

SITE PLAN & ARCHITECTURAL COMMISSION AGENDA JANUARY 5, 2018



Commission Members

Jim Quinn, Chair

Bill Chmelir, Vice Chair

Jeff Bender

Jim Catt

David Culbertson

Bob Neathamer

Marcy Pierce

Curtis Turner

Rick Whitlock

City Council Liaison - Dick Gordon

City Council Liaison Alt. - Tim D'Alessandro

Regular Commission meetings are held on
the first and third Fridays of every month

Beginning at 12:00 Noon

City of Medford

Council Chambers,

Third Floor, City Hall

411 W. 8th Street

Medford, OR 97501

(541) 774-2380



Site Plan and Architectural Commission

Agenda

Public Hearing

January 5, 2018

12:00 noon

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

10. Roll Call.

20. Consent Calendar.

20.1 **AC-17-129/
E-17-146** Final Order for consideration of a proposal for the development of a single 2.49-acre lot, consisting of the construction of an 11,990 square foot building to be used as commercial offices for Options of Southern Oregon, along with an Exception request to exceed the maximum block length standards as required per MLDC 10.426-1. The property is located at 700 N. Central Avenue in the Heavy Commercial (C-H) zoning district (372W24DD TL 9900); (Options for Southern Oregon, Applicant; Richard Ward Associates, Agent; Dustin Severs, Planner).

20.2 **AC-17-135** Final Order for consideration of a proposal for the construction of a 7,200 square foot multi-tenant commercial building to be located within Phase I of the South Medford Center, a commercial and retail center located at the intersection of Garfield Street and Center Drive in the Regional Commercial (C-R) zoning district (371W32B TL 3604, 4708, 4802); (Galpin Gang, LLC, Applicant; Ron Grimes Architects, Agent; Dustin Severs, Planner).

30. Minutes.

30.1 Consideration for approval of minutes from the December 15, 2017, meeting.

40. Oral and Written Requests and Communications.

Comments will be limited to 3 minutes per individual or 5 minutes if representing a group or 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 **E-17-138** Consideration of a request for an Exception to the General Design Requirements for Parking, specifically the requirement that all parking, loading, and vehicle maneuvering areas shall be paved and improved, at a heavy equipment sales Lot located at 4866 Helo Drive in the I-H, Heavy

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

Industrial zoning district (371W06AB300 & 301); (Pacific Truck, Trailer & Equipment LLC, Applicant; Douglas Day, Agent; Steffen Roennfeldt, Planner). **Applicant has requested this item be continued to the January 19, 2018, meeting.**

New Business.

- 50.2 **AC-17-143** Consideration of a proposal for the construction of a 6,286 square foot professional office building to be located within Phase II of the Crater Lake Business Center, a commercial center located at the intersection of Excel Drive and Aero Way in the Service and Professional Office Commercial (C-S/P) zoning district (371W07D311); (MC Holdings LLC, Applicant; Burrill Real Estate LLC, Agent; Planner, Steffen Roennfeldt).
60. **Written Communications.**
70. **Unfinished Business.** None
80. **New Business.**
90. **Report from the Planning Department.**
100. **Messages and Papers from the Chair.**
110. **Propositions and Remarks from the Commission.**
120. **City Council Comments.**
130. **Adjournment.**

BEFORE THE MEDFORD SITE PLAN AND ARCHITECTURAL COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF SITE PLAN AND ARCHITECTURAL COMMISSION)
FILE AC-17-129/E-17-146 APPLICATION FOR PROJECT REVIEW) ORDER
SUBMITTED BY OPTIONS FOR SOUTHERN OREGON)

AN ORDER granting approval of plans for the development of a single 2.49-acre lot, consisting of the construction of an 11,990 square foot building to be used as commercial offices for Options of Southern Oregon, along with an Exception request to exceed the maximum block length standards as required per MLDC 10.426-1. The property is located at 700 N. Central Avenue in the Heavy Commercial (C-H) zoning district.

WHEREAS:

1. The Site Plan and Architectural Commission has duly accepted the application filed in accordance with the Land Development Code, Section 10.285.
2. The Site Plan and Architectural Commission has duly held a public hearing on the matter of an application of plans for the development of a single 2.49-acre lot, consisting of the construction of an 11,990 square foot building to be used as commercial offices for Options of Southern Oregon, along with an Exception request to exceed the maximum block length standards as required per MLDC 10.426-1. The property is located at 700 N. Central Avenue in the Heavy Commercial (C-H) zoning district, with a public hearing a matter of record of the Site Plan and Architectural Commission on December 15, 2017.
3. At the public hearing on said application, evidence and recommendations were received and presented by the Planning Department staff; and
4. At the conclusion of said public hearing, after consideration and discussion, the Site Plan and Architectural Commission, upon a motion duly seconded, granted approval and directed staff to prepare a final order with all conditions and findings set forth for the granting of approval.

THEREFORE LET IT BE HEREBY ORDERED that the application of Options for Southern Oregon, stands approved subject to compliance with the conditions stated in the Commission Report dated December 15, 2017.

AND LET IT FURTHER BE OF RECORD that the action of the Site Plan and Architectural Commission approving this application is hereafter supported by the following findings:

- (a) That the proposed development, with the conditions of approval, complies with the applicable provisions of all city ordinances as determined by the staff review.

FINAL ORDER AC-17-129/E-17-146

- (b) That the proposed development is compatible with uses and development that exist on adjacent land, based upon information provided in the Applicant's Questionnaire and presented at the public hearing.

BASED UPON THE ABOVE, it is the finding of the Medford Site Plan and Architectural Commission that the project is in compliance with the criteria of Section 10.290 of the Land Development Code.

Accepted and approved this 5th day of January, 2018.

MEDFORD SITE PLAN AND ARCHITECTURAL COMMISSION

Site Plan and Architectural Commission Chair

ATTEST:


Secretary

BEFORE THE SITE PLAN AND ARCHITECTURAL COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF APPROVAL OF AN EXCEPTION FOR)
)
OPTIONS FOR SOUTHERN OREGON [E-17-146])

ORDER

ORDER granting approval for the development of a single 2.49-acre lot, consisting of the construction of an 11,990 square foot building to be used as commercial offices for Options of Southern Oregon, along with an Exception request to exceed the maximum block length standards as required per MLDC 10.426-1. The property is located at 700 N. Central Avenue in the Heavy Commercial (C-H) zoning district.

WHEREAS:

1. The Site Plan and Architectural Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Sections 10.211 and 10.252; and
2. The Site Plan and Architectural Commission has duly held a public hearing on the request for the development of a single 2.49-acre lot, consisting of the construction of an 11,990 square foot building to be used as commercial offices for Options of Southern Oregon, along with an Exception request to exceed the maximum block length standards as required per MLDC 10.426-1. The property is located at 700 N. Central Avenue in the Heavy Commercial (C-H) zoning district, with a public hearing a matter of record of the Site Plan and Architectural Commission on December 15, 2017.
3. At the public hearing on said exception, evidence and recommendations were received and presented by the Planning Department Staff; and
4. At the conclusion of said hearing, after consideration and discussion, the Site Plan and Architectural Commission, upon a motion duly seconded granted exception approval and directed staff to prepare a final order with all conditions and findings set forth for the granting of the exception approval.

THEREFORE LET IT BE HEREBY ORDERED that the exception of Options for Southern Oregon, stands approved per the Commission Report dated December 15, 2017, and subject to compliance with all conditions contained therein.

AND LET IT FURTHER BE OF RECORD, that the action of the Site Plan and Architectural Commission in approving this request for exception approval is hereafter supported by the findings referenced in the Commission Report dated December 15, 2017.

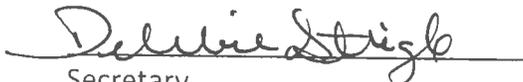
BASED UPON THE ABOVE, the Site Plan and Architectural Commission determined that the exception is in conformity with the provisions of law and Section 10.253 criteria for an exception of the Land Development Code of the City of Medford.

Accepted and approved this 5th day of January, 2018.

MEDFORD SITE PLAN AND ARCHITECTURAL COMMISSION

Site Plan and Architectural Commission Chair

ATTEST:


Secretary



City of Medford

Planning Department

Working with the community to shape a vibrant and exceptional city

COMMISSION REPORT

for a Type-C quasi-judicial decision: **Site Plan and Architectural Review**

PROJECT Options for Southern Oregon
Applicant: Options for Southern Oregon
Agent: Richard Ward Associates

FILE NO. AC-17-129/E-17-146

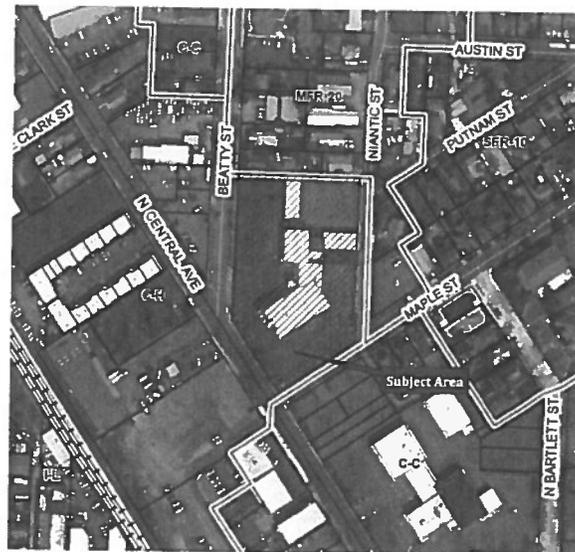
DATE December 15, 2017

BACKGROUND

Proposal

Consideration of a proposal for the development of a single 2.49-acre lot, consisting of the construction of a 30,800 square foot building (11,990 footprint), to be used as commercial offices for Options of Southern Oregon, along with an Exception request to exceed the maximum block length standards as required per MLDC 10.426-1. The property is located at 700 N. Central Avenue in the Heavy Commercial (C-H) zoning district (372W24DD TL 9900).

Vicinity Map



Subject Site Characteristics

Zoning: C-H
GLUP: CM (Commercial)
Overlay(s): AC (Airport Area of Concern)

Surrounding Site Characteristics

<i>North</i>	Zone:	MFR-20 (Multiple-Family Residential, 20 dwelling units/acre)
	Use(s):	Single-family and multi-family residential
<i>South</i>	Zone:	C-C (Community Commercial)
	Use(s):	Les Schwab Tire Center, auto dealership
<i>East</i>	Zone:	MFR-20
	Use(s):	Residential
<i>West</i>	Zone:	C-H
	Use(s):	Rogue Automotive

Related Projects

PA-17-64

Applicable Criteria

MLDC Section: 10.290 – Site Plan & Architectural Review Criteria

The Site Plan and Architectural Commission shall approve a site plan and architectural review application if it can find that the proposed development conforms, or can be made to conform through the imposition of conditions, with the following criteria:

- (1) The proposed development is compatible with uses and developments that exist on adjacent land; and*
- (2) The proposed development complies with the applicable provisions of all city ordinances or the Site Plan and Architectural Commission has approved (an) exception(s) as provided in MLDC § 10.253.*

MLDC Section: 10.253 - Criteria for an Exception.

No exception, in the strict application of the provisions of this chapter, shall be granted by the approving authority having jurisdiction over the plan authorization unless it finds that all of the following criteria and standards are satisfied. The power to authorize an exception from the terms of this code shall be sparingly exercised. Findings must indicate that:

- (1) The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the*

exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. The approving authority shall have the authority to impose conditions to assure that this criterion is met.

(2) The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located.

(3) There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere in the City, and that the strict application of the standard(s) for which an exception is being requested would result in peculiar, exceptional, and undue hardship on the owner.

(4) The need for the exception is not the result of an illegal act nor can it be established on this basis by one who purchases the land or building with or without knowledge of the standards of this code. It must result from the application of this chapter, and it must be suffered directly by the property in question. It is not sufficient proof in granting an exception to show that greater profit would result.

ISSUES AND ANALYSIS

Project Summary

Project History

The subject site consists of a vacant 2.49-acre lot located in the Liberty Park neighborhood. The subject lot was previously the location of Lithia Motor's Honda auto dealership (relocated to Crater Lake Highway), which was demolished earlier this year.

The applicant submitted a Pre-application for the subject site on May 17, 2017, for the review of a proposed development consisting of two 20,000 square foot buildings used for therapy and administrative offices to be developed over two phases. The applicant has since revised their site plan, and is now proposing a single 11,990 square foot building to be developed in a single phase as part of the subject application.

Current Proposal

The applicant is now proposing the construction of a single three-story building with a base footprint of 11,990 square feet (30,800 square feet of total floor space), to be used as commercial office space for Options of Southern Oregon.

Options for Southern Oregon is a regional provider of behavioral health services based in Grants Pass, Oregon. Options for Southern Oregon is non-profit, and provides transitional housing for mental illness treatment as well as treatment centers, with locations in Jackson and Josephine Counties, including three centers located in the City of Medford. There is no residential housing associated with the subject development; the building will be used as office

space for therapists, case managers, skill trainers, and other medical personnel, and will house approximately 160 employees.

Site Development Standards

SITE DEVELOPMENT TABLE

	Allowed	Proposed
Height	35 feet Max.	34.5 feet
Lot Coverage	60% Max.	12.1%
Setback (front)	10 Foot Min.	10 feet
Setback (street side yard)	10 foot Min.	75 feet/150 feet
Setback (rear)	7 foot Min.	135 feet

As shown in the Site Development Table above, it can be found that the proposed building identified on the submitted site plan meets the bulk standards for the C-H zoning district as found in Article V of the Medford Land Development Code.

Parking

PARKING TABLE (10.743-751)

	Required	Provided
Total Spaces	143/192	188
Accessible Spaces	8	8
Bicycle Spaces	19	20

The submitted site plan identifies a total of 188 vehicular spaces provided for the development, including the requisite location and dimensions of accessible parking spaces and bicycle spaces, consistent with the parking requirements per MLDC 10.743-751.

Landscaping

LANDSCAPE TABLE - Frontage Landscaping (10.797)

Niantic Street	Required	Shown
Trees	13	13
Shrubs	81	89

Maple Street	Required	Shown
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Trees	7	7
Shrubs	44	85

N. Central Ave.	Required	Shown
Trees	7	7
Shrubs	46	85

Beatty Street	Required	Shown
Trees	12	12
Shrubs	75	96

LANDSCAPE TABLE – Parking Area Planters (10.746(3))

	Required	Shown
Trees	24	25
Shrubs	48	48+
Coverage area	4,000 square feet	4,000 + square feet

It can be found that the submitted Landscape Plan (Exhibit C) meets and/or exceeds both the frontage landscaping requirements along the site’s four frontages, and the parking area planter requirements for interior landscaping within the proposed parking area.

Access

Vehicular Access

Of the site’s four street frontages, the submitted site plan shows a total of three accesses to the subject site: a single driveway off of Niantic Street on the site’s easterly frontage, a single driveway off of Beatty Street on the site’s westerly frontage, and a single driveway off of Maple Street on the site’s southeasterly frontage. As per the Public Works Report (Exhibit I), the driveway construction will be required to comply with driveway access standards found in MLDC 10.550.

Pedestrian Access

The submitted site plan shows pedestrian walkways connecting the building’s entrance with the public sidewalks along all four of the site’s frontages, consistent with Pedestrian Walkway provisions found in MLDC 10.772-776.

Concealments

Trash Enclosure

The submitted site plan identifies a proposed trash receptacle located at the northeast corner of the site, and the submitted trash enclosure elevation plan (Exhibit F) shows the trash receptacle enclosed and concealed with a concrete masonry wall consistent with the requirements of MLDC 10.781.

Architecture

The applicant's submitted narrative (Exhibit G) describes the building's proposed architecture and exterior treatments, and how they fit with and complement adjacent buildings and development, as the following:

Building shapes reflect multiple breaks and shadow lines bringing out a combination of textures and earth tone colors.....In mass it is compatible to the big box neighbors of New Stage Collision and Les Schwab Tires. But the project's attention to design and landscape makes it an appropriate buffer to a mixed-use are in transition.

Bufferyard

Bufferyards are utilized in order to provide aesthetic separation between incompatible uses, and to minimize potential conflicts between the adjacent properties. The subject property is zoned C-H, and abuts property zoned MFR-20 along its northerly border. Per MLDC 10.790(D), a Type A bufferyard consisting of a 6 foot concrete or masonry wall and 10 feet of landscaping composed of a variety of trees and shrubs sufficient to provide effective visual screening between the adjacent properties with dissimilar land uses, is required of the subject development along its northerly lot line.

The submitted Site Plan (Exhibit B) identifies a 6 foot high masonry wall, and the submitted Landscape Plan (Exhibit C) identifies a 10-foot wide bufferyard containing trees and shrubs, consistent with MLDC 10.790(D).

Exception Analysis

Block length

MLDC 10.426, titled *Street Circulation Design and Connectivity*, establishes maximum block and perimeter length. In order to assure that developments will ultimately result in complete blocks bound by a network of public streets, and/or private streets constructed to City Standards, new developments contained within City blocks may be required to dedicate/construct public streets within the development in order to comply with block length standards.

MLDC Table 10.426-1, shown below, lists the applicable block length standards for each zoning district.

MAXIMUM BLOCK LENGTH AND PERIMETER LENGTH Table 10.426-1		
Zone or District	Block Length	Block Perimeter Length
a. Residential Zones	660'	2,100'
b. Central Business Overlay District	600'	1,800'
c. Transit Oriented Districts (Except SE Plan Area)	600'	1,800'
d. Neighborhood, Community, and Heavy Commercial Zones; and Service Commercial-Professional Office Zones	720'	2,880'
e. Regional Commercial and Industrial Zones	940'	3,760'

While the subject site meets the perimeter length requirements for its Heavy Commercial zoning, it **exceeds the maximum block length**. MLDC 10.426(2) does provide built-in relief for developments that exceed the maximum block and/or perimeter standards, contingent on the applicant effectively demonstrating in their submitted findings that certain constraints and/or conditions exist of which the approving authority may find are acceptable. However, none of the constraints and/or conditions was found to apply to the subject site.

MLDC 10.251 also empowers the approving authority to vary or adapt the strict application of the public improvement and site development standards as contained in Article IV, which include the standards for block length. At the advisement of staff, the applicant formally submitted an Exception application on November 7, 2017. The applicant's findings (Exhibit H) state the following:

A couple of unique factors exist in this proposal and site. First, as noted above, the block and area are fully developed with mature traffic patterns. The impact to this site of creating a through street would eliminate the site's potential to meet the needs of a user for both building and parking requirements. This is additionally impacted by the amount Right-of-Way the city is taking from the site in this process. This new ROW area will enable the city to make any necessary improvements to the traffic and pedestrian network that may arise long term.

Staff concurs with the applicant's findings. The substantial amount of right-of-way dedication required of the development severely limits the amount of developable land on the site needed for the applicant to meet the parking needs of the proposed use, constituting a unique or unusual circumstance which applies to this particular site that would not typically apply to other sites in the City to this degree. It is further staff's view that, given the substantial amount of public street dedications required of the site, requiring an additional dedication for the provision of a public street connection through the property would likewise constitute a peculiar, exceptional, and undue hardship on the owner – potentially rendering the proposed development infeasible. Finally, given the fact that the existing block is located in a core area of the City, which is completely developed and already bound by a network of public streets, it can be found that street connectivity for this City block is already adequately provided for. Therefore, the Exception request can be granted in keeping with the purpose and intent of

MLDC 10.426 in assuring that developments will ultimately result in complete blocks bound by a network of public streets.

Accessway

Per MLDC 10.464, the purpose of accessways is to provide safe and convenient pedestrian and bicycle access within developments, and are reserved for situations where street connections are infeasible or inappropriate. Accessway designs, per MLDC 10.466, require a 12-foot wide right-of-way and an 8-foot wide paved surface. Relief can be granted by the approving authority if it is determined that the construction of a separate accessway is infeasible or inappropriate, but it is the responsible of the applicant to submit findings which effectively demonstrate that such circumstances apply to their development. MLDC 10.464(1) reads as follows:

(1) Accessways shall be provided for cul-de-sacs, long blocks or dead-end streets except when the approving authority determines based on evidence in the record, that construction of a separate accessway is infeasible or inappropriate. Such evidence may consist of the following:

(a) when other federal, state or local requirements prevent construction of an accessway.
(b) when the nature of abutting existing development makes construction of an accessway impractical.

(c) when the accessway would cross a natural area with significant natural habitat and construction would be incompatible with protection of natural values.

(d) when the accessway would cross land designated for flood control or flood hazard and the accessway is incompatible with the designated use.

(e) when the accessway would cross topography where slopes exceed 30% or where path grade would exceed 12% slope except when construction of a crossing structure is found to be feasible; or

(f) when a cul-de-sac or dead-end street abuts rural resource land in farm use at an urban growth boundary, except where the adjoining land is designated as an urban reserve area.

[Added, Section 10, Ord. No. 7629, May 5, 1994.]

In addressing MLDC 10.464(1) above, the applicant's submitted findings state the following:

As pointed out above the mature nature of this transportation grid already creates a well-connected street network. The intention of the Accessway is to provide access where none naturally exists. For example, an accessway at the end of a cul-de-sac provides the ability for a pedestrian or cyclist to have connection to a more efficient route to their neighborhood or commercial destination. In this case the existing network serves the area and the proposed development provides no barrier for pedestrian or bike traffic. As you will note on our plan we have provided a pedestrian way through our development on the North side of the building from Beatty Street to Niantic Street.

The accessway as defined in 10.466 is impractical in this development. This development is already providing a zone buffer on the North side of the property. The addition of another 12 feet for a accessway creates a 22-foot-wide area at the North end of the property that burdens with no benefit to the owner. Additionally, this space would reduce at least 22 parking spaces from the development. With the taking of additional ROW and the zone buffer the site has been impacted on all sides

This development will house approximately 160 employees. We have worked diligently to provide adequate parking for the staff and clients of this facility so we are not having our parking needs spilling out on to the surrounding streets. The loss of 22 spaces would significantly change this plan.

Staff concurs with the applicant's findings. The proposed development will house approximately 160 employees, requiring a substantial amount of area to meet parking demands. It is the view of staff that, as the applicant has stipulated to reserving a 10-foot wide public pedestrian easement across the site in the interest of providing connectivity, the granting of relief from the strict standards of the Code, in regards to accessway requirements, can be made in keeping with the intent and purpose of the Code; therefore, the requirement of a 12-foot wide right-of-way across the development, per the strict application of the Code, is unnecessary, and would place an undue hardship on the owner.

Facility Adequacy

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

Other Agency Comments

Medford Fire Department

Per the staff report (Exhibit K), fire apparatus access roads are required to have a minimum unobstructed width of 26 feet in the immediate vicinity of any building or portion of a building more than 30 feet in height. The applicant's submitted elevation plan (Exhibit K) shows the height of the proposed building at 34.5 feet, and the adjacent drive aisle is shown at a width of 24 feet. This was explained to the applicant's agent at the Land Development meeting, and the applicant's agent agreed to modify the plan by adding two additional feet to the drive aisle shown on the plan in order to meet this Fire Code requirement.

As a condition of approval, the applicant will be required to submit a revised site plan showing a 26 foot wide fire apparatus access road consistent with the requirements of the Medford Fire Department, prior to issuance of a building permit for vertical construction.

Committee Comments

No comments were received from committees such as BPAC.

FINDINGS OF FACT

MLDC 10.290

1. *The proposed development is compatible with uses and development that exist on adjacent land;*

The Commission can find that there is sufficient evidence contained in the Applicant's Questionnaire and the Staff Report to determine that the proposal is compatible with the uses and development on adjacent land. This criterion is satisfied.

2. *The proposed development complies with the applicable provisions of all city ordinances or the Site Plan and Architectural Commission has approved (an) exception(s) as provided in MLDC § 10.253.*

The Commission can find that the proposal can be made to comply with the applicable provisions of the Code with the imposition of conditions of approval contained in Exhibit A. This criterion is satisfied.

FINDINGS AND CONCLUSIONS

Staff has reviewed the applicant's findings and conclusions (Exhibits G and H) and recommends the Commission adopt the findings as recommended by staff.

DECISION

The Commission unanimously approved the request while including in their motion a recommendation to the Public Works Department that parking restrictions be encouraged on Beatty and Niantic Streets.

During the presentation, staff pointed out a minor error in the staff report found on page 7 in which read that the subject block "does not meet the minimum block length," which should have read that the subject block exceeds the maximum block length. This error has been corrected in this Commission Report.

ACTION TAKEN

Adopted the findings as recommended by staff and directed staff to prepare the Final Order for approval of AC-17-129/E-17-146 per the Commission Report dated December 15, 2017, including Exhibits A through K.

EXHIBITS

- A Conditions of Approval, drafted December 8, 2017.
- B Conceptual Grading, Drainage, and Utility Plan, received November 3, 2017.
- C Landscape Plan, received November 3, 2017.
- D Floor Plan (3 of 3), received October 9, 2017.
- E Elevation Plan, received October 9, 2017.
- F Trash Enclosure elevation, received October 9, 2017.
- G Applicant's Narrative, Questionnaire, and Findings of Fact, received October 9, 2017
- H Applicant's Findings of Fact (Exception request), received December 5, 2017.
- I Public Works staff report, received November 29, 2017.
- J Medford Water Commission memorandum & map, received November 29, 2017.
- K Medford Fire Department report, received November 29, 2017.
Vicinity map

SITE PLAN AND ARCHITECTURAL COMMISSION AGENDA

**December 15, 2017
January 5, 2018**

Jim Quinn, Chair

BEFORE THE MEDFORD SITE PLAN AND ARCHITECTURAL COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF SITE PLAN AND ARCHITECTURAL COMMISSION)
FILE AC-17-135 APPLICATION FOR PROJECT REVIEW SUBMITTED) **ORDER**
BY GALPIN GANG, LLC.)

AN ORDER granting approval of plans for the construction of a 7,200 square foot multi-tenant commercial building to be located within Phase I of the South Medford Center, a commercial and retail center located at the intersection of Garfield Street and Center Drive in the Regional Commercial (C-R) zoning district.

WHEREAS:

1. The Site Plan and Architectural Commission has duly accepted the application filed in accordance with the Land Development Code, Section 10.285.
2. The Site Plan and Architectural Commission has duly held a public hearing on the matter of an application of plans for the construction of a 7,200 square foot multi-tenant commercial building to be located within Phase I of the South Medford Center, a commercial and retail center located at the intersection of Garfield Street and Center Drive in the Regional Commercial (C-R) zoning district, with a public hearing a matter of record of the Site Plan and Architectural Commission on December 15, 2017.
3. At the public hearing on said application, evidence and recommendations were received and presented by the Planning Department staff; and
4. At the conclusion of said public hearing, after consideration and discussion, the Site Plan and Architectural Commission, upon a motion duly seconded, granted approval and directed staff to prepare a final order with all conditions and findings set forth for the granting of approval.

THEREFORE LET IT BE HEREBY ORDERED that the application of Galpin Gang, LLC, stands approved subject to compliance with the conditions stated in the Staff Report dated December 8, 2017.

AND LET IT FURTHER BE OF RECORD that the action of the Site Plan and Architectural Commission approving this application is hereafter supported by the following findings:

- (a) That the proposed development, with the conditions of approval, complies with the applicable provisions of all city ordinances as determined by the staff review.

FINAL ORDER AC-17-135

- (b) That the proposed development is compatible with uses and development that exist on adjacent land, based upon information provided in the Applicant's Questionnaire and presented at the public hearing.

BASED UPON THE ABOVE, it is the finding of the Medford Site Plan and Architectural Commission that the project is in compliance with the criteria of Section 10.290 of the Land Development Code.

Accepted and approved this 5th day of January, 2018.

MEDFORD SITE PLAN AND ARCHITECTURAL COMMISSION

Site Plan and Architectural Commission Chair

ATTEST:


Secretary



Site Plan and Architectural Commission Minutes

From Public Hearing on December 15, 2017

The regular meeting of the Site Plan and Architectural Commission was called to order at noon in the Council Chambers on the above date with the following members and staff in attendance:

Commissioners Present

Jim Quinn, Chair
Bill Chmelir, Vice Chair
Jeff Bender
Jim Catt
Dave Culbertson
Bob Neathamer
Curtis Turner
Rick Whitlock
Dick, Gordon, City Council Liaison

Staff Present

Kelly Akin, Assistant Planning Director
Katie Zerkel, Senior Assistant City Attorney
Karl MacNair, Transportation Manager
Steffen Roennfeldt, Planner III
Dustin Severs, Planner III
Debbie Strigle, Recording Secretary

Commissioners Absent

Marcy Pierce, excused absence

10. Roll Call.
20. Consent Calendar/Written Communications.
30. Minutes.
 - 30.1 The minutes for the November 3, 2017, meeting, were approved as submitted.
40. Oral and Written Requests and Communications. None.
50. Public Hearings.

Katie Zerkel, Senior Assistant City Attorney, read the rules governing the public hearings.

Old Business

50.1 **AC-17-061** Consideration of plans for the construction of a 3,900 square foot show-room on a 0.34 acre parcel located on the southwest corner of East Second Street and North Central Avenue within a Community Commercial (C-C) zoning district. (372W25AA Tax Lot 300); (Steve and Mary Curry, Applicants; Oregon Architecture Inc., Agent; Steffen Roennfeldt, Planner).

This application had been withdrawn by the applicant.

New Business

50.2 **AC-17-110** Consideration of a proposal for the construction of 3,468 square foot of additional storage area on one parcel totaling 0.64 acres, located on the west side of Stowe Avenue approximately

650 feet south of Rossanley Drive in the Light Industrial (I-L) zoning district (372W23A TL 5100); (Buzz Thielemann, Applicant, Scott Slack, Jefferson State Construction, Agent; Steffen Roennfeldt, Planner).

Chair Quinn asked for any potential conflicts of interest, ex-parte communications, or site visits. There were none.

Steffen Roennfeldt, Planner III, gave a PowerPoint presentation of the December 4, 2017, Staff Report. Staff recommended approval.

Commissioner Whitlock commented that the fence did not visually obscure very well and questioned whether there would be any sound attenuation capabilities of that particular style of fence. He wondered if the fence met the intent of what the standards were attempting to accomplish.

Ms. Roennfeldt stated he was relying heavily on the findings of the old staff report where the berm and fence had been approved as meeting the PUD requirements. He pointed out that the new building would also work as a barrier.

Commissioner Catt wanted to know if the relief of landscape requirements request was for the area to the west. Mr. Roennfeldt explained that in the PUD there are no landscape requirements other than the street frontage and this is regarding the area between the proposed building and the bufferyard.

Commissioner Culbertson asked what the lot coverage was for the proposed building. Mr. Roennfeldt answered it is below the 50% maximum.

The public hearing was opened and the following testimony was given:

- a) Buzz Thielemann, applicant, introduced Scott Slack and said they were available for questions.

Commissioner Whitlock asked Mr. Thielemann to respond to concerns regarding the visual obscuring and sound attenuation capabilities of the fence and also the west area that could be used for outside storage. Mr. Thielemann stated the buffer zone is really important and it's their intent that nothing is stored outside.

Commissioner Whitlock wanted to know if there were any immediate plans to replace or upgrade the slats in the fence. Mr. Thielemann replied they would be replaced with either slats or vegetation.

The public hearing was closed.

Motion: Adopt the findings as recommended by staff and adopt the Final Order for approval of AC-17-110 per the Staff Report dated December 4, 2017, including Exhibits A through P, and also adding the following condition:

- That there be no storage activities that would occur within the bufferyard area on the westerly portion of the property

Moved by: Commissioner Whitlock

Seconded by: Commissioner Bender

Roll Call Vote: Motion passed, 8-0

50.3 **AC-17-129/E-17-146** Consideration of a proposal for the development of a single 2.49-acre lot, consisting of the construction of an 11,990 square foot building to be used as commercial offices for Options of Southern Oregon, along with an Exception request to exceed the maximum block length standards as required per MLDC 10.426-1. The property is located at 700 N. Central Avenue in the Heavy Commercial (C-H) zoning district (372W24DD TL 9900); (Options for Southern Oregon, Applicant; Richard Ward Associates, Agent; Dustin Severs, Planner).

Chair Quinn asked for any potential conflicts of interest, ex-parte communications, or site visits. There were none.

Dustin Severs, Planner III, gave a PowerPoint presentation of the December 8, 2017, Staff Report. Staff recommended approval.

Commissioner Whitlock wanted to know if the pedestrian walkway easement would be privately maintained. Mr. Severs answered that to his knowledge it would be privately maintained.

Commissioner Whitlock asked if staff had received any feedback from the Liberty community expressing any concerns they might have with the clientele being served and impacts on the residential neighborhood. Mr. Severs replied he had spoken earlier with one woman who is sitting in the audience. He said she was happy with the project but had concerns with parking and the surrounding streets.

The public hearing was opened and the following testimony was given:

a) Richard Ward, agent for the applicant, stated he concurred with the staff report. He noted they had given up a lot of additional right-of-way and are looking forward to a very good project in the community.

Commissioner Whitlock asked Mr. Ward if he had received any feedback from the Liberty community. Mr. Ward answered he had not.

Commissioner Whitlock inquired if the pedestrian access easement would be privately maintained. Mr. Ward explained they took the sidewalks they need internally and incorporated that into their sidewalk and landscape plan. He confirmed that it will be privately maintained.

Councilmember Gordon commented he was having a hard time understanding how people are going to get to this property and the impacts it may have on the surrounding streets. Mr. Ward said they have looked at it from having three access points which also have access to public transportation. He said the issue has not come up before and has not been a concern in any of the discussions that have taken place. Mr. Ward pointed out the three access locations and said he's driven in and through the site during demolition and hasn't experienced any concerns with driving or maneuverability. All access points have both ingress and egress capabilities.

Commissioner Culbertson pointed out that if a person is driving down Jackson they could easily take Bartlett to Maple; coming down Central a person could go down to Maple and access in that way; and if a person is coming up Riverside they could take Maple straight over.

Commissioner Whitlock asked if the typical client would be utilizing a private vehicle or public transportation. Mr. Ward replied it's probably 50% private vehicle and 50% public transportation.

b) Christine Clifford, Beatty Street, stated she was happy with the project but did have some concerns. She would like to have good communication regarding what the process will be with taking down the old fence and installing the new one. Ms. Clifford also had concerns with the amount of traffic that would be going down Central Avenue to Edwards and then through Beatty Street.

Mr. Ward addressed the fence issue saying they would certainly coordinate the demolition and rebuilding with the adjoining neighbors. As for an entrance off of Central Avenue, city staff had said they could not have an entrance there so the entrance was moved down on Beatty Street at staff's recommendation.

Commissioner Catt wanted to know what the width of Beatty Street is. Karl MacNair answered that Beatty is 30 feet curb to curb; it's a 60 foot right-of-way, which is less than standard.

Commissioner Catt then asked if there might be a possibility of parking on just one side of the street. Mr. MacNair answered that those types of requests go through the Traffic Coordinating Committee and then they would make a recommendation on the parking. All the residents on Beatty Street would have a chance to give their feedback on the change in parking.

Commissioner Neathamer asked Mr. MacNair to address the access points on the site. Mr. MacNair said staff had prohibited a driveway on Central because it is designated as a major arterial street. The city's driveway spacing standards require that driveways be placed on local streets if there is a local street to take access from. Major arterial prioritizes the movement of vehicles over access. The reason the driveway on Beatty has been moved farther north is that it was very close to the intersection of Beatty and Central. City staff wanted it to be farther away so the turn movements don't overlap each other between the intersection and the driveway.

In regards to traffic, Mr. MacNair pointed out the different traffic patterns people could take to access all three driveways to the site. He acknowledged the streets in that area are narrow and the parking restrictions do need to be looked at.

Commissioner Whitlock asked Mr. Ward if he had any idea what the comparison was in number of employees that frequented the prior Lithia business as opposed to this current project. Mr. Ward stated this development is estimated at 165 employees but said he had no information on the number Lithia had before.

The public hearing was closed.

Motion: Adopt the findings as recommended by staff and direct staff to prepare the Final Order for approval of AC-17-129/E-17-146 per the Staff Report dated December 8, 2017, including Exhibits A through K, and adding the following condition:

- Approve the applicant's exception request to:
 - Exceed the block length maximum as required per MLDC 10.426
 - Reserve a pedestrian access easement in lieu of dedicating a public access way, as required per MLDC 10.464

Moved by: Commissioner Whitlock Seconded by: Commissioner Neathamer

Commissioner Whitlock remarked that this project is an excellent improvement. He felt the traffic would be less for this development than it was for the previous auto dealership and having the three driveways was a good approach.

There was a brief discussion as to whether the Commission would like to recommend or encourage parking restrictions along Beatty and Niantic Streets.

Commissioner Neathamer asked Mr. Ward if the Commission encouraged the parking restrictions as part of the Commission's approval would he be agreeable to that. Mr. Ward answered they would be most agreeable to meeting with the Public Works Department and having that discussion.

Amended Motion: Adding to the original motion, a recommendation to the Public Works Department that parking restrictions be encouraged on Beatty and Niantic Streets.

Moved by: Commissioner Whitlock Accepted by: Commissioner Neathamer

Roll Call Vote: Motion passed, 8-0

50.4 **AC-17-135** Consideration of a proposal for the construction of a 7,200 square foot multi-tenant commercial building to be located within Phase I of the South Medford Center, a commercial and retail

center located at the intersection of Garfield Street and Center Drive in the Regional Commercial (C-R) zoning district (371W32B TL 3604, 4708, 4802); (Galpin Gang, LLC, Applicant; Ron Grimes Architects, Agent; Dustin Severs, Planner).

Chair Quinn asked for any potential conflicts of interest, ex-parte communications, or site visits. There were none.

Dustin Severs, Planner III, gave a PowerPoint presentation of the December 8, 2017, Staff Report. Staff recommended approval.

Commissioner Whitlock asked if staff had any concerns about pedestrian safety in connection with the elimination of the parking spaces in front of Building D. Mr. Severs replied he was focused on the new building and that was something they did not review.

The public hearing was opened and the following testimony was given:

a) Brian Westerhout, agent for the applicant, said in regards to the parking and pedestrian access to Building D, they have had several different inquiries about that spot from different types of users. He said just to increase visibility of that part of the site from Center Drive and Garfield Street they had to raise the ground level a little bit, which was another reason they had to move Building D up towards the drive aisle. Again, they're not sure what is going to happen there, how big it's going to be, or what the use is going to be. Mr. Westerhout commented there might be some opportunity for parking there whenever they do figure out who will be going in at that location. In the meantime there's enough parking in the field to support the building. He noted they've essentially maintained the same internal circulation as before and which was discussed at their last Commission hearing. Mr. Westerhout pointed out some of the pedestrian accesses on the site plan.

The public hearing was closed.

Motion: Accept staff's recommendations for approval of AC-17-135 per the Staff Report dated December 8, 2017, including Exhibits A through S.

Moved by: Commissioner Catt Seconded by: Commissioner Bender

Amended Motion: In addition to the original motion, move to also adopt the findings as recommended by staff.

Moved by: Commissioner Whitlock Accepted by: Commissioner Bender

Roll Call Vote: Motion passed, 8-0

60. Written Communications.

60.1 **AC-14-093** Consideration of a request for the maximum five-year approval period for Fern Gardens Phase 3, a 48,446 square foot memory care facility on 2.57 acres located on the north side of Swing Lane, approximately 390 feet east of Table Rock Road within the MFR-20 (Multi-Family Residential – 20 units per gross acre) zoning district. (US-REDIC, Inc., Applicant; Ron Grimes Architects/Dave Evans, Agent).

Kelly Akin, Assistant Planning Director, stated the applicant had requested the Commission allow the maximum five-year approval period for phased projects.

Commissioner Whitlock asked if there were any insights into the planned construction phases, if the applicant intends to proceed as quickly as he can, and what time frame that might be. Ms. Akin replied that her understanding is they will proceed as quickly as they can. She did not know the time frame.

Commissioner Neathamer stated he was very supportive of the five-year approval concept.

Motion: Approve the request to allow the maximum five year approval period and set the expiration date for November 21, 2019, for AC-14-093 per the Staff Report dated December 8, 2017.

Moved by: Commissioner Whitlock Seconded by: Commissioner Neathamer

Commissioner Whitlock commented he didn't have any concerns and agreed that this is something that could have been obtained from day one. He said it's reasonable given the uncertainties related to state approvals but was just hoping for some assurance that this project would be initiated as soon as possible.

Voice Vote: Motion passed, 8-0

70. Unfinished Business. None.

80. New Business. None.

90. Report from the Planning Department.

90.1 Ms. Akin reported that the Housing Advisory Committee was moving toward a consensus and would have some goals relatively soon. Staff will be asking this Commission for its help in developing some design standards for housing. Ms. Akin spoke about the recently adopted Senate Bill 1051 which expanded the definition of needed housing.

90.2 The Transportation System Plan work group is working real hard. Their plan is to meet with ward representatives and talk about projects specific to each of the four wards. That will happen in January.

90.3 Ms. Akin stated there would be business scheduled for the January 5th and January 19th meetings.

90.4 Ms. Akin announced the Boards and Commissions luncheon would take place on February 9, 2018.

100. Messages and Papers from the Chair. None.

110. Propositions and Remarks from the Commission.

110.1 Commissioner Neathamer wished everyone a Merry Christmas and a Happy New Year.

120. City Council Comments.

120.1 Councilmember Gordon announced there is a position open for a general contractor on this Commission since Commissioner Turner did not reapply.

120.2 Councilmember Gordon thanked all the Commissioners for their service this last year.

120.3 Councilmember Gordon wished everyone a Merry Christmas and Happy New Year.

Commissioner Neathamer thanked Councilmember Gordon for all his service.

Commissioner Whitlock thanked Councilmember Gordon and all the other Councilmembers for the opportunity to serve on this Commission. He wished Councilmember Gordon and the rest of the Council a Merry Christmas.

130. Adjournment

130.1 The meeting was adjourned at approximately 1:35 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:



Debbie Strigle
Recording Secretary

Jim Quinn

Site Plan and Architectural Commission Chair

Approved: January 5, 2018



City of Medford

Planning Department

Working with the community to shape a vibrant and exceptional city

STAFF REPORT – CONTINUANCE REQUEST

for a Type-C quasi-judicial decision: **Exception**

Project Pacific Truck, Trailer & Equipment Exception
Applicant: Mike Hilton; Agent: Douglas Day

File no. E-17-138

To Site Plan and Architectural Commission *for 01/05/2018 hearing*

From Steffen Roennfeldt, Planner III

Reviewer Kelly Akin, Assistant Planning Director *h.*

Date December 28, 2017

BACKGROUND

Proposal

Request for an Exception to the General Design Requirements for Parking, specifically the requirement that all parking, loading, and vehicle maneuvering areas shall be paved and improved, at a Heavy Equipment Sales Lot located at 4866 Helo Drive in the I-H, Heavy Industrial zoning district (371W06AB300 & 301).

Request

Staff has requested that the item be continued to January 19, 2018, in order to prepare the staff report. The applicant submitted updated findings only one day before the staff report was due which didn't leave staff enough time to prepare a thorough staff report. January 19, 2018 will be the 63rd day from completeness.

EXHIBITS

Vicinity map

SITE PLAN AND ARCHITECTURAL COMMISSION AGENDA:

JANUARY 5, 2018



City of Medford
Planning Department

Vicinity
Map

File Number:

E-17-138

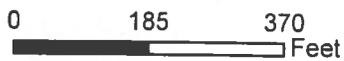


Project Name:

**Pacific Truck, Trailer & Equipment
Paved Parking Exception**

Map/Taxlot:

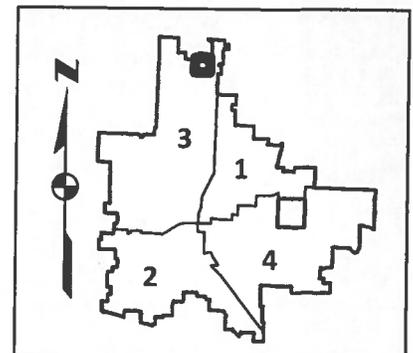
371W06AB TL 300



11/14/2017

Legend

-  Subject Area
-  Medford Zoning
-  Tax Lots



Subject Site Characteristics

Zoning	C/S-P, AC/RZ	Service Commercial and Professional Office with Airport Area of Concern and Restricted Zoning Overlays
GLUP Use	SC	Service Commercial
	Vacant; parking lot only	

Surrounding Site Characteristics

<i>North</i>	Zone:	C-S/P
	Use:	Office Uses
<i>South</i>	Zone:	C-S/P
	Use:	Office & Medical Office Uses
<i>East</i>	Zone:	C-S/P
	Use:	Office Uses
<i>West</i>	Zone:	C-S/P
	Use:	US Social Security Administration

Related Projects

LDS-99-122	Crater Lake Business Center Subdivision
AC-00-104	Crater Lake Business Center – Phase I
AC-02-049	Construction of Office Building (Expired)
AC-09-065	Construction of Office Building (Expired)
CP-09-075	General Land Use Plan Map Amendment from G-I (General Industrial) to SC
ZC-09-76	Zone Change from I-L (Light Industrial) to C-S/P
PLA-17-108	Property Line Adjustment

Applicable Criteria

Medford Land Development Code Section: 10.290 – Site Plan & Architectural Review Criteria

The Site Plan and Architectural Commission shall approve a site plan and architectural review application if it can find that the proposed development conforms, or can be made to conform through the imposition of conditions, with the following criteria:

1. The proposed development is compatible with uses and developments that exist on adjacent land; and
2. The proposed development complies with the applicable provisions of all city ordinances or the Site Plan and Architectural Commission has approved (an) exception(s) as provided in MLDC § 10.253.

ISSUES AND ANALYSIS

Background

The proposed project is Building C of the Crater Lake Business Center Phase II, a master plan for three professional office buildings totaling 25,457 square feet. The Site Plan and Architectural Review Commission approved the master plan in 2002 (AC-02-049). The subject building, Building C, is the third and last of the buildings to be built in Phase II. This building is coming before the Commission because previous approvals for the construction of this building have expired. The proposed architecture, landscape layout, and utility plan are the same as previously approved for projects AC-02-49 and AC-09-065. The building pad, parking lot and all parking spaces have been constructed, as per previously approved plan.

Restricted Zoning

A trip cap of no more than 300 daily trips per acre on the subject property has been specified by Ordinance #2009-252 (Exhibit O) which was a direct result of the GLUP map amendment and zone change (File Numbers CP-09-75 and ZC-09-76) that were approved in 2009.

The Public Works Staff Report (Exhibit I) states that the trip cap will not be an issue for this application.

Site Plan (Exhibit B)

The proposed 6,286 gross square foot Building C is located on a 0.58 acre site adjoining two other sites containing existing office Buildings A and B. The site plan demonstrates a previously approved total of 30 parking spaces (including two ADA accessible spaces) to the west of the proposed building. A five foot wide sidewalk will wrap around the north and west sides of the building. There are two entries, one on the east side and one on the south. Two existing driveways serve the site; one is from Excel Drive and the other from Aero Way.

Transit Facilities (Exhibit Q)

Since the subject site is within 600 feet of an existing Rogue Valley Transportation District (RVTD) transit stop on Lear Way, it must comply with all applicable standards in

Medford Land Development Code (MLDC) 10.808. Since Building C will not abut Lear Way, a transit street, only MLDC 10.808(1) is pertinent of the subject site.

(1) Building entrances. All such uses shall provide a main entrance on the facade of a building nearest to and facing a street with a designated “transit route”, hereinafter “transit street”. A building may have more than one main entrance. If the lot has frontage on more than one transit street, the building need only have one main entrance oriented to a transit street or to the corner where two transit streets intersect.

Building C has been designed to include an entrance on the east side which faces Lear Way. Thus, the proposed building complies with MLDC 10.808(1).

Architecture

The Applicant’s Narrative (Exhibits G & H) describes the proposed structure. Exhibit C provides building elevations. The exterior finishes and treatments match those of the other buildings in Phase II. It consists of a single-story, wood frame structure with concrete tile gable roof, dormered entries with painted steel truss elements, cement plaster wall finish with a brick base and insulated aluminum windows and storefront entry. The truss elements rest on brick columns which articulate building entries.

Recessed dormered entries with brick columns and decorative trusses located on the south and east sides of the building serve to break up these facades. Deep roof overhangs, large windows, changes in exterior wall plane and stepped brick veneer base also provide visual relief along the remainder of the building exterior.

Staff finds the architecture to be consistent with the guidelines established by the Commission. It either matches or is compatible with developments on surrounding properties.

Landscaping

Landscape and Irrigation Requirements

The proposed landscape plan continues the pattern followed in Phases I and II by alternating trees between the park strip and building landscapes. The sole concern with the landscape plan is that the usage of High Water Use Landscape Elements is exceeded. MLDC 10.780(G)(5)(a) states that *the total landscaping area of a development site, including areas located within adjacent right-of-way planter strips, shall not exceed the following percentage of high water use landscape elements, as defined herein: Commercial/Office = 30%.*

Based on MLDC Section 10.780(C)(2)(a)(2) which states that *the approving authority may approve landscape plans or irrigation plans not in full compliance with provision of the Medford Land Development Code Chapter 10, without the need for a separate Exception application, subject to the following: (a) the approving authority shall make one*

of the following findings to grant relief from a provision: (2) A particular public benefit will be achieved by not complying with a provision of this section, the applicant is requesting relief from the above mentioned requirement. The applicant proposed a revised landscape plan (Exhibit F) which reduces the High Water Use Landscaping from the original design of 60% to a new design of 40%. The applicant asserts the fact that there is a public benefit by approving the proposed landscape plan. Per the applicant, the public benefit is a continuity of an existing landscape theme which enhances the overall appearance of the Crater Lake Business Center development.

Staff supports this request based on the facts provided by the applicant and the existing surrounding conditions.

Street Frontage Landscaping

MLDC 10.797 establishes the minimum landscaping requirements along all street frontages outside the public right-of-way. The submitted landscape plan meets the requirement for street trees with five proposed trees along Aero Way and seven along Excel Drive. The amount of shrubs is not detailed on the landscape plan. It will be a condition of approval for the applicant to provide the minimum amount of shrubs required. Required are 41 shrubs along Excel Drive and 29 shrubs along Aero Way. The applicant is requesting that six of the required street trees be planted within the public right-of-way and outside of the required yard area. MLDC 10797(2) states that *all required planting shall be located in the required yard area adjacent to the street unless otherwise approved by the approving authority.* The applicant stated that this requires has been granted with all previous applications within the Crater Lake Business Center District.

Parking

Vehicular

For a General Office use of this size, MLDC 10.743 requires a minimum of 19 spaces and a maximum of 31 spaces. MLDC 10.746(8) requires two accessible parking spaces. The proposed (and existing) parking meets these requirements. A total of 30 spaces have been provided, including two accessible parking spaces.

Bicycle Parking

The applicant has proposed a total of three bicycle parking spaces near the southwest corner of the subject building. Three spaces are required. This requirement is met. However, no bicycle parking design standards were provided. It will be a condition of approval for the applicant to meet all standards contained in MLDC 10.750.

Concealment

The mechanical equipment associated with the building is to be roof mounted and located within a screened rooftop mechanical well, thus entirely concealed from public

view. The proposed trash enclosure is concrete masonry unit enclosures with metal gates to match existing Phase II enclosures.

Other Agency Comments

Staff received a letter from the Oregon Department of Aviation (ODA)(Exhibit M) requesting the applicant to file and receive a determination from the ODA on FAA Form 7460-1 to determine if the structure will pose a hazard to aviation safety.

Committee Comments

No comments were received from committees such as BPAC.

FINDINGS OF FACT

MLDC 10.290

1. The proposed development is compatible with uses and development that exist on adjacent land;

The Commission can find that there is sufficient evidence contained in the Applicant's Questionnaire and the Staff Report to determine that the proposal is compatible with the uses and development on adjacent land. This criterion is satisfied.

2. The proposed development complies with the applicable provisions of all city ordinances or the Site Plan and Architectural Commission has approved (an) exception(s) as provided in MLDC § 10.253.

The Commission can find that the proposal can be made to comply with the applicable provisions of the Code with the conditions of approval contained in Exhibit A. This criterion is satisfied.

FINDINGS AND CONCLUSIONS

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

RECOMMENDED CTION

Adopt the findings as recommended by staff and direct staff to prepare the final order for AC-17-143 per the staff report dated December 29, 2017 including Exhibits A through Q.

EXHIBITS

- A Conditions of Approval, dated December 29, 2017
- B Revised Site Plan, received December 22, 2017

- C Exterior Elevations, received October 31, 2017
- D Roof & Floor Plan, received October 31, 2017
- E Utility Plan, received October 31, 2017
- F Revised Landscape Plan, received December 21, 2017
- G Applicants Questionnaire, received October 31, 2017
- H Additional Findings, received December 21, 2017
- I Public Works Department Staff Report, received December 29, 2017
- J Medford Water Commission Staff Memo, received December 6, 2017
- K Medford Fire Department Report, received December 6, 2017
- L Jackson County Roads Report, received November 28, 2017
- M Oregon Department of Aviation letter, received December 5, 2017
- N Code Compliance Questionnaire, received October 31, 2017
- O Ordinance No. 2009-252, dated November 19, 2009
- P Reciprocal Access, Maintenance and Storm Drain Easement Agreement, dated September 4, 2002
- Q RVTD Routes and Facilities Map, adopted November 20, 2003
Vicinity map

SITE PLAN AND ARCHITECTURAL COMMISSION AGENDA:

JANUARY 5, 2018

EXHIBIT A

Crater Lake Business Center - Phase II

AC-17-143

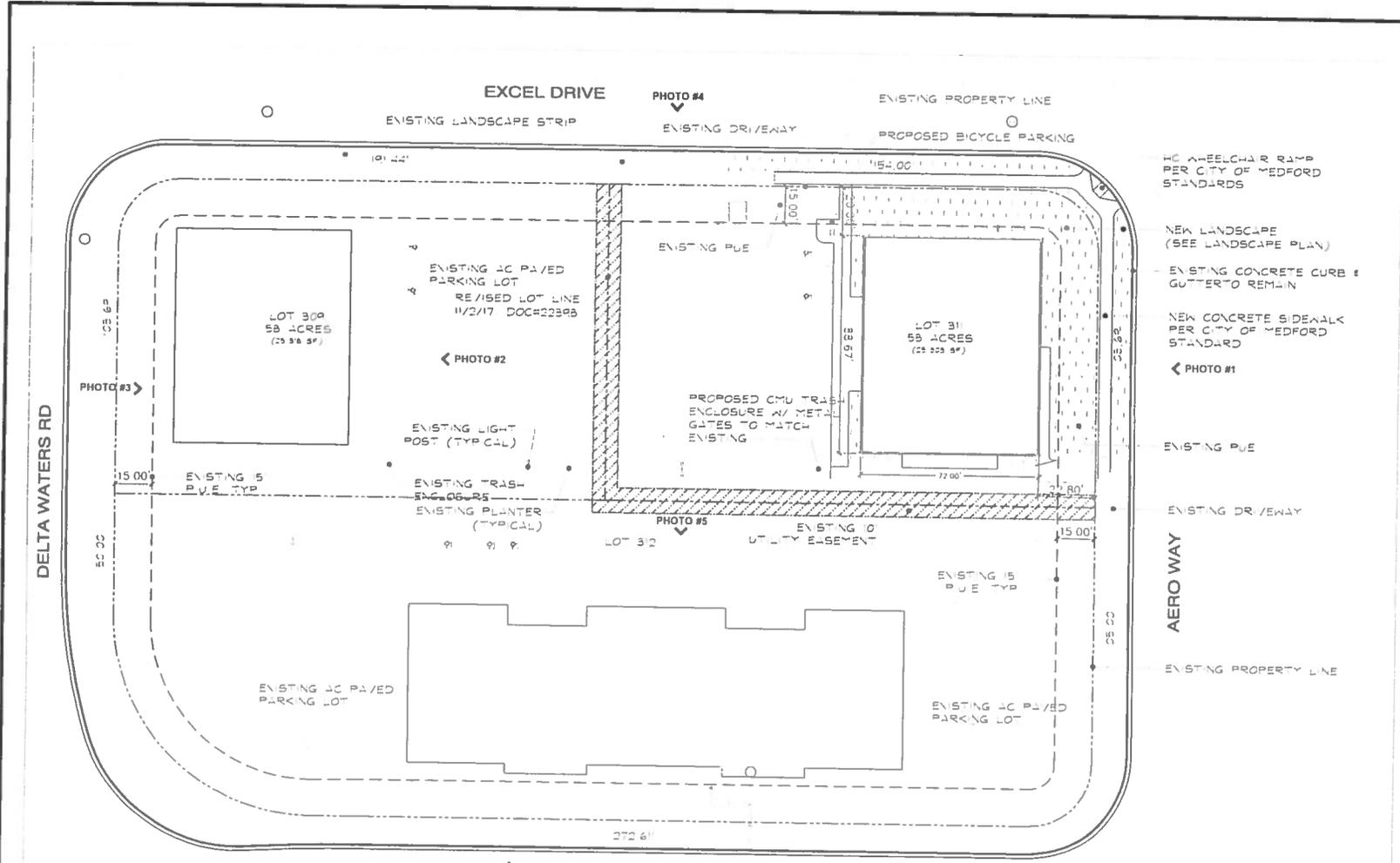
Conditions of Approval

December 29, 2017

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 J).
2. Comply with all conditions stipulated by the Public Works Department (Exhibit I).
3. Comply with all requirements submitted by the Oregon Department of Aviation (Exhibit M).
4. Comply with all requirements for Street Frontage Landscaping in compliance with MLDC 10.797.
5. Provide details of bicycle parking facilities in compliance with MLDC 10.747 through 10.750



S-B
 CONSTRUCTION MANAGEMENT
 8425 Apple Head
 White Ldg. DR 9/5/01
 (541) 825 5665
 CCM #167545
 (541) 825 5665
 ARCHITECT
 DAVID M. THRUSTON, AIA, NCARB
 S & B James Construction Management
 Tel: 541 825 5665
 Fax: 541 825 5586
 E-mail: david@thruston.com

CONTRACT
 STAMP
 OWNER
 MC HOLDINGS LLC
 P.O. BOX 230
 Medford, Oregon 97501
 Tel: (541) 778 1311
 Fax: (541) 778 7430

REVISIONS

MARKER	DATE	DESCRIPTION
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13/12/2017		SPAC REVIEW #
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S&B PROJECT NO: 4008-1734
 DRAWN BY: JCB
 CHECKED BY: DMT
 PROJECT DATE: 1/3/12/2017
 COPYRIGHT: 2017
 S & B JAMES CONSTRUCTION MANAGEMENT
 PROJECT
CRATER LAKE BUSINESS CENTER II
 BUILDING C
 3516 EXCEL DRIVE
 MEDFORD, OREGON

SHEET TITLE
REVISED SITE PLAN
 C 2 1
 SHEET NO.
101
 RECEIVED
 10/17
 PLANNING DEPT.

EXISTING PARKING ANALYSIS & SUMMARY
 PER MEDFORD STANDARDS 18743 OFF STREET PARKING

EXISTING BUILDING	REQUIRED	PROVIDED
EXISTING BUILDING A	REQUIRED: 22 SPACES	PROVIDED: 22 SPACES
	REQUIRED ACCESSIBLE: 1 SPACE	PROVIDED ACCESSIBLE: 1 SPACE
EXISTING BUILDING B	REQUIRED: 43 SPACES	PROVIDED: 46 SPACES
	REQUIRED ACCESSIBLE: 2 SPACES	PROVIDED ACCESSIBLE: 3 SPACES
NEW BUILDING C	REQUIRED: 21 SPACES	PROVIDED: 25 SPACES
	REQUIRED ACCESSIBLE: 1 SPACE	PROVIDED ACCESSIBLE: 2 SPACES

ALL PARKING PREVIOUSLY APPROVED PER FILE # AC-02-48



CITY OF MEDFORD
 EXHIBIT # B.1
 File # AC-17-143
 1 SITE PLAN
 1" = 20'-0"

NOTE: IF THIS SHEET IS LESS THAN 24" x 36" IT HAS BEEN REDUCED AND IS NOT TO SCALE.

RECEIVED

OCT 31 2017

APPLICANTS QUESTIONNAIRE
CRATER LAKE BUSINESS CENTER PHASE II PLANNING DEPT.

Applicants/Owner: MC Holdings, LLC
3560 Excel Drive, Suite 101
Medford, OR 97504

Agent: Curtis Burrill
Burrill Real Estate, LLC
3560 Excel Drive, Suite 101
Medford, OR 97504

Section I – Narrative

The application in front of the Medford Site Plan and Architectural Review Commission is to obtain approval for the construction of a 6,286 gross square foot professional office building (Building C) in the Crater Lake Business Center Phase II (CLBC II) office project. This project was previously approved by the Site Plan and Architectural Commission in 2002 as AC-02-49 and again in 2009 as AC-09-065. To date Buildings A & B have been constructed and the requested approval would allow construction of Building C as approved in 2002 and 2009. Construction of Building C will be with the exact same architecture and landscape layout as previously approved.

In December of 2000, the city of Medford approved the final plat for the Crater Lake Business Center Subdivision (LDS-99-122) located between Lear Way and the Rogue Valley International – Medford Airport. This 25 lot subdivision was designed with the idea of creating a Class A office park in northeast part of Medford to complement the newly completed Crater Lake Plaza shopping Center. The underlying Light Industrial zoning would allow most general office uses to exist in the new business Center.

In September of 2000, The Site Plan and Architectural Commission approved the Crater Lake Business Center Phase I (CLBC I) (AC-00-104) master plan for six professional office buildings totaling 26,880 square feet. These six buildings were constructed in 2001 and 2002. By the end of 2002, the majority of the constructed office space was occupied by a wide array of professional office uses. This initial phase of construction helped set the architectural and landscape theme for the entire Crater Lake Business Center. During that time, a two-story 20,000 square foot office building was constructed west of Excel Drive.

In June of 2002, The Site Plan and Architectural Commission approved the Crater Lake Business Center Phase II (AC-02-49) master plan for three professional office buildings totaling 25,457 square feet. Building A, 12,689 square feet, was constructed in 2003. 2005 saw the construction of Building B with a footprint of 6,384 square feet. In 2005, the entire parking lot and storm water system was construction, as well as the building pad for Building C. Building C has not been completed and the previous approvals have expired. During this time, a two-story 28,000

CITY OF MEDFORD
EXHIBIT # 6
File # AC-17-143



square foot office building was constructed west of Excel Drive and 12,986 square feet of retail space was built to the south of Delta Waters Rd. In 2014, an additional 2,660 square feet of retail was constructed south of Delta Waters Rd. In 2009, a zone change was approved in the Crater Lake Business Center changing the lots south of Delta Waters Rd. to General Commercial and the lots north of Delta Waters Rd. to Commercial – Service/Professional. Excel Drive was also extended south of Delta Waters Rd. creating continuous access to the Delta Center PUD.

The date, 110,000 square feet of professional office and retail buildings have been approved and constructed in the Crater Lake Business Center. There is a common architecture and landscape theme that has created a campus like feel to the entire project. The Crater Lake Business Center has become one of the premier professional office parks in Southern Oregon.

Applicant is currently processing a Lot Line Adjustment to move the Lot 311 southerly property line approximately 19 feet south. This Lot Line Adjustment will center the property line between Lots 309 and 311 in the center of the common drive isle.

Section II

1. Compatibility: Criterion No. 1

The proposed development is compatible with uses and development that exist on adjacent land;

The following questions are designed to demonstrate how the proposal is compatible with uses and development that exist on adjacent land.

- A. *List Existing uses and development adjacent to your project site. Along with this list, describe the architecture (materials, colors, etc.), age, and condition of the adjacent buildings (you may use photographs to supplement this information.*

North – Across Aero Way from the subject building is the Crater Lake Business Center Phase I office project. Architecture is consistent with the subject building as it includes tile roof, brick and EIFS exterior finishes with a similar color palette of tans, browns and red. The building sizes are approximately 5,000 square feet. The office buildings were constructed in 2002 and are in excellent condition.

West – Across Excel Drive from the subject building are two two-story office buildings. A 20,000 square foot building built in 2002 is concrete tilt with compatible tan colors. The other building was completed in 2005 and has a brick exterior with a significant amount of glazing. The exterior brick façade is red and tan in color. Both two-story office buildings are in excellent condition.

South – Immediately south the subject building is Building B of the original Crater Lake Business Center Phase II approval. The subject building will be an exact mirror image of this building in both size and architectural finish. Across Delta Waters Rd from the subject project is the Delta Center. Phase I of the project was completed in 2005 and includes approximately 13,000 square feet of office/retail space. The exterior finish is red and brown brick with store front glazing. Additional phases have been approved for a drive thru bank, a restaurant pad and an additional office/retail building. The existing building is in excellent condition.

East – Immediately east of the subject building is Building A of the original Crater Lake Business Center Phase II approval. The subject building was designed to replicate the architecture of this building. Across Lear Way from the subject project is the rear entry to the Lowe's building in the Crater Lake Plaza Shopping Center. This building completed in the mid 90's has a typical big box look consistent with the shopping center.

B. Describe the building architecture and exterior treatments in your proposal, and how they fit with and complement adjacent buildings and development.

The exterior design of the proposed building matches the existing architecture of Buildings A and B within the Crater Lake Business Center II development. It will be single-story wood frame structure with concrete tile gable roof, dormered entries with painted steel truss elements, cement plaster wall finish with a brick base and insulated aluminum windows and storefront entry. The truss elements rest on brick columns which articulate the building entries.

C. Describe the proposed architecture and exterior treatments that break up large facades and give relief to the building mass. The Site Plan and Architectural Commission Design Guidelines are a helpful reference, and can be found on the City's website, and in the Planning Department.

Recessed dormered entries with brick columns and decorative trusses located on the south and east sides of the building serve to break up these facades. Deep roof overhangs, large windows, changes in exterior wall plane and a stepped brick veneer base also provide visual relief along the remainder of the building exterior.

D. Describe how the placement and orientation of the proposed building(s) relate(s) to the street facilities, and how this orientation promotes a more pedestrian friendly site design.

The proposed office building sits on the south east corner of the intersection of Excel Drive and Aero Way. The building is set back a minimum of 20' from both street side sidewalks. Concrete sidewalks connect the front doors of the office building to both the existing street sidewalks and the existing parking lot. Access doors to the building suites are located less than 60' from a public sidewalk. The

entire Phase II project is an island fronting onto four public streets. Sidewalks are provided along the exterior and through the interior of the project to promote a pedestrian friendly feel.

- i. ***If the site lies within 600-feet of an existing or planned transit stop, as designated by the Transportation System Plan (TSP), describe compliance with the standards of 10.808, New Commercial and Institutional Development.***

According to Medford's TSP, the Rogue Valley Transit District Route #60 runs along Lear Way adjacent to the subject project. Figure 7-1 of the Medford TSP shows the location of two major Transit Stops in the vicinity of the subject building. The North bound stop is located approximately 300 feet away and the South bound stop is located 800 feet way from the front entrance of the subject building. Because of the proximity to the north bound transit stop, the applicant is required to describe compliance with the standards of 10.808:

10.808 New Commercial and Institutional Development

All new commercial, office and institutional buildings on parcels within 600 feet of an existing or planned major transit stop, as designated by the City of Medford Transportation System Plan (TSP), shall provide the following:

- (1) Building entrances. All such uses shall provide a main entrance on the facade of a building nearest to and facing a street with a designated "transit route", hereinafter "transit street". A building may have more than one main entrance. If the lot has frontage on more than one transit street, the building need only have one main entrance oriented to a transit street or to the corner where two transit streets intersect.***

The subject building has two main entrances in its design. One entrance faces south towards the parking lot while the other faces east towards Lear Way which is the designated "Transit Street."

- (2) Setbacks. Buildings shall be set back no more than 20 feet from the designated transit stop or transit street. Where the site is adjacent to more than one designated transit street, a building is required to meet the maximum setback standard on only one of the streets.***

The subject building does not front to a "Transit Street" and therefore is not required to meet a maximum 20' setback standard. The setback on Excel Drive is 20' and the setback on Aero Way is 22'.

- (3) Parking lots. No automobile parking shall be permitted between the building and the designated transit street.***

The subject building does not front to a "Transit Street" and therefore is not required to meet the requirements of this section. No automobile parking is designated between the subject building and the public street the building fronts to.

(4) An exception to one or more of the requirements in this section may be granted if the approving authority determines that:

(a) Strict compliance with the standard is not possible because of terrain or other physical conditions beyond the control of the applicant; or,

(b) Direct, convenient and safe access to transit is otherwise adequately provided for by other measures.

The applicant is not requesting an exception to section 10.808.

E. Describe the pedestrian facilities and amenities on your site (useable outdoor space, benches, etc), and how they will function for pedestrians.

A pedestrian walkway has been provided from the subject building to both street frontages on Excel Drive and Aero Way.

F. Describe vehicle and pedestrian access to the site, and how it relates internally on the site, and to adjacent sites.

Vehicular access to the building is from two existing driveways, one from Excel Drive and one from Aero Way. These two access points are shared between the existing two buildings and the proposed building within the project.

Pedestrian access to the buildings will be from two walkway connections between the subject building and the public sidewalks fronting on Excel Drive and Aero Way. Internal pedestrian walkways are proposed to connect the two existing buildings within the project.

G. Describe if and how the proposed plan is sensitive to retaining any existing trees or significant native vegetation on the site. Should existing trees be preserved, a Tree Protection Plan shall also be included in this application.

There are no existing trees or significant native vegetation on the subject property.

H. Describe storm water detention facilities on the site (underground storage, surface pond, etc). If these facilities will be landscaped areas, describe how the proposed landscaping will integrate with other landscaping on the site.

The subject property lies within the Midway Drainage Basin which requires that the drainage plan be designed to include a controlled storm water release. The storm water detention facility for the entire site was constructed during previous

construction phases and allows for the majority of the storm water to be detained underground. Parking lot sloping will allow for the balance of the storm water retention during the heaviest rain event.

I. Describe how your proposed landscaping design will enhance the building and other functions of the site.

The proposed landscaping follows a consistent landscape theme started during the construction of the Crater Lake Business Center Phase I. Alternating trees between the park strip and building landscaping gives the entire project a campus like feel. Landscaping between the sidewalk and the proposed building are filled with approximately 60% sod and 40% plantings with variations of trees and shrubs to create a visually appealing break. We are requesting approval of sod in the park strip of both Excel Dr. and Aero Way to continue a landscape theme that exists throughout the Crater Lake Business Centers.

J. Describe how your exterior lighting illuminates the site and explain how the design of fixtures does not diminish a view of the night sky, or produce glare on adjacent properties, consistent with the standards of 10.764.

Exterior lighting has been designed to illuminate the building and surrounding public areas in an amount adequate for public safety but not to impede the view of the night sky.

Building and site illumination is proposed as follows:

- i. Soffit mounted 26 watt fluorescent down lights.
- ii. Fluorescent wall mounted lights located on four exterior columns to light entry doors.
- iii. 150 watt metal halide lights mounted on the back side of the entry trusses. These lights illuminate the open truss design of the building entries.
- iv. One *existing* 400 watt pole mounted metal halide light on a 30' pole for additional illumination in the parking lot area. The light and pole are finished in bronze and has a hooded housing shield to ensure a "nighttime friendly" design.

K. Describe any proposed signage, and how it will identify the location on the occupant and serve as an attractive complement to the site.

The proposed application does not include signage. Future signage will be based on tenant's needs and will be consistent with the existing project signage. Any anticipated signage would be a monument sign located on the north side of the subject building adjacent to Aero Way. Previous project monument signs have included a brick base with a bronze sign cabinet 3' x 8' in size.

L. Explain any proposed fencing, including its purpose, and how you have incorporated it as a function, attractive component of your development. (10.731-10.733)

No fencing is proposed.

- M. *Explain how any potential noise generated by future occupants will be mitigated on the proposed site, consistent with the standards of 10.752-10.761.***

The proposed building is a professional office building with all business activity taking place inside of the building. Noise generated from the project will be limited to vehicular noise from employees and customers entering and exiting the project.

- N. *Explain anything else about your project that adds to the compatibility of the project with adjacent development and uses.***

The proposed building is consistent with the adjacent development and will enhance the surrounding area by giving a completed feel to the project. The requested approvals are consistent with previous approvals granted to the project.

- O. *List and explain any exceptions or modifications requested and provide reasons for such.***

All parking lot paving, landscaping and storm water retention was completed in 2005 to serve the subject building. As with previous applications and in accordance with section 10.797(2), the applicant is requesting that 6 of the proposed street trees be counted towards the street frontage landscaping code requirement. This request has been granted with all previous applications within the Crater Lake Business Center Subdivision.

2. Code Compliance: Criterion No. 2

The proposed development complies with the applicable provisions of all city ordinances or the Site Plan and Architectural Commission has approved (an) exception(s) as provided in MLDC 10.253.

Based upon the submitted application material and the material contained in the Site Plan and Architectural Commission Application, the applicant meets all city ordinances and requirements.

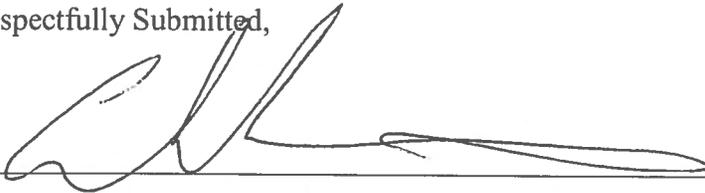
Section III – Conclusion

The Site Plan and Architectural Commission concludes that the proposed development is consistent with the relevant Site Plan and Architectural Review approval criteria of Section 10.290, and can therefore be approved.

Section IV – Applicants Submittals

- Exhibit 1 Applicants Questionnaire
- Exhibit 2 Drawings
- Exhibit 3 Legal Description
- Exhibit 4 Lot Line Adjustment Map
- Exhibit 5 Zoning Map
- Exhibit 6 Aerial Photo
- Exhibit 7 TSP Figure 7-1 (Medford Designated Major RVTD Transit Routes and Stops)
- Exhibit 8 Application Context Photos

Respectfully Submitted,



Curtis Burrill
Burrill Real Estate, LLC
October 31, 2017

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**Exhibit 3
SPAC 17-143
Revised**

Legal Description:

LOT 17, IN CRATER LAKE BUSINESS CENTER IN THE CITY OF MEDFORD, JACKSON COUNTY, OREGON, ACCORDING TO THE OFFICIAL PLAT THEREOF, RECORDED IN VOLUME 26, PAGE 49, PLAT RECORDS.

TOGETHER WITH: BEGINNING AT THE NORTHWESTERLY CORNER OF SAID LOT 15, CRATER LAKE BUSINESS CENTER THENCE ALONG THE NORTHERLY LINE OF SAID LOT, NORTH 89°07'42" EAST 128.69 FEET TO THE NORTHEASTERLY CORNER THEREOF; THENCE, ALONG THE EAST-ERLY LINE OF SAID LOT, SOUTH 00°52'18" EAST 18.66 FEET; THENCE, LEAVING SAID EASTERLY LINE, SOUTH 89°07'42" WEST 128.69 FEET TO THE WESTERLY LINE OF SAID LOT; THENCE, ALONG SAID WESTERLY LINE, NORTH 00°52'18" WEST 18.66 FEET TO THE POINT OF BEGINNING.

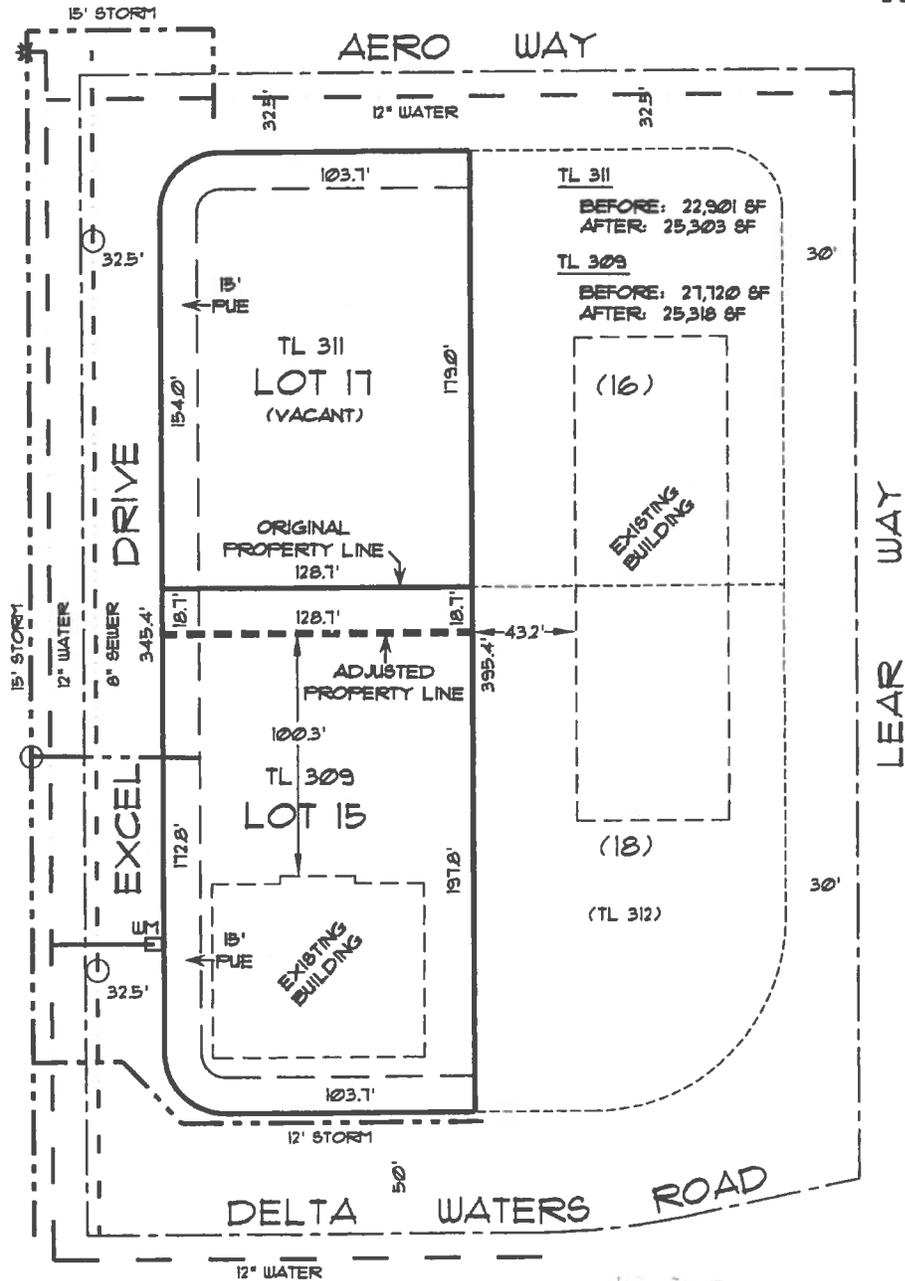
Exhibit 4

Property Line Adjustment

For
MC Holdings, LLC

Located in:
Lots 15 & 17 of
CRATER LAKE BUSINESS CENTER
In the Southeast 1/4 of Section 7 (ØTD)
Township 37 South, Range 1 West, WM.,
City of Medford, Jackson County, Oregon
TL 309 & 311

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REGISTERED
PROFESSIONAL
LAND SURVEYOR

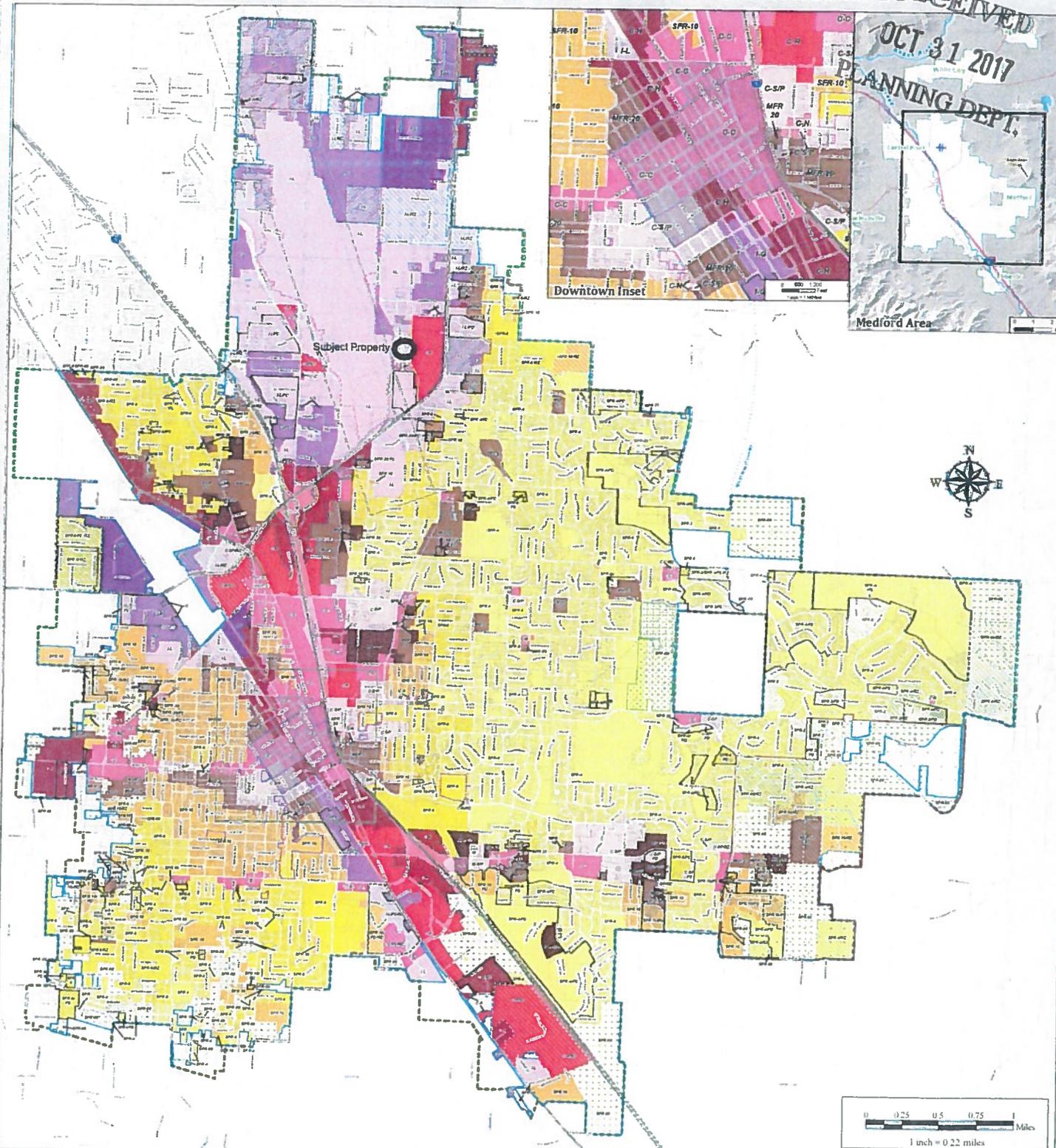
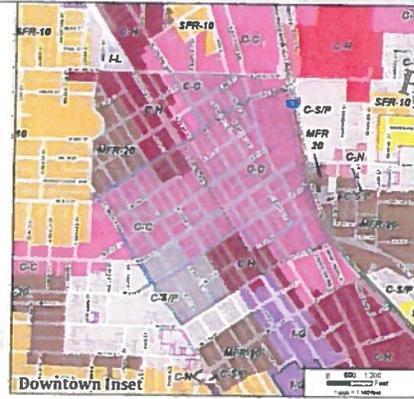
OREGON
A.L.T. 20, 1988
DAVID M. MINNECI
2349

EXPIRES 12/31/18
37 NW ØTD - TL 309 & 311

<p>HOFFBUHR & ASSOCIATES, INC. (SURVEYORS/PLANNERS) 8880 GOLF VIEW DR. SUITE 201 MEDFORD, OR 97504 (541) 775-4641 FAX (541) 710-2913</p>	BY: DAVID MINNECI	LS 2349
	DATE:	SEPTEMBER 8, 2017
	PROJECT:	
	PROJECT NO.	17-099
	DRAWING FILE NO.	17099PLA.DWG
	SCALE:	1" = 60'
	REVISION NO.	
	REVISION DATE:	
	BASIS OF BEARING:	CITY OF MEDFORD
	DRAWN BY:	EXHIBIT # DMM
REVIEWED BY:	File # AG 47-448	
SHEET 1 OF 1		

OFFICIAL CITY OF MEDFORD ZONING MAP

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Medford Area



MEDFORD CITY ZONES

Residential

- Multi-Family - 30 Units/Acre (MFR-30)
- Multi Family - 20 Units/Acre (MFR-20)
- Multi-Family - 15 Units/Acre (MFR-15)
- Single Family - 10 Units/Acre (SFR-10)
- Single Family - 6 Units/Acre (SFR-6)
- Single Family - 4 Units/Acre (SFR-4)
- Single Family - 2 Units/Acre (SFR-2)
- Single Family - 1 Unit/Lot (SFR-00)

Commercial

- Heavy (C-H)
- Regional (C-R)
- Community (C-C)
- Neighborhood (C-N)
- Service/Professional (C-S/P)

Industrial

- Heavy (I-H)
- General (I-G)
- Light (I-L)

ZONING OVERLAYS

- Airport Approach
- Airport Area of Concern
- Airport Radar
- Runway Protection Zone
- Central Business
- Exclusive Agricultural
- Freeway
- Historic
- Limited Industrial
- Southeast
- Airport Fence
- Parking District
- Restricted Zoning

ADMINISTRATIVE MAPPING

- Airport Fence
- Parking District
- Restricted Zoning

CITY OF MEDFORD
EXHIBIT #
File # AC-17-143

City Limits UGB

CITY OF MEDFORD
PLANNING DEPARTMENT

1971 LIMITS REVISED 10/19/09 & 12/20/17
ZONING AND UGB REVISED 4/15/17 REB ST. 11/14/17 & 12/20/17
Revised Limits Approved Board resolution of 9/22/2017
Map Date: 9/22/2017

Exhibit 6

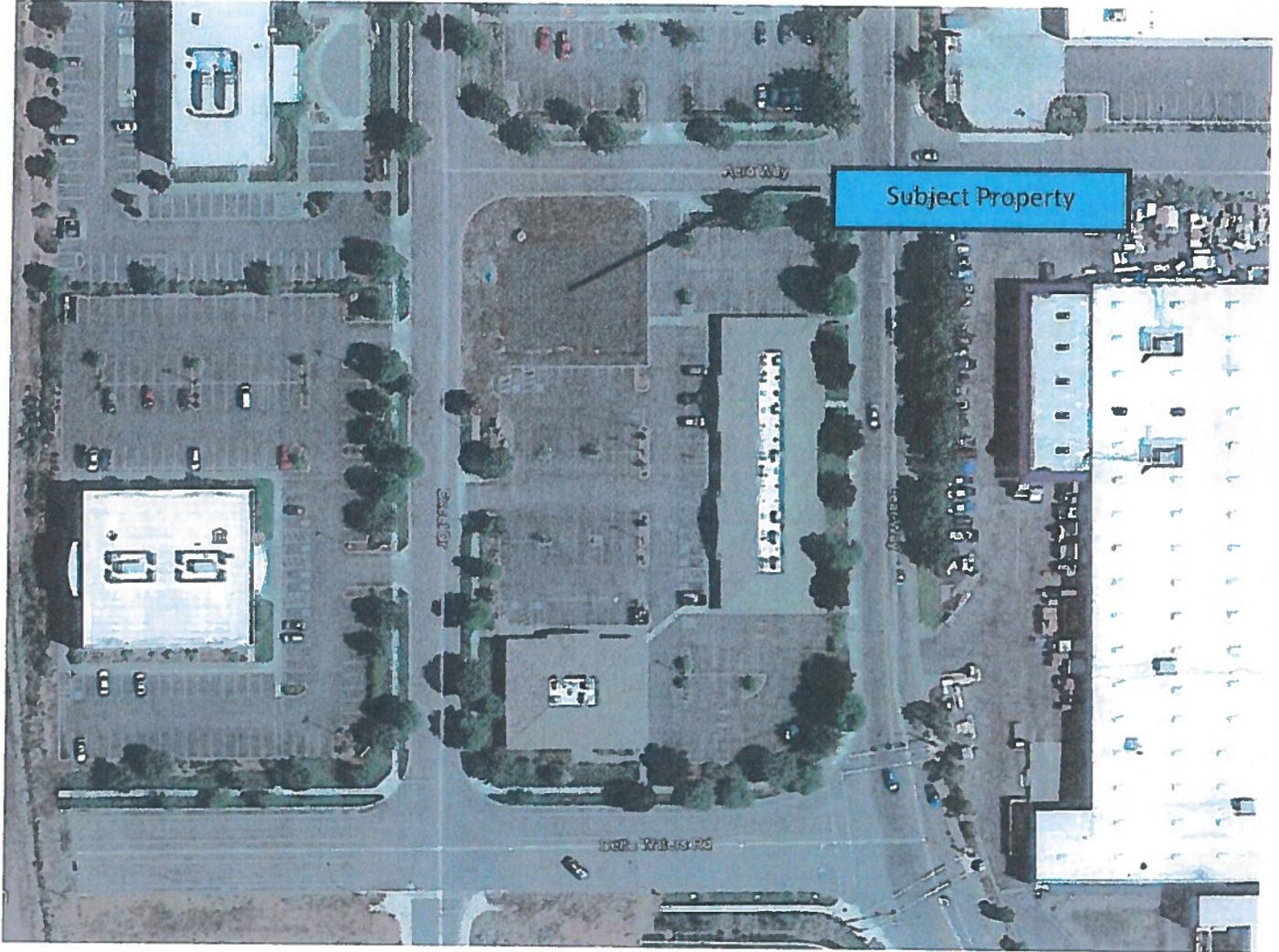
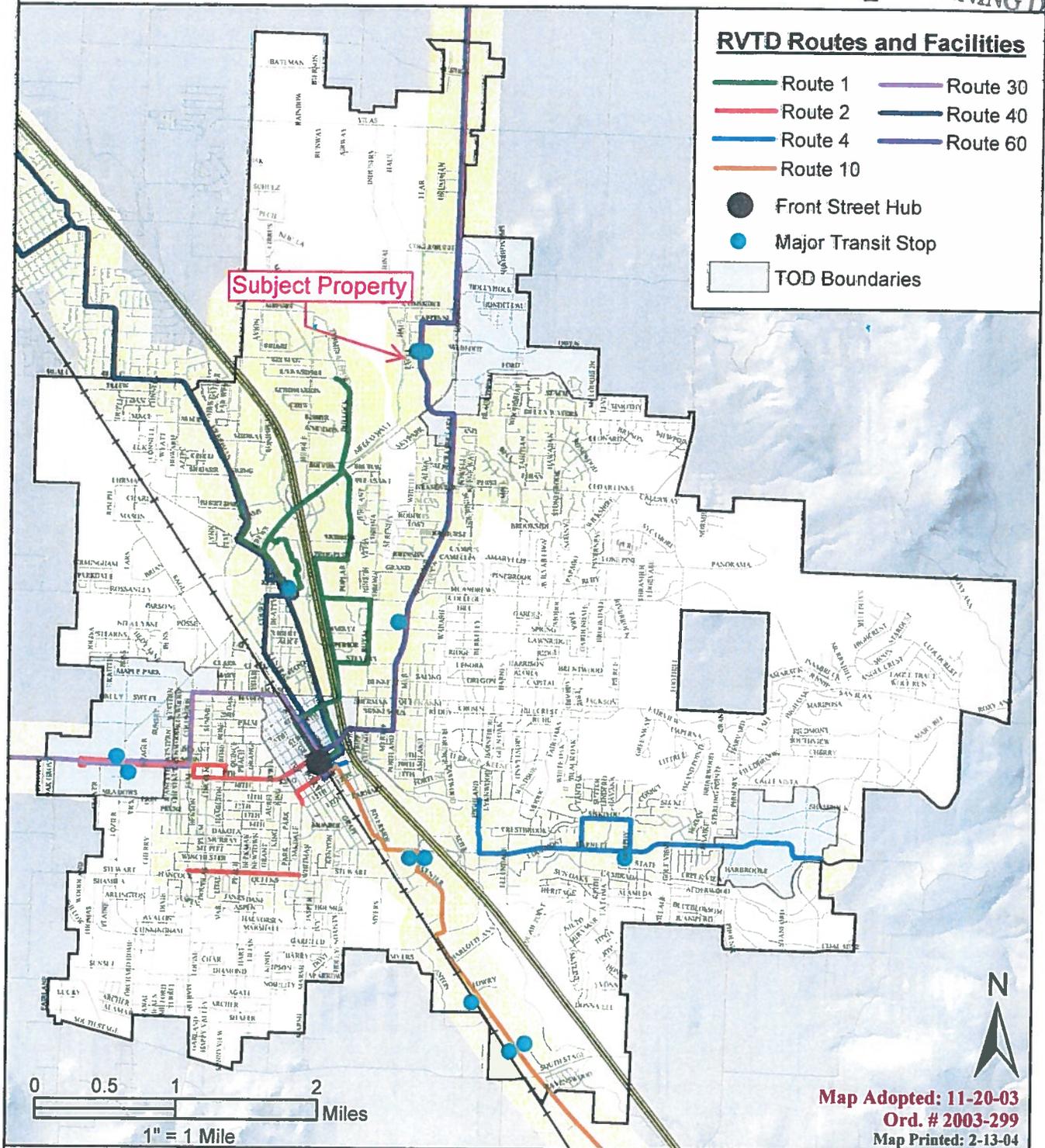


Figure 7-1: Medford Designated Major RVRTD Transit Routes and Stops

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1/4 Mile Distance from Transit Routes

- Other Streets
- Highway
- Railroad
- UGB



The Geographic Information Systems (GIS) data made available on this map are developed and maintained by the City of Medford and Jackson County GIS data is not the official representation of any of the information included. The maps and data are made available to the public solely for informational purposes.

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File # AC-17-143

Exhibit 8

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PHOTO #1



PHOTO #2

CITY OF MEDFORD
EXHIBIT #
File # AC-17-143



PHOTO #3

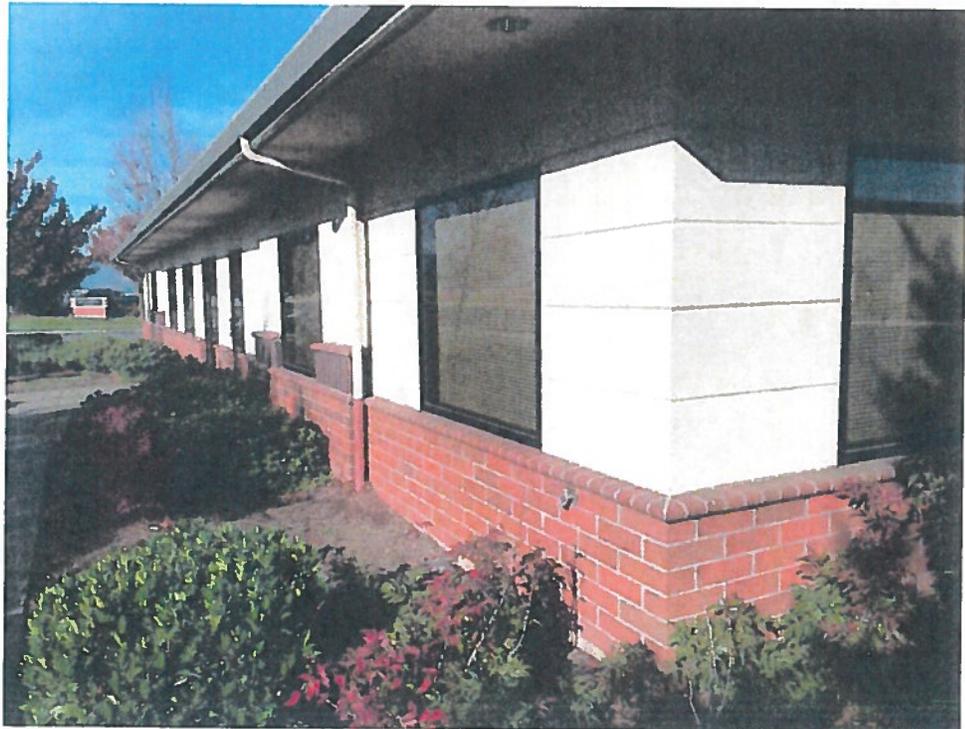


PHOTO #4





Building Colors:
Red Toned Brick with Brown Accent
Cream Colored EFIS Walls



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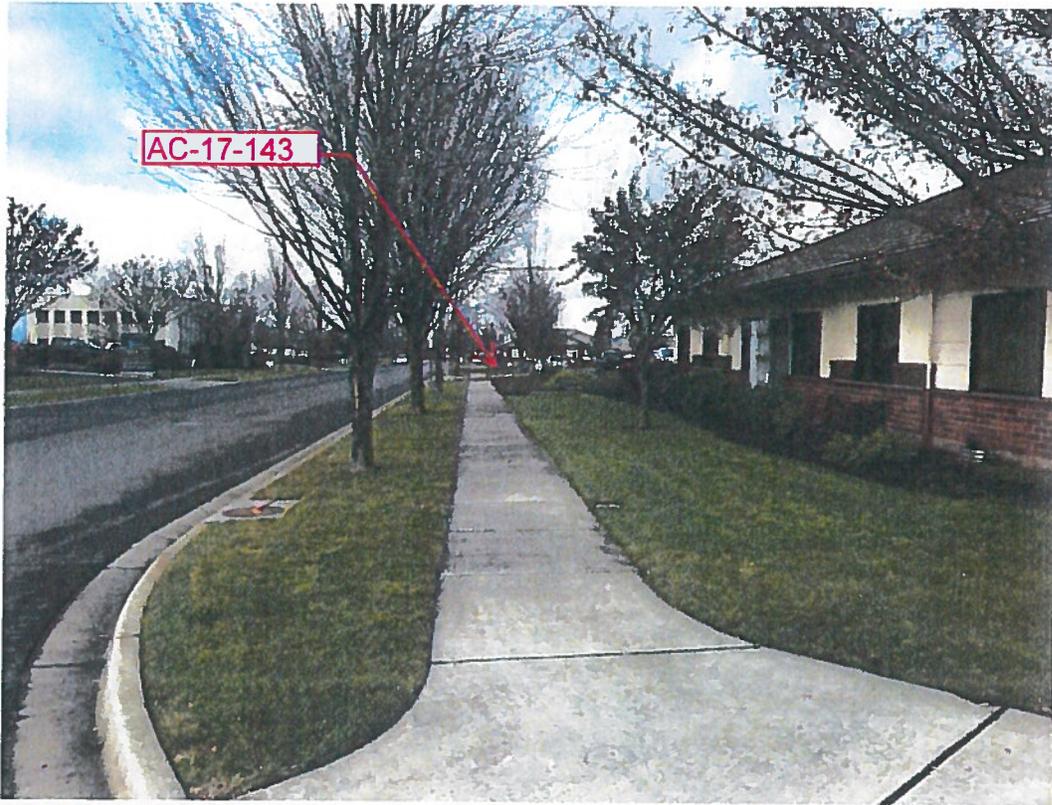
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Exhibit 10

Existing Landscape Photo's





CRATER LAKE BUSINESS CENTER PHASE II
Additional Findings

Applicants/Owner: MC Holdings, LLC
 3560 Excel Drive, Suite 101
 Medford, OR 97504

Agent: Curtis Burrill
 Burrill Real Estate, LLC
 3560 Excel Drive, Suite 101
 Medford, OR 97504

Section II

1. Compatibility: Criterion No. 1

The proposed development is compatible with uses and development that exist on adjacent land;

I. Describe how your proposed landscaping design will enhance the building and other functions of the site.

The proposed landscaping was the same plan as was approved in AC-02-49 and AC-09-065. The applicant was looking for a consistent landscape theme started during the construction of the Crater Lake Business Center Phase I. Alternating trees between the park strip and building landscaping gives the entire project a campus like feel. The original landscaping between the sidewalk and the proposed building was filled with approximately 60% sod and 40% plantings with variations of trees and shrubs to create a visually appealing break. Based on code changes, the original plan was not consistent with the current code and exceeded the High Water Use Landscaping by 2 times.

Section 10.780 (C) (2) states that:

"The approving authority may approve landscape plans or irrigation plans not in full compliance with provisions of the Medford Land Development Code Chapter 10, without the need for a separate Exception application, subject to the following:

a. The approving authority shall make one of the following findings to grant relief from a provision:

1. *Due to a unique circumstance of the site, strict application of the standards requires an improvement that does not further the intent of this chapter, and granting relief does not:*
 - i. *Diminish the quality of life;*
 - ii. *Diminish the aesthetic environment of the site and its surroundings;*
 - iii. *Increase reliance on irrigation water;*
 - iv. *Allow landscaping that is horticultural incompatible with the surroundings or climate.*

2. *A particular public benefit will be achieved by not complying with a provision of this section."*

Based on Section 10.780(C)(2)(a.)(2) The applicant is request the SPAC grant relief from the requirement for the provision requiring limitations of High Water Use Landscaping to not exceed 30% in Commercial and Office developments. The applicant proposes a revised landscape plan attached as Exhibit 9 which reduces the High Water Use Landscaping from the original design of 60% to a new design of 40%. The applicant asserts the fact that there is a public benefit by approving the proposed Landscape plan. The public benefit is a continuity of an existing landscape theme which enhances the overall appearance of the Crater Lake Business Center development. All future development within the Crater Lake Business Center will follow existing code. Exhibit 10 includes pictures of the existing landscape theme that has matured since 2002.

Respectfully Submitted,

Curtis Burrill
Burrill Real Estate, LLC
December 21, 2017



Medford – A fantastic place to live, work and play

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DEC 29 2017

PLANNING DEPT.

CITY OF MEDFORD

Revision Date: 12/29/2017

File Number: AC-17-143

PUBLIC WORKS DEPARTMENT STAFF REPORT
Crater Lake Business Center – Phase II
Building ‘C’
3516 Excel Drive

Project: Consideration of a proposal for the construction of a 6,286 square foot professional office building to be located within Phase II of the Crater Lake Business Center, a commercial center.

Location: Located at the intersection of Excel Drive and Aero Way in the Service and Professional Office Commercial (C-S/P) zoning district (371W07D311).

Applicant: Applicant, MC Holdings LLC; Agent, Burrill Real Estate LLC; Planner, Steffen Roennfeldt.

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

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

- Submittal and approval of plans for site grading and drainage, and detention, 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 shall be approved by the Public Works Engineering Division prior to acceptance of security.
- Items A – D, unless noted otherwise.

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

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

\\medshare\dept\PWorks\Staff Reports\AC\2017\AC-17-143 3516 Excel Drive - Crater Lake Business Center Phase II\AC-17-143 Staff Report_Revised.docx Page 1

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION

200 S. IVY STREET
MEDFORD, OREGON 97501
www.ci.medford.or.us

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

CITY OF MEDFORD

EXHIBIT # I

File # AC-17-143

- Completion of all public improvements, if applicable.

A. STREETS

1. Dedications

Aero Way and **Excel Drive** are classified as Commercial streets within the Medford Land Development Code (MLDC) 10.429. Right-of-way has already been dedicated with the final plat for Crater Lake Business Center (Survey #16740). **No additional right-of-way is required.**

There is currently a 15-foot Public Utility Easement (PUE) along the frontage of Aero Way and Excel Drive that was originally dedicated with the final plat for Crater Lake Business Center (Survey #16740).

2. Public Improvements

a. Public Streets

Standard street section improvements have been completed on **Aero Way** and **Excel Drive**, including pavement, curb and gutter, street lights and partial sidewalk as part of Crater Lake Business Center (P1231D) improvements. **However, additional 5-foot wide sidewalk with an 8-foot planter strip will be required along this developments frontage to Aero Way and Excel Drive.**

b. Street Lights and Signing

No additional street lights are required.

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

c. Pavement Moratoriums

There is no pavement cutting moratorium currently in effect along this frontage.

d. Access to Public Street System

The existing driveway accesses as shown on the Proposed Site Plan are acceptable.

e. Trip Accounting

There is a trip cap of 300 Average Daily Trips (ADT) per acre on this property from ZC-09-076. The property is 0.50 acres, so is allowed to develop a maximum of 150 trips. The trip generation for a 6,384 GSF office is 66 ADT, which is below the maximum. The proposed development meets these requirements.

3. Section 10.668 Analysis

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

10.668 Limitation of Exactions

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

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

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

1. Nexus to a legitimate government purpose

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

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

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

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

Aero Way and Excel Drive:

The additional improvements will provide a planter strip and sidewalk on Aero Way and Excel Drive. The planter strip moves pedestrians a safe distance from the edge of the roadway. Aero Way and Excel Drive will be the primary route for pedestrians traveling to and from this

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development. The development shall construct approximately 245 linear feet of sidewalk along the frontage of the property. All developments in Medford are required to construct their frontage sidewalk and therefore this is roughly proportional.

B. SANITARY SEWERS

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

C. STORM DRAINAGE

1. Drainage Plan

A comprehensive drainage plan showing the project's impacted site with sufficient information to determine the direction of runoff to the existing or proposed drainage system, and also showing elevations of the proposed drainage system (if applicable), shall be submitted with the first building permit application for approval.

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

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

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

2. Grading

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

3. Detention and Water Quality

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

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

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

5. Erosion Prevention and Sediment Control

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

D. GENERAL CONDITIONS

1. 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. Any work falling within another agencies jurisdiction shall require a separately issued permit or approval from the respective agency.

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.

2. 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.

3. System Development Charges (SDCs)

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

Prepared by: Doug Burroughs

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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

SUMMARY CONDITIONS OF APPROVAL

Crater Lake Business Center – Phase II

Building C

3516 Excel Drive

AC-17-143

A. STREETS

1. Street Dedications to the Public:

- Aero Way and Excel Drive – No additional right-of-way required.
- Public Utility Easements have already been dedicated.

2. Improvements:

Public Streets

- Aero Way and Excel Drive – No improvements are required aside from 5-foot wide sidewalk and 8-foot planter strip.

Lighting and Signing

- No additional street lights are required.

Access to Public Street System

- Existing driveway accesses as shown on the Proposed Site Plan are acceptable.

Other

- There is no pavement moratorium currently in effect along the frontage to Aero Way or Excel Drive.

B. SANITARY SEWER:

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

C. STORM DRAINAGE:

- Provide a comprehensive grading and drainage plan.
- Provide water quality and detention facilities, calculations and O&M Manual.
- Provide Engineers certification of stormwater facility construction.

- = City Code Requirement
- = Discretionary recommendations/comments

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

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PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION

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MEDFORD, OREGON 97501
www.ci.medford.or.us

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



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

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

SUBJECT: AC-17-143

PARCEL ID: 371W07D TL 311

PROJECT: Consideration of a proposal for the construction of a 6,286 square foot professional office building to be located within Phase II of the Crater Lake Business Center, a commercial center located at the intersection of Excel Drive and Aero Way in the Service and Professional Office Commercial (C-S/P) zoning district (371W07D311); Applicant, MC Holdings LLC; Agent, Burrill Real Estate LLC; Planner, Steffen Roennfeldt.

DATE: December 6, 2017

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

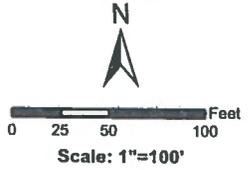
CONDITIONS

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. Proposed Lot 311 is required to have a new water service installed. The water meter shall be located on the street that the proposed new building is addressed. Water meters shall not be installed in proposed driveways.
4. 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> .

COMMENTS

1. Off-site water line installation is not required.
2. On-site water facility construction is not required.
3. Static water pressure is expected to be 75 psi. Pressure reducing devices are not required per current edition of the Uniform Plumbing Code.
4. MWC-metered water service does not exist to this property. (See Condition 3 above)
5. Access to MWC water lines is available. There is an existing 12-inch water line in Aero Way, Excel Drive, and Delta Waters Road.

CITY OF MEDFORD
EXHIBIT # 3
File # AC-17-143
Page 1 of 1



Water Facility Map for AC-17-143

Legend

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



This map is based on a digital elevation model by Granddome Water Department from a 2012 LiDAR survey. Granddome Water Department cannot accept responsibility for errors, omissions, or outdated data. There are no warranties, expressed or implied.



Medford Fire Department

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

LAND DEVELOPMENT REPORT - PLANNING

To: Steffen Roennfeldt

LD Meeting Date: 12/06/2017

From: Fire Marshal Kleinberg

Report Prepared: 12/04/2017

File #: AC - 17 - 143

Site Name/Description: Crater Lake Business Center

Consideration of a proposal for the construction of a 6,286 square foot professional office building to be located within Phase II of the Crater Lake Business Center, a commercial center located at the intersection of Excel Drive and Aero Way in the Service and Professional Office Commercial (C-S/P) zoning district (371W07D311); Applicant, MC Holdings LLC; Agent, Burrill Real Estate LLC; Planner, Steffen Roennfeldt.

DESCRIPTION OF CORRECTIONS

REFERENCE

Approved as Submitted

Meets Requirement: No Additional Requirements

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

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



JACKSON COUNTY

Roads

Roads
Engineering

Kevin Christiansen
Construction Manager

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

www.jacksoncounty.org

November 28, 2017

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

RE: Construction of a professional office building at the intersection Excel Drive and Aero Way – both city maintained roads
Planning File: AC-17-143

Dear Steffen:

Thank you for the opportunity to comment on this proposal for the construction of a 6,286 square foot professional office building to be located within Phase II of the Crater Lake Business Center, a commercial center located at the intersection of Excel Drive and Aero Way in the Service and Professional Office Commercial (C-S/P) zoning district (37-1W-07D TL 311). Jackson County Roads has no comment.

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

Sincerely,

Kevin Christiansen
Construction Manager

CITY OF MEDFORD
EXHIBIT # L
File # AC-17-143



Oregon

Kate Brown, Governor



December 5, 2017

Steffen Roennfeldt
Planner
City of Medford
200 South Ivy St, Lausmann Annex Rm 240
Medford, OR 97501

3040 25th Street, SE
Salem, OR 97302-1125
Phone: (503) 378-4880
Toll Free: (800) 874-0102
FAX: (503) 373-1688

Re: File No. AC-17-143 Crater Lake Business CTR Ph 2

Dear Mr. Roennfeldt:

The Oregon Department of Aviation (ODA) appreciates the opportunity to review and comment on the proposed Crater Lake Business CTR Phase II located at the corner of Excel Drive and Aero Way (371W07D TL 311).

The Oregon Department of Aviation would like to submit the following comments:

- Prior to issuance of a building permit the applicant must file and receive a determination from the Oregon Department of Aviation as required by OAR 738-070-0060 on FAA Form 7460-1 Notice of Proposed Construction or Alteration to determine if the structure will pose a hazard to aviation safety. A subsequent submittal may be required by the FAA due to its location to the Troutdale Airport.
- The height of the new structure should not penetrate FAA Part 77 Imaginary Surfaces, as determined by ODA and the FAA.
- Shields on any external lights should be designed as to not interfere with aircraft or airport operations.
- Marking Lights, per FAA design, may be needed to identify to structures.
- Coordination with the Rogue Valley Int'l Airport and the Medford Air Traffic Control tower may be needed to issue a NOTAM during the construction.

ODA appreciates the opportunity to comment on this application. The Department requests to be identified as a party of record for any future land use application.

If you have any questions or need further information or clarification on the comments, please feel free to contact me at 503-378-2529 or Jeff.Caines@aviation.state.or.us.

Sincerely,

Jeff Caines, AICP
Aviation Planner
Oregon Department of Aviation

CITY OF MEDFORD
EXHIBIT # M
File # AC-17-143

SITE PLAN AND ARCHITECTURAL REVIEW APPLICATION

Section II – Code Compliance: Criterion No. 2

PROJECT SITE		
	PROPOSED	REQUIRED
• Zoning District	C-S/P	C-S/P
• Overlay District(s)		
• Proposed Use	Office	
• Project Site Acreage	.58 Ac	Minimum of .16 acres
• Site Acreage (+ right-of-way)	.70 Ac	
• Proposed Density (10.708)	N/A	N/A
• # Dwelling Units	0	0
• # Employees	TBD	TBD

STRUCTURES		
	EXISTING	PROPOSED
• # Structures	2	1
• Structure Square Footage (10.710-10.721)	18,891	6,291

SITE DESIGN STANDARDS		
	PROPOSED	REQUIRED
• Front Yard Setback (10.710-721)	22' - Aero Way	10'
• Side Yard Setback (10.710-721)	19' - Excel Dr.	10'
• Side Yard Setback (10.710-721)	90' - South	None
• Rear Yard Setback (10.710-721)	22.5' - East	None
• Lot Coverage (10.710-721)	25%	Maximum of 40%

PARKING		
	PROPOSED	REQUIRED
• Regular Vehicular Spaces (10.743)	25	21
• Disable Person Vehicular Spaces (10.746[8])	2	2
• Carpool/Vanpool Spaces (10.809)	3	2
• Total Spaces (10.743)	30	25
• Bicycle Spaces (10.748)	3	3
• Loading Berths (10.742)	0	0

6

SITE PLAN AND ARCHITECTURAL REVIEW APPLICATION

LANDSCAPING		
	PROPOSED	REQUIRED
• Total Landscape Area (square feet)	6,859	
• Total Landscape Area in High Water Use Landscaping (square feet)	4,415	
• Total Landscape Area in High Water Use Landscaping (percentage)	64%	
• Total % Landscape Coverage	100%	
• Required Organic Content (cu.yd.)	210	210
• Frontage Landscaping (10.797)		
• Street:	Excel Dr.	Excel Dr.
• Feet:	142	142
• # Trees:	6	6
• # Shrubs:		
• Street:	Aero Way	Aero Way
• Feet:	125	125
• # Trees:	5	5
• # Shrubs:		
• Bufferyard Landscaping (10.790)		
• Type:	n/a	
• Distance (ft):		
• # Canopy Trees:		
• # Shrubs:		
• Fence/Wall:		
• Parking Area Planter Bays (10.746)		
• Type:	n/a	
• # Bays:		
• Area:		
• # Trees:		
• # Shrubs:		

STRUCTURE	
	PROPOSED
• Materials	Brick and EFIS
• Colors	Red Brick and Cream EFIS (Mirror Image of 3502 Excel Dr.)

Please remember that the information you provide in response to the questionnaire must be included with your SPAR application submittal. Remember to sign and date your written response.

ORDINANCE NO 2009-252

AN ORDINANCE approving a minor amendment to the General Land Use Plan Map of the Medford Comprehensive Plan, subject to conditions, changing the land use designation from General Industrial (GI) to Service Commercial (SC) on ten (10) parcels totaling 7.57 acres, and changing the designation from General Industrial (GI) to Commercial (CM) on three (3) parcels totaling 4.47 acres, located generally on the west side of Lear Way and on the north and south sides of Delta Waters Road

THE CITY OF MEDFORD ORDAINS AS FOLLOWS

Section 1 A minor amendment to the City of Medford General Land Use Plan Map of the Medford Comprehensive Plan changing the land use designation from General Industrial (GI) to Service Commercial (SC) on ten (10) parcels totaling 7.57 acres, and changing the designation from General Industrial (GI) to Commercial (CM) on three (3) parcels totaling 4.47 acres, located generally on the west side of Lear Way and on the north and south sides of Delta Waters Road, is approved. We decline to amend the application to include properties owned by Laz Ayala because those properties were not included in the application and they were not included in the public hearing notice

Section 2 The approval is based upon the Conditions of Approval stated below and the Findings of Fact and Conclusions of Law contained in the Staff Report dated November 6, 2009, attached as Exhibit A and incorporated herein, modified as follows. That not requiring a trip cap on the three Commercial lots does not result in a substantial impact and does not significantly impact Delta Waters and Highway 62 intersection under the Medford Code or state Transportation Planning Rule because the extension of Excel Drive from Delta Waters to the existing Delta Center PUD will alleviate trips from that intersection to negate any impact from the proposed plan designation on those lots. For this reason, a transportation impact analysis is not required on the application.

Condition #1 Any change of zoning to zones permitted within the Commercial (CM) and Service Commercial (SC) GLUP Map designations shall be stipulated to a trip cap pursuant to Revised Exhibit A. The conditioned trip cap shall only be removed subject to conditions and procedures provided by in Section 10.228, 10.460, 10.461 and 10.462 of the Medford Land Development Code

Condition #2 The applicant shall produce a restrictive covenant, in a form acceptable to the City Attorney, to be placed on the subject property, which specifies the conditions on this approval

Condition #3 The applicant shall record the restrictive covenant identified in condition #2 above within thirty (30) days of the City Council approval of this application or this amendment shall be void. This Comprehensive Plan Amendment shall be effective upon the City receiving evidence of the recordation of the covenant

Condition #4 Future structures abutting Medco Haul Road shall be setback at least 20 feet from the right-of-way line to allow for future road widening

PASSED by the Council and signed by me in authentication of its passage this 19 day of November, 2009

ATTEST Alinda Owens
City Recorder

APPROVED November 19, 2009

Ordinance No 2009-252

[Signature]
Mayor
[Signature]
Mayor

CITY OF MEDFORD
EXHIBIT # "C"
File # 22-07-075
1 of 2

CITY OF MEDFORD
EXHIBIT # 0
File # AC-17-143

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RECEIVED

JUL 07 2009

PLANNING DEPT.

RECIPROCAL ACCESS, MAINTENANCE
AND
STORM DRAIN EASEMENT AGREEMENT

1:36

THIS RECIPROCAL ACCESS, MAINTENANCE AND STORM DRAIN EASEMENT AGREEMENT ("Agreement") is made effective the 4th day of September, 2002, by and between Burrill Resources, an Oregon corporation, and BURRILL INVESTMENT, LLC, an Oregon limited liability company (collectively, "Burrill")

RECITALS

- A. Burrill is the owner of certain real property located in the City of Medford, Jackson County, Oregon, represented by parcel numbers 15, 16, 17, 18 in the Crater Lake Business Center, and more particularly described in Exhibit "A" attached hereto and made a part hereof ("Burrill Parcel"). Burrill intends to develop the Burrill Parcel for professional office purposes together with access areas and other associated amenities and further intends to sell individual lots to individual property owners ("Property owners").
- B. The Burrill Parcel is depicted on the site plan attached hereto as Exhibit "B" and made a part hereof ("Site Plan"). For purposes of this Agreement, the Burrill Parcel is sometimes hereinafter referred to as the "Property".
- C. Burrill desires to establish certain reciprocal easements concerning access, maintenance and storm drainage with respect to the Property, upon the terms and conditions set forth below.

NOW, THEREFORE, in consideration of the mutual promises, covenants and conditions set forth herein, along with other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties, and in furtherance of the parties understandings, Burrill hereby declares that the Property is and shall be held, conveyed, hypothecated, encumbered, leased, rented, used, occupied and improved subject to the following easements which shall run with the Property and shall be binding on all parties having or acquiring any right, title or interest in the Property and shall be for the benefit of any person(s) or entity(ies) who is the record owner of fee simple title to the Property, or a portion thereof. Premised on the foregoing, Burrill agrees as follows:

- 1. **Access Easement.** Burrill hereby grants and conveys a permanent nonexclusive easement in, to and over that portion of the Property as more particularly highlighted on Exhibit "C" attached hereto and made a part hereof for vehicular and pedestrian ingress and egress, traffic circulation in the respective parcels and access to any private streets adjacent to the Property. The real property highlighted in Exhibit "C" and subject to the easement provided for above is hereinafter referred to as the "Access Easement". The improvements to be constructed on the access improvements pursuant to this Agreement are

Each of the owners of parcels 15, 16, 17, and 18 agrees to be mutually responsible for maintenance, repair, replacement and improvement (collectively "Ordinary Maintenance") of that portion of the Storm Drainage System benefiting their parcel, no matter on which of the parcels the Ordinary Maintenance is needed, and shall maintain the same in order for the Storm Drainage System to work effectively; provided, however, any damage to the Storm Drainage System caused by one (1) party, its employees, tenants, agents or invitees (excepting ordinary wear and tear ("Extraordinary Damage")), shall be borne solely by such party. If a party refuses to repair Extraordinary Damage caused by such party, such party's employees, agents, tenants or invitees, upon fifteen (15) days written notice from the other party, then the other party may cause such work to be done with the right of reimbursement for One Hundred Percent (100%) of all the sums necessary and reasonably expended for such repairs. Any amount so expended by a party shall bear interest at the rate of Twelve Percent (12%) per annum from the day expended until paid and shall be payable with interest within five (5) days after receipt of an invoice and proof of payment have been presented to the other party. Each party shall bear Twenty Five Percent (25%) of the cost of Ordinary Maintenance and upon the failure of a party to pay such party's share, the other party shall have the same remedy as provided for above for Extraordinary Maintenance.

4. Development Timing. Concurrent with any building being constructed on any parcel by the owner or tenant of said parcel (the "Developing Party"), the Access Road and the Storm Drainage System Area of that parcel shall be improved in accordance with the Site Plan in Exhibit "D" attached hereto at the expense of such Developing Party. In the event that such construction by the Developing Party shall occur prior to the development of the other parcels, the Developing Party shall have the right to grade, pave, improve and use any portion of the Access Easement or improve the Storm Drainage System in the Storm Drainage System Area situated on the parcel of the non-developing party (the "Non-developing Party"). While all costs associated with such development shall be borne by the Developing Party, the Developing Party shall be entitled to reimbursement from the non-developing party for all reasonable sums expended for improvements on the Non-developing Party's parcel at the time the Non-developing Party applies for a building permit to improve its parcel. Any improvements made by the Developing Party on a non-developing party's parcel as a result of such development shall be consistent with the Site Plan and shall be constructed in a good and workmanlike manner in accordance with generally accepted engineering and construction standards then existing in the City of Medford.

The Developing Party shall not construct any portion of the Access Road, nor any portion of the Storm Drainage System Area, without the prior written approval of the non-developing party, which approval shall not be unreasonably withheld or delayed; provided, however, that the non-developing party and the Developing Party shall coordinate the timing of any such project so as not to

the area touches upon the Access Road and/or the Storm Drainage Easement Area as the case may be) coincidence with such condemnation. If such taking does not render the Access Road, or the Storm Drainage Easement Area unusable, the party whose parcel was so condemned shall promptly repair and restore, to the extent reasonably feasible, the remaining portion of the Access Road, or the Storm Drainage Easement Area, as the case may be, as nearly as practicable to the condition existing just prior to such condemnation without contribution from the other party. Proceeds from any such condemnation shall belong exclusively to the fee title owner of the parcel or a portion thereof so taken.

8. **Attorney's Fees.** In the event of a controversy or dispute concerning any terms or provisions of this Agreement, and in the event an action or suit is instituted as a result thereof, the prevailing party shall be entitled to be awarded reasonable attorney's fees to be set by the court or courts in which the matter is tried or heard, including any appeal therefrom.
9. **Breach of Obligations.** In the event any party fails to perform its obligations under this Agreement, any other party shall, in addition to any other remedies afforded under Oregon law, be entitled to require such performance by suit for specific performance or, where appropriate, through injunctive relief. The failure or delay by any party to perform any term or provision of this Agreement, on or before the expiration of a cure period set forth below in this Paragraph 9 shall constitute a default under this Agreement.
 - a. If the failure or delay constitutes solely the failure or delay to pay any sum of money due or payable under this Agreement, then the party in default shall have ten (10) days after receiving written notice to cure such default specified in such notice from the non-defaulting party or parties.
 - b. For any failure or delay other than solely the failure or delay to pay any sum of money due or payable under this Agreement, the party in default shall have thirty (30) days after receiving written notice to cure such default specified in such notice from the non-defaulting party or parties, plus such additional time as may be reasonably necessary to effectuate a cure if such default cannot be cured within such thirty (30) day period and the party in default is diligently and continuously proceeding to cure.
 - c. During such cure period, the non-defaulting parties shall not initiate proceedings against the party in default. Except as otherwise expressed and provided in this Agreement, any failure or delay by a party in asserting its rights or remedies as to any default shall not operate as a waiver of any default or of any such rights or remedies or deprive such party of its rights to institute

15. Not a Public Dedication. Nothing herein contained shall be deemed to be a gift or dedication of any portion of the Access Easement or Storm Drainage Easement to the general public or for any public purposes whatsoever, it being the intention of the parties that this Agreement shall be strictly limited to and for the purposes expressed herein.
16. Breach Shall Not Permit Termination. It is expressly agreed that no breach of this Agreement shall entitle any party to cancel, rescind or otherwise terminate this Agreement, and such limitations shall not effect in any manner any of the rights or remedies which the parties may have by reason of any breach of this Agreement.
17. Effect on Third Parties. Except as herein specifically provided, no rights, privileges or immunities conferred upon the parties by this Agreement shall inure to the benefit of any Permittee of the Property or any other third party nor shall any such Permittee or any other third party be deemed to be a third party beneficiary of any of the provisions contained herein.
18. Severability. In the event any term, covenant, condition, provision or agreement contained herein is held to be invalid, void or otherwise unenforceable, by any court of competent jurisdiction, such holding shall in no way effect the validity or enforceability of any other term, covenant, condition, provision or agreement contained herein.
19. Amendment/Modification/Revocation. This Agreement may be amended, modified, or revoked at any time by the parties, provided such amendment, modification or revocation is in writing and executed by a majority of the Property owners.
20. No Partnership/Assignment. Neither this Agreement nor any acts of the parties hereto, shall be deemed or construed by the parties hereto, or any of them, or by any third person, to create the relationship of principal and agent, or of partnership, or of joint venture, or of any association between any of the parties to this Agreement. No party to this Agreement shall assign any of the obligations, rights and benefits conferred by this Agreement except to a person or entity which has fee simple title to all or a portion of the Property.
21. Captions. Titles or captions contained herein are inserted as a matter of convenience and for reference, and in no way defined, limit, extend or describe the scope of this Agreement or any provisions hereof.
22. Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be deemed to be an original Agreement, and all of which shall constitute one (1) Agreement.

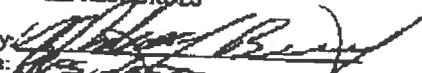
disapproval shall be required in writing within thirty (30) days after receipt of the written request for Approval, and if a party shall neither approve or disapprove, in writing, within such thirty (30) day period, or other time period as may be specified in this Agreement, for Approval, that party shall be deemed to have given its Approval. If a party shall disapprove, the reasons therefore shall be stated in reasonable detail in writing. Approval by a party to or for any act or request by any other party shall not be deemed to waive or render unnecessary Approval to or of any similar or subsequent acts or request.

27. Force Majeure. Whenever performance is required of any party hereunder, that party shall use all due diligence to perform and take all necessary measures in good faith to perform. No party shall be considered in breach of, or default in, its obligations hereunder, or progress with respect thereto, as the case may be, as a result of enforced delay in the performance of such obligations due to unforeseeable causes beyond its reasonable control, without its fault or negligence and not due to financial inability (other than financial inability due to the wrongful acts of unaffiliated third persons), including riots, earthquakes, wars, insurrection, lockouts, litigation, inability to secure necessary materials or tools, acts of God, acts of the public enemy, acts of the Federal Government, acts of another party, acts or failures to act of any public or governmental agency or entity, fires, floods, epidemics, quarantine, restrictions, delays of any contractor, subcontractor, or supplier or any other unforeseeable causes beyond the reasonable control or without the fault of the party claiming an extension of time to perform. In the event of the occurrence of any such enforced delay, the time or times for performance of the obligations of the parties under this Agreement shall be extended for the same period of the enforced delay.

28. Entire Agreement. This Agreement, together with the Exhibits attached hereto, constitutes the entire Agreement to the subject matter hereof. No prior agreement or understanding pertaining to the subject matter of this Agreement shall be valid or of any force or effect.

IN WITNESS WHEREOF, Burrill, has executed this Agreement as of the day and year first above written.

BURRILL RESOURCES

By: 
Its: 

BURRILL INVESTMENTS, LLC

By: 
Its: 

"Burrill"

02 46733

EXHIBIT "A"

Legal Description

Lot Fifteen (15), Lot Sixteen (16), Lot Seventeen (17), and Lot Eighteen (18) in CRATER LAKE BUSINESS CENTER in the City of Medford, Jackson County, Oregon, according to the official plat thereof, now of record.

11

02 46733

EXHIBIT "C"

Access Easement

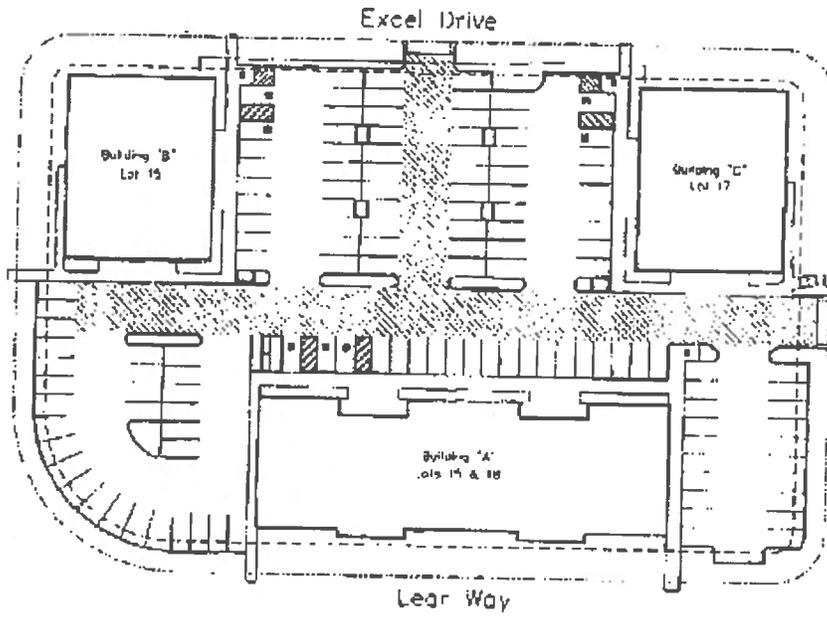
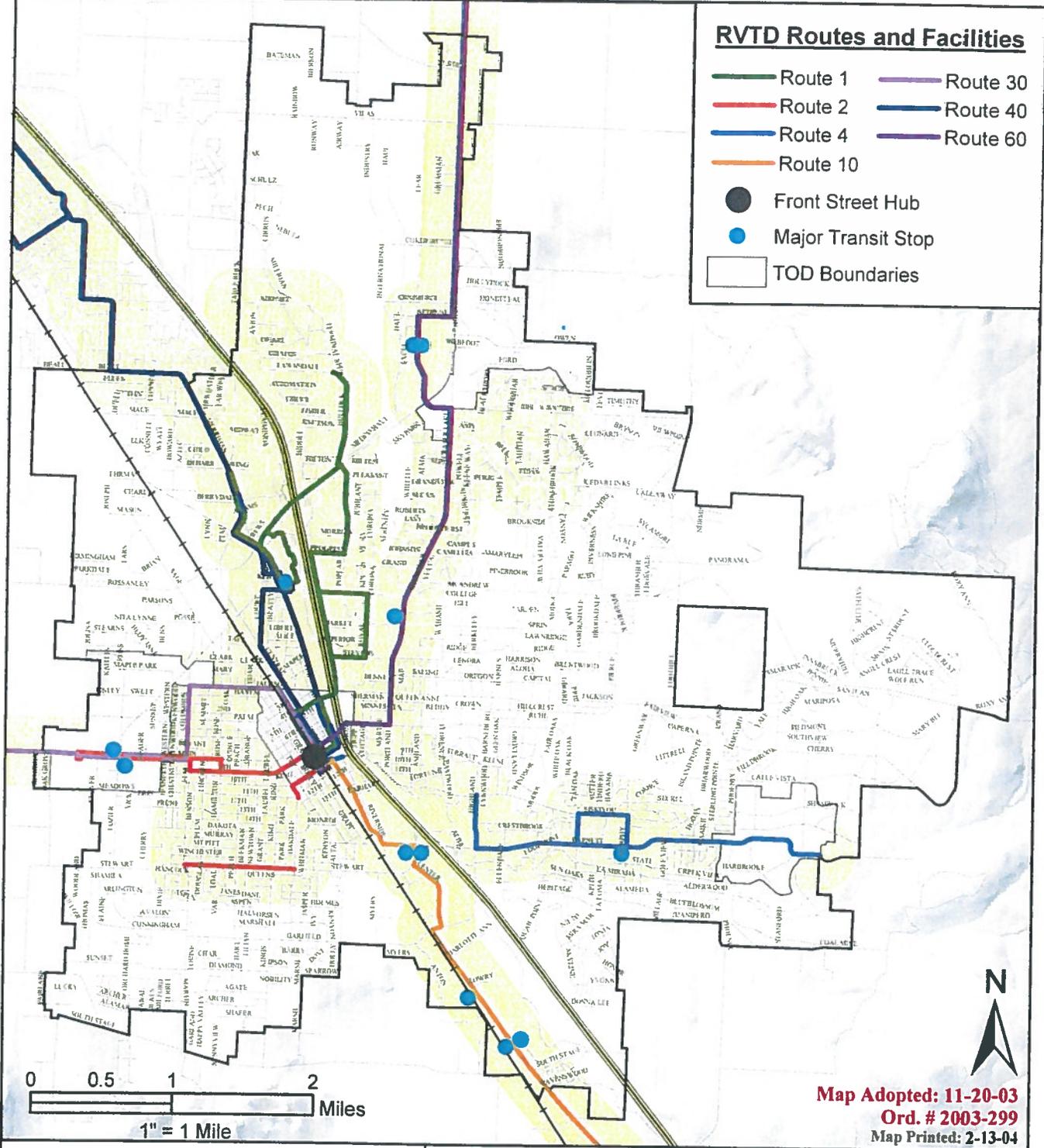


Figure 7-1: Medford Designated Major RVRTD Transit Routes and Stops



1/4 Mile Distance from Transit Routes

- Other Streets
- Highway
- Railroad
- UGB



The Geographic Information Systems (GIS) data made available on this map are developed and maintained by the City of Medford and Jackson County GIS data is not the official representation of any of the information included. The maps and data are made available to the public solely for informational purposes.

THERE MAY BE ERRORS IN THE MAPS OR DATA. THE MAPS OR DATA MAY BE OUTDATED, INACCURATE, AND MAY OMIT IMPORTANT INFORMATION. THE MAPS OR DATA MAY NOT BE SUITABLE FOR YOUR PARTICULAR USE. THIS INFORMATION IS BEING PROVIDED "AS IS" OR "WITH ALL FAULTS" THE ENTIRE RISK AS TO THE QUALITY OR PERFORMANCE IS WITH THE BUYER AND IF INFORMATION IS DEFECTIVE THE BUYER ASSUMES THE ENTIRE COST OF ANY NECESSARY CORRECTIONS OR SERVICING.

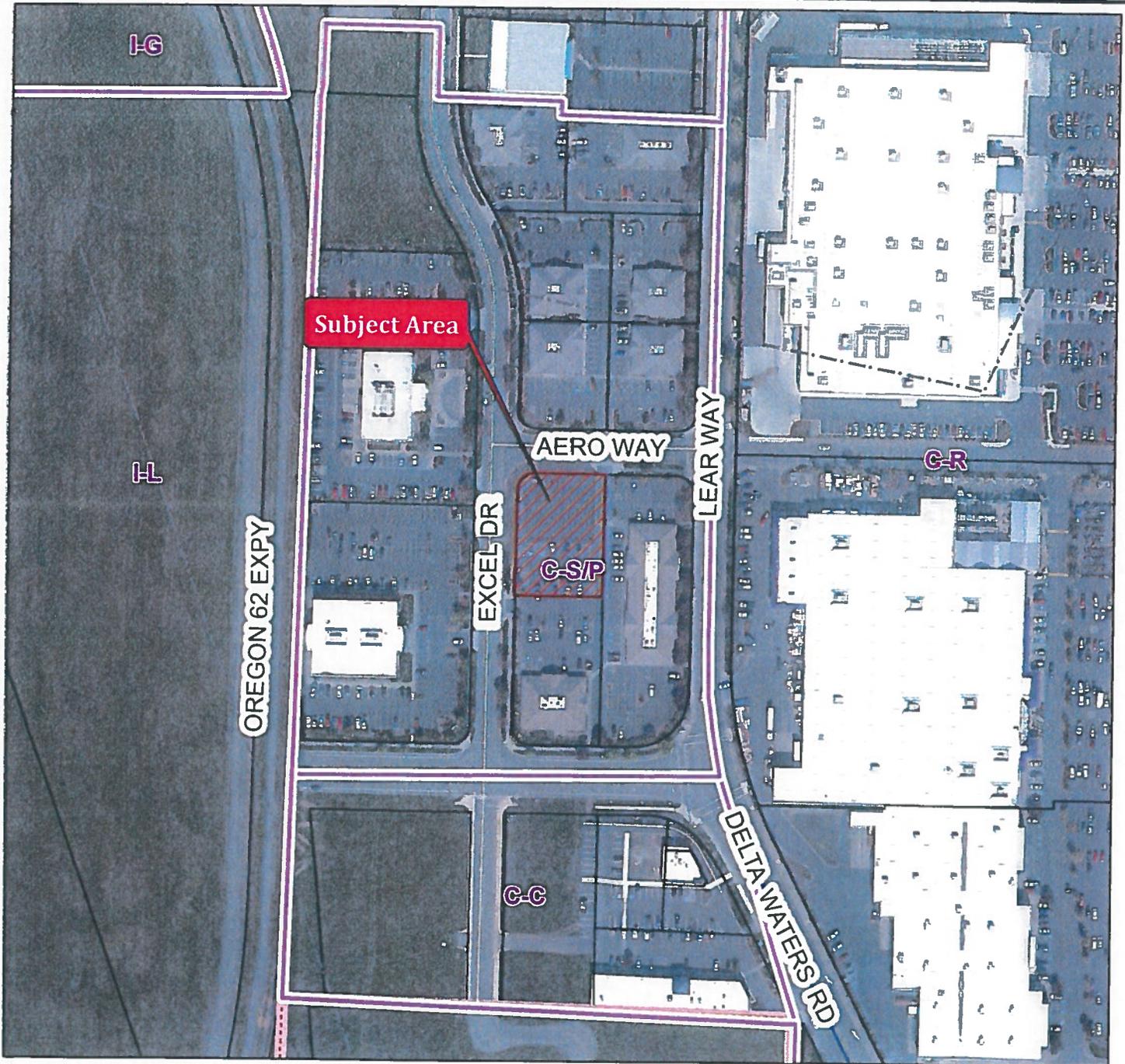
CITY OF MEDFORD
EXHIBIT # 2
File # AC-17-143



City of Medford
Planning Department

Vicinity
 Map

File Number:
AC-17-143



Project Name:

**Crater Lake Business Center
 Phase II**

Map/Taxlot:

371W07D TL 311



11/10/2017

Legend

-  Subject Area
-  Medford Zoning
-  Tax Lots

