings of the limited traffic analysis conclude that the proposed PUD and proposed right-in, right-out (RIRO) accesses on OR 62 and Coker Butte Road can be accommodated on the existing transportation system without creating adverse impacts. Intersection operations and safety conditions were evaluated under existing year 2017 and design year 2020 no-build and build conditions and resulted in the following conclusions:

- Site driveways and surrounding intersections operate acceptably under existing year 2017 and design year 2020 no-build and build conditions.
- Sight distance is shown to be adequate from existing and proposed driveways.
- Right-in, right-out (RIRO) accesses along the east side of OR 62 north of Coker Butte Road and north side of Coker Butte Road east of OR 62 do not meet the City of Medford Land Development Code (MLDC) access spacing and location standards, but create no adverse safety or operational impacts and are shown to preserve capacity at study area intersections, reduce queue lengths, improve connectivity and circulation, and reduce vehicle miles traveled (VMT) to the site.

The proposed PUD and RIRO accesses on Coker Butte Road and OR 62 can be approved based on findings that they create no safety or operational concerns, but are shown to provide a benefit to the transportation system with preserved capacity, reduced queue lengths, and improved circulation."

According to Medford Transportation System Plan (TSP), the subject property fronts upon Crater Lake Highway 62, Coker Butte Road and Crater Lake Avenue. Crater Lake Highway 62 is a Statewide Expressway under the jurisdiction of the State of Oregon and managed by ODOT. The classification of Highway 62 will change and its jurisdiction will transfer to the City of Medford upon completion of the new

expressway (formerly the Medco Haul Road). Completion is projected within the next few months.

TSP Figure 1-2 designates Coker Butte Road as a Major Arterial and Crater Lake Avenue as a Major Collector. There are no lower order (non-arterial/collector) streets which adjoin or otherwise provide access to the property. The MLDC permits only one access for a tract of land that is on arterial or collector streets. Without the flexibility sought under this application, the subject property would be permitted only a single access or, if interpreted consistent with the Exhibit 7 TIA¹⁰, all access can and must be taken only from Crater Lake Avenue. Exhibit 7 demonstrates that traffic operations are not harmed and are rather improved by the access plan for the PUD that is here proposed by improving intersection operations at other study intersections including Highway 62 at Coker Butte Road and Crater Lake Avenue at Coker Butte Road.

16. Ownership and Maintenance of the Common Elements:

- A. Common Elements:** The design of the PUD is to accommodate multiple buildings to be leased by multiple tenants where all of the buildings, parking and landscaping are to be maintained as common elements by its owners. As such, the owners will be responsible for maintenance and upkeep of the buildings, parking, landscaping (including portions of the stormwater detention facilities), signs and enclosures for garbage receptacles which are located on the PUD property. The Reserve Acreage will be managed by the owners until it is properly entitled¹¹ and developed. The same will involve the annual cutting of weeds and cleanup of any wind-blown trash and other debris. Because all elements of the PUD are to be held and maintained by its owners, there will be no "Association" per se and none is required.
- B. Maintenance of the Common Elements - Off-street Parking and Landscaping:** The Preliminary Landscaping Plan is shown in Exhibit 2B Landscaping for the PUD will require the regular maintenance of landscaped areas, along with weed control and irrigation. Shrubs and trees will be kept pruned by professional landscape maintenance providers that owners will engage as part of their initial lease agreements with the various tenants. The Preliminary Landscaping Plan shows areas of the property devoted to landscaping and simply distinguishes trees, shrubs and groundcover in

¹⁰ The TIA assumes an interpretation of MLDC 10.550(3)(a)(1) that would simply require all access to be taken from the lowest-order street available, not strictly a lower-order street. It also relies upon the access standards in MLDC 10.550(3)(a)(2) — which limits access to only a single driveway for each tract — to instead be applied to the three portions of the PUD, each of which lie on different sides of Crater Lake Avenue and Coker Butte Road. The same is a reasonable interpretation. If interpreted literally (and given that the entire PUD, by definition, is a single tract), the property could have only one access from Crater Lake Avenue to serve property on both sides Coker Butte Road and both sides of Crater Lake Avenue. The same would impermissibly leave two of the property's three quadrants without any lawful means of access and no party has urged that interpretation. Moreover, interpretation is unnecessary given that the City of Medford is entitled to flex its access standards through the PUD process and doing so, in this instance, will obviate the need to rely upon interpretation of the standards from which PUD deviation relief is sought.

¹¹ As noted, properly entitled for the Reserve Acreage means that it must later receive Preliminary PUD Plan and Final PUD Plan approval before it can be developed. Inclusion of the Reserve Acreage in this application is enable better management of the Trip Cap.

concept. Final landscaping plans will include planting plans and the specifics of landscaping installation and irrigation pursuant to MLDC standards. Applicant intends to select plant materials from the City's recommended list and intends no use of turf grass. Final landscaping plans will be submitted with the Final PUD Plan for each project phase. The phases are likely to be undertaken one building or group of buildings for each phase. The PUD contains substantial areas devoted to off-street parking. The parking areas will be maintained by the owners by periodic sweeping, sealing and restriping as needed. Any maintenance and upkeep required for Project signing will be by sign professionals engaged by the owners.

17. **Description, Size, Ownership and Operation PUD:** The total PUD has 14.5 acres of which nearly 5 acres are planned as Reserve Acreage. The PUD has been described in detail elsewhere along with its existing ownership and intended method for future ownership and such descriptions are incorporated. As to operations, the PUD will have a variety of future uses that will occupy buildings on the site. The uses by restriction (and offered stipulation) will be required not to have outdoor storage and all business operations must occur with an enclosed building. Most uses will operate during normal business hours although Applicant intends to incorporate these and similar restrictions into any documents that govern future Unit Ownership. Individual buildings and occupants will be entitled to display signs consistent with the MLDC although Applicant may place additional private restrictions on signs within the Project.
18. **Property Value Impacts:** Applicant's agent, Craig Stone¹² of CSA Planning, Ltd., has examined the abutting and surrounding properties and offers the following as his informed opinion: "Uses abutting the PUD and in the surrounding area are elsewhere reported above. The descriptions of surrounding land uses and the Exhibit 4 and 5 Maps shows that across Highway 62, the land extending north/south is occupied by automobile dealerships. Abutting the property to the south is tow truck operator where trucks and other vehicles are parked. Further south is a small shopping center. Other nearby land uses south of the PUD includes a mini-storage facility that also offers outdoor vehicle storage. Land to the north and east are vacant and zoned EFU. However, this land is proposed for inclusion in Medford's UGB. It is likely that the extension of public facilities and services to the PUD will facilitate extension to these lands should they ultimately be included in the UGB. Except the subject property, other lands in the area (located inside the UGB) area developed. Overall, the area contains a mixture of light industrial and commercial businesses astride a major State highway. The subject property is presently occupied, primarily with the outdoor storage of dumpsters. The PUD Plan offers an opportunity to redevelop the property. The redevelopment proposed in the PUD Plan is a substantial visual improvement as activities connected with the various uses must operate from indoor spaces and the outdoor areas are to be used for off-street parking and landscaping. While there will be some truck traffic, it is unlikely to be significant and would replace truck

¹² Craig Stone has more than 40 years of experience in all aspects of urban planning, development and permitting working for state, county and local governments, as a hearings officer and as a consultant to private and public clients for 36 years.



traffic that now occurs on the subject property. As such, the PUD should produce no impacts that would adversely affect the value of property and improvements for abutting properties and those in the surrounding area.”

19. **Appropriate Development:** The Exhibit 4 and 5 aerial photographs show the subject property and surrounding area for an appreciable distance. Nearly all of the land (which is located inside the UGB) has been developed. Nearby land that is largely vacant is the tract located east of the subject property and beyond the Hopkins Canal, a tract commonly known as Coker Butte and referred to in this application as “Reserve Acreage . The tract has been planned Urban Residential by the City of Medford but remains largely vacant. Future PUD plans for the Reserve Acreage will be buffered in accordance with the MLDC as part of the later plans to be considered by the Planning Commission.

20. **Neighborhood Coordination:** Applicant conducted a neighborhood meeting in accordance with the requirements of the MLDC. Attached to this application as Exhibit 9 are the Neighborhood Meeting Certificate of Mailing Form and the Neighborhood Meeting Verification Form. One person attended the meeting representing a property owner to the east. Another, representing a land owner to the north, communicated by telephone but did not attend the neighborhood meeting. Neither party raised objections during the meeting but are free to testify during the public hearing.

V

CONCLUSIONS OF LAW

The following conclusions of law are based upon the evidence enumerated in Section II and the findings of fact contained above in Section IV of this document and relate to the approval criteria for a Preliminary PUD Plan as set forth in Section III. The approval criteria are recited verbatim below and are followed by the conclusions of law of the Planning Commission:

The approval criteria are prefaced by the following language:

PRELIMINARY PUD PLAN - APPLICATION PROCEDURES MLDC 10.235

- D. **Approval Criteria for Preliminary PUD Plan:** The Planning Commission shall approve a Preliminary PUD if it concludes that compliance exists with each of the following criteria:

PUD Criterion 1

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

Conclusions of Law: The Planning Commission concludes from the evidence, including Applicant's explanation offered in Section I, that this PUD includes common elements that will include its off-street parking, site lighting, landscaping, drainage and stormwater detention facilities, signs and pedestrian appurtenances. As explained in Section I the Project is intended to be constructed and operated by Applicant and designed to later be converted to Unit Ownership according to the Oregon Condominium Act¹³ or potentially as Pad Lots. After conversion, the various common elements above named will be held, managed and maintained by an Association of Unit Owners. Therefore, this PUD is concluded to include open space, common areas, or other elements intended for common ownership consistent with PUD Criterion 1(a). The five criteria within PUD Criterion 1 operates as alternatives, the compliance with any one of which serves to establish compliance with PUD Criterion 1 and the Planning Commission concludes that PUD Criterion 1 has been satisfied.

PUD Criterion 2

- 2. The proposed PUD complies with the applicable requirements of this Code, or
 - a. the proposed modified applications of the Code are related specifically to the implementation of the rationale for the PUD as described in Section 10.235(B)(3)(a), and

¹³ The Oregon Condominium Act is contained in ORS Chapter 100



- b. the proposed modifications enhance the development as a whole resulting in a more creative and desirable project, and
- c. the proposed modifications to the limitations, restrictions, and design standards of this Code will not materially impair the function, safety, or efficiency of the circulation system or the development as a whole.

Conclusions of Law: The Planning Commission concludes that the plans in Exhibit 2 along with the facts presented in Section IV and the evidence enumerated in Section II show that the proposed PUD is consistent with the applicable requirements of the MLDC with the exception of proposed Code modifications addressed below.

The Planning Commission next takes up each of the three standards in PUD Criterion 2 and addresses each in turn as follows:

- a. The proposed modified applications of the Code are related specifically to the implementation of the rationale for the PUD as described in Section 10.235(B)(3)(a), and

Conclusions of Law (Continued): The modified applications of the Code (the deviations therefrom) are in two categories as explained in the findings of fact in Section IV under the heading, "Modified Standards (Deviations) Sought": The PUD Ordinance at MLDC 10.230(D) extends the authority to deviate from certain standards that non-PUD projects must strictly observe. As explained in Section IV, the Planning Commission may flex (among other categories) the City's frontage and access standards pursuant to MLDC 10.230(D)(4). The deviations sought pursuant to MLDC 10.230(D) are those explained below and involve MLDC 10.550 (Access Standards):

- **Access Standards.** MLDC 10.550(3)(a)(1) does not permit driveway access from an arterial or collector street for parcels that have access from a lower-order street and requires driveways to be located, if possible, adjacent to the property line of a contiguous parcel.

Based upon *Medford Transportation System Plan* (TSP) Figure 1-2 and the Exhibit 7 Traffic Impact Analysis, Medford identifies Coker Butte Road as a Major Arterial and Crater Lake Avenue as a Major Collector. The TSP does not assign a functional classification to Crater Lake Highway 62 as it is a State Highway, which is designated by ODOT in the State Highway Plan as a Statewide Expressway. As such, access to Highway 62 is subject to State/ODOT standards. Authorized representatives from ODOT have expressed their opinion in Exhibit 8 that no new access would likely be permitted until the designation of Crater Lake Highway 62 is later changed which will occur when the new Expressway (formerly the Medco Haul Road) is complete. Completion is expected within the next few months. At time of completion, ODOT states, the jurisdiction of Highway 62 would be transferred to the City. ODOT officials also state their expectation that the Highway 62 access would be limited to right-in/right-out movements (as proposed) and further express their observation that for the proposed location, the intersection sight distance is met and have raised no objection.

In this application, it is proposed to have right-in/right-out access on Crater Lake Highway 62 in the location shown on the Preliminary PUD Plan. Its approval by the Planning Commission would be pursuant to the agreed to stipulation offered by Applicant in Section VI that prohibits Highway 62 access until its classification has by changed by ODOT and jurisdiction has been transferred to the City of Medford. The same represents a deviation from the strict requirements of MLDC 10.550(3)(a)(1). Relatedly, the location of the

Highway 62 access is not adjacent to a contiguous parcel because Applicant asserts that the same would force the access to steeper terrain where it would also have to cross the Highway 62 frontage road. No frontage road must be crossed with the proposed Highway 62 access location.

Pursuant to MLDC 10.550(2) only one driveway is permitted for each *tract* of land.¹⁴ While the definition of “tract” captures Applicant’s land on either side of Coker Butte Road and either side of Crater Lake Avenue and treats them as a single tract, two of the three quadrants¹⁵ would be impermissibly left without any access whatsoever. Flexibility in the Code is required for this property to have reasonable access for customers and to permit deliveries to the Business Park buildings and uses. Through its comprehensive plan, Medford encourages development that increases employment opportunities and community commerce. *Access to each of the three quadrants that make up this property cannot be accommodated by only a single driveway and relief from this standard is necessary to reasonably serve the property.* Beyond reasonable service, the PUD access plan is shown by expert traffic analysis to enhance operations at study area intersections, including the intersections of higher-order streets which occur adjacent to and near the property.

- **Uses Not Otherwise Permitted in the I-L Zone:** In addition to the proposed Code modifications (deviations) this PUD is intended to be developed with a collection of uses occupying the various buildings within a Business Park environment. Like the City’s I-L zone, Business Park as analyzed in the Exhibit 7 Traffic Impact Analysis, contemplates a mixture of light retail and service commercial uses along with more light industrial uses that require an office front and operations space behind with a roll-up door at the building’s rear or side to accommodate shipping and receiving. As explained in Section IV, uses which require the greatest visibility will likely occupy buildings along the Highway 62 frontage. These include certain commercial uses permitted in I-L, including offices, banks and restaurants. Applicant has sought to have 20 percent of its property authorized to accommodate other commercial uses that are not permitted in the I-L zone as provided for in MLDC 10.230(D)(7)(c) Applied to the whole 14.50-acre PUD, twenty percent amounts to 2.90 acres.¹⁶ Applicant asserts and the Commission concludes that the broader range of commercial uses afforded this PUD will result in better utility of the property with uses that will all operate within enclosed buildings and which will result in more attractive commercial buildings along portions of the property with greatest visibility from Highway 62.

The above-explained Code modifications (deviations) are concluded to relate specifically and clearly to implementation of the PUD rationale as set forth by Applicant in Section I

¹⁴ A tract is defined in the MLDC as parcels that are contiguous and under the same ownership or which are part of the same development application. The MLDC defines the term “contiguous” to mean: “Having a common border with, or being separated from such common border by, an alley, easement or right-of-way.”

¹⁵ In earlier Sections, the quadrants are sometimes referred to as tracts.

¹⁶ The City of Medford typically applies the 20-percent “other uses” allowance to a building along with its associated off-street parking and required landscaping. Applicant expects this procedure to govern the 20-percent determinations in the future.

and as described and required by Section 10.235(B)(3)(a). As such, the PUD is concluded to be consistent with PUD Criterion 2(a).

- b. The proposed modifications enhance the development as a whole resulting in a more creative and desirable project,

Conclusions of Law (Continued): The Planning Commission concludes from the evidence that the proposed modifications will enhance the development as a whole by providing a broader range of uses that can compatibly collocate within enclosed buildings and afford the ability to accommodate uses that may result in more substantial and attractive architecture in the site's most visible parts. The evidence has also shown that the proposed access plan will enhance in substantial ways the Project's desirability and its ability to safely and efficiently accommodate access. The evidence further shows that the access plan for the Project will also improve intersection operations at the nearby intersections of higher-order streets. For the reasons set forth, the Planning Commission concludes that the PUD is consistent with PUD Criterion 2(b).

- c. The proposed modifications to the limitations, restrictions, and design standards of this Code will not materially impair the function, safety, or efficiency of the circulation system or the development as a whole.

Conclusions of Law (Continued): As above described under sub-criterion 2(a) and 2(b), based upon the Exhibit 7 Traffic Impact Analysis, the Planning Commission concludes that the proposed Code modifications will not materially impair, and will instead improve, the function and efficiency of the circulation system, in particular the intersections involving higher-order streets adjacent and near the Project. Therefore, the Planning Commission concludes that the PUD is consistent with PUD Criterion 2(c).

For the reasons thus stated, the Planning Commission concludes that this PUD application is consistent with PUD Criterion 2.

PUD Criterion 3

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

Conclusions of Law: The Planning Commission concludes the existing approved PUD was not found to be subject to any of the above and there is nothing in the application revision that would cause the PUD revision to be subject to any of the above. Although portions of the property are subject to a Trip Cap, the same is neither a moratorium nor a Limited Service Area. Applicant has stated and the evidence shows that the property can be developed as contemplated under the Trip Cap earlier imposed upon the property by the City. For these reasons, the Planning Commission concludes that the application and PUD is consistent with PUD Criterion 3.



PUD Criterion 4

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

Discussion; Conclusions of Law: The Planning Commission concludes that the proposed common elements (explained in Section IV and shown on the PUD plans in Exhibit 2) are appropriate with respect to location, size, shape and character. Based upon the PUD plans, the common elements will provide for appropriate parking and maneuvering sufficient for the range of uses proposed for the site and consistent with City standards. The planned landscaping (conceptually represented in the Preliminary Landscaping Plan), will be consistent with City standards with Final Landscaping Plans are submitted and the same are appropriate, especially where used to define and shade the off-street parking areas. The stormwater detention facilities, also a commonly owned and maintained area is appropriate to its function and intended to be attractively landscaped and maintained in concert with co-user ODOT. The lighting system, also an element of common utility, will provide a safe nighttime environment and enhanced security. In conclusion, the Planning Commission concludes that the Preliminary PUD Plan application is consistent with PUD Criterion 4.

PUD Criterion 5

5. If the Preliminary PUD Plan includes uses not allowed in the underlying zone pursuant to Subsection 10.230(D)(7)(c), the applicant shall alternatively demonstrate that either: 1) demands for the Category "A" public facilities listed below are equivalent or less than for one or more permitted use listed for the underlying zone, or 2) the property can be supplied by the time of development with the following Category "A" public facilities which can be supplied in sufficient condition and capacity to support development of the proposed use:
- a. Public sanitary sewerage collection and treatment facilities.
 - b. Public domestic water distribution and treatment facilities
 - c. Storm drainage facilities.
 - d. Public streets.

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

Conclusions of Law: Preliminary PUD Plan now before the Planning Commission proposes to devote up to twenty (20) percent of the PUD to uses that would not otherwise be allowed in the underlying I-L zone. The request for flexibility to accommodate a broader range of commercial uses is made pursuant to MLDC 10.230(D)(7)(c).

The Commission has determined that the comprehensive plan goals and policies that are to be used under PUD Criterion 5 to determine the adequacy of Category A public facilities are those cited and addressed below and all others do not apply to this inquiry. Foremost is Policy 2-A in the plan Public Facilities Element which establishes the mandatory standards of service for Sanitary Sewers, Domestic Water and Storm Drainage Facilities. Policy 2-A states:



Policy 2-A: In cases where the timely provision of essential urban facilities and services cannot be accomplished so as to achieve minimum adequate service levels, that portion of the Medford urban growth area subject to inadequate services shall be designated a limited service area, and any or all development may be restricted until threshold levels of essential services can be achieved. Limited service areas should be considered as priority areas for public facility planning subject to other growth and development factors. "Timely provision of essential urban facilities and services" shall mean that such services can be provided in adequate condition and capacity prior to or concurrent with development of the subject area. "Essential urban facilities and services" shall mean sanitary sewers, water systems, stormwater management facilities, and transportation facilities. A determination of minimum adequate service levels for essential urban facilities and services shall be based on the following:

Sanitary Sewers - Sufficient to serve any proposed development consistent with the General Land Use Plan (GLUP) designation. Sanitary sewer facilities shall be considered adequate if they are consistent with the adopted sewer plan document, as interpreted by the City Engineer.

Domestic Water - Sufficient to serve any proposed development with a permanent urban domestic water system capable of supplying minimum pressure and volume for projected domestic and fire control needs consistent with the General Land Use Plan (GLUP) designation. Water facilities shall be considered adequate if they are consistent with the adopted water system plan document, as interpreted by the Water Commission Manager.

Storm Drainage Facilities - Sufficient to serve any proposed development consistent with the General Land Use Plan (GLUP) designation. Stormwater management facilities shall be considered adequate if they are consistent with the adopted storm drainage plan document, as interpreted by the City Engineer.

a. Public sanitary sewerage collection and treatment facilities.

Conclusions of Law (Continued): From the evidence supplied by RVSS, sanitary sewers that will ultimately serve the property are available and in near proximity to the subject property. As such, the property can be served and RVSS has acknowledged the same. As noted in Section IV, the City and RVSS have agreed that the area in which the subject property is located, should be served by RVSS. From the evidence the Planning Commission concludes that sanitary sewers that will serve the property are or can be made sufficient and any additional sewer requirements that result from 20 percent of the property being devoted to a broader range of commercial uses.

b. Public domestic water distribution and treatment facilities

Conclusions of Law (Continued): Based upon the evidence and findings of fact in Section IV, the Planning Commission concludes that public water mains of the Medford Water Commission are available in near proximity to the property and can be extended, as needed, to supply water for domestic use and flows for fire suppression. Applicant has acknowledged its understanding that the water system may require upgrading as it is extended onto the three PUD quadrants. The Planning Commission concludes that the water system can and will be extended to the subject property in ways that are sufficient to serve any proposed development with a permanent urban domestic water system capable of supplying minimum pressure and volume for projected domestic and fire control needs consistent with additional system demands that might arise from 20 percent of the property being devoted to a broader range of commercial uses.

The comprehensive plan further establishes by policy that

Water facilities shall be considered adequate if they are consistent with the adopted water system plan document, as interpreted by the Water Commission Manager.



As to this plan policy, the Planning Commission concludes that the Medford Water Commission's adopted system plan contemplates serving the PUD property, as it has been in Medford's UGB for many years and was annexed in 2008. The existing water mains in the vicinity further evidence MWC's intention to serve the area.

c. Storm drainage facilities.

Conclusions of Law (Continued): The evidence shows that the subject property slopes and drains to the west, toward Crater Lake Highway 62. Within the west side of the Highway 62 right-of-way is an 18-inch storm drain owned by ODOT into which storm waters accumulating on the property are captured in newly constructed detention facilities along the highway frontage where water is detained before being transported beneath Highway 62 by way of the 18-inch storm drain. The evidence further shows that the detention facilities were built by ODOT in concert with the subject property owners and the same were designed to handle stormwater detention for most of the property. Additional measures will be needed to detain waters emanating on Tax Lot 1100 but the same can be provided and ensured through the Final PUD Plan covering that portion of the PUD. From the evidence the Commission further concludes storm drainage facilities are or can and will be made sufficient to serve this proposed PUD consistent with its GLUP designation and the additional system demands that might arise from 20 percent of the property being devoted to a broader range of commercial uses. The Commission further concludes that storm drainage is unlikely to be significantly affected by land use as both commercial and industrial developments produce similar amounts of impervious surface. Storm drainage facilities must traverse the property to gain access to downstream storm drains which can and will be provided for in the Final PUD Plan. The adequacy of future storm drains and consistency with Medford's storm drainage master plans will be ensured by later engineering that must be approved by the City before construction begins. For the reasons stated, the Commission concludes that this PUD is consistent with municipal policies that establish the standards of storm drainage adequacy as set forth in the MLDC and comprehensive plan.

d. Public streets.

Conclusions of Law (Continued): The Planning Commission concludes that the standards for public streets are in Policy 1-A of the plan Transportation Plan System Element that, along with its strategies for implementation, states:

Policy 1-A: The City of Medford shall manage projected travel demand consistent with community, land use, environmental, economic and livability goals.

Implementation 1-A(1): Utilize the projections in the Regional Transportation Plan (RTP) regarding projected travel demand over the 20-year planning period in managing the transportation system.

Implementation 1-A(2): Utilize the Medford Comprehensive Plan, including the land use plan covering the 20-year planning period, in managing transportation system.

Implementation 1-A(3): Design and improve arterial streets so that the minimum overall performance during peak travel periods meets Level of Service "D."

Implementation 1-A(4): Consider revisions to the City's concurrency ordinance to manage development-related traffic impacts consistent with other community goals.

Conclusions of Law (Continued): Most provisions in above Policy 1-A do not involve matters of adequacy that must be addressed under PUD Criterion 5. However, Implementation 1-A(3) provides that streets should operate so as to meet Level of Service "D." The Exhibit 7 TIA



evidences that all nearby street and driveway intersections will operate acceptably under existing year 2017 and design year 2020 no-build when considering the whole PUD, including estimates of traffic loading for the PUD. The Exhibit 7 Traffic Impact Analysis further establishes that the PUD can operate within the limits established by the Trip Cap earlier imposed by the City. Exhibit 7 further establishes that sight distances concerns for proposed driveways and intersections are adequate and safe. Therefore, the Planning Commission concludes that public streets already exist to serve the subject property. The Commission further concludes that the existing public street system can accommodate the additional demands produced by permitting the 20 percent additional allowance for a broader range of commercial uses as was analyzed and determined by the Exhibit 7 Traffic Impact Analysis. Exhibit 7 also shows that the proposed PUD access will also improve nearby intersection operations.

Based upon the foregoing findings of fact and conclusions of law, the Planning Commission concludes that the application is consistent with the requirements of PUD Criterion 5.

* * * * *

PUD Criterion 6

6. If the Preliminary PUD Plan includes uses proposed under Subsection 10.230(D)(7)(c), approval of the PUD shall also be subject to compliance with the conditional use permit criteria in Section 10.248.

Conclusions of Law: The Planning Commission concludes that this Planned Unit Development proposes to devote 20 percent of the PUD area to uses not otherwise permitted in an I-L zone. Pursuant to Criterion 6 it is then required to comply with the conditional use permit (CUP) criteria in MLDC 10.248, which states:

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.

Conclusions of Law: The Commission first observes that MLDC 10.248 establishes two alternative standards prerequisite to approving a CUP in Medford. The Commission further observes that the locations of the uses (that require CUP approval) are not precisely identified. Applicant explained that the uses will be housed within enclosed buildings and the request only seeks to have a broader range of commercial uses that might occupy building interiors. The Commission concludes that there have also been no particular uses identified for the 20 percent of the property. It then follows that no public use is proposed and Applicant has not urged the Commission to proceed under the second alternative CUP criterion and it has not.

However, the Commission also concludes that under either alternative, it is first required to ascertain what constitutes the “abutting properties and surrounding area.” The Commission is then required to determine the potential impacts within the categories of liveability, value and



appropriate development (in comparison to the impacts of permitted development). Finally, the City is required to determine whether the found impacts from the proposed uses are significant. Thereafter, the City can reach conclusions of law under either, provided in this instance that Applicant and the Commission are proceeding exclusively only under the first alternative. Therefore, the Commission reaches the following conclusions of law with respect to MLDC 10.248 (Criterion 1):

Abutting Properties and Surrounding Area: By MLDC definition, abutting properties are those that have a common border with, or are separated from such common border by an alley, easement or right-of-way. The Commission further concludes that the surrounding area is the area entitled to notice for a PUD as a Type “C” action pursuant to MLDC 10.158 — 200 feet from the subject property boundaries. While the technical notification requirements of the MLDC require the public notice area to expand until 75 parcels are captured, the Commission believes and concludes that the 200-foot surrounding area is appropriate area to limit its consideration impacts. The Commission further concludes that all uses and activities will be housed within enclosed buildings and traffic is within the acceptable standards of the City. As such, the Commission concludes that potential impacts beyond 200 feet will not generally be felt or in all instances will be less than significant because beyond 200 feet the nearby uses will generally be beyond site and sound of any impacts that might be produced by this PUD. As such, the Commission concludes that the potential for *significant* impacts (from the additional sought commercial uses) for properties and occupants beyond the 200-foot notice area will be remote and insignificant.

The Commission also determines that the subject property is already occupied by uses and activities, which produce periodic noise and traffic (including truck traffic) although the PUD will produce more traffic overall. Because the uses will be housed in enclosed buildings, noise produced by the uses themselves will be contained.¹⁷ New and potential impacts from the proposed PUD to the surrounding area are likely to be limited to traffic, off-street parking and noise. There are two dwellings in the surrounding area. The dwellings are located approximately one-quarter mile to the east, atop the Coker Butte tract and both are screened by native oak trees.

Location, Size, Design and Operating Characteristics: The location size, design and operating characteristics of the PUD are as set forth in the findings of fact in Section IV and in Applicant’s plans in Exhibit 2. The Commission concludes that its determination of location, size, design and operating characteristics is sufficient and appropriate to enable a proper decision under the criteria in MLDC 10.248.

Liveability: In *McCoy v. Linn County*, 16 Or LUBA 295, 301-302 (1987), *aff’d* 90 Or App 271 (1988), it was held that a similar standard required the fact finder to identify the

¹⁷ Containment of the noise is expected by the buildings themselves. Walls and buildings typically produce a 10dB reduction in sound levels (measured on a logarithmic scale). Additionally, PUD building occupants will likely be held to reasonable sound levels by the owners who will seek to maintain an environment free from excessive noise. Owners have as tools, leases and Unit Ownership documents, to establish and enforce rules regarding noise and other matters typically that govern the use of business property. Applicant has offered a potential agreed to stipulation, that excessive noise will be controlled, should the Commission believe the same to be necessary.



qualities and characteristics which constitute “livability” and determine whether the proposed use will cause more than a minimal adverse impact upon those. Based upon the evidence, the Planning Commission concludes that the qualities and characteristics that constitute liveability, in this instance, consist of potential traffic (and related off-street parking) and noise. The Commission considers each of the potential impacts below:

Traffic: Potential traffic from the PUD was analyzed by Applicant’s expert traffic engineer, the results of which are in Exhibit 7. The significant conclusions of Exhibit 7 are also reported above in Section IV. The evidence shows that traffic produced by the PUD is readily accommodated within the Trip Cap and the PUD access plan can be accommodated while also improving traffic operations at nearby intersections. As the evidence shows that traffic will be accommodated within limits established by the City of Medford, the Planning Commission concludes that the impacts from traffic will not be significant.

Off-street Parking: The Preliminary PUD Plans show that parking is adequate. However, Applicant must manage the amount of parking commensurate with the uses which occupy the PUD buildings to ensure there is an adequate parking supply. The potential for impact results from having fewer than needed spaces, causing parking to flow onto the street or the private parking areas on adjacent land. The Commission does not believe this will occur for two reasons. First, there are no streets abutting the property that permit on-street parking. Second, nearby uses are mostly an appreciable distance from the subject property and the private parking lot of the nearest adjacent/surrounding neighbor is a towing company, which has a site that is generally secured. The Planning Commission also observes that while the uses (not otherwise permitted in an I-L zone) may consume greater amounts of parking, it is also likely that uses having *lesser* parking requirements are also likely to occupy the PUD and the Commission concludes this will be true, that the parking will meet MLDC standards and be adequate.

Noise: The Commission determined above that the subject property is already used for light industrial purposes that sometimes produce noise and noise associated with the movement of truck and equipment. In comparison, the PUD will house uses (commercial ones not permitted in I-L) which could potentially produce greater noise; the Commission concludes that any greater noise that might occur with the uses will be mitigated by their building enclosures. The Commission also observes that excessive noise is a product more of (already permitted) light industrial than commercial enterprise and concludes that the owners will enforce reasonable rules governing excessive noise because the owners own tenants are likely to be those most affected by noise. For the reasons cited, the production of excessive noise from future commercial uses will not produce significant impacts and the Commission so concludes.

Based upon the evidence, the Commission concludes overall that the surrounding area is primarily of a mix of commercial and industrial enterprises and the Commission believes it reasonable to expect a high degree of land use compatibility with the other existing uses, which are categorically similar. With respect to the dwellings atop the Coker Butte tract, the Commission concludes these will not be



significantly affected by noise due to the appreciable distance separating the PUD from the dwellings, the fact that PUD uses will operate within enclosed buildings, the existing natural terrain, and native trees and other vegetation (which also provides some additional measure of sound attenuation).

In summary, for the standard of liveability, the Commission concludes that this development proposal will cause no significant adverse impact on the livability of abutting property, or the surrounding area, when compared to the impacts of permitted development that is not classified as conditional.

Value: The Commission concludes from the evidence that this redevelopment in the form of a PUD will cause no significant adverse impact on the value of abutting property or other properties in the surrounding area.

Appropriate Development: From the evidence, the Commission concludes that most of the abutting and surrounding property is already developed with light industrial and commercial uses, with one exception — the Coker Butte tract. Here the inquiry must become whether the proposed PUD will significantly affect the appropriate future development of that tract. On this, the Commission concludes that the subject property and Coker Butte tract are separated by the Hopkins canal, a semi-public irrigation facility that would be difficult and expensive to traverse. However, some city plans show that Coker Butte Road may one day be extended across the canal and, if that were to occur, it would obviate the need for any connection of the PUD to the Coker Butte tract whatsoever. Applicant earlier reached informal Agreement with the City that it would restrict improvements on the Reserve Acreage to accommodate the future extension of Coker Butte Road. Furthermore, when developed, the Coker Butte tract does not need to rely upon access by way of the subject property or from any extension of Coker Butte Road. Instead, it has its own substantial frontage on other parts of Coker Butte Road. Finally, future plans for development of the Reserve Acreage and/or development of the Coker Butte tract will require implementation of the City's buffering standards in MLDC 10.790.

For the reasons thus explained, the Planning Commission concludes that the commercial uses (not otherwise permitted in an I-L zone) are nonetheless consistent with Medford's CUP criteria because, based upon the foregoing findings of fact and conclusions of law, the Commission concludes that the application is consistent with the requirements of PUD Criterion 6; consistency is established because this 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.

PUD Criterion 7

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



Conclusions of Law: The Planning Commission concludes this application for Preliminary PUD Plan approval is not accompanied by any other submitted applications and PUD Criterion 7 is met by reason of its inapplicability.

VI

SUMMARY OF APPLICANT'S REQUESTS and STIPULATIONS AGREED TO BY APPLICANT

The following summarizes Applicant's requests for approval. Also below are the agreed to stipulations offered by Applicant in this matter. The stipulations will be adhered to by Applicant if made conditions attached to the approval of this application for Preliminary PUD Plan approval.

Summary of Applicant Requests

1. **Project Approval:** Applicant requests that its Preliminary PUD Plan application for Coker Butte Business Park be approved and that the approval further authorize:
 - A. That the PUD may be accorded the twenty (20) percent use allowance which permits uses not otherwise permitted (in this instance) in an I-L zoned pursuant to MLDC 10.230(D)(7)(c).
 - B. Deviations from certain access provisions in MLDC 10.550(3), which permit and approve the access plan proposed by Applicant.
 - C. The submittal of architectural and final landscape plans shall be postponed to the submittal of Final PUD Plans for each Project phase.

Stipulations and Acknowledgments

1. **Reserve Acreage:** Applicant agrees that future planning and development of the PUD Reserve Acreage will require the submittal of a new Preliminary PUD Plan. Applicant further acknowledges that the Reserve Acreage on Tax Lot 1002, will remain subject to the Trip Cap and further acknowledges and accepts that traffic generation from other parts of the PUD will affect and likely diminish the remaining traffic capacity permitted on Tax Lot 1002.
2. **Building Envelopes:** The Preliminary PUD Plan illustrates the location of conceptual building footprints. Final building designs will be incorporated into the Final PUD Plans for each Project phase and the same may differ from the conceptual building footprints, provided that the buildings will be confined to within the Building Envelopes.
3. **Uses Restricted to Inside of Enclosed Buildings:** Within the PUD (except the Reserve Acreage) land uses will be housed within enclosed buildings and owners will control excessive noise within the PUD.
4. **Final Landscaping Plans and Architectural Plans:** Applicant has sought the deferral of final landscaping plans until the time of Final PUD Plan submittal for each Project phase.



Applicant also asks that the review of architectural plans be deferred pursuant to the practices of the Planning Commission.

5. **Storm Drainage:** The stormwater detention facilities along with Highway 62 frontage shall be expanded, as earlier engineered, to accommodate storm drainage emanating on the subject property. Additional stormwater detention facilities will be installed on the subject property to accommodate the detention of stormwaters that are not detained in the Highway 62 detention facilities. Future stormwater detention facilities will be shown on the future Final PUD Plans to be submitted for each Project phase. The detention facilities will be properly engineered by Applicant and approved by the City.
6. **Crater Lake Highway 62 Access:** The right-in/right-out access to Crater Lake Highway 62 shall not be permitted until the State/ODOT classification of Highway 62 has been changed (to permit the access) and jurisdiction over the highway has been transferred to the City of Medford.
7. **Highway 62 Access:** The Crater Lake Highway 62 driveway shows a deceleration lane for right-turns into the property. Applicant agrees to finalize its engineering for the access in concert with ODOT and the City of Medford Public Works Department.
8. **PUD Phasing:** This PUD is contemplated in phases, although precise phasing boundaries are not shown. Phasing will be established through the phased filing of Final PUD Plans as contemplated in the PUD Ordinance.
9. **Signs:** Permits for Project monument signs will be sought under separate permit.

VII

ULTIMATE CONCLUSIONS

Based upon the preceding findings of fact and conclusions of law, it is ultimately concluded that the case for Preliminary PUD Plan approval is consistent with all of the relevant criteria in the Medford Land Development Code (MLDC) as hereinabove enumerated and addressed.

Findings Dated: February 10, 2017

Respectfully submitted on behalf of Applicant:

CSA Planning, LTD.



Craig A. Stone
Consulting Planner

Agricultural Impact Assessment Report

Coker Butte Business Park PUD

Prepared by CSA Planning, Ltd
15 Feb-17

Introduction

The land intended to be developed as the Coker Butte Business Park is planned Commercial and zoned Light Industrial (I-L). The planned PUD is in two portions. The first portion is located west of Crater Lake Avenue and has a proposed Preliminary PUD Plan. The portion of the property located east of Crater Lake Avenue is shown on the Preliminary PUD Plan as Reserve Acreage and its future development will require the submittal of a Preliminary PUD Plan. Land to the north and east is planned by Jackson County as Agriculture land that is zoned Exclusive Farm Use (EFU) pursuant to Oregon Revised Statutes (ORS) Chapter 215. Land to the east (which covers most of the landform known as Coker Butte) is presently inside the Medford Urban Growth Boundary (UGB). EFU-zoned land to the north is within Medford's Urban Reserve¹ and has been proposed by the City of Medford to be included in its UGB.² PUD's which adjoin land zoned EFU are subject to the City's agricultural buffering standards in Medford Land Development Code (MLDC) 10.801.

Required Information

MLDC 10.801(C) requires the preparation of an Agricultural Impact Assessment Report and prescribes the information to be contained in it, and the same are provided as follows:

1. Attached map that shows County and City zoning upon an aerial photograph with the subject property denoted.
2. Existing Farming Practices (on adjacent EFU land): The adjacent EFU lands appear not to be presently farmed. The properties to the north appear to have irrigation rights but there is no evidence that the land is regularly irrigated. There is also no irrigation or frost protection equipment apparent on any of the nearby properties zoned EFU.
3. Attached map illustrates the various soils that occur on the adjacent EFU property according to and along with the NCRS agricultural classifications (regarding agricultural productivity). Soils that occur on adjacent EFU lands to the north are a combination of and Carney clay (27D). Both soils are rated to have an agricultural capability classification of IV with or without irrigation, although Carney clay (27B) improves to class III with irrigation. Lands to the north (which are zoned EFU) are a combination of Carney clay (27D), Carney cobbly clay (28E), Debenger-Brader loams (44E) and Carney clay (27B). All have an agricultural capability classification of IV without irrigation, while Carney clay (27B) improves to class III with irrigation.
4. The EFU properties appear not to be farmed. As such, there is no available list of equipment used on the property. However, the tract to the east appears to have been disked for weed control, a practice that is most typically carried out by a tractor-pulled non-motorized implement.
5. Attached is a two-page diagram that shows seasonal wind direction for each month. The information is compiled from data available through the National Weather Service at the Medford/Jackson County Airport. The airport is located within approximately one mile of the PUD property. These show that prevailing winds during the growing season typically come from northwest and north-by-northwest directions.
6. The summary description of measures to comply with MLDC 10.801 (A) through (E) is explained below and accompanied by agreed to stipulations offered by the PUD Owner/Applicants which are summarized at the end.

¹ Medford's Urban Reserve was established through Regional Problem Solving. The Regional Plan and Urban Reserves have been acknowledged by the State of Oregon.

² The UGB is in the process of being revised and amendment. Such amendment requires City, County and State concurrence. The City has acted to include land to the north in its UGB and the matter, at this time, is proceeding through public hearings before Jackson County decision makers.

Agricultural Classification (Passive or Intensive)

MLDC 10.801(D)(1) requires a threshold determination whether adjacent land zoned EFU is under “intensive” or “passive” agricultural use:

(1) Agricultural Classification (Intensive or Passive). For the purposes of this Section, agricultural land is hereby classified as either intensive or passive. Intensive agriculture is defined as farming which is under intensive day-to-day management, and includes fruit orchards and the intensive raising and harvesting of crops or, notwithstanding its current use, has soils of which a majority are class I through IV as determined by the NRCS, has irrigation water available and is outside of the Urban Growth Boundary. Passive agriculture is defined as farming that is not under intensive day-to-day management, and includes land used as pasture for the raising of livestock. The approving authority shall determine whether adjacent agricultural uses are intensive or passive based upon the specific circumstances of each case and the nature of agriculture which exists on the adjacent land zoned EFU or EA at the time the urban development application is filed and accepted by the City.

The facts which go to this determination under MLDC 10.801(D)(1) and which relate to the adjacent property to the north (Tax Lots 900 and 902) which are zoned EFU:

1. From the attached historic aerial photography, the adjacent EFU property to the north was occupied by a fruit orchard until approximately 2003 when the orchard was removed.³ There is no evidence that the property is now used for agriculture of any type or that it is under day-to-day agricultural management.
2. As shown on the attached soils map, the adjacent EFU-zoned lands to the north are comprised of Carney clay (27B) and Carney clay (27D). Both soils are rated by NCRS to have an agricultural capability classification of IV with or without irrigation, although Carney clay (27B) increases to class III when irrigated.
3. The adjacent EFU-zoned lands to the north appear to have irrigation rights although no evidence was found of actual irrigation since the orchard trees were removed. However, the properties might periodically use its irrigation rights to prevent them from being removed.
4. Even if irrigation were applied to the adjacent Tax Lot 902 there would be no runoff that would adversely affect either the subject property or adjoining land zoned EFU. The reason for there being little or no runoff impact is that the common property line separating the PUD from Tax Lot 902 is located upon a hill; the hill drains the two properties in opposite directions — the subject property does not drain upon adjacent Tax Lot 902 and the PUD property does not drain upon Tax Lot 902.
5. The EFU land to the north is not presently within the Medford UGB. However, (and as earlier noted) this land was identified as Urban Reserve and has been proposed by the City of Medford for inclusion in the Medford UGB, which is now undergoing amendment. There has yet to be a final decision regarding the UGB amendment.

It can be argued that the adjacent land to be buffered from the subject property meets the definitions for both intensive and passive agriculture. The difference in mitigation goes principally to the need to install buffering vegetation (in addition to fencing that is required to mitigate both intensive and passive agriculture).

In this instance, land to the north (Tax Lot 902 which adjoins the PUD and is not Reserve Acreage) is not farmed and exists as a remnant parcel created by the realignment of Crater Lake Avenue. According to the Preliminary PUD Plan, Tax Lot 902 would be buffered by a nearly solid wall of buildings; the buildings adjoin the interface between the PUD and Tax Lot 902. Gaps between the buildings (for loading docks) can be easily fenced or otherwise screened and Applicant has offered an agreed to stipulation to do so. The buildings will have no planned door or window openings that face toward Tax Lot 902 (a matter to which Applicant has also agreed to stipulate). Applicant contends that buffering required for this PUD is sufficient as proposed for passive agriculture and will be adequate given the above facts, which suggest this property has not been farmed since at least 2003 and is expected to be included in Medford’s UGB. However, Applicant has also agreed to reduce the size of the adjoining buildings to afford space for the additional landscape buffering (*should the Commission determine that the adjacent land is intensive agriculture*) as below explained.

³ The 2000 aerial shows a fruit orchard that then occupied the properties. The 2003 aerial shows that the orchard had been removed. The exact year of its removal is unknown but was sometime between 2000 and 2003.

Required Mitigation for Passive Agriculture

The mitigation of passive agriculture is set forth in MLDC 10.801(D)(3) and requires:

- Fencing of the specified type and height installed at the property boundary (which adjoins the EFU tract).
- The recording of a Deed Declaration which requires the PUD owners to accept customary farming and to maintain fencing (and other required buffering features).
- Management by the PUD owners to control any irrigation runoff.

Proposed Mitigation for Passive Agriculture

Proposed Mitigation: First, Applicant/Owners intend to address buffering as a separate matter for the PUD's Reserve Acreage (which will be subject to later additional Preliminary PUD Plan approval). With respect to the portion of the PUD located west of Crater Lake Avenue, Applicant observes that there are no setback requirements for land zoned I-L and Applicant has proposed to align some of its buildings along the property's north boundary (adjoining the EFU lands). The buildings will afford the same or better buffering mitigation than that afforded by fencing alone (or in combination with landscaping required for intensive agriculture).

As mentioned, the proposed buildings do not form a continuous barrier; there are breaks between the buildings to accommodate loading docks and these would require fencing with some additional fencing from the westerly-most building to the front setback line along Highway 62. The proposed fencing between breaks in the buildings will be in accord with MLDC 10.801(D)(3)(a) and the same will afford a continuous buffer along the subject property's north boundary. The combination of buildings and fencing will appropriately mitigate any potential for agricultural impacts to the subject property or from the subject property to the adjacent EFU land. The Preliminary PUD Plan now before the Planning Commission shows the mitigation proposed by Applicant (although fencing between buildings and that extending to the Highway 62 right-of-way is not shown).

Summary of Applicant Stipulations

As part of this Agricultural Impact Assessment and in connection with the proposed PUD (Coker Butte Business Park) Owner/Applicant agrees to stipulate to the following matters if required as conditions of approval for the Preliminary PUD Plan for Coker Butte Business Park:

1. Applicant will record the required Deed Declaration in accordance with 10.801(D)(3)(b). If required, the City will be given an opportunity to review the Deed Declaration before it is signed and recorded.
2. Applicant will install fencing in accordance with MLDC 10.801(D)(3)(a) between the buildings which adjoin the north boundary of the PUD (which adjoins Tax Lot 902) and extending west to Highway 62 front setback boundary.
3. When the PUD's Reserve Acreage is proposed for Preliminary PUD Plan approval, Applicant will supply a supplemental Agricultural Impact Assessment Report in accordance with MLDC 10.801(C).
4. If necessary and specifically required by the Planning Commission, Applicant will reduce the depth of PUD buildings which adjoin the adjacent EFU-zoned Tax Lot 902 in order to accommodate agricultural buffering landscaping (should the adjacent Tax Lot 902 be determined to be intensive agriculture). If the same is imposed by the Planning Commission, any such requirement should be automatically negated if the adjacent Tax Lot 902 is included in Medford's UGB before the said PUD buildings are constructed.⁴

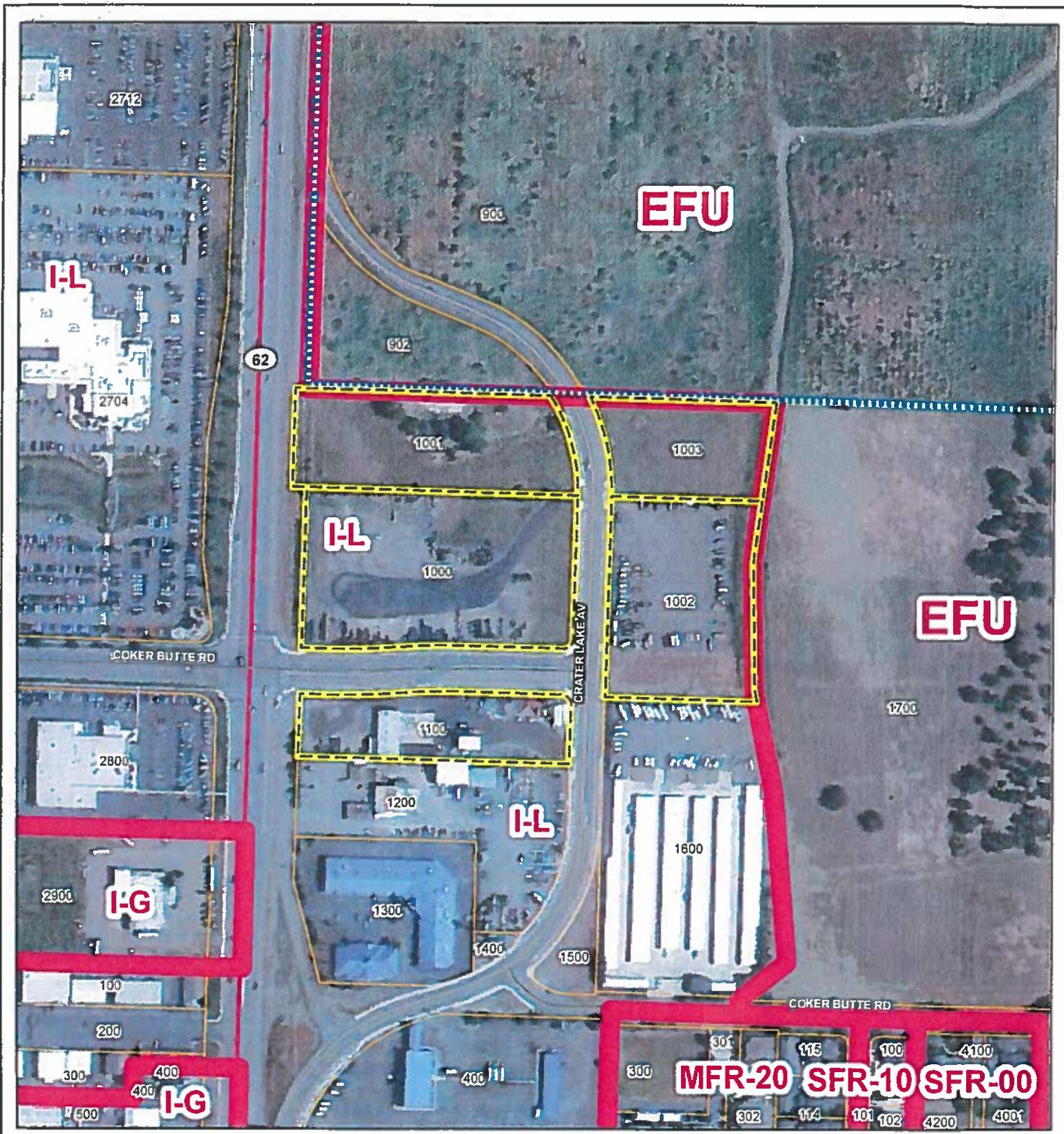
This Agricultural Impact Assessment Report is dated February 15, 2017.

CSA Planning, Ltd



Craig A. Stone
Consulting Urban Planner

⁴ Once Tax Lot 902 (and Tax Lot 900) is included in the UGB, the need for landscape agricultural buffering is obviated.



2016 Aerial

-  Subject Lots
-  Urban Growth Boundary
-  Medford Zoning
-  Tax Lots

Zoning Map

Agricultural Impact Assessment
Coker Butte Business Park PUD
37-1W-05 Tax Lots 1000, 1001, 1002, 1003, 1100

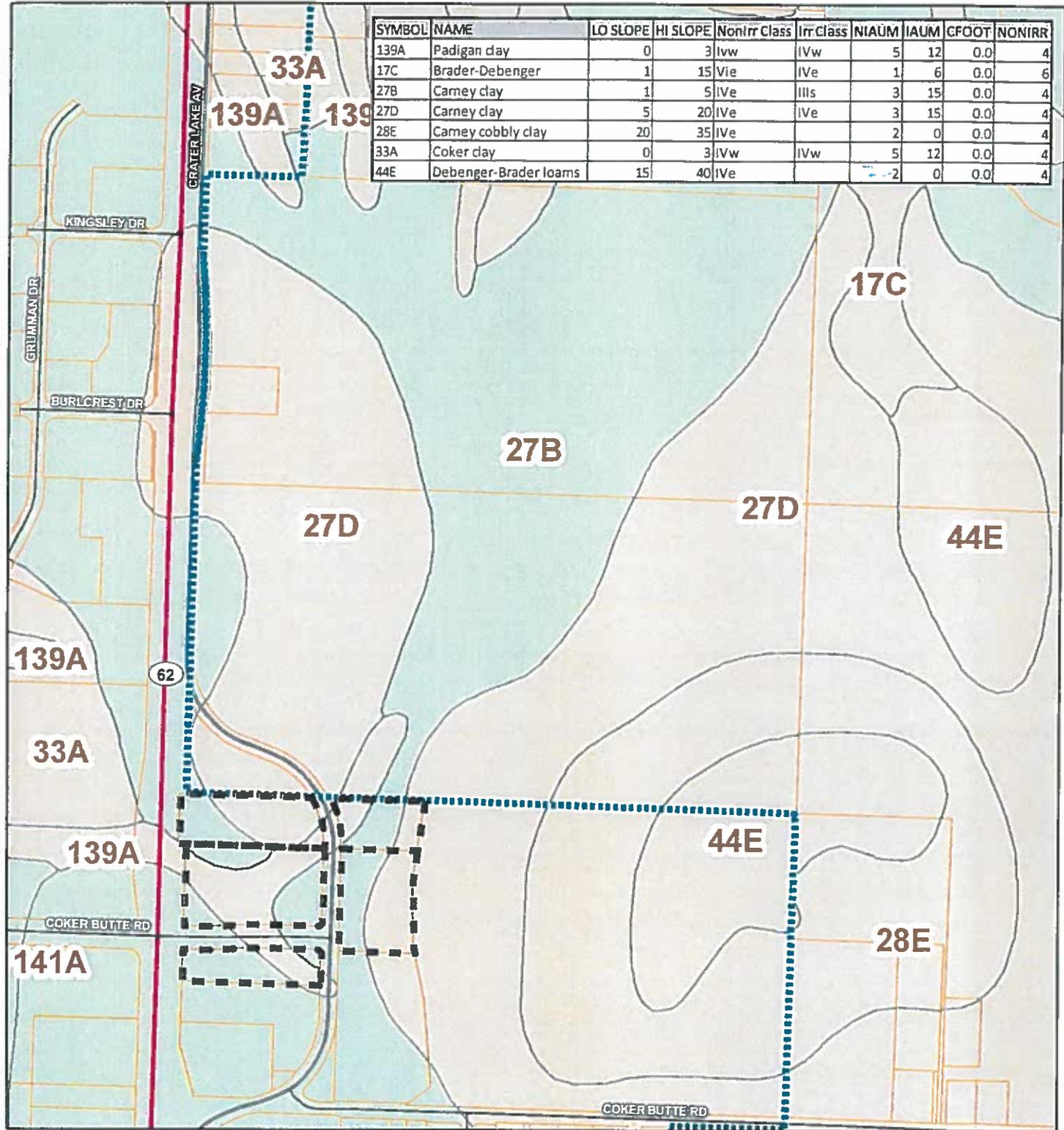




CSA Planning, Ltd.

Source: City of Medford GIS, Google Earth, Jackson County GIS

SYMBOL	NAME	LO SLOPE	HI SLOPE	NonIrr Class	Irr Class	NIAUM	IAUM	CFOOT	NONIRR
139A	Padigan clay	0	3	Ivw	IVw	5	12	0.0	4
17C	Brader-Debenger	1	15	Vie	IVe	1	6	0.0	6
27B	Carney clay	1	5	IVe	IIIs	3	15	0.0	4
27D	Carney clay	5	20	IVe	IVe	3	15	0.0	4
28E	Carney cobbly clay	20	35	IVe		2	0	0.0	4
33A	Coker clay	0	3	IVw	IVw	5	12	0.0	4
44E	Debenger-Brader loams	15	40	IVe		-2	0	0.0	4



- Subject Lots
- Urban Growth Boundary
- Tax Lots
- NRCS Soils**
- IIIe; IIIs; IIIw
- IVe; IVs; IVw

NRCS Soils

Agricultural Impact Assessment
 Coker Butte Business Park PUD
 37S-1W-5 tax lots 1000, 1001, 1002, 1003, 1100



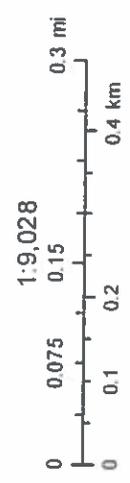
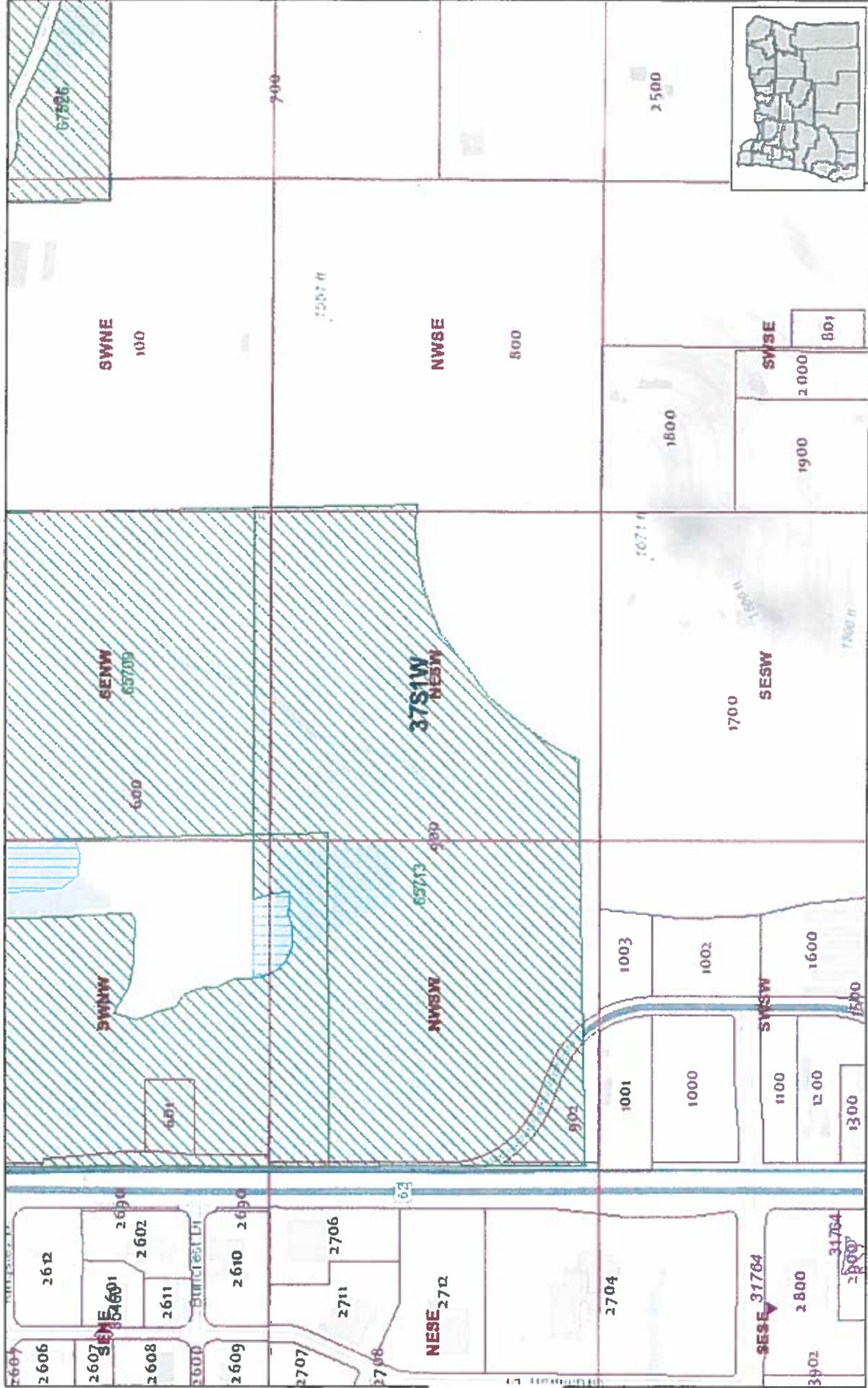
CSA Planning, Ltd.



Oregon Water Rights Map

February 15, 2017

Oregon Water Resources Department
725 Summer St NE, Suite A, Salem, OR 97301
(503)986-0900

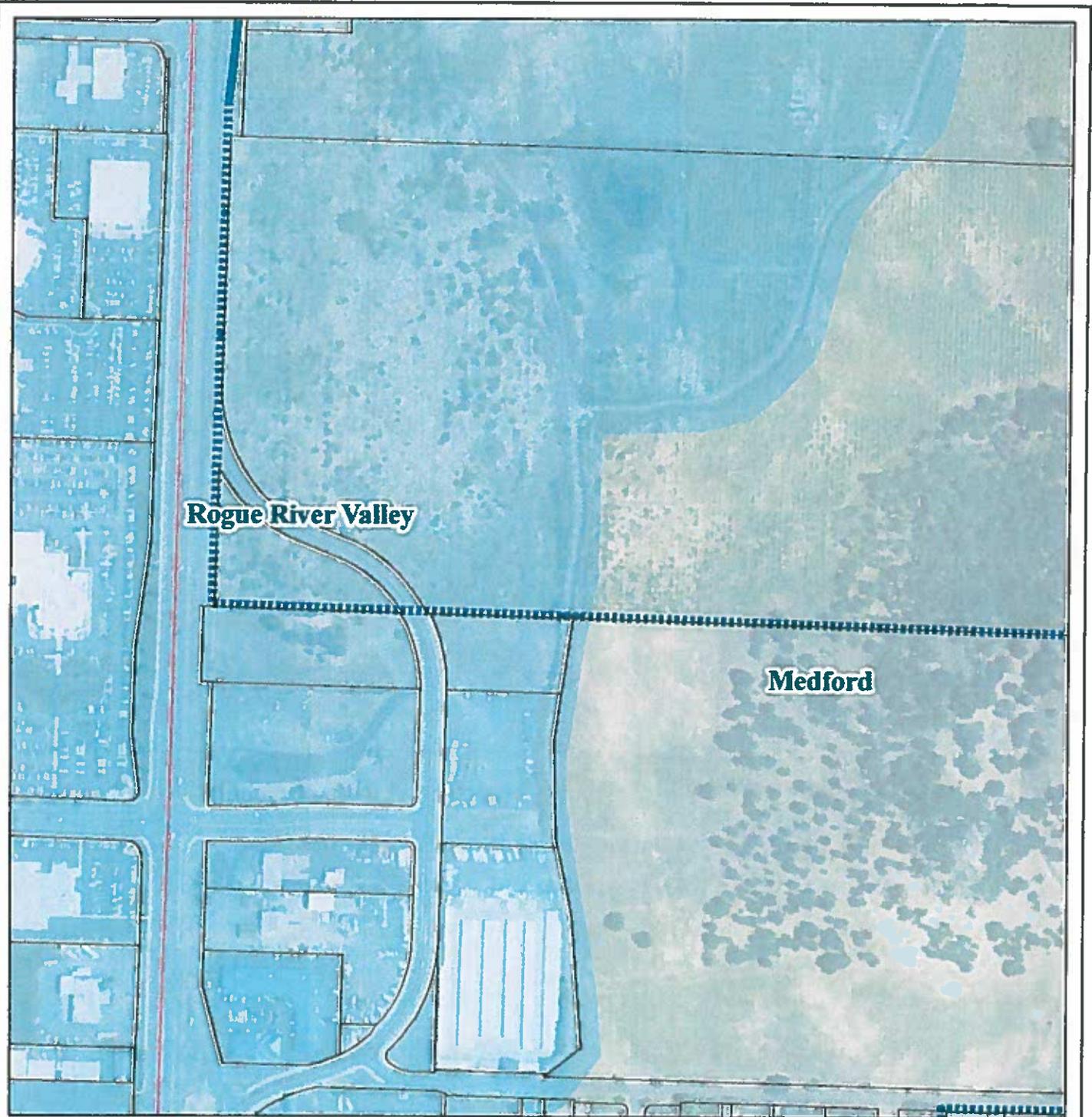


Water Rights by Type

- Historic Use
- Private Use
- Surface Water
- Subsurface Water
- Unconducted
- Recreation
- Fish
- Wildlife
- Recreation
- RSC
- Agriculture
- Power
- Corrosion
- Domestic
- Livestock
- Irrigation
- Mining

By Primary/Supplemental

- Primary
- Supplemental



 Tax Lots
 Urban Growth Boundary
Irrigation District Boundaries
 Medford
 Rogue River Valley
2016 Aerial

Irrigation District Boundary Map
 Table Rock Holdings, LLC /
 Coker Butte Properties, LLC
 PUD
 37-1W-05- TL1000, 1001, 1002, 1003 & 1100

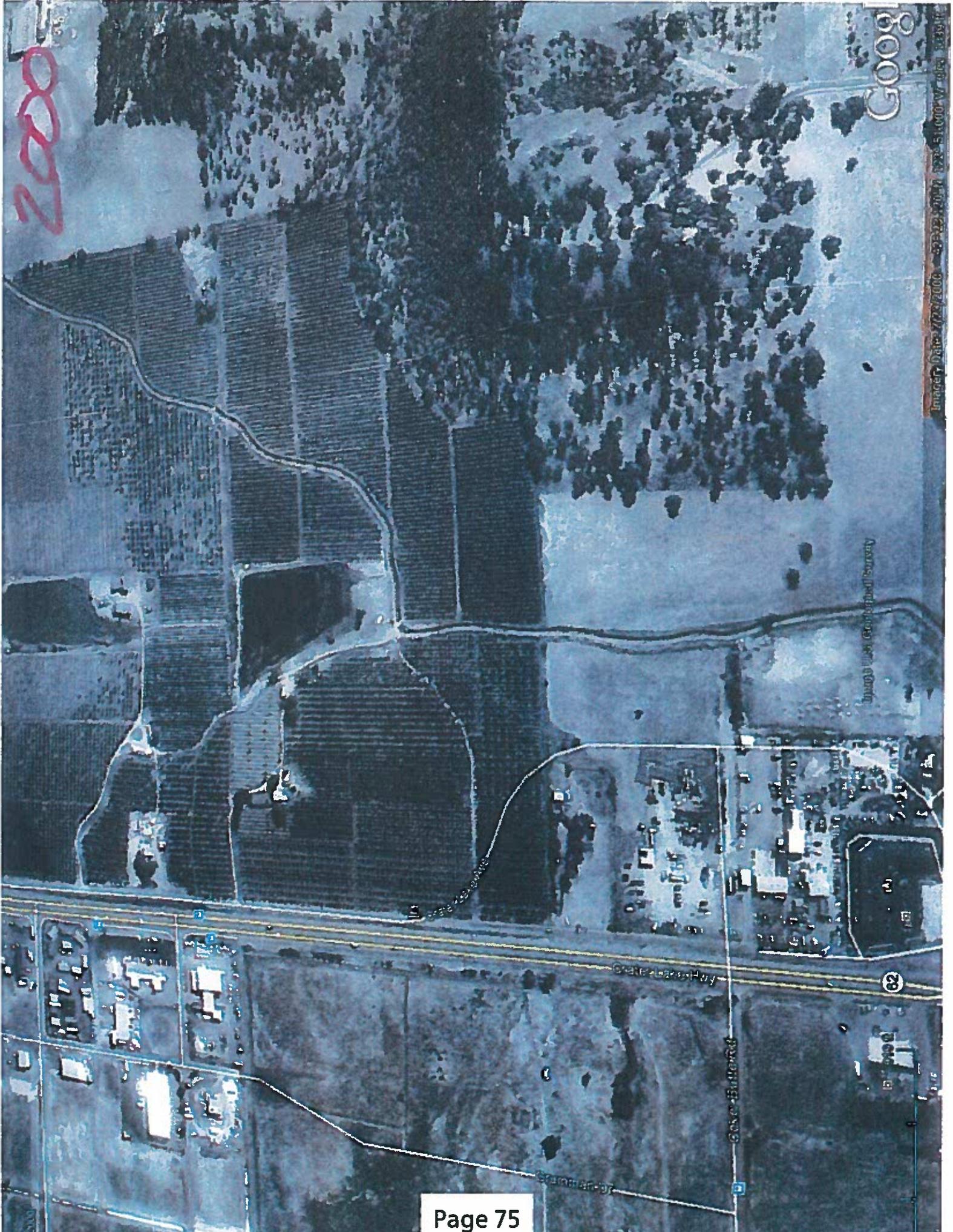
 1 inch = 400 feet

 2-16-2017 Source: CSA Planning, Ltd. Jackson County GIS

2000

GOOG

Imagery Date: 7/23/2000 08:29:20Z 43.251000W 83.33914E





2003

Google

USDA Farm Service Agency

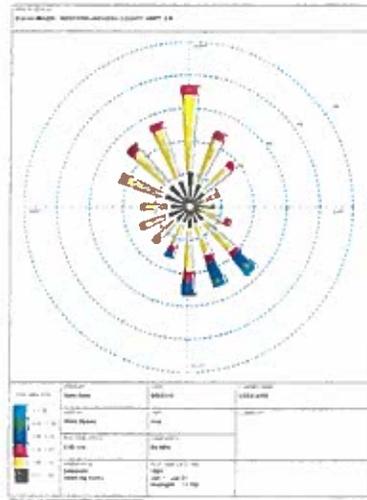
Grater Lake Hwy

Grater Bufile Rd

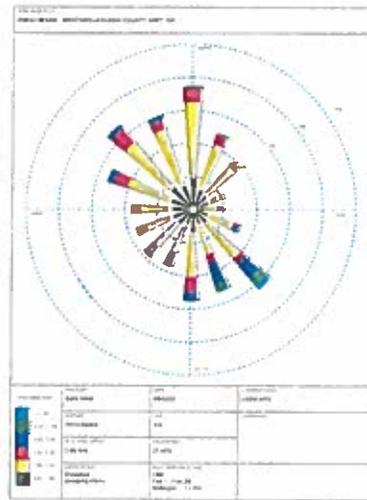
Granger Dr

62

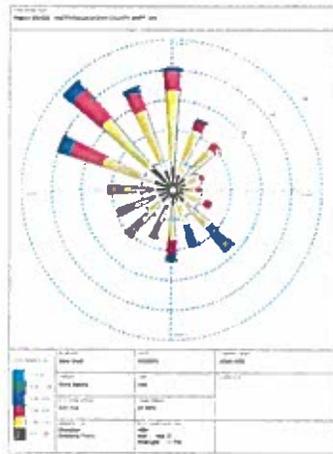
January



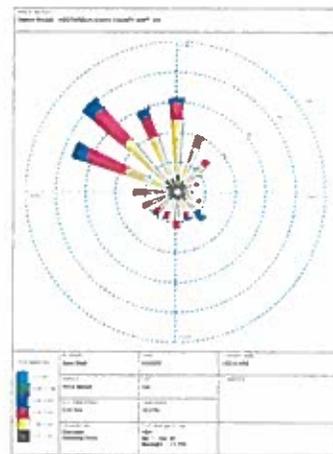
February



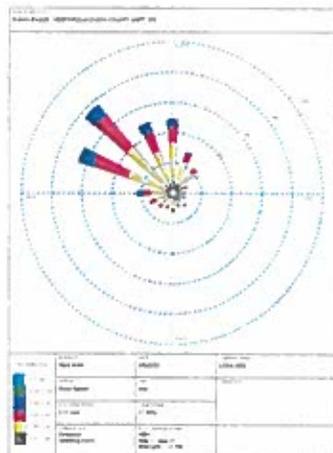
March



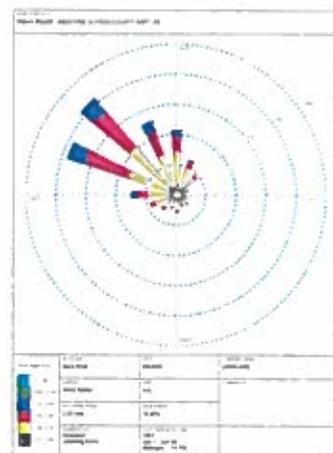
April



May



June





Continuous Improvement Customer Service

CITY OF MEDFORD

Revised Date: 6/1/2017
File Number: PUD-17-023

PUBLIC WORKS DEPARTMENT STAFF REPORT **Coker Butte Business Park PUD**

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

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

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

NOTE:

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

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

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

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

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

A. STREETS

1. Dedications

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

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

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

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

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

2. Public Improvements

a. Public Streets

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

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

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

b. Street Lights and Signing

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

Street Lighting – Developer Provided & Installed:

- A. 2 – Type A-400
 - a. Maintain/protect existing lighting conduit on Coker Butte Road (north side) for new driveway entrance. Conduit might have to be lowered.
- B. 1 – Base Mounted Cabinet (BMC)
 - a. Could utilize the existing BMC on the SW corner of Hwy 62 intersection. Would need to include a breaker and contactor for a new circuit.
 - b. Provide voltage drop calculations for the new circuit.

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

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

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

c. Pavement Moratoriums

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

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

3. Access and Circulation

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

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

4. Transportation System

Public Works received a limited Traffic Impact Report from Southern Oregon

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

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

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

In addition, the existing trip cap, per ZC-07-272, on tax lots 1000, 1002, and 1100 of 2,480 average daily trips (ADT) or 248 peak hour trips shall remain in place until a Traffic Impact Analysis is submitted studying the full trip generation potential of the site. The applicant shall submit trip accountings with each individual building permit showing that the proposed new buildings will not cause the trip cap to be exceeded.

5. Section 10.668 Analysis

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

10.668 Limitation of Exactions

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

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

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

1. Nexus to a legitimate government purpose

The purposes for these dedications and improvements are found throughout the Medford Code,

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

Cross Access Easement:

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

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

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

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

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

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

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

Highway 62:

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

Coker Butte Road and Crater Lake Avenue:

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

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

Cross Access Easement:

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

B. SANITARY SEWERS

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

C. STORM DRAINAGE

1. Drainage Plan

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

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

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

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

2. Grading

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

3. Detention and Water Quality

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

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

4. Certification

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

5. Erosion Prevention and Sediment Control

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

6. Wetlands

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

7. Easement

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

D. GENERAL CONDITIONS

1. Design Requirements and Construction Drawings

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

2. Construction Plans

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

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

3. Construction and Inspection

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

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

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

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

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

4. Site Improvements

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

5. System Development Charges

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

Prepared by: Doug Burroughs
Revised by: Doug Burroughs

SUMMARY CONDITIONS OF APPROVAL

Coker Butte Business Park PUD

PUD 17-023

A. Streets

1. Street Dedications to the Public:

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

2. Improvements:

a. Public Streets

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

b. Lighting and Signing

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

c. Pavement Moratoriums

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

3. Access and Circulation:

- Driveway access to the proposed development site shall comply with MLDC 10.550 & 10.426.
- No direct access to Crater Lake Highway at this time.

4. Transportation System

- The existing trip cap shall remain in place.
- Submit trip accountings with each individual building permit.

B. Sanitary Sewer:

- Contact RVSS for sanitary sewer connections.

C. Storm Drainage

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

D. General Conditions

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

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



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

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

SUBJECT: PUD-17-023

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

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

DATE: May 17, 2017

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

CONDITIONS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.
3. Installation of "on-site" 8-inch water lines is required. Applicants' civil engineer shall coordinate with MWC engineering department for on-site water facility layout. Water lines are required to be installed in paved travel lanes. They shall not be installed through landscaping islands, parking islands, and also not through parking stalls.
4. The existing 8-inch water line located in Crater Lake Avenue north of Coker Butte Road is required to be extended northerly to the City Limits.
5. Dedication of a 10 foot wide (minimum) access and maintenance easement to MWC over all water facilities located outside of public right-of-way is required. Easement shall be submitted to MWC for review and recordation prior to construction.
6. Installation of an Oregon Health Authority approved backflow device is required for all commercial, industrial, municipal, and multi-family developments. New backflow devices shall be tested by an Oregon certified backflow assembly tester. See MWC website for list of certified testers at the following web link <http://www.medfordwater.org/Page.asp?NavID=35>.

Continued to Next Page

CITY OF MEDFORD
EXHIBIT # K
File # PUD-17-023



Continued from Previous Page

COMMENTS

1. Off-site water line installation is not required.
2. Onsite water line installation is required/ (See Condition 3 & 4)
3. Static water pressure is approximately 64 to 72 psi. Installation of Pressure Reducing Valve is not required per Uniform Plumbing Code.
4. MWC "metered" water service does exist to Tax Lot 1100. There is an existing 2-inch water meter that currently serves Rogue Disposal. Depending on location and size, this existing water meter could be utilized to serve the nearest proposed building, or it will be required to be abandoned.
5. The "Reserve Acreage" on the east side of Crater Lake Avenue shall not receive water facility improvements at this time. This area will be reviewed at time of a future land development review.
6. Access to MWC water lines is available. There is an 8-inch water line in Coker Butter Road between Crater Lake Hwy 62 and Crater Lake Avenue. There is also an 8-inch water line in Crater Lake Avenue between Coker Butte Road and the north side of the intersection of Crater Lake Avenue and Coker Butte Road. There is also an 8-inch water line stubbed to the south property line of TL 1002 which extends northerly through the mini-storage property from an 8-inch water line located in Coker Butte Road.



0 50 100 200
 Feet
 Scale: 1"=200'

**Water Facility Map
 for
 PUD-17-023**

Legend

- A Air Valve
- Sample Station
- Fire Service
- ⊕ Hydrant
- ▲ Reducer
- ⊖ Blow Off
- ⊕ Plug-Caps

Water Meters:

- Active Meter
- On Well
- Unknown
- Vacant

Water Valves:

- ⊕ Butterfly Valve
- ⊕ Gate Valve
- ⊕ Lapping Valve

Water Mains:

- Active Main
- - Abandoned Main
- Reservoir Drain Pipe
- Pressure Zone Line

Boundaries:

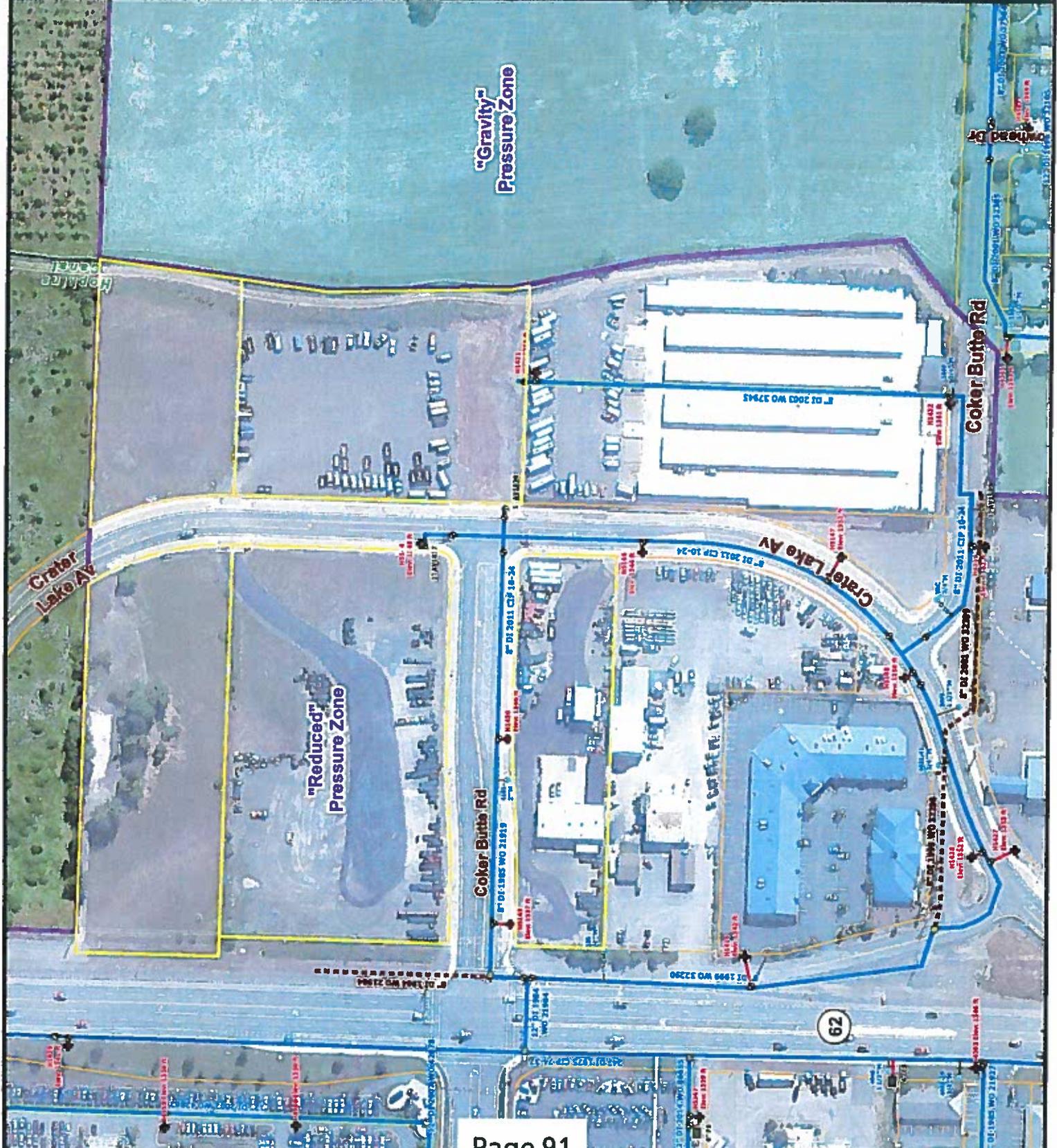
- ▭ Urban Growth Boundary
- ▭ City Limits
- ▭ Tax Lots

MWC Facilities:

- C Control Station
- P Pump Station
- R Reservoir



Bedford Water Commission
 1000 Main Street, Bedford, NH 03110
 603-882-1234
 www.bedfordwater.com





Medford Fire Department

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

LAND DEVELOPMENT REPORT - PLANNING

To: Dustin Severs

LD Meeting Date: 05/17/2017

From: Greg Kleinberg

Report Prepared: 03/20/2017

Applicant: Applicant, Coker Butte Properties, LLC, and Table Rock Holdings, LLC; Agent,

File #: PUD - 17 - 23

Site Name/Description: Coker Butte Business Park

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

DESCRIPTION OF CORRECTIONS

REFERENCE

Requirement FIRE HYDRANTS

OFC

508.5

Fire hydrants with reflectors will be required for this project.

Fire hydrant locations shall be as follows: Six (6) new fire hydrants will be required for this project.

Fire hydrant spacing in commercial areas shall be a maximum of 300 feet. Due to the operational needs of the fire department, hydrants on arterial streets and some collector streets shall be located on the same side of the street as the project.

Additional hydrants may be required to comply with the requirement of proximity to fire department connections (for fire sprinkler and standpipe systems, the fire department connection shall be located at an approved location away from the building and within 75' of a fire hydrant. The fire department connection shall be located on the same side as the fire department access route.).

The approved water supply for fire protection (hydrants) is required to be installed prior to construction when combustible material arrives at the site.

Plans and specifications for fire hydrant system shall be submitted to Medford Fire Department for review and approval prior to construction. Submittal shall include a copy of this review (OFC 501.3).

Requirement FD APPARATUS ACCESS ROAD DESIGN

OFC

503.2.1

Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and unobstructed vertical clearance of not less than 13 feet 6 inches. The required width of a fire apparatus access road shall not be obstructed in any manner, including parking of vehicles. Minimum required widths and clearances established under section 503.2.1, shall be maintained at all times. The fire apparatus access road shall be constructed as asphalt,

CITY OF MEDFORD
EXHIBIT # L
File # PUD-17-023



Medford Fire Department

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

LAND DEVELOPMENT REPORT - PLANNING

To: Dustin Severs

LD Meeting Date: 05/17/2017

From: Greg Kleinberg

Report Prepared: 03/20/2017

Applicant: Applicant, Coker Butte Properties, LLC, and Table Rock Holdings, LLC; Agent,

File #: PUD - 17 - 23

Site Name/Description: Coker Butte Business Park

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).

Requirement PRIVATE FIRE DEPARTMENT ACCESS PARKING RESTRICTION OFC 503.4

Parking shall be posted as prohibited along the fire lanes.

Fire apparatus access roads 20-26' wide shall be posted on both sides as a fire lane. Fire apparatus access roads more than 26' to 32' wide shall be posted on one side as a fire lane (OFC D103.6.1).

Where parking is prohibited for fire department vehicle access purposes, NO PARKING-FIRE LANE signs shall be spaced at minimum 50' intervals along the fire lane (minimum 75' intervals in 1 & 2 family residential areas) and at fire department designated turn-around's. The signs shall have red letters on a white background stating "NO PARKING-FIRE LANE" (See handout).

For privately owned properties, posting/marketing of fire lanes may be accomplished by any of the following alternatives to the above requirement (consult with the Fire Department for the best option):

Alternative #1:

Curbs shall be painted red along the entire distance of the fire department access. Minimum 4" white letters stating "NO PARKING-FIRE LANE" shall be stenciled on the curb at 25-foot intervals.

Alternative #2:

Asphalt shall be striped yellow or red along the entire distance of the fire department access. The stripes shall be at least 6" wide, be a minimum 24" apart, be placed at a minimum 30-60 degree angle to the perimeter stripes, and run parallel to each other. Letters stating "NO PARKING-FIRE LANE" shall be stenciled on the asphalt at 25-foot intervals.

Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths (20' wide) and clearances (13' 6" vertical) shall be maintained at all times (OFC 503.4; ORS 98.810-12).



Medford Fire Department

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

LAND DEVELOPMENT REPORT - PLANNING

To: Dustin Severs

LD Meeting Date: 05/17/2017

From: Greg Kleinberg

Report Prepared: 03/20/2017

Applicant: Applicant, Coker Butte Properties, LLC, and Table Rock Holdings, LLC; Agent,

File #: PUD - 17 - 23

Site Name/Description: Coker Butte Business Park

This restriction shall be recorded on the property deed as a requirement for future construction.

A brochure is available on our website or you can pick up one at our headquarters.

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.

Dustin J. Severs

From: valerie.thorsen@faa.gov
Sent: Tuesday, April 04, 2017 3:28 PM
To: craig@csaplanning.net
Cc: Dustin J. Severs
Subject: Coker Butte Business Park

Good afternoon,

I am writing in response to the Coker Butte Business Park proposal provided for Federal Aviation Administration (FAA) review from the City of Medford Planning Department. Given the proximity to the airport, please submit an FAA Form 7460 at <https://oeaaa.faa.gov>. Please let me know if you have any questions.

Thank you,
Valerie Thorsen
Airport Planner (OR)
Seattle Airports District Office
425-227-2655

Dustin J. Severs

From: Marcy Black <BlackMA@jacksoncounty.org>
Sent: Wednesday, March 29, 2017 10:20 AM
To: Dustin J. Severs
Subject: File NO. PUD-17-023 - Coker Butte Business Park

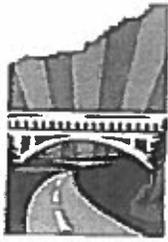
Dustin:

Prior to any development, the Airport requests an Avigation, Noise and Hazard Easement be executed. In addition, due to the proximity of the development to the Airport, a 7460-1 Notice of Construction form will need to be submitted to the FAA for review prior to any construction.

Thanks for the opportunity to comment.

Marcy Black
Deputy Director-Administration

CITY OF MEDFORD
EXHIBIT # N
File # PUD-17-023



JACKSON COUNTY

Roads

Roads
Engineering

Kevin Christiansen
Construction Manager

200 Antelope Road
White City, OR 97503
Phone: (541) 774-6255
Fax: (541) 774-6295
christike@jacksoncounty.org

www.jacksoncounty.org

May 9, 2017

Attention: Dustin Severs
Planning Department
City of Medford
200 South Ivy Street, Lausmann Annex, Room 240
Medford, OR 97501

RE: Preliminary PUD plan for development off Coker Butte Road – an ODOT-maintained section of the road.
Planning File: PUD-17-023.

Dear Dustin:

Thank you for the opportunity to comment on the consideration of a Preliminary PUD Plan for Coker Butte Business Park, a proposed development consisting of office and light industrial uses to be located on a 14.5 acre site composed of five contiguous lots bounded generally by Highway 62, Coker Butte Road and Crater Lake Avenue, within the Light Industrial (I-L) zoning district. Jackson County Roads has no comments.

If you have any questions or need further information feel free to call me at 774-6255.

Sincerely,

Kevin Christiansen
Construction Manager



ROGUE VALLEY SEWER SERVICES

Location: 138 West Vilas Road, Central Point, OR - Mailing Address: P.O. Box 3130, Central Point, OR 7502-0005
Tel. (541) 664-6300, Fax (541) 664-7171 www.RVSS.us

March 19, 2017

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

Re: PUD-17-023, Coker Butte Business Park (37 1W 05-1000, 1001, 1002, 1003 & 1100)
Ref: ZC-07-272, CP-08-121

ATTN: Dustin,

The subject properties are within the RVSS service area. There is a 10 inch main located on tax lots 1000 and 1100 adjacent to Crater Lake Highway. Tax lots 1001 and 1100 are currently served by 4 inch services connected to the 10 inch main.

Sewer service to the proposed development will require mainline extension into the property from the 10 inch main and/or from the 8 inch stub at the intersection of Coker Butte Road and Crater Lake Highway. There are currently no sewer facilities adjacent to tax lots 1003 and 1002. In order to minimize future impacts to the proposed development it is strongly suggested sewer mains be extended to these parcels.

Rogue Valley Sewer Services requests approval of this application be subject to the following conditions:

1. Future development must be designed and constructed in accordance with RVSS standards. This includes the dedication of easements over public sewer mains outside of the public right-of-way.
2. Access to existing and future sewer manholes must be maintained at all times.
3. Existing sewer services must be abandoned per RVSS standards. This includes obtaining a no-cost abandonment permit from RVSS.
4. System Development Charges will be due to Rogue Valley Sewer Services prior to the connection of the proposed facilities to public sewer. Please note, SDC fees owed to RVSS are separate from fees owed to the City of Medford and RVSS SDC fees are variable depending on the proposed use of the buildings. The applicant must provide RVSS with a plumbing fixture plan for the determination of fees.

Sincerely,

Nicholas R. Bakke

Nicholas R. Bakke, P.E.
District Engineer

K:\DATA\AGENCIES\MEDFORD\PLANNING\PUD\2017\PUD-17-023_COKER BUTTE BUSINESS PARK.DOC

CITY OF MEDFORD
EXHIBIT # P
File # PUD-17-023

Coker Butte Business Park Planned Unit Development

Limited Traffic Analysis

February 7, 2017

Prepared By:



*TRANSPORTATION
ENGINEERING, LLC*

SOUTHERN OREGON TRANSPORTATION ENGINEERING, LLC

CITY OF MEDFORD
EXHIBIT # Q
File # PUD-17-023

I. EXECUTIVE SUMMARY

Summary

Southern Oregon Transportation Engineering, LLC prepared a limited traffic analysis for a proposed Coker Butte Business Park Planned Unit Development (PUD) located on Township 37S Range 1W Section 05, tax lots 1000, 1001, 1002, 1003, and 1100 in Medford, Oregon. The parcels total approximately 14.5 acres and are located east of OR 62 along both sides of Coker Butte Road and Crater Lake Avenue.

There is an existing trip cap on tax lots 1000, 1002, and 1100 of 2,480 average daily trips (ADT) or 248 peak hour trips. Tax lots 1001 and 1003 are unrestricted and estimated to generate 300 ADT per acre using City of Medford Light Industrial (I-L) trip generation estimates. Considering both the trip cap and I-L trip generations on remaining tax lots, the PUD potential impact is shown to generate 4,145 ADT or 415 peak hour trips. Access is currently provided on the south side of Coker Butte Road east of OR 62, along the west side of Crater Lake Avenue north and south of Coker Butte Road, and along the east side of Crater Lake Avenue north of Coker Butte Road. Right-in right-out accesses are proposed on the north side of Coker Butte Road east of OR 62 and on the east side of OR 62 north of Coker Butte Road. Refer to Figure 4 for a Conceptual Site Plan.

The study area included all site driveways and the following intersections:

1. OR 62 & Coker Butte Road
2. Crater Lake Avenue & Coker Butte Road

Site driveways and study area intersections were evaluated during the p.m. peak hour under year 2017 no-build and design year 2020 conditions with and without proposed development trips.

Conclusions

The findings of the limited traffic analysis conclude that the proposed PUD and proposed right-in, right-out (RIRO) accesses on OR 62 and Coker Butte Road can be accommodated on the existing transportation system without creating adverse impacts. Intersection operations and safety conditions were evaluated under existing year 2017 and design year 2020 no-build and build conditions and resulted in the following conclusions:

- Site driveways and surrounding intersections operate acceptably under existing year 2017 and design year 2020 no-build and build conditions.
- Sight distance is shown to be adequate from existing and proposed driveways.
- Right-in, right-out (RIRO) accesses along the east side of OR 62 north of Coker Butte Road and along the north side of Coker Butte Road east of OR 62 do not meet all City of Medford Land Development Code (MLDC) driveway spacing and location standards, but create no adverse safety or operational impacts, and are shown to preserve capacity at study area intersections, reduce queue lengths, improve connectivity and circulation, and reduce vehicle miles traveled (VMT) to the site.

The proposed PUD and RIRO accesses on Coker Butte Road and OR 62 can be approved based on findings that they create no safety or operational concerns, and are shown to provide a benefit to the transportation system with preserved capacity, reduced queue lengths, and improved circulation.



Continuous Improvement Customer Service

CITY OF MEDFORD

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

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

RECEIVED

October 18, 2016

OCT 18 2016

Southern Oregon Transportation Engineering, LLC.
112 Monterey Dr.
Medford, OR. 97504

PLANNING DEPT.

The proposed Planned Unit Development on the General Industrial (I-G) zoned property identified as Township 37 Range 1W Section 05 tax lots 1000 (4.6 acres), 1001 (2.96 acres), 1002 (3.2 acres), 1003 (1.76 acres), and 1100 (1.98 acres), totaling 14.5 acres, will require a traffic impact analysis (TIA) to determine project impacts to the transportation system. Tax lots 1000, 1002, and 1100, with I-G zoning were approved with a trip cap generating a maximum of 2,480 average daily trips (ADT). Tax Lots 1001 and 1003 were approved with an entitlement of 1,416 ADT for a total trip generation of 3,896 ADT. The limited traffic impact analysis shall evaluate all existing and proposed access points and the intersections of Coker Butte Rd & OR 62 and Coker Butte Rd & Crater Lake Ave. The analysis must be prepared by a licensed engineer in the State of Oregon and follow our current TIA methodology. The general format is as follows and pertains to City of Medford and Jackson County facilities that involve collector and arterial streets. ODOT facilities should be addressed with ODOT using ODOT criteria.

1. A TIA should always analyze the potential traffic generation of a parcel(s) with the following exceptions:
 - a. A Planned Unit Development (PUD) is being proposed with a site plan that the traffic analysis will be based on and stipulated to.
 - b. The potential traffic generation of the parcel(s) cannot be supported by the transportation facilities and a stipulation (trip cap) is being proposed.
2. All trip distributions into and out of the transportation system must reflect existing traffic count data for consistency or follow the current transportation model used by the City. If alternate splits are used to distribute traffic, then justification must be provided and approved by the Public Works Director prior to first submittal of the TIA.
3. Any intersection where the proposed development can be expected to contribute 25 or more trips during the analysis peak period shall be analyzed. Intersections having less than 25 peak period trips are not substantially impacted and will not be included in the study area.
4. Pipeline traffic must be considered into the existing count data before the impacts of project traffic are evaluated. Once the study area is defined by the applicant's traffic engineer and a written request is received, Public Works will supply all necessary pipeline information within one week.
5. The TIA shall determine all improvements or mitigation measures necessary to maintain facility adequacy at study area intersections. Mitigation measures may include:

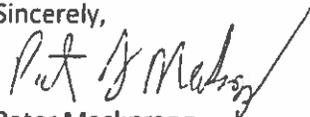
CITY OF MEDFORD
EXHIBIT # R
File # PUD-17-023

construction of necessary transportation improvements and shall be required to bring transportation facilities operate to an acceptable level of service (LOS) with the addition of project traffic.

6. Peak period turning movement counts must be at least two-hour minimums and capture the peak period. Counts must be less than two years old and adjusted to the design year of the project. A seasonal traffic adjustment is required on study area streets if counts were not prepared during the peak period of the year and count data shows a 10% increase in traffic volumes.
7. All LOS analyses shall follow operational procedures per the current Highway Capacity Manual. Ideal saturation flow rates greater than 1800 vehicles per hour per lane should not be used unless otherwise measured in the project vicinity. Queue lengths shall be calculated at the 95th percentile where feasible. A peak hour factor of 1.0 should be used for each movement or lane group in the analysis.
8. Unsignalized intersections shall be evaluated for signal warrants if the level of service (LOS) is determined to be below standard minimums. Channelization requirements, such as left and right turn lanes, shall also be evaluated where failing facilities are identified and none are currently provided.
9. Signalized intersection analyses shall be in accordance with the City's timing sheets. Analyses will follow either pre-timed, actuated-coordinated, or actuated-uncoordinated timing plans, as applicable to each location. Once the study area is defined by the applicant's traffic engineer and a written request is received, Public Works will supply all timing information within one week.
10. Comprehensive Plan Amendment application requires a Year 2023 analysis that includes an analysis of the TSP project list. If additional projects are required, then a financial analysis shall also be included. The Zone Change application shall include Year of Build analysis and mitigation.
11. This scoping letter shall be included as an appendix in the initial study and subsequent revisions.
12. This scoping letter and any traffic impact analysis will expire after 180 days. It is the applicant's responsibility to resubmit the scoping letter request if the traffic impact analysis is not submitted during 180 days period.

The City's complete TIA methodology can be found in the Medford Land Development Code, section 10.461. Any TIA that is not in accordance with this methodology will be returned to the applicant without review. If you have any questions, feel free to contact me at 774-2121

Sincerely,



Peter Mackprang
Associate Traffic Engineer

Cc: Karl MacNair, Transportation Manager
Planning Department

RECEIVED

APR 13 2017

PLANNING DEPT.

Southern Oregon Transportation Engineering, LLC

319 Eastwood Drive - Medford, Or. 97504 - Phone (541) 608-9923 - Email: Kwkp1@Q.com

April 6, 2017

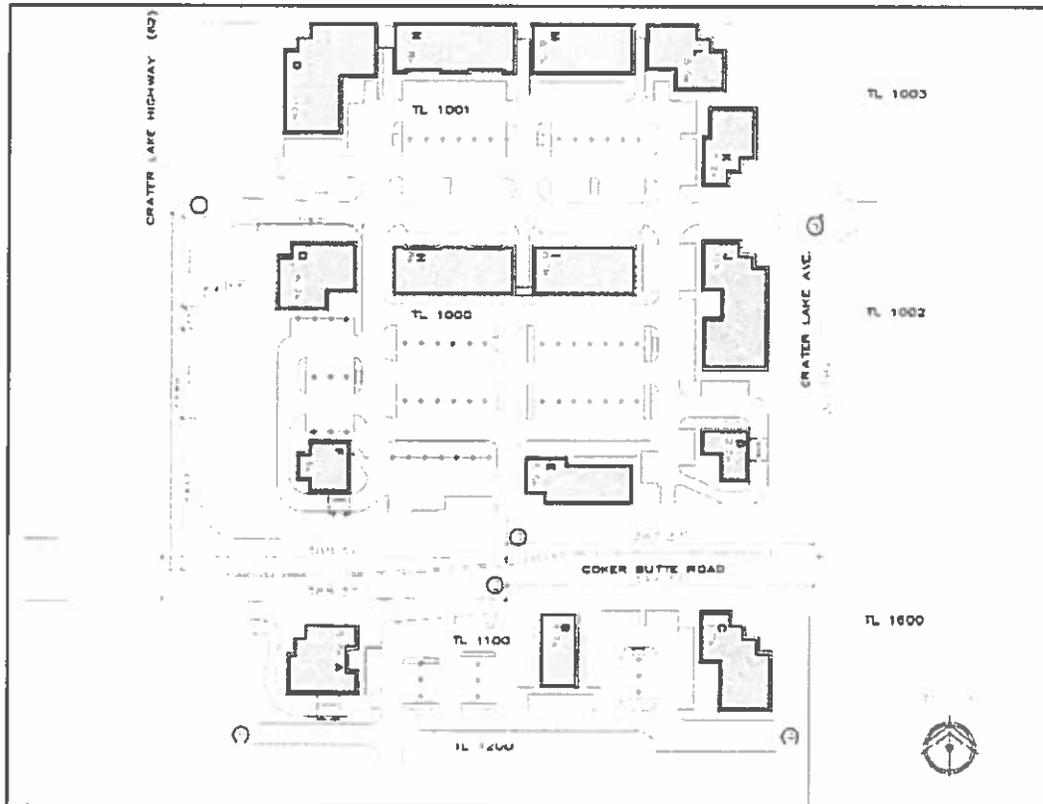
Karl MacNair, Transportation Manager
City of Medford
Public Works/Engineering Division
200 South Ivy Street, Lausmann Annex
Medford, Oregon 97501

RE: Coker Butte Business Park Analysis Response to Public Works Comments

Dear Karl,

Southern Oregon Transportation Engineering, LLC received comments from Public Works in response to our Coker Butte Business Park limited traffic analysis. The requested information is provided below.

Public Works comment 1: *Per Medford Municipal Code section 10.550 only driveways 5 and 6 are allowed. Provide justification for approval of driveways 1, 2, 3, and 4 addressing the criteria in 10.550 (3) c (4).*



CITY OF MEDFORD
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Response 1: Tax lots 1000, 1001, 1002, and 1003 share an existing full movement access on Crater Lake Avenue through access 5. Proposed accesses 1 and 3 are right-in, right-out (RIRO) only accesses on OR 62 and Coker Butte Road that provide additional connectivity to tax lots 1000 and 1001. Their value to the transportation system can be seen in reducing unnecessary trips through the intersections of Coker Butte / Crater Lake Avenue and Coker Butte / OR 62, as well as dispersing development trip impacts through three access points rather than loading one location. Proposed accesses 2 and 4 provide the same benefit to the transportation system by allowing development trips to access tax lots 1100 and 1200 through additional RIRO low-impact access points that increase site connectivity and reduce unnecessary trips on the system.

All proposed access points meet driveway spacing standards as set forth in Table 10.550-3 of the Medford Municipal Code section 10.550. The placement of existing RIRO access 4 is adjacent to the property line of a contiguous parcel and therefore satisfies other standards provided in the same context of section 10.550 under (3) a. (1). Access points 1, 2, 3, and 4 are shown to meet section 10.550 (4) for new development by providing access points that are equal or better than 10.550 (3) (a) and/or (b) for studied facilities in that they decrease delay at individual access points on the system by dispersing impacts and providing a more efficient, better connected network. No safety or operational concerns were shown to occur as a result of additional proposed access points.

Public Works comment 2: Vehicles exiting the proposed Crater Lake Highway driveway will have to find gaps sufficient to pull out into 45 mph traffic. This will be difficult given the signal operations at the Coker Butte Rd / Crater Lake Highway intersection. Northbound through and eastbound left are heavy-volume conflicting movements that will almost always have a green light and limit the opportunity for traffic to exit the proposed driveway. Westbound rights on red at Coker Butte would also limit the ability of traffic exiting at the driveway to find gaps in northbound through traffic. This could result in excessive delay for traffic exiting at the proposed driveway, causing drivers to accept shorter gaps, which is a safety concern. If the exiting traffic is instead turning right at the intersection, it would have priority over the EBL on green, which should reduce delay for vehicles exiting development. Since right-turns are allowed on red lights, the opportunity for vehicles to exit when gaps in NB traffic allow would not be diminished. Please address these concerns.

Response 2: The proposed right-in, right-out site driveway on OR 62 north of Coker Butte Road is estimated to carry 65 inbound and 65 outbound trips during the p.m. peak hour. Gaps at the proposed location occur predominantly when northbound vehicles are stopped at the signalized intersection of Coker Butte Road and OR 62. In the field, during a gap count, it was observed that phase changes at the signal created gaps of different duration and varied depending upon the movement and the driver, but in general the largest gap occurred at the end of the northbound (mainline) green time when transitioning to the eastbound-westbound permissive phase. Westbound right turning vehicles were observed to take approximately 8 seconds to reach the proposed RIRO driveway location on OR 62 compared to 9-10 seconds for eastbound left turning vehicles. Northbound vehicles starting from a stopped position took approximately 6-7 seconds to get to the same point. Gaps also occurred during intermittent lags in northbound platoons during mainline green time. Overall, there were 245 gaps of adequate size shown to occur on OR 62 at the proposed RIRO driveway for right turning vehicles, which is shown to be sufficient for proposed development trip generations. It is not expected that development trips exiting the site through the RIRO driveway will never have to wait for a gap in traffic, but this is considered typical, and the signalized intersection to the south definitely helps provide gaps that otherwise would be more sporadic. What also is important to note is that traffic along OR 62 is expected to decrease with completion of the parallel bypass in 2020 (Phase I of the ODOT Unit II OR 62 Project), which will have the effect of creating more gaps than what currently exist. The existing gap count and breakdown of gaps of adequate size are attached.

Public Works comment 3: *Address the impact to bike and pedestrian traffic from vehicles crossing the bike shoulder/lane and sidewalk at the midblock location of the driveway proposed on Crater Lake Hwy.*

Response 3: Bike traffic on OR 62 will have a dashed lane adjacent to northbound vehicular traffic at the RIRO entrance. Northbound right turning vehicles will yield to cyclists as they would at any other intersection or driveway with a right turn drop lane. Pedestrians will have a sidewalk to walk on north of Coker Butte Road and will cross the proposed RIRO driveway at striped crosswalks that have a center island separating inbound and outbound vehicles for added safety. The crossing distance is fairly short since it only needs to be wide enough for a single lane and shoulder, and is not expected to have high speed vehicles either entering or exiting. No unusual safety or operational concerns are expected to occur for pedestrians or cyclists at the proposed midblock RIRO driveway along OR 62.

Public Works comment 4: *Page 21 Table 7- The total delay for scenarios 1 and 2 are 72.7 and 80.3 seconds, respectively, which indicates an increase of 7.6 seconds of delay system wide. Explain how this is a benefit to the transportation system.*

Response 4: The benefit to the transportation system is seen through equal or decreased delay at each study area intersection or driveway. Comparing the total delay for scenarios 1 and 2 produces an inaccurate assessment because scenario 2 includes more locations than scenario 1.

Public Works comment 5: *Page 10 Table 2, Page 13 Table 4 and Page 21 Table 7 – check values in the table, the performance standard for OR 62/Coker Butte will be LOS D after the jurisdictional transfer. At present it should be 0.85 v/c.*

Response 5: This is correct. The present operational standard at Coker Butte / OR 62 is a volume to capacity ratio of 0.85 because this intersection is currently under ODOT jurisdiction. The intent of this analysis, however, is to address what the standard will be at such time that this intersection becomes a City of Medford intersection. With this in mind, the only result that was necessary to show was the level of service and corresponding delay. The additional v/c ratio information was provided to show the capacity benefit at the signal (even though this is not the City standard), but we can remove this if necessary.

Public Works comment 6: *Page 12, several references – the description of ODOT Unit II OR 62 Project should include references to phases 1 and 2.*

Response 6: For purposes of the analysis, the only phase of the ODOT Unit II OR 62 Project considered was Phase 1, which includes construction of a parallel bypass that begins north of Poplar Drive on OR 62 and ends near Corey Road through a signalized intersection. To our knowledge, Phase 2 is partially funded, but only includes the acquisition of additional right-of-way and does not change or impact the proposed PUD. Any future phases were not considered because they are not currently funded.

Public Works comment 7: *Cross access easements between lots 902 and 1001, 1000 and 1001, 1002 and 1003, and between 1100 and 1200, will be a requirement of approval.*

Response 7: We understand the concern for cross access at the proposed site, and this will be addressed by the applicant in the application findings.

We hope this adequately addresses Public Works' concerns. Please feel free to contact me if you have any questions or need additional information.

Sincerely,



Kimberly Parducci PE, PTOE

SOUTHERN OREGON TRANSPORTATION ENGINEERING, LLC

Attachments: Gap Count
Medford Land Development Code 10.550
Public Works Comments

Cc: Client



*Southern Oregon
Transportation Engineering, LLC
Medford, Or. 97504*

OR 62 Gaps
Location: North of Coker Butte Rd
Weather: Overcast, 55 deg
Veh Type: All Vehicles

File Name : OR 62 Gaps
Site Code : 00000002
Start Date : 3/23/2017
Page No : 1

Directions Printed: OR 62 NB

Start Time	Volume	2 - 3	4 - 5	6 - 7	8 - 9	10 - 11	12 - 13	14 - 15	16 - 17	18 - 19	20 - 21	22 - 23	24 - 25	26 - 27	28 - 29	>29	Int. Total	Average
04:00 PM	324	4	10	8	4	7	3	2	2	1	0	0	0	0	0	1	42	6 - 7
04:15 PM	340	3	5	8	6	4	1	2	2	2	2	0	1	0	0	0	36	8 - 9
04:30 PM	312	0	4	8	7	6	4	3	3	0	0	0	1	0	1	2	39	10 - 11
04:45 PM	294	0	1	4	8	14	5	3	1	2	0	0	1	0	0	1	40	10 - 11
Total	1270	7	20	28	25	31	13	10	8	5	2	0	3	0	1	4	157	8 - 9
05:00 PM	376	0	4	2	8	3	4	1	0	2	1	1	1	0	1	0	28	10 - 11
05:15 PM	356	1	5	7	7	7	3	0	2	0	1	1	0	0	0	1	35	8 - 9
05:30 PM	336	0	4	3	9	5	5	4	2	1	0	0	0	0	0	0	33	10 - 11
05:45 PM	286	2	3	5	6	5	2	0	1	2	0	1	3	1	0	3	34	10 - 11
Total	1354	3	16	17	30	20	14	5	5	5	2	3	4	1	1	4	130	8 - 9
Grand Total	2624	10	36	45	55	51	27	15	13	10	4	3	7	1	2	8	287	8 - 9
Total %		3.5	12.5	15.7	19.2	17.8	9.4	5.2	4.5	3.5	1.4	1.0	2.4	0.3	0.7	2.8		

Peak Hour Analysis From 04:45 PM to 05:30 PM - Peak 1 of 1
 Peak Occurred: 04:45 PM
 Volume 1362
 High Int. 05:00 PM
 Volume 376
 PHF 0.906

Gap Spreadsheet for OR 62 north of Coker Butte Road
 Coker Butte Business Park PUD Analysis

Date: Thurs March 23, 2017
 4:45-5:45 PM

Gap size	# of	Mult. factor	NA EBR gaps	# of	Mult. factor	Site WBR gaps	# of	Mult. factor	Both Directions EB-WB Left-Thru gaps
6 to 7	1	1	0	16	1	16	NA	NA	NA
8 to 9	1	1	0	32	1	32	1	1	0
10 to 11	2	2	0	29	2	58	1	1	0
12 to 13	2	2	0	17	2	34	2	2	0
14 to 15	3	3	0	8	3	24	2	2	0
16 to 17	3	3	0	5	3	15	3	3	0
18 to 19	4	4	0	5	4	20	3	3	0
20 to 21	4	4	0	2	4	8	4	4	0
22 to 23	5	5	0	2	5	10	4	4	0
24 to 25	5	5	0	2	5	10	5	5	0
26 to 27	6	6	0	0	6	0	5	5	0
28 to 29	6	6	0	1	6	6	6	6	0
>29	6	6	0	2	6	12	6	6	0
Total			0			245			0

10.550 Access Standards

(1) Driveway Throat Width Standards.

Driveways that connect to a public right-of-way shall be constructed according to the standards in Tables 10.550-1 and 10.550-2. See Figure 10.550-1 for driveway throat, flare and radius definitions.

For the purposes of this section, Minimum Access Easements and Alleys shall be considered driveways.

Table 10.550-1 - Driveway Throat Widths

Street Classification	Land Use on Parcel to be Served by the Driveway*			
	SFR	MFR	COMMERCIAL	INDUSTRIAL
Local (All streets other than Collectors or Arterials.)				
Less than 500 ADT***	12 to 18 ft.****	18 to 24 ft.	24 to 30 ft.	24 to 30 ft.
500 to 1,000 ADT***			24 to 30* ft.	24 to 36 ft.
Greater than 1,000 ADT***			24 to 36* ft.	24 to 36 ft.
Collector	SFR	MFR	COMMERCIAL	INDUSTRIAL
Less than 500 ADT***	12 to 24 ft. (Shared Approach Only)	18 to 36 ft.	18 to 24 ft.	24 to 36 ft.**
500 to 1,000 ADT***			18 to 36 ft.**	24 to 36 ft.**
Greater than 1,000 ADT***			18 to 36 ft.**	24 to 36 ft.**
Arterial	SFR	MFR	COMMERCIAL	INDUSTRIAL
Less than 500 ADT***	No direct access unless no alternative exists, then 12 to 20 ft. (Shared Approach Only)	No direct access unless no alternative exists, then 18 to 36 ft.	18 to 24 ft.	24 to 30 ft.
500 to 1,000 ADT***			18 to 30 ft.	24 to 36 ft.
Greater than 1,000 ADT***			18 to 36 ft.	24 to 36 ft.

*Institutional uses shall be considered commercial uses for the purposes of this subsection.

**Driveway throat widths greater than 24 feet shall be granted only for full movement approaches that warrant a left turn lane.

***ADT = Average Daily Trips using the proposed driveway, determined from the latest version of the Institute of Transportation Engineering handbook based on the expected ultimate use of the site.

****May be up to 24' with approval of Public Works Director or Designee.

(2) Driveway Radius Standards

Table 10.550-2 Driveway Radius

Standards

Street Classification	Land Use on Parcel to be Served by the Driveway*			
	SFR	MFR	COMMERCIAL	INDUSTRIAL
Local	Curb Cut	<6 units: curb cut >6 units: 15 ft. radius	Curb cut or 20 ft. radius	Curb cut or 20 ft. radius
Collector	Shared Access Curb cut	20 ft. radius	20 ft. radius	25 ft. radius
Arterial	No direct access unless no alternative exists, then 15 ft. radius	25 ft. radius	25 ft. radius	25 ft. radius

*Institutional uses shall be considered commercial uses for the purposes of this subsection.

Curb Cut = Dropped Curb with Portland Concrete Cement driveway apron per current City of Medford Standard Drawings

Radius = At-grade driveway approach with 6 - inch curbs per current City of Medford Standard Drawings

Figure 10.550-1 - Driveway Throat, Flare and Radius Definitions - SEE BELOW

(3) Driveway Spacing and Locational Standards

a. Arterial and Collector Streets

(1) Driveway spacing and Location. No driveway access to an Arterial or Collector Street shall be allowed for any parcel that abuts the right-of-way of a lower order street or has legal right of access to any street via any abutting parcel(s).

No driveway access shall be allowed to an Arterial Street within 150 feet of the nearest right-of-way line of an intersection street.

Driveways shall be placed adjacent to the property line of a contiguous parcel if possible to do so and meet driveway spacing requirements of this section.

No driveway access to an Arterial or Collector Street shall be located closer than allowed by the standards in Table 10.550-3, measured from the center of driveway to center of driveway.

Table 10.550-3 Minimum Driveway Spacing Standards (Center-to-Center) Arterial and Collector Streets

SPEED LIMIT (MPH)	25	30	35	40	45
DRIVEWAY SPACING	145 ft.	195 ft.	250 ft.	315 ft.	385 ft.

(2) Number of Driveways for each Separately Owned Tract. Within the requirements set forth in a. (1) above, driveway access to an Arterial Street shall be limited to one driveway for each tract of property owned.

For purposes of this section, parcels that are contiguous under the same ownership or part of the same application for development shall be considered to be one tract of property.

(3) Cross-Access Easement Required. Any parcel or tract granted driveway access to an Arterial or Collector Street shall grant cross-access easements to all contiguous parcels or tracts that do not abut a street of a lower order than an Arterial or Collector Street. Site design must accommodate future use of such accesses.

Use of shared driveways on multiple parcels or tracts and cross-access easements shall be required when site and traffic conditions, including projections of future traffic volumes and movements, indicate that such requirements will preserve the capacity and safety of the transportation system.

(4) Management of the Transportation System. Granting of driveway access to a public right-of-way is not a guarantee that future improvements designed to improve safety and capacity will not be constructed in the public right-of-way. Medians, turning movement restrictions, signs, signals, and striping may be installed by the City or others with the approval of the Public Works Director or Designee, to preserve and enhance the function of the transportation system.

b. Local Streets

A minimum distance of three (3) feet shall be maintained between the closest portions of adjacent driveway flares as measured along the curb on local streets, except where existing conditions dictate otherwise. Cul-de-sacs are exempt from these standards.

The closest edge of a driveway shall be a minimum of 35 feet from any intersecting local streets measured along the curb to the nearest right-of-way line of the intersecting street. If the parcel does not have sufficient width to meet this requirement, the driveway shall be located adjacent to the property line farthest from the intersecting street, and no authorization for larger driveway width shall be granted.

c. Alternative Access Spacing and Location

The standards set forth in Sections 10.550 (3) (a) and (b) above are the City's basic access standards. The City also recognizes the unique situations and/or complex projects may warrant alternative driveway spacing and locations.

(1) Approval of Alternative Access Locations: When part of a Class C Plan Authorization, the Public Works Director or designee shall forward a recommendation on alternative access spacing and locations to the approving authority. When not part of a Class C Plan Authorization, the Public Works Director or designee may authorize an administrative adjustment to the access spacing and location standards in 10.550 (3) (a) and/or (b) above under one or both of the following circumstances:

i. The adjustment will align the requested driveway with a driveway across the street and the Public Works Director's (or designee) professional opinion is that this configuration will improve safety and/or operations.

ii. Where no proposed access location can satisfy all the standards in Section 10.550 (3) (a) and/or (b), the driveway may be located in the location that best meets the City's access management standards in the professional opinion of Public Works Director (or designee).

(2) Redevelopment: Redevelopment as used in this section means that a parcel(s) has existing legal access and physical improvement and the property owner is seeking procedural Class C plan authorizations for new development permits. In the case of redevelopment, the approving authority may require the provision of cross-access easements and geometric/physical improvements to any and all accesses in accordance with current standards. Redevelopment applications shall propose changes to the number and/or centerline location(s) of existing driveway(s), and shall demonstrate that the proposed changes will bring the parcel into, or at a minimum, closer to compliance with existing standards.

(3) Area Plans: Access spacing and location may be evaluated as part of a special area plan. The approving authority may adopt specific standards through a special area plan such as a neighborhood plan and/or master plan. Where such plans are adopted, any conflict between the special area plan access and location standards and the standards in Section 10.550 (3) (a) and/or (b) above shall be resolved in favor of the special area plan provisions.

(4) New Development: At an applicant's request, the approving authority will evaluate alternative access spacing and location on a project basis in conjunction with procedural Class C plan authorizations. Evaluation of alternative access location and spacing for projects shall be based upon a Transportation Impact Analysis (TIA) prepared by a professional engineer licensed in the State of Oregon with expertise in transportation. The Public Works Director (or designee) will provide a scope of work for the TIA and will issue a report to the approving authority stating his/her professional opinion as to the technical adequacy of the TIA and whether it demonstrates compliance with the criteria for access spacing and location for the project. The TIA will consider motorists, cyclists and pedestrians. The approving authority will evaluate the project's access spacing and location, in one of the following ways:

i. If the conclusions of the TIA and the professional opinion of the Public Works Director (or designee) concur that the safety and operations of the project's proposed access spacing and location will, at the time of development, be equal to or better than application of the standards in 10.550 (3) (a) and/or (b) above *for all studied facilities*, the approving authority will accept the access spacing and location proposed at the time of project review.

If the Public Works Director's professional opinion is not consistent with the conclusions of the TIA, the approving authority will review the competing testimony by the professional engineers with expertise in transportation and will approve, modify, or deny the proposed alternative access design; or

ii. If the conclusions of the TIA and the professional opinion of the Public Works Director (or designee), concur that the safety and operations of the project's proposed access spacing and location will, at the time of development, be equal to or better than application of the standards in 10.550 (3) (a) and/or (b) above *for the transportation system as a whole*, the approving authority may accept the access spacing and location proposed at the time of the major project review provided all facilities will still meet basic transportation engineering safety requirements; or

iii. If the conclusions of the TIA find that the safety of the project's proposed access location and spacing will, at the time of development, meet basic transportation

engineering safety requirements and the approving authority concludes that the proposed access spacing and location will significantly advance one or more of the Goals and/or Policies of the Comprehensive Plan, the approving authority may accept the access spacing and location proposed at the time of project review.

[Replaced, Sec. 3, Ord. No. 2008-70, Apr. 17, 2008; Amd. Sec. 22, Ord. No. 2009-207, Sept. 17, 2009.]



Continuous Improvement Customer Service

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION

CITY OF MEDFORD
200 SOUTH IVY STREET
MEDFORD, OREGON 97501
www.ci.medford.or.us

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

February 21, 2017

Kimberly Parducci, P.E.
Southern Oregon Transportation Engineering
112 Monterey Dr.
Medford, OR 97504

Dear Ms. Parducci:

We have received the Limited Traffic Analysis Report dated February 7, 2017, for consideration of changes in access to property located at 371W05 1000, 1001, 1002, 1003, and 1100. We have the following comments:

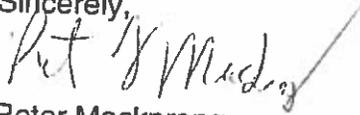
1. Per Medford Municipal Code section 10.550 only driveways 5 and 6 are allowed. Provide justification for approval of driveways 1, 2, 3, and 4 addressing the criteria in 10.550 (3) c (4).
2. Vehicles exiting the proposed Crater Lake Highway driveway will have to find gaps sufficient to pull out into 45mph traffic. This will be difficult given the signal operations at the Coker Butte Rd / Crater Lake Highway intersection. Northbound through and eastbound left are heavy-volume conflicting movements that will almost always have a green light and limit the opportunity for traffic to exit the proposed driveway. Westbound rights on red at Coker Butte would also limit the ability of traffic exiting at the driveway to find gaps in northbound through traffic. This could result in excessive delay for traffic exiting at the proposed driveway, causing drivers to accept shorter gaps, which is a safety concern. If the exiting traffic is instead turning right at the intersection, it would have priority over the EBL on green, which should reduce delay for vehicles exiting the development. Since right-turns are allowed on red lights, the opportunity for vehicles to exit when gaps in NB traffic allow would not be diminished. Please address these concerns.
3. Address the impact to bike and pedestrian traffic from vehicles crossing the bike shoulder/lane and sidewalk at the midblock location of the driveway proposed on Crater Lake Hwy.
4. Page 21 Table 7 – The total delay for scenarios 1 and 2 are 72.7 and 80.3 seconds, respectively, which indicates an increase of 7.6 seconds of delay system wide. Explain how this is a benefit to the transportation system.

5. Page 10 Table 2, Page 13 Table 4 and Page 21 Table 7 – check the values in the table, the performance standard for OR 62/ Coker Butte will be LOS D after the jurisdictional transfer. At present it should be 0.85 v/c.
6. Page 12, several references – the description of ODOT Unit II OR 62 Project should include references to phases 1 and 2.
7. Cross access easements between lots 902 and 1001, 1000 and 1001, 1002 and 1003, and between 1100 and 1200, will be a requirement of approval.

Provide the information detailed above and resubmit the report for approval.

If you have questions, please contact me at (541) 774-2121.

Sincerely,



Peter Mackprang
Associate Traffic Engineer

CC: file



City of Medford

PUBLIC WORKS - ENGINEERING & DEVELOPMENT

MEMORANDUM

Date: April 14, 2017

To: Doug Burroughs, Development Services Manager
Kimberly Parducci, SOTE
Mike Montero

From: Peter Mackprang, Associate Traffic Engineer

Subject: Coker Butte Business Park PUD 17-023

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

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

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

CITY OF MEDFORD
EXHIBIT # I
File # PUD-17-023



APPLICATION AND PERMIT TO OCCUPY OR PERFORM OPERATIONS UPON A STATE HIGHWAY

See Oregon Administrative Rule, Chapter 734, Division 55

PERMIT NUMBER

CLASS:	KEY#
--------	------

GENERAL LOCATION			PURPOSE OF APPLICATION (TO CONSTRUCT/OPERATE/MAINTAIN)		
HIGHWAY NAME AND ROUTE NUMBER OR-62 / 22 / Crater Lake			<input type="checkbox"/> POLE LINE	TYPE	MIN. VERT. CLEARANCE
HIGHWAY NUMBER 22			<input type="checkbox"/> BURIED CABLE	TYPE	
COUNTY Jackson			<input type="checkbox"/> PIPE LINE	TYPE	
BETWEEN OR NEAR LANDMARKS Coker Butte			<input type="checkbox"/> NON-COMMERCIAL SIGN	FEE AMOUNT	
HWY. REFERENCE MAP	DESIGNATED FREEWAY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IN U.S. FOREST <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
APPLICANT NAME AND ADDRESS TABLE ROCK Holdings LLC PO Box 3187 Central Point, OR 97502			<input checked="" type="checkbox"/> MISCELLANEOUS OPERATIONS AND/OR FACILITIES AS DESCRIBED BELOW		
			FOR ODOT USE ONLY		
			BOND REQUIRED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	REFERENCE: OAR 734-55-035(2)	AMOUNT OF BOND
			INSURANCE REQUIRED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	REFERENCE: OAR 734-55-035(1)	SPECIFIED COMP. DATE 6/1/2011

RECEIVED
FEB 10 2011
PLANNING DEP.

DETAIL LOCATION OF FACILITY (For more space attach additional sheets)

MILE POINT	TO	MILE POINT	ENGINEERS STATION	ENGINEERS TO STATION	SIDE OF HWY OR ANGLE OF CROSSING	DISTANCE FROM		BURIED CABLE OR PIPE		SPAN LENGTH
						CENTER OF PVMT	R/W LINE	DEPTH/VERT.	SIZE AND KIND	
2.77			2243+12		Left					

DESCRIPTION AND LOCATION OF NON-COMMERCIAL SIGNS OR MISCELLANEOUS OPERATIONS FACILITIES
Installation of new landscaping and drainage feature.

SPECIAL PROVISIONS (FOR MORE SPACE ATTACH ADDITIONAL SHEETS)

- TRAFFIC CONTROL REQUIRED: YES (OAR 734-55-025(6)) NO
- OPEN CUTTING OF PAVED OR SURFACED AREAS ALLOWED?: YES (OAR 734-55-100(2)) NO (OAR 734-55-100(1))
- AT LEAST 48 HOURS BEFORE BEGINNING WORK, THE APPLICANT OR HIS CONTRACTOR SHALL NOTIFY THE DISTRICT REPRESENTATIVE AT TELEPHONE NUMBER: 541-774-6328 OR FAX A COPY OF THIS PAGE TO THE DISTRICT OFFICE AT: 541-774-6328 SPECIFY TIME AND DATE IN THE SPACE BELOW.
- A COPY OF THIS PERMIT AND ALL ATTACHMENTS SHALL BE AVAILABLE AT THE WORK AREA DURING CONSTRUCTION.
- ATTENTION: Oregon Law requires you to follow rules adopted by the Oregon Utility Notification Center. Those rules are set forth in OAR 952-001-0010 through OAR 952-001-0090. You may obtain copies of the rules by calling the center at (503) 232-1987. CALL BEFORE YOU DIG 1-800-332-2344

COMMENTS - ODOT USE ONLY

Follow applicable MUTCD. See attached Provisions. Any change in submitted design must be approved by ODOT. See attached provisions

IF THE PROPOSED APPLICATION WILL AFFECT THE LOCAL GOVERNMENT, THE APPLICANT SHALL ACQUIRE THE LOCAL GOVERNMENT OFFICIAL'S SIGNATURE BEFORE ACQUIRING THE DISTRICT MANAGER'S SIGNATURE.

LOCAL GOVERNMENT OFFICIAL SIGNATURE	TITLE	DATE
<input checked="" type="checkbox"/> APPLICANT SIGNATURE	APPLICATION DATE	TELEPHONE NO.
<i>[Signature]</i>	2/11/2011	
When this application is approved by the Department, the applicant is subject to, accepts and approves the terms and provisions contained and attached: and the terms of Oregon Administrative Rules, Chapter 734, Division 55, which is by this reference made a part of this permit.	DISTRICT MANAGER OR REPRESENTATIVE	APPROVAL DATE
	<i>[Signature]</i>	2-11-2011



Zcf8

GENERAL PROVISIONS FOR POLELINE, PIPELINE, BURIED CABLE, AND MISCELLANEOUS PERMITS

Revised May 2010

APPLICANT: TABLE ROCK ^{Holdings} VENTURES LLC	
HIGHWAY: CRATER LAKE HWY 62(22)	MP: 2.77

All checked (☒) provisions apply.

WORKSITE

- 1. Permittee must call for utility locates before digging ("Call Before You Dig!" 1-800-332-2344) per Oregon Administrative Rules (Chapter 952, Division 1). You may be held liable for damages. Premarking of excavation areas is required.
- 2. Permittee shall have a copy of this permit and all attachments at the work site. They shall be available to the District Manager or representative at their request.
- 3. Permittee shall acknowledge, in writing, receipt and review of Oregon Administrative Rules (Chapter 734, Division 55) governing miscellaneous facilities and operations on the highway right of way as the governing provisions of permit or agreement. Copies of this rule may be obtained from any district maintenance office.
- 4. Permittee shall review the Oregon Administrative Rules (Chapter 734 Division 55) governing miscellaneous facilities and operations on the highway right of way as the governing provisions of this permit or agreement. Web site: http://arcweb.sos.state.or.us/rules/OARS_700/OAR_734/734_055.html
- 5. Access control fence must be maintained during construction and restored to its original or better condition after construction is complete.
- 6. The permittee shall not use state highway right of way to display advertising signs or merchandise of any kind.
- 7. The stopping and parking of vehicles upon state highway right of way for the maintenance of adjoining property or in furtherance of any business transaction or commercial establishment is strictly prohibited.
- 8. All grass and small brush within the work area shall be rotary or flail mowed to ground level prior to the beginning of work to facilitate clean up.
- 9. Disturbed areas shall be reseeded with grass native to the area in an appropriate seeding time.
- 10. The spreading of mud or debris upon any state highway is strictly prohibited and violation shall be cause for immediate cancellation of the permit. Clean up shall be at the applicant's expense. The highway shall be cleaned of all dirt and debris at the end of each work day, or more frequently if so determined by the District Manager or representative.
- 11. Permittee shall replace any landscape vegetation or fences that are destroyed. Any damage that is not fully recovered within 30 days (weather permitting) shall be replaced by ODOT at the expense of the permittee. A "plant establishment" shall be understood to be part of the planting work to assure satisfactory growth of planted materials. The plant establishment period will begin when the original planting and all landscape construction has been completed and approved. The length of the establishment period will be one calendar year or as defined in the permit Special Provisions.
- 12. Permittee shall install and maintain landscaped area as shown on the attached drawings. Planting shall be limited to low-growing shrubs, grass or flowers that do not attain sufficient height to obstruct clear vision in any direction. The Oregon Department of Transportation (ODOT) shall have the right to remove said landscaping at any time such removal may appear to be in the public interest, without liability or loss, injury, of damage or any nature whatsoever.

TRAFFIC

- 3cf8
- 13. During construction or maintenance, the work area shall be protected in accordance with the current Manual on Uniform Traffic Control Devices (MUTCD), Federal Highway Administration, U.S. Department of Transportation, and the Oregon Department of Transportation supplements thereto. Flaggers must have a card or certificate indicating their completion of an approved work zone traffic control course. All traffic control devices shall be maintained according to the American Traffic Safety Services Association (ATSSA), Quality Standards for Work Zone Traffic Control Devices handbook.
 - 14. Permittee shall provide a detailed traffic control plan for each phase of the work, showing signs and cones. Plans shall be reviewed by Oregon Department of Transportation in advance of construction or maintenance.
 - 15. All damaged or removed highway signs shall be replaced by the permittee. Installation shall be according to MUTCD standards or ODOT specifications, and shall be completed as soon as possible but no later than the end of the work shift.
 - 16. No lane restrictions are permitted on the roadway during the hours of darkness, on weekends, or between 6:00 AM and 9:00 AM, or 3:00 PM and 6:00 PM (Monday through Friday) without prior approval by ODOT.
 - 17. Hours of work shall be

DRAINAGE

- 18. On-site storm drainage shall be controlled within the permitted property. No blind connections to existing state facilities are allowed.
- 19. Excavation shall not be done on ditch slopes. Trench excavation shall either be at ditch bottom or outside ditch area. (Minimum depth at bottom of ditch shall be 36 inches; minimum depth outside of ditch shall be 42 inches).
- 20. Only earth or rock shall be used as fill material and shall slope so as not to change or adversely affect existing drainage. Fine grade and seed the finished fill with native grasses to prevent erosion.
- 21. A storm drainage study stamped by an Oregon Registered Professional Engineer (PE) is required. The study must meet standards of the National Pollution Discharge Elimination Systems (NPDES) when any of the following conditions apply:
 - Whenever a four inch pipe is inadequate to serve the developed area,
 - development site is one acre or larger in size and directly or indirectly affects state facilities,
 - or as directed by the District Manager or representative.
- 22. Permittee shall provide on-site retention for storm water runoff that exceeds that of the undeveloped site.
- 23. All water discharged to an ODOT drainage system must be treated prior to discharge. All requests for connection to an ODOT storm system must meet any requirements of the National Pollutant Discharge Elimination System (NPDES). This may include local jurisdiction approval of on-site water quality treatment facilities and/or development of an operation and maintenance plan for any on-site water quality treatment facility, as determined by local jurisdiction.

EXCAVATION / CONSTRUCTION

- 24. The following ODOT documents and any supplements and subsequent revisions thereto, where applicable and not otherwise superseded by the permit language herein, but only to the extent that they provide standards and performance requirements for work to be performed under the permit, shall be incorporated for use in the permit:

“Oregon Standard Specifications for Construction (2008)”. ODOT shall have authority over acceptance of all materials and workmanship performed under this permit as stated in Section 00150.00 of the “Oregon Standard Specifications for Construction (2008).”

For additional Supplemental and Special Provisions please refer to:
http://www.oregon.gov/ODOT/HWY/SPECS/standard_specifications.shtml Standard Specification books are available on this site.
- 25. Open cutting of pavement is allowed in areas specifically approved by District Manager or representative.
- 26. Trench backfill shall be according to the attached typical drawing, marked as Exhibit A.

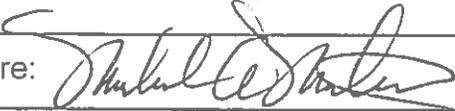
- 27. Open cutting of the highway shall be allowed with construction in accordance with OAR 734-55-0100. All excavation in paved areas shall be backfilled and the roadway surface patched before the end of each shift. In special cases where steel plates are allowed, said plates shall be pinned and a temporary cold patch applied to the edges. The permittee shall be fully responsible for monitoring and maintenance of temporary patching and steel plating.
- 28. Compaction tests shall be required for each open cut per Oregon Standard Specification for Construction. Compaction tests shall be conducted once for every 300 lineal feet per lift of continuous trench according to the Manual of Field Test Procedures (MFTP), published by ODOT. Percent Compaction shall be 95%. At the discretion of the District Manager or representative, results of compaction test shall be provided to District Manager or representative at applicants' expense.
- 29. Control Density Fill (CDF) shall be used as surface backfill material in place of crushed rock in open trenches that impact the travel portions of the highway. A ¾"-0, or 1"-0 rock will be used for the aggregate. The amount of cement used shall not exceed 3.0% of the total mixture's weight. Maximum compressed strengths must not exceed 250 pounds per square inch (psi).
- 30. Surface restoration shall be a minimum of eight inches of hot asphalt-concrete (AC), compacted in two inch lifts, or match existing pavement depth, whichever is greater. Sand-seal all edges and joints.
- 31. All aggregate shall conform to Oregon Standard Specification for Construction, Section 02630 - Base Aggregate.
- 32. Any area of cut or damaged asphalt shall be restored in accordance with the included attachment "T-Cut Typical Section" drawing. For a period of two years following the patching of paved surface, permittee shall be responsible for the condition of permittee's pavement patches, and during that two year period shall repair to District Manager or representative satisfaction any of the patches which become settled, cracked, broken, or otherwise faulty.
- 33. An overlay to seal an open-cut area shall be completed prior to the end of the construction season, or when minimum temperature allows per "Oregon Standard Specification for Construction (2008)" and any subsequent revisions thereto. Typical overlay shall be 1.5 inches deep and cover the affected area from edge of pavement to edge of pavement, and taper longitudinally at a fifty feet to one inch (50' : 1") ratio. Taper may be adjusted by the District Manager as required. For a period of two years following this patching of the surface, the permittee shall be responsible for the condition of said pavement patches, and during that time shall repair to the District Manager or representative's satisfaction any of the patches which become settled, cracked, broken or otherwise faulty.
- 34. Highway crossings shall be bored or jacked. Bore pits shall be located behind ditch line or in areas satisfactory to the District Manager or representative. Unattended pits shall either be protected by a six-foot fence, backfilled, or steel plated and pinned.
- 35. Permittee shall install a "tracer wire" or other similar conductive marking tape or device, if installing any non-conductive, unlocatable underground facility, in order to comply with Oregon Utilities Coordination Council (OUCC), per OAR 952-01-0070 (6).
- 36. Trench backfill outside of ditch line or in approved areas can be native soil compacted at optimum moisture in twelve inch layers to 90% or greater of the maximum density.
- 37. Native material that is found to be unsatisfactory for compaction shall be disposed of off the project and granular backfill used.
- 38. Trench backfill in rock slope or shoulder shall be crushed 1"-0 or ¾"-0 size rock compacted at optimum moisture in eight-inch layers. Compaction tests shall be conducted according to the Manual of Field Test Procedures (MFTP), published by ODOT. Percent compaction shall be 95%. At the discretion of the District Manager or representative, results of compaction tests shall be provided to District Manager or representative at applicant's expense.
- 39. Where excavation is on fill slope steeper than a two to one (2:1) ratio, slope protection shall be provided using four-inch size rock laid evenly to a minimum depth of twelve inches.
- 40. No more than 300 feet of trench longitudinally along the highway shall be left open at any one time and no trench shall be left in an open condition overnight.
- 41. Areas of disturbed cut and fill slopes shall be restored to a condition suitable to the District Manager or representative. Areas of erosion to be inlaid with an acceptable riprap material.

- 42. All underground utilities shall be installed with three-foot or more of horizontal clearance from existing or contract plans guardrail posts and attachments. All non-metallic water, sanitary and storm sewer pipe shall have an electrically conductive insulated Number 12-gauge copper tracer wire the full length of the installed pipe using blue wire for water and green for storm and sanitary sewer piping.
- 43. Any area of cut or damaged concrete shall be restored in accordance with the attached Typical Section-Pipe Section under sidewalk.
- 44. Utility markers and pedestals shall be placed as near the highway right-of-way line as practical. In no case shall pedestals and line markers be located within the highway maintenance area.
- 45. No cable plowing is allowed within the lateral support of the highway asphalt (i.e. at six feet lower than the edge of the asphalt, no plowing within nine feet of the edge of the asphalt).
- 46. Review by ODOT Bridge Engineers is required for all proposed bridge and structure attachments and for utility or any facilities to be installed within sixteen feet of bridge foundations, supports, walls or related, or within the influence zone of bridge facilities.

MISCELLANEOUS

- 47. Permittee shall be responsible and liable for (1) investigating presence/absence of any legally protected or regulated environmental resource(s) in the action area; (2) determining any and all restrictions or requirements that relate to the proposed actions, and complying with such, including but not limited to those relating to hazardous material(s), water quality constraints, wetlands, archeological or historic resources(s) state and federal threatened or endangered species, etc., (3) complying with all federal, state, and local laws, and obtaining all required and necessary permits and approvals.
- 48. If the permittee impacts a legally protected/regulated resource, permittee shall be responsible for all costs associated with such impact, including, but not limited to all costs of mitigation and rehabilitation, and shall indemnify, and hold ODOT harmless for such impacts and be responsible and liable to ODOT for any associated costs or claims that ODOT may have.
- 49. Plans are approved by ODOT in general only and do not relieve the permittee from completing construction improvements in a manner satisfactory to ODOT. The District Manager or representative may require field changes. When revisions are made in the field, permittee is responsible to provide "as built" drawings, within 60 days from completion of highway improvements, and shall submit them to the District Office issuing the permit.
- 50. Permittee shall be responsible for locating and preserving all existing survey monumentation within the work area in accordance with ORS 209.150 and/or 209.155. If monumentation or its accessories are inadvertently or otherwise disturbed or destroyed, applicant shall be responsible for all costs and coordination associated with it's reestablishment by a professional licensed surveyor.

By this signature applicant accepts all checked (☑) provisions (4 pages).

Applicant signature: 	Date: 2/11/2011
--	-----------------

6 of 8

ADDITIONAL SPECIAL PROVISIONS FOR MISCELLANEOUS PERMITS.
LANDSCAPING (July 2004).

1. A copy of this permit and all attachments shall be available at the work area during construction.
2. ORS 757.54 to 757.571 requires excavators to locate and protect all existing underground utilities. You may be held liable for damages. Call for utilities locate. Call before you dig 1-800-332-2344.
3. Contractor to acknowledge receipt of and review of, by letter, the Oregon Administrative Rules (Chapter 734.55) governing miscellaneous facilities and operations on the highway right of way as the governing provisions of this permit or agreement.
4. The Permittee shall not use the right of way to display advertising signs or merchandise of any kind.
5. The stopping and parking of vehicles upon State Highway right of way for the maintenance of adjoining property or in furtherance of any business transaction or commercial establishment is strictly prohibited.
6. The spreading of mud or debris upon any State Highway is strictly prohibited, and violation shall be cause for immediate cancellation of the permit. Clean up shall be at Applicant's expense. The highway shall be cleaned of all dirt and debris at the end of each workday, or more frequently if so determined by the District Manager or representative.
7. All equipment shall be parked off the right of way or in areas acceptable to the District Manager or representative.
8. Permittee shall replace any landscape vegetation or fences that are damaged or destroyed. Any damage that is not fully recovered within one year shall be replaced by ODOT at the expense of the Permittee.
9. Permittee shall be responsible for continued maintenance of the landscape facility. Failure to maintain landscape will prompt ODOT to remove or repair facility at the expense of the Permittee.
10. Applicant shall obtain an application and permit for trimming or spraying trees prior to the cutting of trees and brush on the highway right of way (applications are available at the District office). Applicant will be held liable for tree branches or shrubbery interfering with the traveling public.
11. Applicant will install and maintain landscaped areas as shown on the attached drawings. Planting shall be limited to low growing shrubs (less than 24"), grass or flowers that do not attain sufficient height to obstruct clear vision in any direction. The Commission or Engineer shall have the right to remove said landscaping at any time such removal may appear to the Commission to be in the public's interest, without liability of loss, injury or damage of any nature whatsoever.
12. Applicant is responsible for:
 - [1] Investigating presence / absence of any legally protected or regulated environmental resource(s) in the action area e.g. Hazardous material(s), water quality constraints, wetlands, archeological or historic resource(s), state or federal threatened or endangered species, etc.
 - [2] Complying with all applicable environmental laws pertaining to the proposed action. If applicant inadvertently impacts a legally protected/ regulated resource, applicant will be responsible for mitigation / rehabilitation cost.
13. All existing facilities such as utilities, curbs, culverts, signs, mail boxes, r/w markers, sign post, guardrail, landscape vegetation and fences, and all miscellaneous items within the right of way are to be protected and maintained, or removed and adequately replaced. Any damage that is not fully recovered shall be replaced by ODOT at the expense of the Permittee.
14. Applicant is responsible for:
 - Maintaining and cleaning of the ditch section through the landscaped area to assure that it is fully functional as a drainage ditch.

Sign or initial acceptance See Cover

15. Applicant is responsible for maintaining and cleaning of this landscaped area keeping it free of trash and debris that could be of hazard to the people accessing this facility. (including any defacing of ODOT properties such as graffiti.)

16. **ORS 374.315 Construction under permits; maintenance after construction.** All construction under the permits issued under ORS 374.310 shall be under the supervision of the granting authority and at the expense of the applicant. After completion of the construction of the particular approach road, facility, thing or appurtenance, they shall be maintained at the expense of the applicant and in accordance with the rules and regulations adopted pursuant to ORS 374.310.

17. **In regards to this permitted facility on the State Right of Way any damages To ODOT property as result of this installation or its activities shall be the Responsibility of the applicant.**

ORS 374.320 Removal or repair of installation on right of way at expense of Applicant. (1) Upon failure of the applicant to construct or maintain the particular approach road, facility, thing or appurtenance in accordance with the regulations and the conditions of the permit, the Department of Transportation or the county governing body shall, after the expiration of 30 days following the transmittal of a written notice to the applicant, at applicant's expense, remove all such installations from the right of way or reconstruct, repair or maintain any such installation in accordance with or as required by such rules and regulations and the conditions of such permit. This expense may be recovered from the applicant by the state or county in any court of competent jurisdiction.

(2) Notwithstanding subsection (1) of this section, if the Department of Transportation, county governing body or designated agent of the department or governing body, whichever is applicable, determines that a traffic or pedestrian hazard is created by the noncompliance which causes imminent danger of personal injury, it may:

(a) Order the construction removed, repaired or maintained to eliminate the hazard, within 24 hours after delivery of written notice to the applicant, and to the owner of the property on which the noncompliance occurred.

(b) If the hazard is not removed within the time set under paragraph (a) of this subsection, remove the hazard and recover the expenses of any removal, repair or maintenance from the applicant in any court of competent jurisdiction. [Amended by 1955 c.424 §3; 1979 c.873 §2]

Sign or initial acceptance See Cover



Oregon

Kate Brown, Governor

Department of Transportation
 Region 3 Access Management
 3500 N.W. Stewart Parkway
 Roseburg, OR 97470-6148
 Phone: (541) 957-3696
 Fax: (541) 672-6148

FILE CODE:

RECEIVED

FEB 10 2017

PLANNING DEPT.

May 23, 2016

Mr. Mike Montero
 Montero & Associates, LLC
 Consultants in Urban Development
 4497 Brownridge Terrace, Suite 202
 Medford, OR 97504

Subject: Approach to Crater Lake Highway for Tax Lots 1000 and 1001, 37S-1W-S05

Dear Mr. Montero:

The Oregon Department of Transportation (ODOT) staff have reviewed the proposed location for a new approach to the Crater Lake Highway at approximate Milepoint 2.84 on the east side of the highway and offer the following comments and observations.

Initially, Crater Lake Highway at this location is classified as a statewide highway with an expressway subclass, which means the highway has significant importance to the State of Oregon's highway system. Normally, with the expressway designation, private approaches are not allowed where alternate access is available. It is our understanding that the property owners dedicated right of way for the Coker Butte Rd. extension to the realigned Crater Lake Ave. It is also our understanding the owners are interested in a future connection to the highway at the proposed location as that portion of Crater Lake Ave. between the highway and property was removed as part of the Coker Butte Extension Project. As long as Crater Lake Highway remains under ODOT jurisdiction the likelihood of an approach at this location is extremely unlikely.

For a driveway or approach to occur on the existing highway, the expressway designation will need to be relocated to the new highway alignment, currently under construction near the Medco Haul Rd., and a jurisdictional transfer of the existing highway to the City be finalized. The new highway would have to be open and operational for the traveling public. Once these tasks are completed, the existing highway would fall under the jurisdictional authority of the City and as long as the City's requirements are met, it would be their determination whether a driveway is appropriate. ODOT would no longer have any authority to determine the need or necessity of an approach for this location.

ODOT's observation for this location would be that intersection sight distance is met according to the AASHTO Green Book. The approach would more than likely be limited to right-in/right-out due to the proximity of the Coker Butte intersection and the items in the previous paragraph be accomplished.

Hopefully, this gives you the information you need to proceed with development of these tax lots. If you need any additional information or clarification on this matter, please give me a call.

Cordially,

H. Ronald Hughes, P.E.
 Region 3 Access Management Engineer
 3500 NW Stewart Parkway
 Roseburg, OR 97470

CITY OF MEDFORD
 EXHIBIT # V
 File # PUD-17-023

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FEB 10 2017

PLANNING DEPT.

LEGAL DESCRIPTION

Exhibit "A"

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

Parcel 1
Tax Lot
1000

COMMENCING AT A POINT 28.48 FEET NORTH, AND 2618.93 FEET WEST OF THE QUARTER CORNER COMMON TO SECTIONS 5 AND 8, TOWNSHIP 37 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON; THENCE NORTH 0° 03' 30" WEST, 1087.65 FEET TO THE TRUE POINT OF BEGINNING; THENCE EAST 994.53 FEET TO THE WESTERLY LINE OF PROPERTY DESCRIBED IN VOLUME 408, PAGE 299, JACKSON COUNTY, DEED RECORDS; THENCE SOUTHERLY, ALONG SAID WESTERLY LINE, AS FOLLOWS; SOUTH 6° 24' WEST, 133.15 FEET; THENCE SOUTH 2° 33' EAST, 279.31 FEET; THENCE SOUTH 13° 09' EAST, 26.08 FEET, TO THE NORTHEAST CORNER OF PROPERTY DESCRIBED IN VOLUME 350, PAGE 480, JACKSON COUNTY, OREGON, DEED RECORDS; THENCE SOUTH 89° 58' WEST, 997.58 FEET; THENCE NORTH 0° 03' 30" WEST, 436.32 FEET TO THE TRUE POINT OF BEGINNING.

LESS AND EXCEPTING THEREFROM THE FOLLOWING:

COMMENCING AT A POINT 28.48 FEET NORTH, AND 2618.93 FEET WEST OF THE QUARTER CORNER COMMON TO SECTIONS 5 AND 8, TOWNSHIP 37 SOUTH, RANGE 1 WEST WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON; THENCE NORTH 0° 03' 30" WEST, 1087.65 FEET TO A 5/8 INCH IRON ROD AT THE NORTHWEST CORNER OF TRACT DESCRIBED IN INSTRUMENT RECORDED AS DOCUMENT NO. 73-17175, OFFICIAL RECORDS OF JACKSON COUNTY, OREGON; THENCE SOUTH 89° 58' 50" EAST (RECORDS EAST), ALONG THE NORTH LINE OF SAID TRACT, 587.33 FEET TO A 5/8 INCH IRON PIN, AT THE TRUE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89° 58' 50" EAST (RECORDS EAST), 369.85 FEET TO A 5/8 INCH IRON ROD PIN WITNESS CORNER; THENCE CONTINUE SOUTH 89° 38' 50" EAST (RECORD EAST), 37.35 FEET TO THE WESTERLY OF TRACT DESCRIBED IN VOLUME 408, PAGE 299, JACKSON COUNTY, OREGON, DEED RECORDS; THENCE SOUTHERLY, ALONG SAID WESTERLY LINE AS FOLLOWS: SOUTH 06° 25' 10" WEST (RECORD SOUTH 06° 24' 00" WEST), 133.15 FEET; THENCE SOUTH 02° 31' 10" EAST (RECORD SOUTH 02° 33' 00" EAST), 279.31 FEET; THENCE SOUTH 13° 07' 50" EAST, 25.8 FEET (RECORD SOUTH 13° 09' 00" EAST, 36.08 FEET), TO THE NORTHEAST CORNER OF TRACT DESCRIBED IN VOLUME 350, PAGE 480, SAID DEED RECORDS; THENCE NORTH 89° 59' 30" WEST (RECORD SOUTH 89° 58' WEST), ALONG THE NORTH LINE OF SAID TRACT, 33.87 FEET TO A 5/8 INCH IRON PIN WITNESS CORNER; THENCE CONTINUE NORTH 89° 58' 30" WEST, ALONG THE NORTH LINE OF SAID TRACT AND THE NORTH LINE OF TRACT DESCRIBED IN VOLUME 544, PAGE 531, SAID DEED RECORDS, 963.62 FEET TO A 5/8 INCH IRON PIN; THENCE NORTH 00° 02' 20" WEST (RECORD NORTH 00° 03' 30" WEST), 60.00 FEET TO A 5/8 INCH IRON PIN; THENCE SOUTH 89° 58' 50" EAST, 587.33 FEET TO A 5/8 INCH IRON PIN; THENCE NORTH 00° 02' 20" WEST, PARALLEL WITH THE WEST LINE OF TRACT DESCRIBED IN INSTRUMENT RECORDED AS DOCUMENT NO. 73-17175, SAID OFFICIAL RECORDS, 376.45 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION OF THE PROPERTY CONVEYED TO THE CITY OF MEDFORD BY DEEDS RECORDED FEBRUARY 20, 2009 AS DOCUMENT NO. 2009-5947 AND FEBRUARY 20, 2009 AS DOCUMENT NO. 2009-5948.

CITY OF MEDFORD
EXHIBIT # W
File # PUD-17-023

Legal Description of the property:

Parcel 2
Tax Lot
1002

Commencing at a point 28.48 feet North and 2618.93 feet West of the Quarter corner common to Sections 5 and 8, Township 37 South, Range 1 West, Willamette Meridian, Jackson County, Oregon; thence North 00° 03' 30" West, 1087.65 feet to a 5/8 inch Iron pin at the Northwest corner of that tract described in Document No. 73-17175, Official Records, Jackson County, Oregon; thence South 89° 58' 50" East (record East), along the North line of said tract, 587.33 feet to a 5/8 inch Iron pin at the true point of beginning; thence continue South 89° 58' 50" East (record East) along said North line, 369.85 feet to a 5/8 inch Iron pin witness corner; thence continue South 89° 58' 50" East (record East) along said North line, 37.35 feet to the Westerly line of that tract described in Volume 408, Page 299, Deed Records, Jackson County, Oregon; thence along said Westerly line as follows: South 06° 25' 10" West (record South 06° 24' 00" West) 133.15 feet; thence South 02° 31' 10" East (record South 02° 33' 00" East), 279.31 feet; thence South 13° 07' 50" East, 25.80 feet (record South 13° 09' 00" East, 26.08 feet) to the Northeast corner of that tract described in Volume 350, Page 480, said Deed Records; thence North 89° 58' 30" West (record South 89° 58' West), along the North line of said tract, 33.87 feet to a 5/8 inch iron pin witness corner; thence continue North 89° 58' 30" West, along the North line of said tract and the North line of that tract described in Volume 544, Page 531, said Deed Records, 730.64 feet; thence leaving said North line, North 00° 01' 30" East, 4.00 feet; thence North 89° 58' 30" West, 45.00 feet; thence South 00° 01' 30" West, 4.00 feet to the aforesaid North line; thence along said North line, North 89° 58' 30" West, 187.98 feet to a 5/8 inch Iron pin at the Southwest corner of that tract described in Document No. 73-17175, said Official Records; thence along the West line of said tract, North 00° 02' 20" West (record North 00° 03' 30" West), 60.00 feet to a 5/8 inch Iron pin; thence South 89° 58' 50" East, 587.33 feet to a 5/8 inch iron pin; thence parallel to the aforesaid West line, North 00° 02' 20" West, 376.39 feet (record 376.45 feet) to the true point of beginning.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF MEDFORD, AN OREGON MUNICIPAL CORPORATION BY DEED RECORDED FEBRUARY 20, 2009 AS DOCUMENT NO. 2009-005947 AND 2009-005948.

Legal Description of the property:

Parcel 3
Tax Lot
1100

COMMENCING AT A POINT 28.48 FEET NORTH AND 2618.93 FEET WEST OF THE QUARTER CORNER COMMON TO SECTIONS 5 AND 8, TOWNSHIP 37 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON; THENCE NORTH 00° 03' 30" WEST, 325.66 FEET; THENCE NORTH 89° 58' EAST, 668.80 FEET; THENCE NORTH 00° 03' 30" WEST, 325.67 FEET TO A 5/8 INCH IRON PIN AT THE NORTHEAST CORNER OF THAT TRACT DESCRIBED IN DOCUMENT NO. 78-08480, OFFICIAL RECORDS, JACKSON COUNTY, OREGON AND THE TRUE POINT OF BEGINNING; THENCE ALONG THE EAST LINE OF SAID TRACT, SOUTH 00° 03' 30" EAST, 150.67 FEET TO A 5/8 INCH IRON PIN AT THE SOUTHEAST CORNER THEREOF; THENCE ALONG THE SOUTH LINE OF SAID TRACT NORTH 89° 58' 30" WEST, 666.89 FEET (RECORD SOUTH 89° 58' WEST, 668.80 FEET) TO A 5/8 INCH IRON PIN AT THE SOUTHWEST CORNER THEREOF; THENCE ALONG THE WEST LINE OF SAID TRACT NORTH 00° 02' 20" WEST (RECORD NORTH 00° 03' 30" WEST) 150.67 FEET TO A 5/8 INCH IRON PIN AT THE NORTHWEST CORNER THEREOF; THENCE ALONG THE NORTH LINE OF SAID TRACT, SOUTH 89° 58' 30" EAST, 187.98 FEET; THENCE LEAVING SAID NORTH LINE, NORTH 00° 01' 30" EAST, 4.00 FEET; THENCE SOUTH 89° 58' 30" EAST, 45.00 FEET; THENCE SOUTH 00° 01' 30" WEST, 4.00 FEET TO THE AFORESAID NORTH LINE; THENCE ALONG SAID NORTH LINE, SOUTH 89° 58' 30" EAST (RECORD NORTH 89° 58' EAST), 433.86 FEET TO THE TRUE POINT OF BEGINNING.

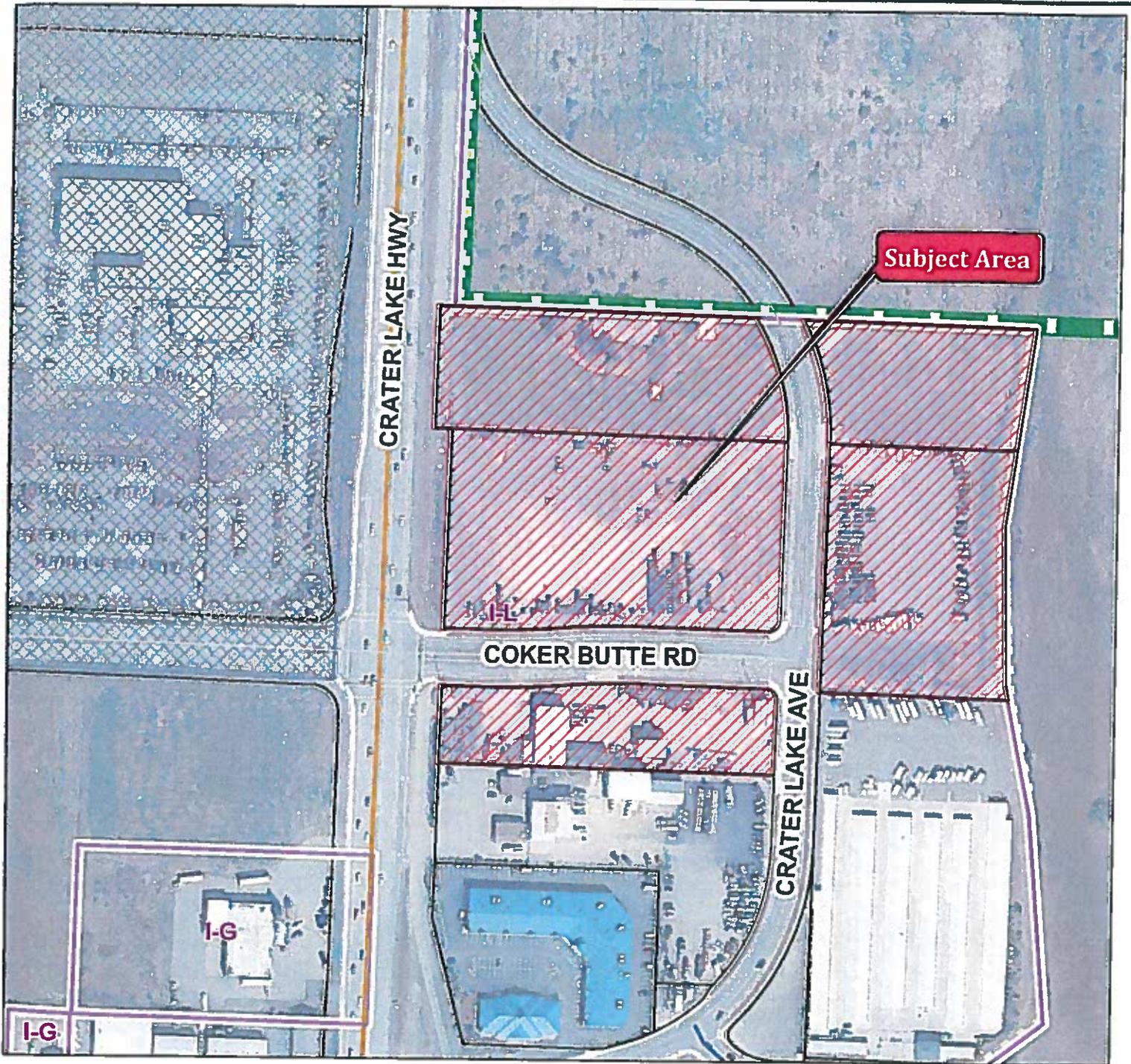
EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF MEDFORD, AN OREGON MUNICIPAL CORPORATION BY DEED RECORDED FEBRUARY 20, 2009 AS DOCUMENT NO. 2009-005947 AND 2009-005948.

EXHIBIT A
(Land Description Map Tax and Account)

COMMENCING AT A POINT 28.48 FEET NORTH AND 2618.93 FEET WEST OF THE QUARTER CORNER COMMON TO SECTIONS 5 AND 8 IN TOWNSHIP 37 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN IN JACKSON COUNTY, OREGON, THENCE NORTH $0^{\circ}03'30''$ WEST 1087.65 FEET TO THE TRUE POINT OF BEGINNING; THENCE EAST 994.53 FEET; THENCE NORTH $6^{\circ}24'$ EAST 216.4 FEET; THENCE WEST 1018.84 FEET TO A POINT WHICH BEARS NORTH $0^{\circ}03'30''$ WEST FROM THE TRUE POINT OF BEGINNING; THENCE SOUTH $0^{\circ}03'30''$ EAST 215.0 FEET TO THE TRUE POINT OF BEGINNING. EXCEPTING THERE FROM THAT PORTION CONVEYED TO THE CITY OF MEDFORD IN WARRANTY DEED RECORDED OCTOBER 4, 2010 AS DOCUMENT NO 2010-007275, OFFICIAL RECORDS, JACKSON COUNTY, OREGON.

NOTE: This legal description was created prior to January 01, 2008.

Map No.: 37 1W 0500 TL 1001 and 37 1W 0500 TL 1003
Tax Account No.: 1-046059-6 and 1-099324-6



Project Name:
Coker Butte Business Park

Map/Taxlot:
**371W05
PL 1000, 1001,
1002, 1003, 1100**



02/16/2017

Legend

-  Subject Area
-  Medford Zoning
-  Tax Lots

