

SITE PLAN & ARCHITECTURAL
COMMISSION
AGENDA
FEBRUARY 1, 2019



Commission Members

Jim Quinn, Chair

Bill Chmelir, Vice Chair

Jeff Bender

Jim Catt

David Culbertson

Bob Neathamer

Marcy Pierce

Milo Smith

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

February 1, 2019

12:00 noon

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

-
10. Roll Call.
 - 10.1 Election of Officers
 20. Consent Calendar.
 - 20.1 **AC-18-138/E-18-139** Final Orders for the construction of steel buildings for a shop and office approximately 6,300 square feet with 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 in size on a 4.0 acre parcel located at 356 Bateman Drive approximately 450 feet west of Bierson Way zoned I-G (General Industrial) (362W36D TL 142), (Jeff and Alyson Fowler, Applicants; Liz Conner, Planner).
 30. Minutes.
 - 30.1 Consideration for approval of minutes from the January 18, 2019, meeting.
 40. **Oral and Written Requests and Communications for Items Not on the Agenda.**
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.**
Old Business.
 - 50.1 **AC-18-147** Consideration to construct a 43,170 square foot self-storage facility on a 2.37 acres parcel zoned I-L (Light Industrial), located approximately 300 feet from the intersection of Delta Waters Road and Crater Lake Highway (HWY 62). (371W18AA TL 1200-1400). (Delta Waters Lenders, Applicant; Bill Philp, Agent; Liz Conner, Planner).
 60. **Written Communications.** None
 70. **Unfinished Business.** None
 80. **New Business.** None
 90. **Report from the Planning Department.**
 100. **Messages and Papers from the Chair.**

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.

110. Propositions and Remarks from the Commission.

120. 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-18-138 APPLICATION FOR PROJECT REVIEW SUBMITTED) **ORDER**
BY JEFF AND ALYSON FOWLER)

ORDER granting approval of a request of File No. AC-18-138, as follows:

Consideration of the construction of steel buildings for a shop and office approximately 6,300 square feet with 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 in size on a 4.0 acre parcel located at 356 Bateman Drive approximately 450 feet west of Bierson Way zoned I-G (General Industrial) (362W36D TL 142).

WHEREAS:

1. The Site Plan and Architectural Commission has duly accepted the application filed in accordance with the Land Development Code, Section 10.200.
2. The Site Plan and Architectural Commission has duly held a public hearing on the matter described above, with a public hearing a matter of record of the Site Plan and Architectural Commission on January 18, 2019.
3. At the public hearings on said application, evidence and recommendations were received and presented by the developer and Planning Department staff; and
4. At the conclusion of said public hearings, 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 Jeff and Alyson Fowler, stands approved subject to compliance with the conditions stated in the Commission Report dated January 18, 2019.

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 findings referenced in the Commission Report dated January 18, 2019.

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 10.200(E) of the Land Development Code.

Accepted and approved this 1st day of February, 2019.

MEDFORD SITE PLAN AND ARCHITECTURAL COMMISSION

Site Plan and Architectural Commission Chair

ATTEST:

Debbie Strigle
Secretary

BEFORE THE SITE PLAN AND ARCHITECTURAL COMMISSION
STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF APPROVAL OF AN EXCEPTION FOR)

JEFF AND ALYSON FOWLER)

[E-18-139])

ORDER

ORDER granting approval for the construction of steel buildings for a shop and office approximately 6,300 square feet with 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 in size on a 4.0 acre parcel located at 356 Bateman Drive approximately 450 feet west of Bierson Way zoned I-G (General Industrial) (362W36D TL 142),

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 exception for Jeff and Alyson Fowler, as described above, with the public hearing a matter of record of the Site Plan and Architectural Commission on January 18, 2019.
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 Jeff and Alyson Fowler, stands approved per the Commission Report dated January 18, 2019, 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 January 18, 2019.

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 1st day of February, 2019.

MEDFORD SITE PLAN AND ARCHITECTURAL COMMISSION

Site Plan and Architectural Commission Chair

ATTEST:

Delicia Strigle
Secretary



COMMISSION REPORT

for a Type-III quasi-judicial decision: **Site Plan & Architectural Review**

Project Pilot Rock Excavation
Applicant: Jeff & Alyson Fowler; Agent: Jim Higday

File no. AC-18-138/E-18-139

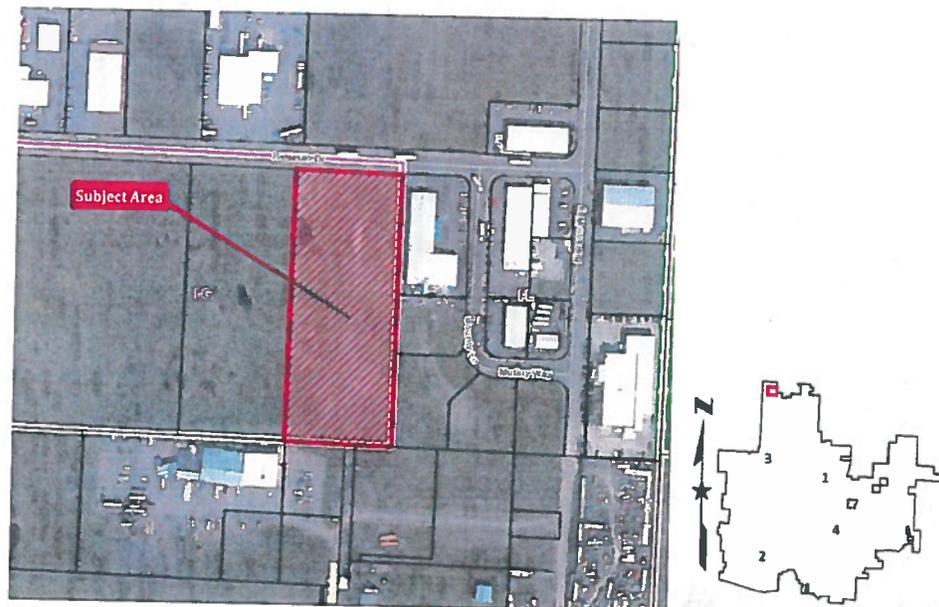
Date January 18, 2019

BACKGROUND

Proposal

Consideration of the construction of a steel building for a shop and office approximately 6,300 square feet with 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 in size on a 4.0 acre parcel located at 356 Bateman Drive approximately 450 feet west of Bierson Way zoned I-G (General Industrial) (362W36D TL 142).

Vicinity Map



Subject Site Characteristics

Zoning	I-G	General Industrial
GLUP	GI	General Industrial
Use	Vacant	

Surrounding Site Characteristics

North	Zone:	I-L Light Industrial
	Use:	Vacant/Trucking Company
South	Zone:	I-L Light Industrial
	Use:	Pressure Point Roofing, Inc.
East	Zone:	I-L Light Industrial
	Use:	Bierson Corporation, manufacturing
West	Zone:	I-G
	Use:	Vacant

Related Projects

PA-18-050 Pilot Rock Excavation Inc.

Applicable Criteria

Medford Municipal Code §10.200(E) Site Plan and Architectural Review Approval Criteria.

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

- (a) The proposed development is compatible with uses and development that exist on adjacent land, and*
- (b) 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 Section 10.186.*

Medford Municipal Code §10.186(B) 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 land use review 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.*

Corporate Names

Alyson Fowler is listed as the registered agent for Pilot Rock Excavation, Inc. according to the Oregon Secretary of State Business Registry.

ISSUES AND ANALYSIS

Background

The subject site contains approximately 4 acres and is located adjacent to the west of Bierson Industrial Park on the south side of Bateman Drive. It is currently vacant. Bateman Drive is classified as a commercial street.

The applicants are owners of Pilot Rock Excavation Inc., which owns and operates more than 30 pieces of excavation and construction equipment. The equipment includes but is not limited to excavators, loaders, back-hoes, skid steers and dozers, many of which are tracked vehicles.

Project Summary

The request includes the construction of new steel framed office, a covered wash rack facility and maintenance bays. A request for relief from the paving requirement in Medford Land Development Code (MLDC) Section 10.746 is also included.

Site Plan (Exhibit B)

Access

The subject property has approximately 260 feet of frontage along Bateman Drive. A paved commercial street. The site plan identifies two 36 foot wide driveways that provide direct access to the public right of way. The site plan also shows a five foot sidewalk that runs between the parking area and the building.

Parking

Per the site plan the applicant is providing nine parking spaces. The applicant's findings (Exhibit E) state that a total number of employees on its largest shift is approximately 20. The applicant is requesting the Commission to allow an exception to the number of required spaces. The applicant's findings state that the bulk of the employees will report to the job site while only three employees will report to the office location. There will not be 20 employees at the business office.

The applicant is requesting that the Commission allow parking for the site at the Industrial and Warehouse rate, which is 0.2 spaces per 1,000 square feet with one additional space per employee. A total of nine spaces would allow for future expansion.

Parking 10.721	Proposed	Required
Automobiles	9	22
Bicycle Parking (based on 9)	0	2

The site plan does not indicate where bicycle parking facilities will be located. A condition of approval (Exhibit A) has been included requiring that the standards in 10.748-10.751 are met.

Decision: The applicant explained that his employee report to the job site and not this facility. They only come here to drop off and pick up equipment being repaired. The Commission found that the proposed nine parking spaces was sufficient for the proposed use.

Concealment

The site plan does not indicate where a trash enclosure would be located or where the Heating, Ventilation, Air Conditioning (HVAC) equipment will be located. A condition of approval has been included to require adequate concealment is provided pursuant to MLDC 10.781-10.782 (Exhibit A).

Landscape Plan (Exhibit C)

The subject property has approximately 188 feet of frontage along Bateman Drive. Per the MLDC 10.797 a minimum of six trees and 29 shrubs are required. The applicant's

landscape plan shows a total of seven trees and 31 shrubs along the frontage and parking area buffer.

Landscaping 10.797 188 feet frontage	Proposed	Required
Trees	7	6
Shrubs	31	29

Parking areas that abut a public street shall be buffered by a minimum of 10 feet landscaped area. The applicant's landscape plan complies with MLDC 10.746(9).

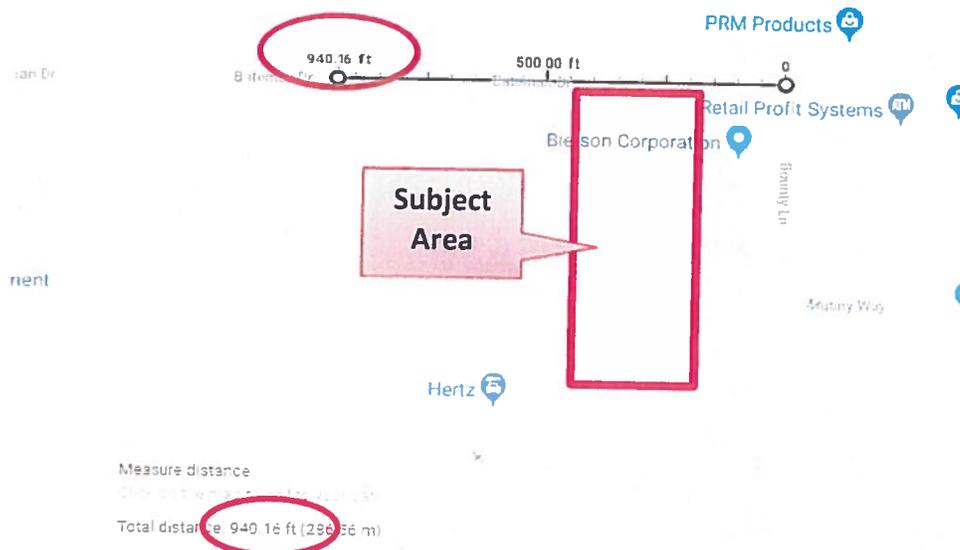
Block Length

The maximum block length required for Industrial Zones by MLDC Section 10.426C-1 is 940 feet and perimeter length of 3,760 feet.

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'

The approving authority may find proposed blocks that exceed maximum and/or perimeter standards are acceptable when it is demonstrated that future development on adjoining property or reserve acreage can feasibly satisfy the block or perimeter standards.

Per the applicant's supplemental findings (Exhibit F), block length can be met with future development to the west. The images below depict the distance from Bounty Lane west approximately 940 feet further illustrating the Industrial Zone Block Length standards.



Architecture (Exhibit D)

The applicant's submitted narrative (Exhibit E) describes the building's proposed architecture and how it fits with and complements the adjacent buildings, as the following:

The architectural style of the proposed building is standard for the metal building industry and is similar in nature to the adjacent developments. The proposed building will be two-toned per the attached color samples. The façade and roof will be corrugated metal with the bottom eight feet of the siding, and all trim is Burnished slate, the remainder 16 feet of siding will be fox gray.

Facility Adequacy

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

Agency Comments

Jackson County Roads (Exhibit O and Q)

Jackson County Road's report provided an itemized list of comments, including the requirement that a traffic analysis at the intersection of Bateman Drive and Table Rock Road be completed and requiring any recommended mitigations.

The applicant provided a Traffic Study (Exhibit P) pursuant to the Jackson County Roads requirements. The study was provided to both the City of Medford Traffic Engineer and Jackson County Roads.

The study concluded that the transportation system can accommodate the subject application without adverse impact. No mitigation recommendations were made.

Both the City Traffic Engineer and Jackson County Roads Department reviewed the study and have no comment moving forward (Exhibits Q and R).

Oregon Department of Aviation (ODA) (Exhibit M)

Oregon Department of Aviation provided comments to staff stating that the warehouse is considered a compatible use according to the ODA's land use compatibility guidebook, and due to the distance and FAR Part 77 surface, ODA does not find that the proposed development is a hazard to air navigation. No FAA Form 7460-1 will be required by ODA.

Jackson County Airport Authority (Exhibit N)

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

In addition, the Airport also requires the applicant to contact the FAA regarding submittal of a 7460-1 form.

Exception Request

The applicant proposes to park wheeled vehicles in the parking area provided in front of the building. Per the site plan provided, the area to the north of the building is proposed as parking and shall be paved.

The shop is intended to be used for maintenance of the fleet equipment and storage of tracked vehicles. The purpose of the exception request is to reduce damage to the pavement that heavy tracked vehicles would cause. The site plan (Exhibit B) identifies the front portion of the property as paved parking and maneuvering areas and gravel behind the gate where the tracked vehicles will be parking and maneuvering.

The applicant's findings (Exhibit E and F) address the criteria found in MLDC Section 10.186, and are as follows;

(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.

It can be found that granting the exception to paving requirements for tracked vehicles is harmonious with the general purpose and intent of the regulations imposed by the code. Per the applicant's findings, the use of gravel surrounding the shop is not unlike the

ground cover that currently exists on site therefore it will not be injurious to the general area or detrimental to the health, safety, or general welfare or adjacent natural resources.

In addition to the applicant's findings, the Commission can find that the proposed storm water catch basin and detention and water quality facility will treat any storm water concerns for the gravel area.

(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.

This exception request does allow a use that is not permitted. The I-G zone allows establishments that are primarily engaged in special trade construction and the use of tracked vehicles. The request meets the exception criterion.

(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.

The unique circumstance in this instance is the proposed use of heavy equipment and tracked vehicles. MLDC 10.746 specifically mentions that parking and vehicle maneuvering areas for wheeled-vehicle sales lots shall be paved. This section does not mention tracked vehicles. Per the applicant, 'the pavement will be destroyed with bulldozers, excavators, and other tracked machinery running over paved surface.' Staff agrees with the applicant's findings and the Commission can find that the strict application of the paving requirement per MLDC 10.746 could result in unusual hardship for 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.

Allowing the Exception would not result in greater profit for the applicant nor is it the result of an illegal act; it is simply a matter of practicality.

The Public Works Department supports the proposed exception on the condition that the unpaved portion of the development is limited to heavy equipment only (Exhibit G).

No other issues were identified by staff.

FINDINGS AND CONCLUSIONS

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

ACTION TAKEN

Adopted the findings as recommended by staff and directed staff to prepare the final order for approval of AC-18-138 and E-18-139 per the staff report dated January 11, 2019, including Exhibits A through R and including the following:

- Approval of a parking reduction from 22 spaces down to 9 spaces
- Approval to not pave portions of the parking and maneuvering areas for the tracked vehicles as set forth on the proposed site plan.
- Amend Condition 7 to add a reference to the trash enclosure concealment requirements if applicable.

EXHIBITS

- A-1. Conditions of Approval, dated January 18, 2019
- B. Site Plan received November 5, 2018
- C. Landscape Plan received September 21, 2018
- D. Architectural Plan received September 21, 2018
 - Color Palette
- E. Applicants findings and conclusions received September 21, 2018
- F. Applicant's supplemental findings received November 7, 2018
- G. Public Works Department Report revised December 4, 2018
- H. Medford Fire Department report received October 31, 2018
- I. Medford Building Department memo received October 31, 2018
- J. Medford Surveyor comments received October 25, 2018
- K. Medford Water Commission memo received October 31, 2018
- L. Rogue Valley Sewer Services comments received October 23, 2018
- M. Oregon Department of Aviation comments received October 22, 2018
- N. Jackson County Airport Authority comments received October 23, 2018
- O. Jackson County Road comments received October 19, 2018
- P. Traffic Study received December 24, 2018
- Q. Comments from Jackson County Roads re Traffic Study received January 3, 2019
- R. Comments from City Traffic Engineer received January 3, 2019
Vicinity map

SITE PLAN & ARCHITECTURAL COMMISSION AGENDA:

**NOVEMBER 16, 2018
DECEMBER 18, 2018
JANUARY 18, 2019**

EXHIBIT A-1
Pilot Rock Excavation
AC-18-138 / E-18-139
Conditions of Approval
January 18, 2019

DISCRETIONARY CONDITIONS

Upon granting approval of paving requirement, limit the unpaved portion of the development to heavy equipment only.

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 Public Works Department (Exhibit G).
2. Comply with all requirements of the Medford Fire Department (Exhibit H).
3. Comply with all requirements of the Medford Building Department memo (Exhibit I).
4. Comply with all conditions stipulated by the Medford Water Commission (Exhibit K).
5. Comply with all requirements of the Rogue Valley Sewer Services (RVSS) (Exhibit L).
6. Comply with Jackson County Airport Authority's condition to file any forms required by FAA (Exhibit N).
7. Comply with concealment requirements for trash enclosures in MLDC 10.781 and for all Heating, Ventilation, and Air Conditioning equipment pursuant to 10-782.
8. Comply with required bicycle parking pursuant to MLDC 10.748-10.751.



Site Plan and Architectural Commission

Minutes

From Public Hearing on January 18, 2019

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 *(left the meeting at 1:30 p.m.)
Dave Culbertson
Marcy Pierce
Milo Smith
Rick Whitlock
Dick Gordon, City Council Liaison

Staff Present

Kelly Evans, Assistant Planning Director
Katie Zerkel, Senior Assistant City Attorney
Alex Georgevitch, Deputy Public Works Director/City Engineer
Dustin Severs, Planner III
Liz Conner, Planner I
Debbie Strigle, Recording Secretary

Commissioners Absent

Bob Neathamer, excused

10. Roll Call.

20. Consent Calendar/Written Communications. None.

30. Minutes.

30.1 The minutes for the January 4, 2019, meeting, were approved as amended.

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-18-126** Consideration of a proposal for the construction of a 2,849 square foot restaurant with a drive-thru (KFC) on a parcel totaling 0.76-acres, located at the corner of Garfield Street and Center Drive (1408 Center Drive) in the Regional Commercial (C-R) zoning district (371W32B TL 4801 & 3605); (Barry Thiriot, Applicant; Phillip Moss, 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 January 11, 2019, Staff Report. Staff recommended approval.

Commissioner Whitlock wanted to know what would happen if the vacation was approved in regards to landscaping requirements and access location. He also wanted clarification if the applicant would withdraw the application if the vacation was not granted.

Mr. Severs clarified the applicant had stated if this application is approved, it would be their intent to withdraw their vacation application. He said that in the event it was vacated the applicant would not be required to have frontage landscape.

Commissioner Whitlock wanted to know if staff would be able to re-evaluate whether the number of parking spaces would be adequate should a different restaurant use should go on this parcel. Mr. Severs answered that general studies have shown that the majority of fast food restaurant customers go through the drive-thru so staff has been a bit liberal in allowing applicant's to provide less parking than what code requires. He felt this was one of those circumstances.

Commissioner Whitlock asked if staff would have the ability to adjust the parking requirements should the use change to something other than the restaurant. Mr. Severs explained that if there was ever a change of use it would have to come back before this commission for approval.

Commissioner Whitlock asked why the Public Works Department wants the roadway extended all the way to the west.

Alex Georgevitch, Public Works Department, stated the policy for frontage improvements is that if there's public right-of-way, the City asks for the frontage to be improved. He said this is a very unique situation because this particular site has already gone through a vacation once and staff was supportive of the vacation. There was a hiccup in it so this is not a right-of-way that the City would typically see being public in the future once the parcel to the south is developed. In the meantime, if it's public-right-of way, it needs to be constructed per city standards and have a public turn-around at the end of it. That is the reason for the condition.

Commissioner Whitlock asked if it was correct that there would not be any access from Belknap Road onto Garfield Street. Mr. Georgevitch answered that is correct and why there's a turn-around that is planned.

Commissioner Whitlock questioned whether the cul-de-sac proposal anticipates the creation of that southern portion of the cul-de-sac on the private property to the south. Mr. Georgevitch replied no, it sets up for the future second half of it to be built on the adjoining property. Commissioner Whitlock re-worded his question and Mr. Georgevitch answered he was correct and noted that there's nothing to say that an applicant to the south couldn't propose a future right-of-way to turn to the south and circulate around. He added he didn't anticipate that happening but there are some code conditions for block length that would have to be addressed and it might require the extension once there's a public road built there.

Commissioner Culbertson said he remembered when the tentative plat had gone before the Planning Commission. The vacation was on the original application and the day before the meeting, the property owner to the south had submitted a letter and provided testimony that they were not in agreement of vacating, didn't want to do that, and there was no right to vacate. That stopped the vacation. The tentative plat had been approved and they had agreed in the meeting to go and find some kind of resolution but then a question had come up as to whether or not the vacating ability was from the city, the county, or ODOT. No one seemed to know the history of the property as to who had the authority to vacate. Commissioner Culbertson asked if that had ever been clarified and wondered what stage the vacation process is in now.

Mr. Georgevitch explained the vacation process proceeded and there was a modification to the request. He pointed out on an exhibit the portion that had been vacated and the remainder of the extension of Belknap Road still exists all the way to Center Drive. The vacation application moved forward, the City of Medford has the authority to vacate, and a vacation can be initiated through either the county or the city.

Commissioner Culbertson wanted to know if there had been discussion about the number of trips on eastbound Garfield traffic requiring a right-hand turn lane accessing Center Drive to the south. Mr.

Georgevitch answered there had been a traffic analysis completed for South Side Center and that study had some mitigation. They did a dual left westbound. He said he did not believe there were any requirements. They completed their mitigation and there's no right turn lane so it's assumed there was no mitigation requirements for an eastbound right turn lane.

Commissioner Culbertson asked what latitude ODOT has since they control that intersection, to require a right turn lane which would impact this property. Mr. Georgevitch answered that ODOT has the authority and the responsibility to manage the facility so if in the future they have a need for that they would have to either create a project and build it themselves or exact it through a future land use action.

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

a) Phillip Moss, agent for the applicant, talked about the project and emphasized they do not want the vacation or the road. To create an extension would be a huge cost to the applicant and building a sidewalk and road that lead to nowhere does not make any sense. They have no function. Mr. Moss said they don't understand why they can't access their property from Center Drive. Because of the requirements, the applicant would also have to have a 10 foot PUE which means they would have 10 foot PUE's along 3 sides of the property.

Mr. Moss stated they agree with all the other requirements and reiterated that they do not want the road and burden a local business with this kind of cost.

Commissioner Whitlock asked Mr. Moss if they would be willing to continue with this application if the application is approved as recommended by staff, which includes the condition for improving Belknap along the entire frontage of the applicant's parcel, or would it be too much of a burden in which they would walk away from this project. Mr. Moss answered that the applicant could answer that question but in his opinion it would take a lot of years to pay that kind of debt back.

b) Barry Thiriot, applicant, 4960 Mitchellen Place, Medford, stated if this application is approved he would probably withdraw the project. He said the road that goes nowhere has no benefit to the property to the south but did admit that the property owner must see some value in it.

Commissioner Chmelir wanted to know if the road is vacated then whose property does it belong to. Mr. Thiriot replied his understanding is that there's 10 feet of property that belongs to this parcel and 40 feet that belongs to the other parcel.

Commissioner Chmelir referenced Public Works Staff Report under 2.e "The driveway locations as shown on the site plan are acceptable which consist of the exit only access to Center Drive and the two driveways accessing Belknap Road" and asked Mr. Moss if this was acceptable to them. Mr. Moss responded it is absolutely not acceptable to them because they do not want to have anything to do with a public right-of-way that they would have to improve to city standards. The cost would be just too much of a burden that's very hard to justify in a project like this. He added that in his first discussions with the Public Works Department where the access would be moved from Center Drive as far away from Garfield as they could was acceptable at that point. A month ago Public Works came back and said it was not acceptable and he didn't understand what had changed in that period.

Chair Quinn asked staff if there was a requirement to have more than one entrance into a property like this. Mr. Severs answered no.

Mr. Severs explained that the applicant's recourse on appealing the public improvements would be to go through the exception process.

Katie Zerkel, City Attorney, reminded everyone that since that relief hasn't been formally requested via an exception request, it is not on the table for discussion with this application.

Mr. Moss addressed Commissioner Culbertson saying that the final plat had been signed except for the owner of this property and the bank. He added it should be recorded soon.

Mr. Moss stated they would be willing to bring this application back along with an exception request to a later meeting date if this commission feels they might entertain an exception request.

Commissioner Smith questioned if that would solve the issue of having a dead end road and something this commission could approve.

Mr. Moss said they would appreciate the opportunity for this commission to look at an exception request. It would cut the cost in half and wouldn't impact the neighbor's property either.

Mr. Severs explained it would be within this commission's authority to eliminate some or all of the public improvements if the applicant were to submit an exception request application. He added it sounded like the Public Works Department would be amenable to modifying how far south the cul-de-sac is extended but would probably be firm in extending the sidewalk all the way out to Garfield Street.

Chair Quinn wanted to know if a fence was constructed along the bottom of this property would it qualify as a solution as opposed to fixing the road. Mr. Georgevitch explained when the applicant first submitted, they showed access onto Center Drive and a wide area of parking directly up against the right-of-way that looked like it could be access but no specific information. If they take access to it then they need to improve it. If they want to remove all their access from this area, there would be no need for them to make improvements. The applicant could modify their site plan and take no access to the extension of Belknap Road, take it all off of Center Drive, and Public Works would not be asking for public improvements along Belknap Road.

Commissioner Whitlock stated he would be in favor of postponing this application for a period of time so staff and the applicant could work through the issues.

Mr. Moss indicated that they had just worked through the issue.

Commissioner Whitlock stated from his perspective this commission needed to have a revised site plan in order to do that. He added that staff would need to review that and in order to accomplish that this application would need to be continued to a later date.

Mr. Moss said he didn't disagree with that and said he heard from staff today that they would agree to something and he would like that to be part of the record. He stated he would be willing to put a fence, masonry wall, or whatever it takes so there's no image of access onto Belknap then they can continue to use Center Drive as their egress and ingress to the site.

Commissioner Whitlock wanted to know what period of time they would need to accommodate the changes to be made. Mr. Moss said 30 days if staff was amenable to that. The date agreed upon was March 1, 2019.

Motion: Continue this item to the March 1, 2019, meeting.

Moved by: Commissioner Whitlock

Seconded by: Commissioner Bender

Voice Vote: Motion passed, 8-0.

New Business.

50.2 **AC-18-138/E-18-139** Consideration of the construction of steel buildings for a shop and office approximately 6,300 square feet with 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 in size on a 4.0 acre parcel located at 356 Bateman Drive approximately 450 feet west of Bierson

Way zoned I-G (General Industrial) (362W36D TL 142), (Jeff and Alyson Fowler, Applicants; Liz Conner, Planner).

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

Liz Conner, Planner II, gave a PowerPoint presentation of the January 11, 2019, Staff Report. Staff recommended approval.

Commissioner Whitlock questioned condition of approval #7 saying it didn't reference the trash enclosure compliance and wondered if that was an oversight.

Ms. Conner said they had eliminated that language but could easily add the trash enclosure language back in but that would only be if the applicant proposes a trash facility. If they don't put one on site then there would not be any requirement.

Commissioner Catt questioned not having a trash enclosure requirement. Ms. Conner explained that the Land Development Code does not require they provide a trash receptacle outside but if they did then there would be requirements.

Commissioner Catt wanted to know in the event the use were to change, would there be an opportunity for this commission to increase the number of parking spaces. Ms. Conner explained that if there was a change of use through the Building Department, it would allow the Planning Department to have an additional review on that building permit. At that time, the applicant would be required to meet the standards of the code.

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

- a) Jeff Fowler, applicant, said he was available for questions.

Commissioner Whitlock wanted to know what the process was for employees picking up equipment from this site to take to the construction site. Mr. Fowler explained they have a shop for their trucking yard which is at a different location so the lowboy transport equipment would be coming from that location to this yard to either to drop off or pick up equipment.

Commissioner Whitlock asked how many equipment pieces are tracked and how many are wheeled. Mr. Fowler said approximately two thirds are tracked and the other one third are wheeled. He pointed out on a site plan how that would process would take place.

Commissioner Whitlock expressed concern with the wheeled vehicles that would be using a portion of the graveled space which could create dust. He asked if it would be possible to pave a small apron in front of some of the bays to accommodate the wheeled vehicles. Mr. Fowler answered his main concern is that tracked vehicles turn up asphalt but if it's a requirement then he would have to do that but he would like to stay with his original design as submitted.

Commissioner Culbertson said the frequency of trucks coming in to drop off equipment to be serviced and then taken back out to the job sites should also be taken into consideration. Commissioner Culbertson said he was not a fan of making paved areas to accommodate a small portion of vehicles.

Commissioner Culbertson asked if the tracked vehicles will be serviced in all bays. Mr. Fowler answered yes.

Commissioner Culbertson asked how the lowboys are turned around. Mr. Fowler explained they have room within the parking area with two accesses.

Commissioner Smith asked how the dust would be dealt with. Mr. Fowler replied they don't have a lot of traffic in and out of the site but the city does require a dust abatement contract that would need to be signed and complied with.

Chair Quinn asked about the empty space on the opposite side of the repair shop and if that would remain empty. Mr. Fowler indicated the bays are drive through and that surface is also graveled per the plan.

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-18-138/E-18-139, per the Staff Report dated January 11, 2019, including Exhibits A-R and including the following:

- Approval of a parking reduction from 22 spaces down to 9 spaces
- Approval to not pave portions of the parking and maneuvering areas for the tracked vehicles as set forth on the proposed site plan

Moved by: Commissioner Whitlock Seconded by: Commissioner Culbertson

Amended Motion: Add to the original motion a change to condition of approval #7 to add a reference to the trash enclosure concealment requirements if applicable.

Moved by: Commissioner Whitlock Accepted and Seconded by: Commissioner Culbertson

Commissioner Whitlock commented that he wished the city had some requirements for what gravel surfaces should look like in circumstances like this and said he still had some reservations about it. He added he was in full support of this application and thought it was a good one.

Commissioner Catt commented that tracked vehicles distribute weight on the ground differently than a rubber tired vehicle and felt that concrete would work.

Roll Call Vote: Motion passed, 8-0.

50.3 **AC-18-147** Consideration to construct a 43,170 square foot self-storage facility on a 2.37 acres parcel zoned I-L (Light Industrial), located approximately 300 feet from the intersection of Delta Waters Road and Crater Lake Highway (HWY 62). (371W18AA TL 1200-1400). (Delta Waters Lenders, Applicant; Bill Philp, Agent; Liz Conner, Planner).

Chair Quinn asked if there was a continuance request for this application.

Ms. Conner replied the applicant did request a continuance to the February 1, 2019, meeting.

Commissioner Whitlock felt it was appropriate to ask if there was anyone in the audience who wanted to speak on this item.

Chair Quinn asked if there was anyone in the audience who wished to speak on this item. There were none.

Motion: Continue this item to the February 1, 2019, meeting to allow time for this commission to consider the recently submitted written materials.

Moved by: Commissioner Whitlock Seconded by: Commissioner Bender

Voice Vote: Motion passed, 8-0.

60. Written Communications. None.

70. Unfinished Business. None.

80. New Business. None.

90. Report from the Planning Department.

90.1 Ms. Evans announced there would be business for both the February 1, 2019, and March 1, 2019, meetings.

90.2 Ms. Evans reported that City Council had made appointments to the Ward 4 Citizen Interview Committee. Ms. Pierce, Mr. Neathamer, and Mr. Whitlock were all appointed as well as Greg Jones and Rick Bennett.

90.3 Ms. Evans thanked City Councilmember Dick Gordon for supporting this commission as well as the Planning Department. This was Councilmember Gordon's last day sitting on this commission.

100. Messages and Papers from the Chair.

100.1 Chair Quinn presented Councilmember Gordon with a Certificate of Appreciation and thanked him for his service on this commission.

100.2 Chair Quinn talked about the email he had sent out to all the commissioners regarding the Oregon Mass Timber Development Summit he had attended in Salem. He briefed the commissioners about what he had learned. He said we could someday see an application for a multi-story wood structure constructed with cross laminated timber.

110. Propositions and Remarks from the Commission.

110.1 Commissioner Whitlock expressed his thanks and appreciation to Councilmember Gordon for his service on this commission.

110.2 Commissioner Culbertson divulged that he would not be attending the February 1st meeting.

120. City Council Comments.

120.1 Councilmember Gordon thanked all the commissioners for their continued service. He added he would still be around and may attend some future meetings but as a member of the audience.

130. Adjournment

130.1 The meeting was adjourned at approximately 1:40 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: February 1, 2019



City of Medford

Planning Department

Working with the community to shape a vibrant and exceptional city

REVISED STAFF REPORT

for a Type III quasi-judicial decision: **Site Plan & Architectural Review**

Project Delta Waters Self Storage
 Applicant: Delta Waters Lenders, LLC; Agent: Bill Philp

File no. AC-18-147

To Site Plan & Architectural Commission *for 02/01/2019 hearing*

From Liz Conner, Planner II

Reviewer Kelly Evans, Assistant Planning Director *ke*

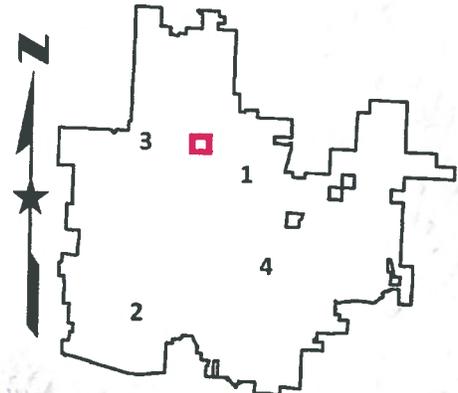
Date January 25, 2019

BACKGROUND

Proposal

Consideration to construct a 43,170 square foot self-storage facility on 2.37 acres zoned I-L (Light Industrial), located approximately 300 feet from the intersection of Delta Waters Road and Crater Lake Highway (HWY 62) 1884-1862 Delta Waters Road (371W18AA TL 1200-1400).

Vicinity Map



Subject Site Characteristics

Zoning	I-L	Light Industrial
GLUP	GI	General Industrial
Use	Outdoor RV Storage/Office	

Surrounding Site Characteristics

<i>North</i>	Zone:	I-L
	Use:	Stove, Pool and Sauna sales
<i>South</i>	Zone:	I-L, MFR-15 (Multi Family Residential – 15 dwelling units per gross acre)
	Use:	Vacant
<i>East</i>	Zone:	I-L
	Use:	Curtius-Huntley Plumbing
<i>West</i>	Zone:	I-L
	Use:	Custom fabrication shop

Related Projects

PA-17-055 Pre-Application
GF-18-096 Riparian Corridor Reduction
CUP-18-148 Storm water Facilities within a Riparian Corridor

Applicable Criteria

**SITE PLAN AND ARCHITECTURAL REVIEW APPROVAL CRITERIA
FROM SECTION 10.200(E) OF THE MEDFORD LAND DEVELOPMENT CODE**

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 development 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 Section 10.186.

Corporate Names

Patrick Huycke is listed as the Registered Agent for Delta Waters Lenders, LLC. according to the Oregon Secretary of State Business Registry.

ISSUES AND ANALYSIS

Background

The subject site is made up of three parcels located on Delta Waters Road between Crater Lake Avenue and Highway 62. The site is currently developed and is used as a graveled RV storage lot.

Lone Pine Creek runs along the southern boundary of the site with a mapped floodplain and riparian corridor. In August of 2018 the applicant requested a reduction in the riparian corridor for Lone Pine Creek. The Planning Director approved a 25 foot reduction along Lone Pine Creek along tax lots 1200 and 1400 (Exhibit P).



Site Plan (Exhibit B)

The site plan shows a total of seven buildings consisting of approximately 43,170 square feet. The applicant intends to secure the development with locking gates and a continuous fence.

Parking

Required off street parking for mini-storage facilities is typically calculated using a manager's residence, office and total number storage cubicles. The intent is to require parking for the customers that are accessing the office for the rental of units and other office duties. This facility will not have an on-site manager. The site plan shows a total of 24 individual parking spaces located in the drive aisles in front of each unit.

MLDC 10.743 Calculation

1 space/11 storage cubicles

Table 1

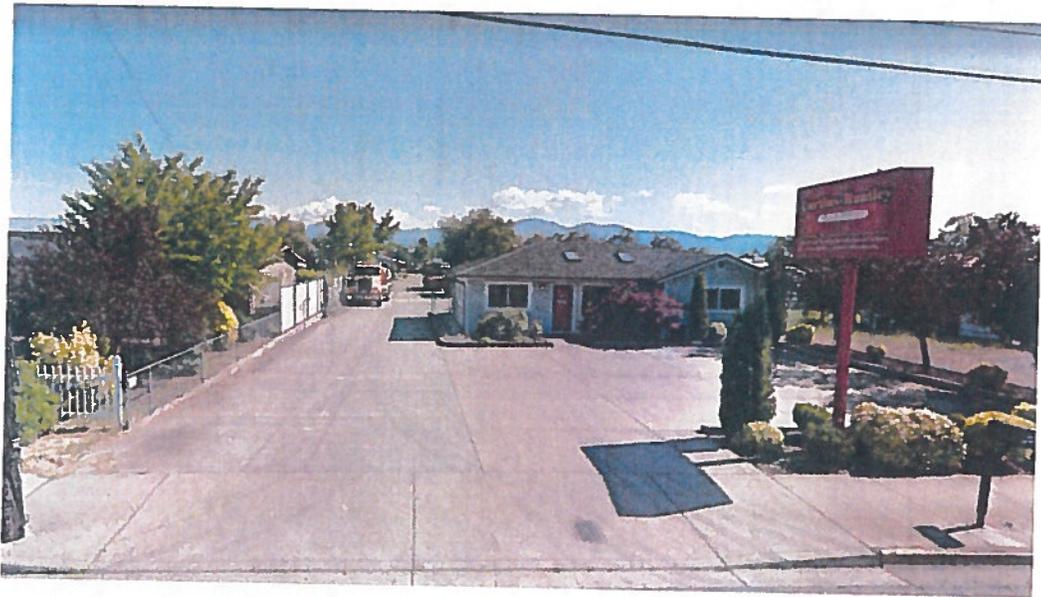
	Minimum	Maximum	Shown
Total Spaces	20	24	24
Accessible Spaces	1		2
Bicycle Spaces	4	5	0

The Commission can find that the use does not typically generate bicycle traffic, and in the event of customer accessing the self-storage facility by bicycle it would be similar to car traffic and would use the drive aisle in front of the individual unit therefore reducing the bicycle parking requirement to zero.

Architecture

The applicant's findings (Exhibit I) states "the architectural details of the different colored block as well as the use of gates, landscaping and other building and elevation changes in the project will give a pleasing drive by street view as well as break up the character of the use itself."

Property to the east shown in image below.



Property to the west shown in image below.



Access and Circulation

Driveway

The subject site has approximately 140 feet of frontage along Delta Waters Road. Per the submitted site plan (Exhibit B) there will be one access to the site located on the easterly portion of the site. Per the Public Works report (Exhibit L) the driveway access shall be limited to right-in/right-out movements.

Cross Access Easement

When driveway access is granted on an Arterial or Collector Street, the Medford Land Development Code Section 10.550 requires a cross access easement be granted to all contiguous parcels or tracts that do not front a lower order street. The site plan (Exhibit B), shows a future access drive that is the proposed as the cross access easement.

Per MLDC 10.746 all vehicle maneuvering areas are required to be paved.



City of Medford Attorney's Office Memo (Exhibit R)

The City of Medford's Deputy City Attorney provided a memo to address the applicant's communication regarding the requirement for a cross-access easement to adjoining

properties as well as the paving requirements for maneuvering areas within the required cross access easement.

The applicant originally stipulated to providing a cross-access easement to adjoining properties per the findings provided (Exhibit I). Per the City Attorney's memo the Applicant is challenging the establishment of any cross-access easements under the cases Nollan and Dolan and, if such easement is established the Applicant then challenges the paving of any such easement contending the easement is not a maneuvering area under the Medford Municipal Code where paving is required.

The City Attorney's memo provides a response with findings that addresses the applicant's challenge to the requirement of a cross-access easement as an unconstitutional taking under Nollan and Dolan.

The memo also provides a response to the challenge to require the cross-access easement be paved under the Medford Municipal Code Section 10.746.

The history of the site is visible through the various images provided through aerial photos (Exhibit V). Over the past several years it can be shown that the portion of the property intended for the cross-access easement as depicted on the site plan (Exhibit B) has been used to access the property to the west therefore MLDC 10.550 and 10.746 shall apply.

Applicant's Response (Exhibit X)

The applicant has provided an additional letter in response to the City Attorney's memo (Exhibit R). The applicant addresses specific issues pertaining to the legality of existing cross-access from the subject property to any adjacent property. The applicant specifically states the following three concerns:

1. The applicant should be compensated for the value of the cross-access easement because the exaction is a taking;
2. The cross-access easement should not be paved until use of the cross-access easement can commence; and
3. The City should pay for the development and paving of the roadway.

Staff has reviewed the applicant's response (Exhibit X). Based on the evidence in the record, staff's opinion remains unchanged. No change to the application of code requirements is recommended.

Block Length

The applicant submitted additional findings (Exhibit J) that request relief to the Block Length and Accessway requirements in the MLDC 10.426 and 10.464 respectively.

The approving authority may determine, based on evidence, that the construction of an accessway is infeasible or inappropriate per 10.464(1)(c) when the accessway would cross a natural area with significant natural habitat and construction would be incompatible with the protection of natural values.

The applicant's findings (Exhibit J), state that a connection south would require crossing Lone Pine Creek that has an established floodplain and designated riparian corridor.

Both the floodplain and riparian corridor have strict development restrictions for the protection of their natural functions. Therefore, requiring an accessway south would be incompatible with the protection of the natural values.

Floodplain

The subject site has obtained a Letter of Map Amendment (LOMA) for a portion of the property (Exhibit K). Per the exhibit map submitted with the LOMA the floodplain was removed on the property except in the portion noted.

Per the site plan (Exhibit B), the mapped floodplain does not contain vertical construction.

Storm Drainage

As mentioned previously, the subject site abuts Lone Pine Creek that has a mapped floodplain and riparian corridor. Per the site plan (Exhibit B), the applicant proposes to locate their stormwater facility within the riparian corridor. The MLDC Section 10.925 (1) permits water-related or water-dependent uses, such as drainage facilities as conditional uses. The applicant concurrently applied for a Conditional Use Permit (CUP) to allow the stormwater facilities within the riparian corridor. This application CUP-18-148, is scheduled for hearing before the Planning Commission on January 24, 2019. A condition of approval (Exhibit A) prior to vertical construction will be included to require Planning Commission approval of the stormwater facilities within the riparian corridor (CUP-18-148).

The applicant has provided a Riparian & Detention planting plan (Exhibit G) that details the planting requirements for the irrigated detention swale. This plan was approved by the Oregon Department of Fish and Wildlife (ODFW) with the Riparian Corridor reduction staff report (Exhibit P). A condition of approval has been included to comply with the planting plan submitted (Exhibit A).

Landscaping

Per the site plan (Exhibit B), the applicant has approximately 120 feet of frontage, excluding the driveway access.

Frontage Landscaping Requirements

	Delta Waters Road	
	Required	Shown
Minimum trees	4	6
Minimum shrubs	18	54

The landscape plan (Exhibit F) shows landscaping for the entire northern portion of the subject area, and within the proposed cross-access easement or "future access drive". As discussed previously, this future access drive is to be paved as vehicular maneuvering area.

The MLDC Section 10.746(9) Screening, a minimum of a 10 foot wide landscape buffer shall be required between all public right-of-way and parking and maneuvering areas.

The landscape plan will have to be revised to include the paved cross-access easement and the required 10 foot landscape buffer. A condition of approval to comply with MLDC 10.746 has been included (Exhibit A).

Bufferyard

Per MLDC Section 10.790 Bufferyards are utilized to minimize the potential conflicts caused by the types and intensity of uses on adjacent properties.

The table below determines the type of bufferyard and when it is required based on zoning.

Table 10.790-1. Bufferyard Standards—Zone to Zone

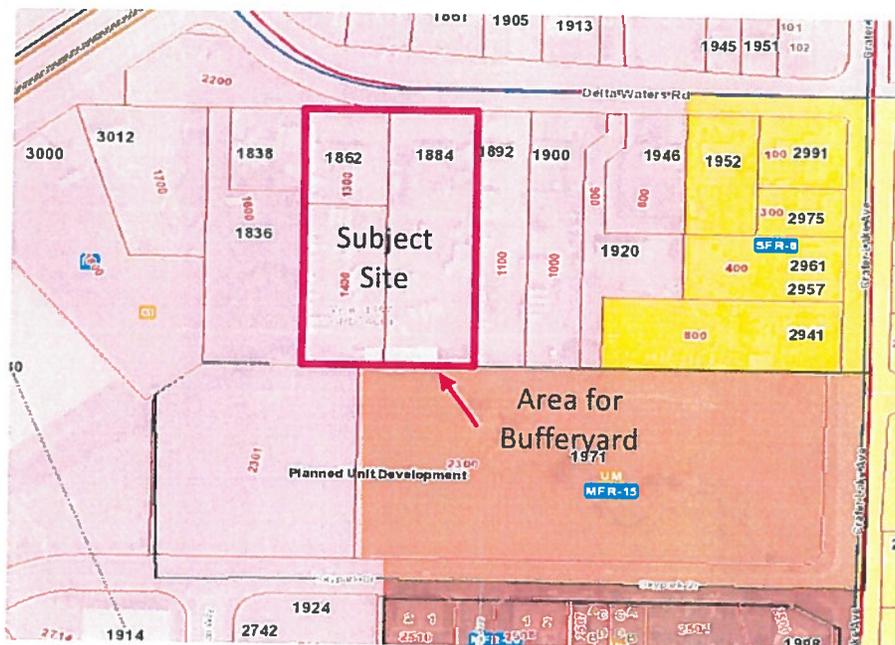
Subject Site Zoning	Zoning on Abutting Land										
	Vac	SFR	MFR	CS P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
SFR	-	-	-	-	-	-	-	-	-	-	-
MFR	1	A	-	-	-	-	-	-	-	-	-
CS P	1	A	A	-	-	-	-	-	-	-	-
C-N	1	A	A	-	-	-	-	-	-	-	-
C-C	1	A	A	-	-	-	-	-	-	-	-
C-R	1	A	A	A	-	-	-	-	-	-	-
C-H	1	A	A	A	-	-	-	-	-	-	-
I-L	1	A	A	A	A	-	-	-	-	-	-
I-G	2	B	B	B	B	A	A	A	A	-	-
I-H	2	B	B	B	B	A	A	A	A	-	-

The table below shows the development standards for each bufferyard type.

Table 10.790-3. Bufferyard Types

<u>Type</u>	<u>Width</u>	<u>Wall</u>
A	10 feet	Six (6) foot concrete or masonry wall.
B	20 feet	Eight (8) foot concrete or masonry wall

The subject site abuts MFR-15 (Multi-family residential, 15 dwelling units per gross acre) as shown by the image below. This would result in a Type A bufferyard.



The approving authority shall have the discretion to make adjustments to the bufferyard requirements and may include, but are not limited to, the following:

- a) Where a building wall with no openings below eight (8) feet abuts the bufferyard, the building wall may be counted in place of a required wall or fence.
- b) Where there is existing development on the site, such as paving or a building, which affects or precludes implementation of the bufferyard standard.
- c) Where a proposed project abuts existing development, and the adjacent uses are the same (i.e., apartment parking lot adjacent to commercial parking lot) or are sufficiently compatible that the full buffering, otherwise required, is not necessary and the uses are not expected to change significantly over time.

- d) Where a project abuts an irrigation canal, natural waterway, railroad right-of-way, or other such element.

Per the applicant's findings (Exhibit I), the site plan (Exhibit B), and Architectural plans (Exhibit E) for Building "G" there is a proposed building with a continuous 12 foot block wall. Additionally, as mentioned previously Lone Pine Creek abuts the subject property along the southern boundary.

The Site Plan and Architectural Commission can find that the approved riparian corridor reduction planting plan (Exhibit G), and Building "G" (Exhibit E) with the continuous wall with no openings, can be used in lieu of the required Type A Bufferyard.

Agency Comments

Jackson County Airport Authority (Exhibit N)

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

In addition, the Airport also requires the applicant to contact the FAA regarding submittal of a 7460-1 form.

No other issues were identified by staff.

FINDINGS AND CONCLUSIONS

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

RECOMMENDED ACTION

Adopt the findings as recommended by staff and direct staff to prepare the final order for approval of AC-18-147 per the Revised Staff Report dated January 25, 2019, including Exhibits A through Y. The action includes a determination that the facility will not generate a need for bicycle parking; that the cross-access easement is appropriate and will provide convenient access to Highway 62 and businesses to the south for customers of the storage facility; that on-site paving of the cross-access easement is appropriate; and that the bufferyard requirement is satisfied as proposed.

EXHIBITS

- A. Conditions of Approval, dated January 11, 2019
- B. Site Plan received October 4, 2018
- C. Grading and Drainage Plan received October 4, 2018
- D. Utility Plan received October 4, 2018
- E. Architectural Plans received October 4, 2018
 - Floor Plan
 - Building Elevations
- F. Frontage Landscape Plans received October 4, 2018
- G. Riparian Corridor Planting Plan received October 4, 2018
- H. Floodplain Exhibit Map received October 4, 2018
- I. Applicants findings and conclusions received October 4, 2018
- J. Applicant's additional findings received November 21, 2018
- K. Letter of Map Amendment received October 4, 2018
- L. Public Works Department report dated December 6, 2018
- M. Medford Fire Department report dated November 14, 2018
- N. Medford Building Department memo dated November 20, 2018
- O. Floodplain Managers Memo dated May 16, 2017
- P. Riparian Reduction Staff Report dated August 22, 2018
- Q. Medford Water Commission memo dated November 21, 2018
- R. City of Medford Legal Department memo dated January 10, 2019
- S. City of Medford Survey comments dated November 15, 2018
- T. Jackson County Roads comments dated November 16, 2018
- U. Jackson County Airport Authority email dates November 11, 2018
- V. Historic Aerial Photos
- W. Assessor Map received October 4, 2018
- X. Letter from Huycke, O'Conner, Jarvis received January 17, 2019**
- Y. Continuance Request received January 17, 2019**
 - Vicinity map

SITE PLAN & ARCHITECTURAL COMMISSION AGENDA:

JANUARY 18, 2019

FEBRUARY 1, 2019

EXHIBIT A
Delta Waters Lenders Mini Storage
AC-18-147
Conditions of Approval
January 11, 2019

DISCRETIONARY CONDITIONS

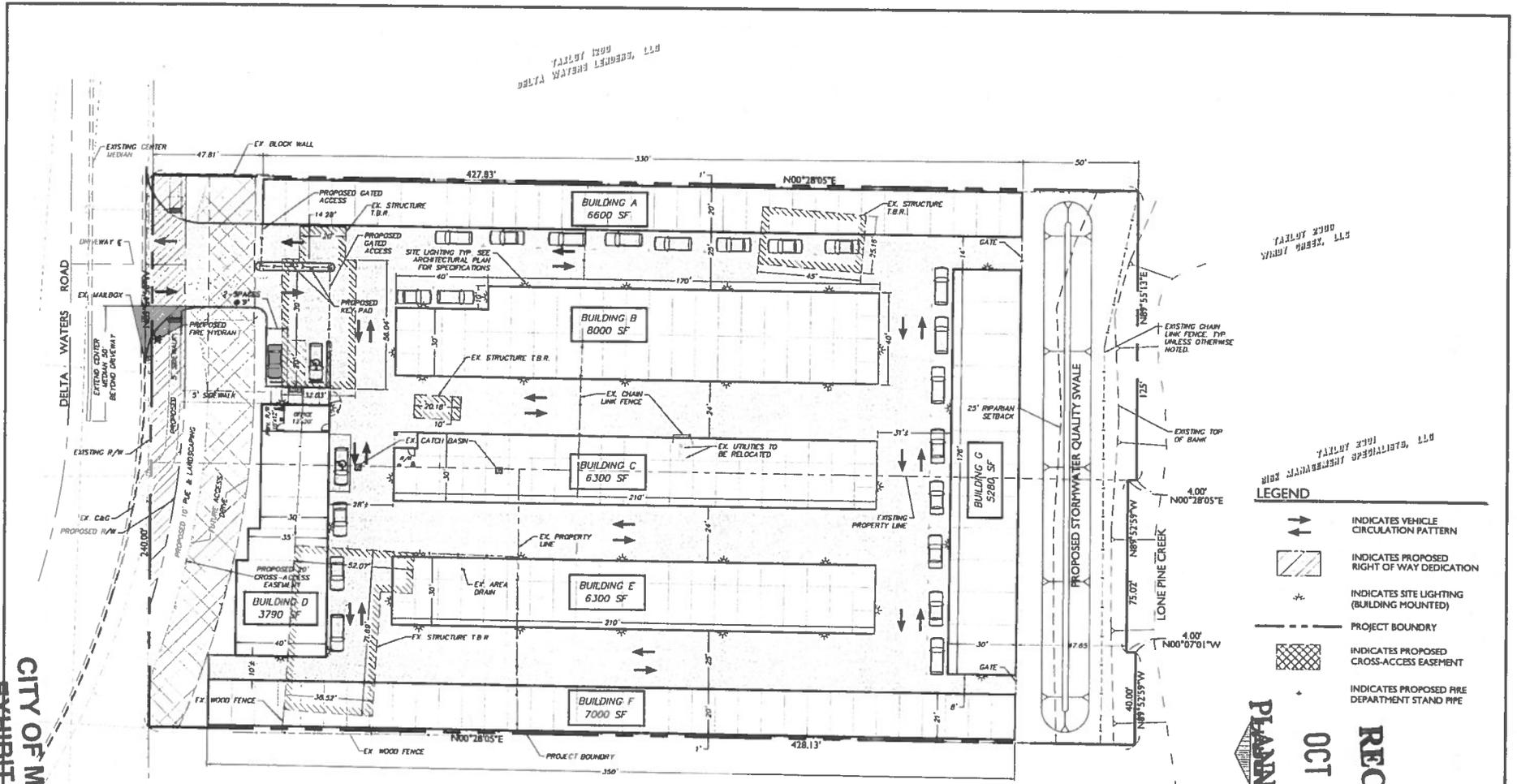
Prior to the issuance of a building permit for vertical construction, the applicant shall obtain approval for the Conditional Use Permit application CUP-18-148 for stormwater facilities within the Riparian Corridor.

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 Public Works Department (Exhibit L).
2. Comply with all requirements of the Medford Fire Department (Exhibit M).
3. Comply with all requirements of the Medford Building Department memo (Exhibit N).
4. Comply with all conditions stipulated by the Medford Water Commission (Exhibit Q).
5. Comply with Jackson County Airport Authority's condition to file any forms required by FAA (Exhibit U).
6. Comply with required landscaping pursuant to MLDC 10.746(9).
7. Comply with Riparian Corridor Planting Plan (Exhibit G).

CITY OF MEDFORD
 EXHIBIT # 2
 FILE # AC-18-147



- LEGEND**
- INDICATES VEHICLE CIRCULATION PATTERN
 - INDICATES PROPOSED RIGHT OF WAY DEDICATION
 - INDICATES SITE LIGHTING (BUILDING MOUNTED)
 - PROJECT BOUNDARY
 - INDICATES PROPOSED CROSS-ACCESS EASEMENT
 - INDICATES PROPOSED FIRE DEPARTMENT STAND PIPE

RECEIVED
 OCT 04 2018
 EXHIBIT C.1
 PLANNING DEPT.
 GRAPHIC SCALE
 1 inch = 100 feet



P.O. BOX 1784 • MEDFORD, OREGON 97501
 PH. (541) 779-5689

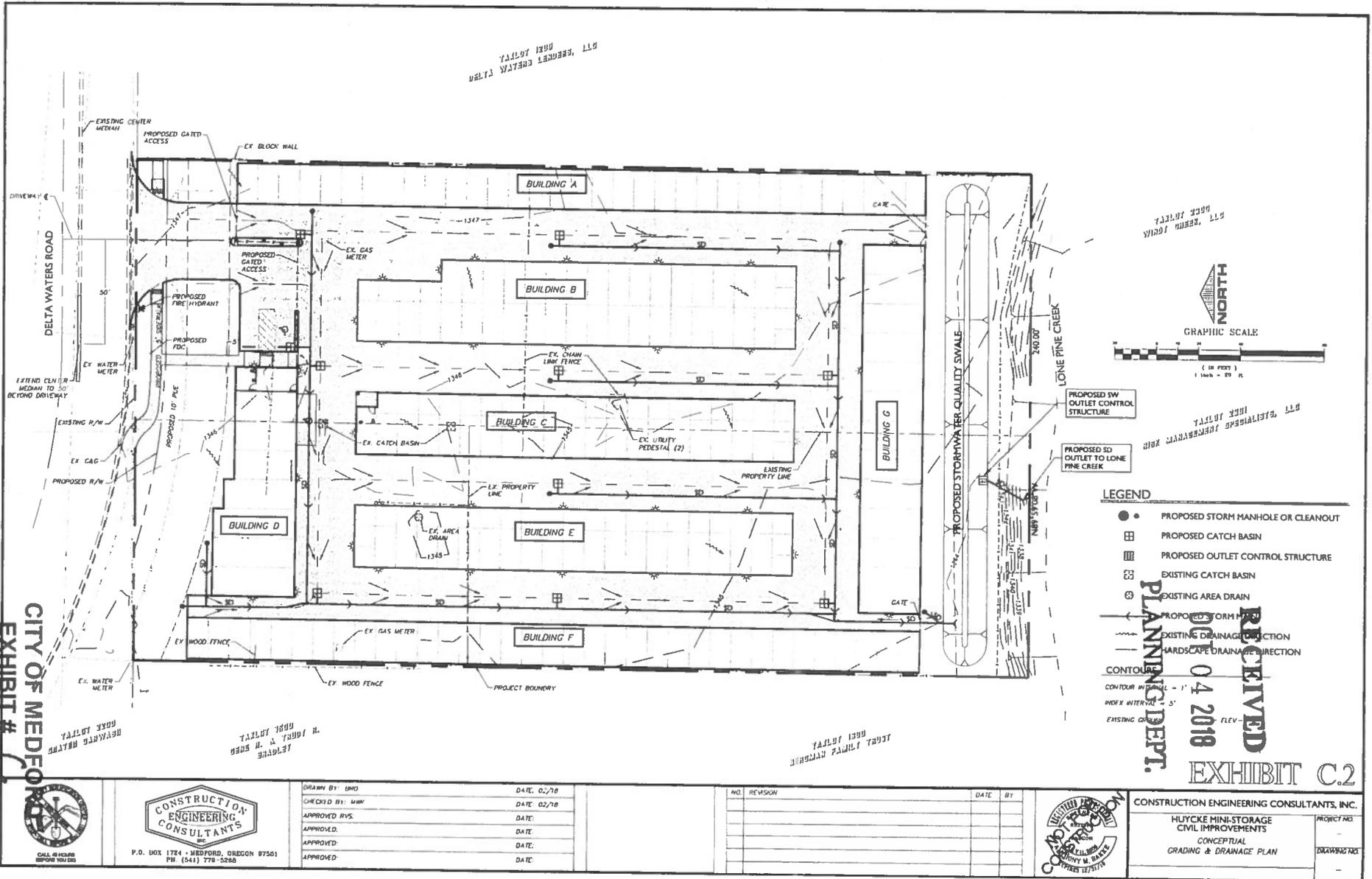
DRAWN BY: BRD	DATE: 02/16
CHECKED BY: MJK	DATE: 02/16
APPROVED RVS:	DATE:
APPROVED:	DATE:
APPROVED:	DATE:

NO.	REVISION	DATE	BY



CONSTRUCTION ENGINEERING CONSULTANTS, INC.
 HUYCKE MINI-STORAGE
 CIVIL IMPROVEMENTS
 CONCEPTUAL
 SITE PLAN

CITY OF MEDFORD
EXHIBIT #
FILE # AC-18-147



LEGEND

- PROPOSED STORM MANHOLE OR CLEANOUT
- PROPOSED CATCH BASIN
- ▣ PROPOSED OUTLET CONTROL STRUCTURE
- ▢ EXISTING CATCH BASIN
- ⊙ EXISTING AREA DRAIN
- PROPOSED STORM INFLOW
- EXISTING DRAINAGE DIRECTION
- - - LANDSCAPE DRAINAGE DIRECTION

CONTOUR

CONTOUR INTERVAL = 1'

WOOD INTERVAL = 5'

EXISTING DRAINAGE

RECEIVED
OCT 04 2018
PLANNING DEPT.

EXHIBIT C.2



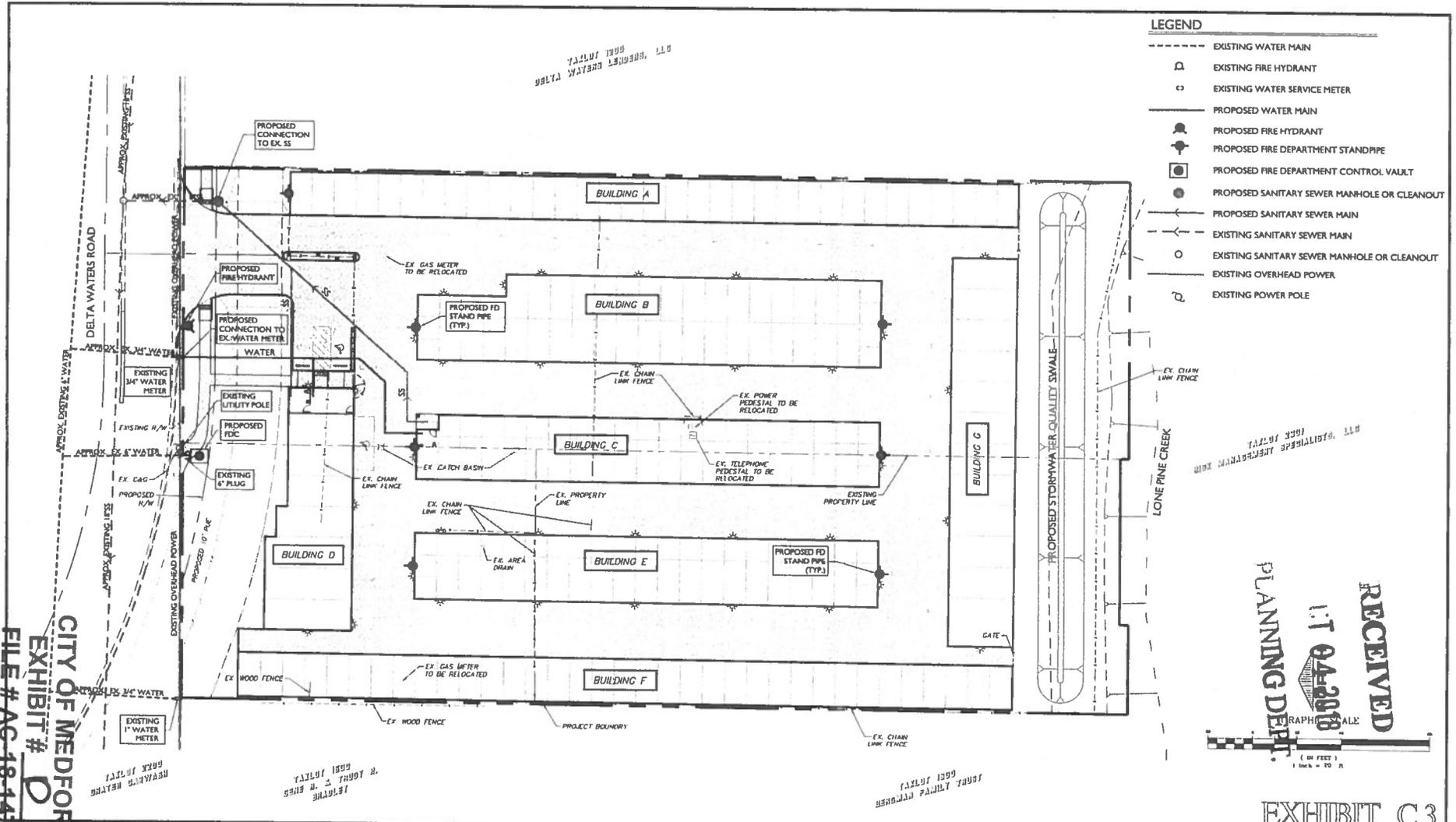
P.O. BOX 1784 • MEDFORD, OREGON 97501
PH (541) 778-5286

DRAWN BY: BMD	DATE: 02/18
CHECKED BY: BMM	DATE: 02/18
APPROVED RVS:	DATE:
APPROVED:	DATE:
APPROVED:	DATE:
APPROVED:	DATE:

NO.	REVISION	DATE	BY



CONSTRUCTION ENGINEERING CONSULTANTS, INC.
HUYCKE MINI-STORAGE
CIVIL IMPROVEMENTS
CONCEPTUAL
GRADING & DRAINAGE PLAN



CITY OF MEDFORD
EXHIBIT # D
FILE # AG-18-147

RECEIVED
1.1 04-20-18
PLANNING DEPT.
GRAPHIC SCALE
1" = 100'
1" = 100'

EXHIBIT C.3



DRAWN BY: BRD	DATE: 02/18
CHECKED BY: MNK	DATE: 02/18
APPROVED BY:	DATE:
APPROVED:	DATE:
APPROVED:	DATE:

NO.	REVISION	DATE	BY



CONSTRUCTION ENGINEERING CONSULTANTS, INC.
HUYCKE MINI-STORAGE
CIVIL IMPROVEMENTS
CONCEPTUAL
UTILITY PLAN
PROJECT NO: -
DRAWING NO: -

DOOR SCHEDULE

1014	STEEL ROLL-UP DOOR

WINDOW SCHEDULE

1010	4050 WINDOW
------	-------------

CITY OF MEDFORD
 EXHIBIT # E-1 of 4
 FILE # AC-18-147



KAS
 STRUCTURAL PLANNING
 1311 COMMERCIAL DRIVE, SUITE 200
 MEDFORD, OREGON 97504
 PH: (503) 754-1234
 FAX: (503) 754-1235
 WWW.KASSTRUCTURAL.COM

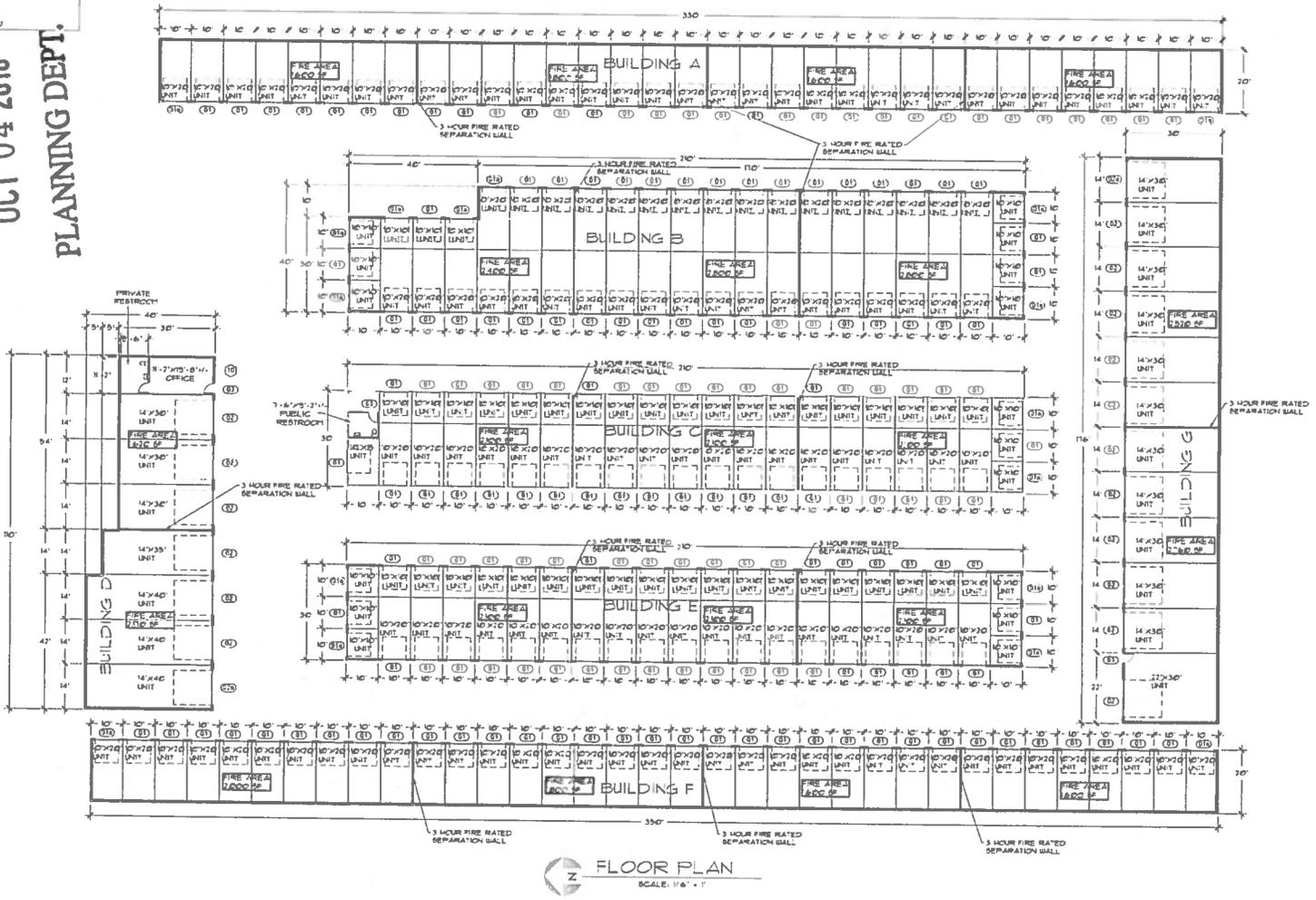
HUYCKE MINI-STORAGE
 2500 W. LAUREL ROAD
 MEDFORD, OREGON 97504

DATE	10/04/2018
BY	AS
CHECKED BY	AS
SCALE	1/8" = 1'-0"
SHEET NO.	AI
OF	6

FLOOR PLAN

SHEET NO
AI
 1 OF 6

RECEIVED
OCT 04 2018
PLANNING DEPT.





KAS
KAS ENGINEERING, INC.
CIVIL
STRUCTURAL
PLANNING
1147 Woodbury Ave. #427
Cincinnati, OH 45227
P: (513) 441-7388
F: (513) 441-3881
www.kasinc.com

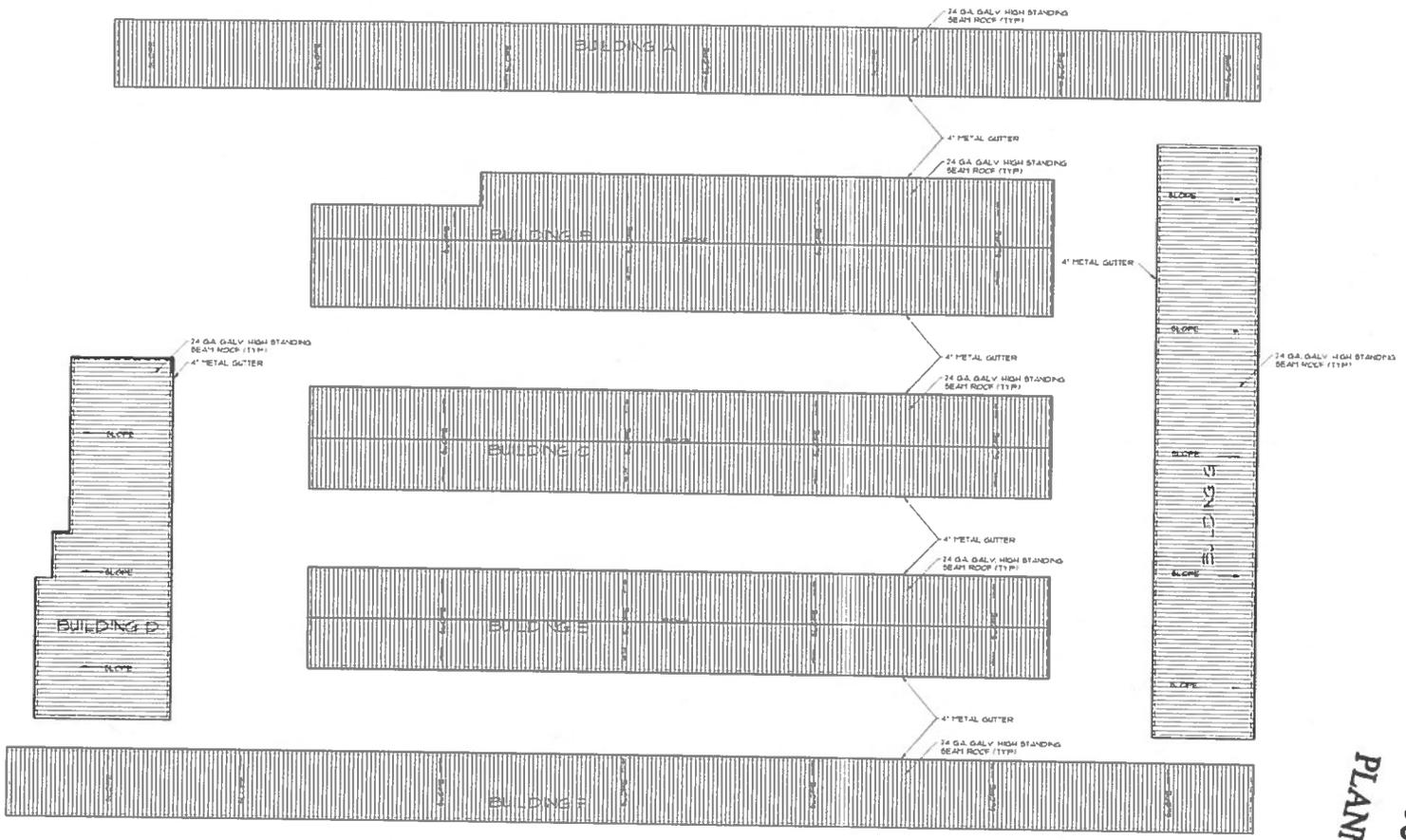
HUYCKE
MINI-STORAGE

NO.	DATE	DESCRIPTION

ROOF PLAN

SHEET NO
A2

2 OF 6



ROOF PLAN
SCALE: 1/8" = 1'

RECEIVED
OCT 04 2018
PLANNING DEPT.

CITY OF MEDFORD
EXHIBIT # **E-2**
FILE # **AC-18-147**



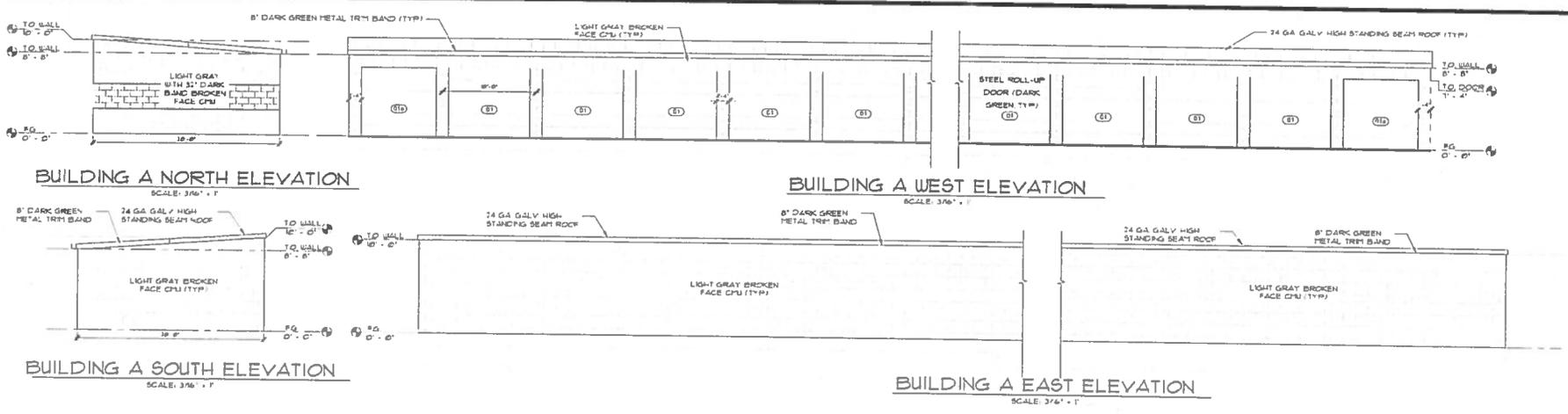
KAS
STRUCTURAL
PLANNING
1100 W. WASHINGTON ST. SUITE 202
CHICAGO, ILLINOIS 60606
TEL: (312) 424-2881
FAX: (312) 424-2881
WWW.KASSTRUCT.COM

HUYCKE
MINI-STORAGE
1100 W. WASHINGTON ST. SUITE 202
CHICAGO, ILLINOIS 60606
TEL: (312) 424-2881
FAX: (312) 424-2881
WWW.HUYCKE.COM

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	10/04/2018
2	REVISION	
3	REVISION	
4	REVISION	
5	REVISION	
6	REVISION	
7	REVISION	
8	REVISION	
9	REVISION	
10	REVISION	

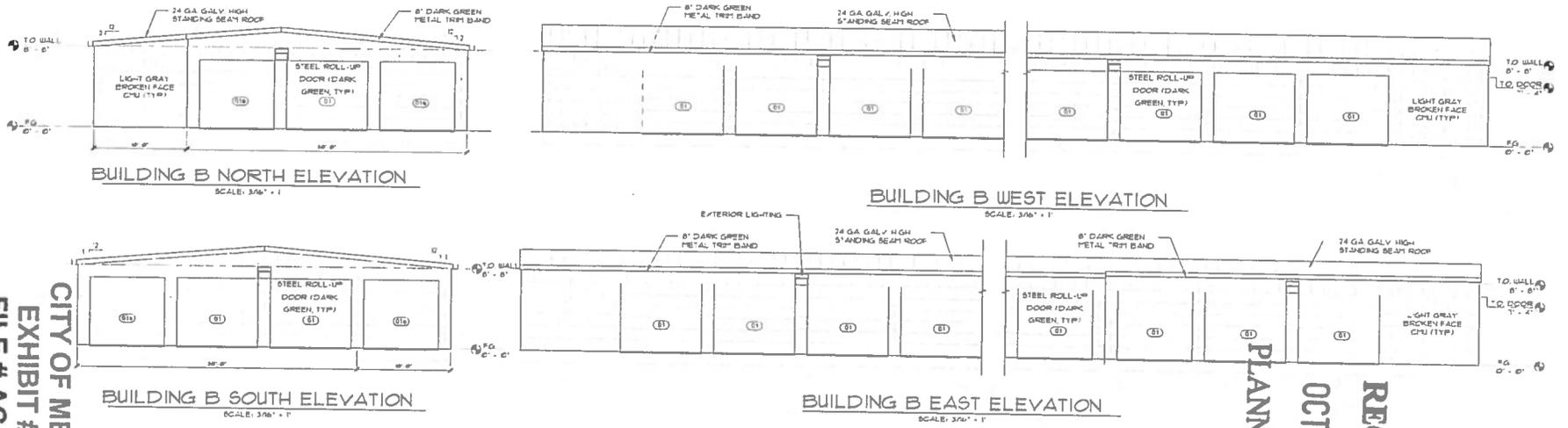
BUILDING
ELEVATIONS

SHEET NO
A3



BUILDING A ELEVATIONS

NOTE
FOR OVERALL BUILDING LENGTH SEE
SITE AND FLOOR PLAN



BUILDING B ELEVATIONS

NOTE
FOR OVERALL BUILDING LENGTH SEE
SITE AND FLOOR PLAN

RECEIVED
OCT 04 2018
PLANNING DEPT.

DOOR SCHEDULE

M14	STEEL ROLL-UP DOOR
M14	STEEL ROLL-UP DOOR

CITY OF MEDFORD
EXHIBIT # **E-3676**
FILE # **AC-18-147**



RECEIVED

OCT 04 2018

PLANNING DEPT.

AUGUST 23 2018

SHEET L 10

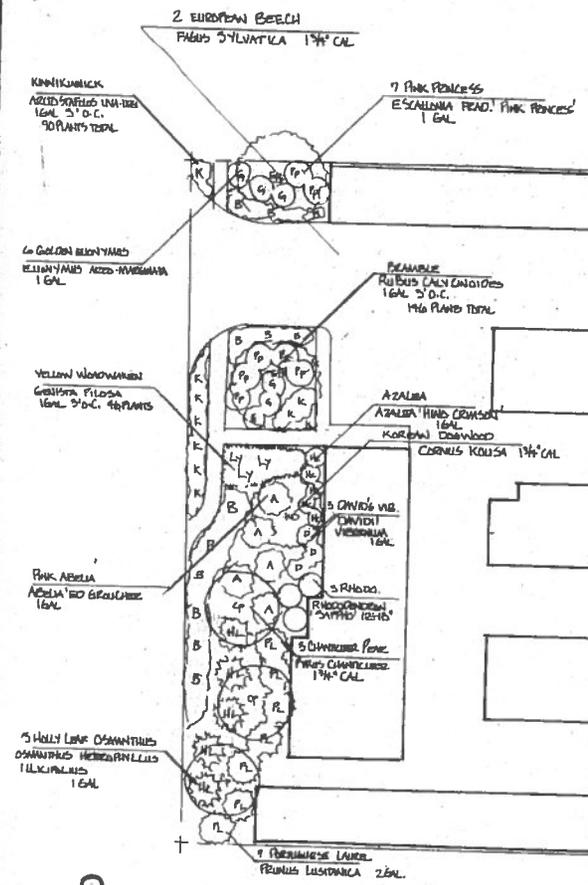
MICHELLE STARR ALL PHASE LANDSCAPE CONTRACTOR 10060

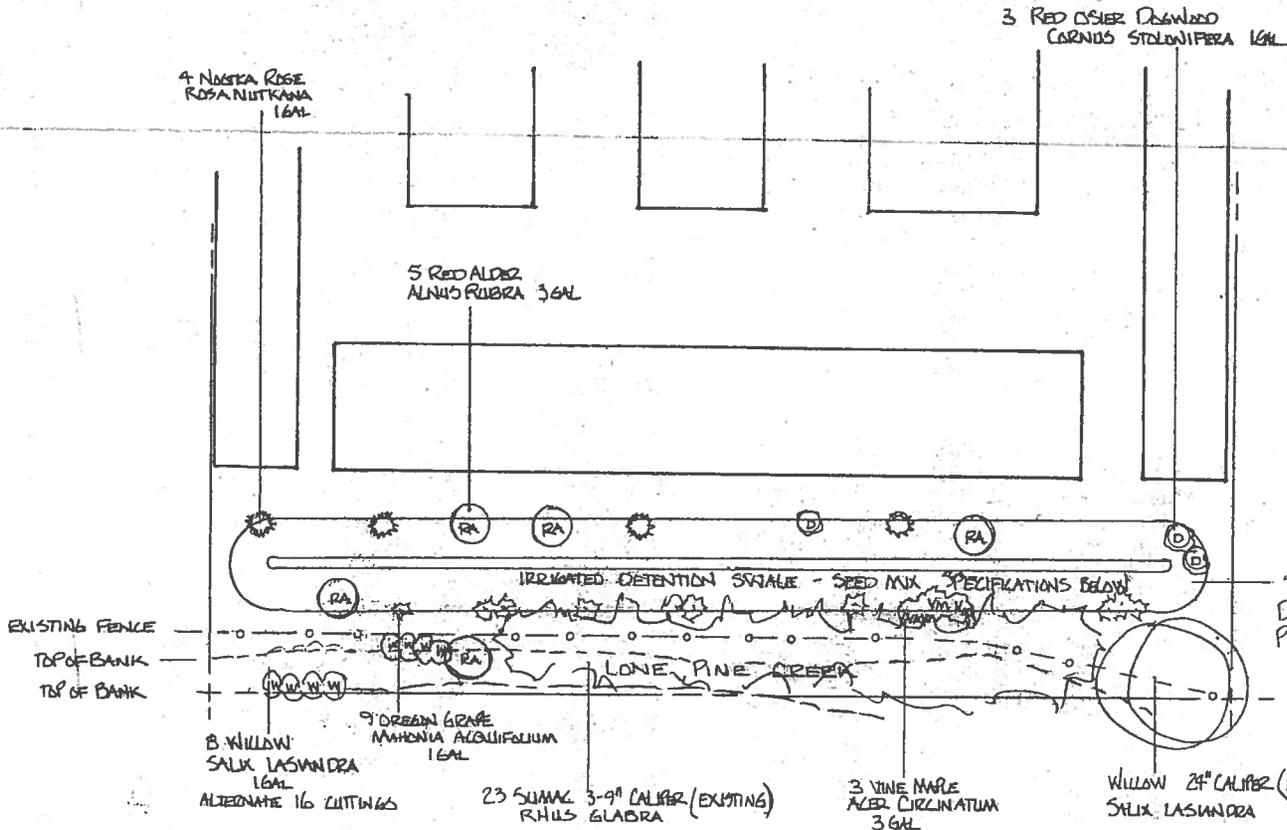
WORK BY OTHERS
PROVIDE CLEAN SUBGRADE FREE OF CONSTRUCTION RUBBLE,
CONCRETE, STONE & ROCK.

NOTES
MINIMUM 6" IMPACTED SOIL/COMPOST BLEND
IN ALL LANDSCAPE AREAS
MINIMUM 3" BLACK MULCH IN ALL LANDSCAPE PLANTERS

SOIL PREPARATION SHALL MEET SECTION 10.780 (6) (7) (8)

TOTAL LANDSCAPE AREA 7510 SF
HIGH WATER USE AREA 0 SF





IMPORTED SOILS PER RVSS DESIGN. MANUAL SPECIFICATIONS PLACED & GRADED BY OTHERS

RECEIVED
OCT 04 2018
PLANNING DEPT.
SHEET L 2.0

CITY OF MEDFORD
EXHIBIT # 9
FILE # AC-18-147

Sunmark Native Riparian Mix

Acres: 1
Quantity: 43 lbs.

Botanical Name	Common Name	% by weight	Seeds per lb. of mix	Seeds per sq. ft.	Actual % by Seed Size	P.L.S. lbs. Needed	Requested %
<i>Elymus glaucus</i>	Blue Wildrye	40%	44000	110,000	45.1%	256	25%
<i>Panicum brachyentherum</i>	Hawdow Barley	30%	25500	65,000	25.1%	708	70%
<i>Pennisetum carolinense</i>	California Brome	10%	9800	98000	9.8%	33	3%
TOTALS:		100%	101300	100,000	43.4	100%	

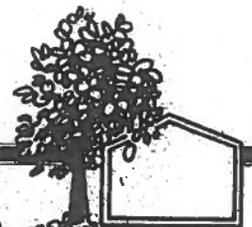
Seeding Rate
1 PLS lbs. per 1000 sq. ft.
43 PLS lbs. per acre

SUNMARK SEEDS INTERNATIONAL, INC.
PO Box 1210
Fairview OR 97024
503-241-7333
888-214-7333

JULY 9 2018
AUGUST 23 2018

MICHAEL A. STARR, ALL PHASE
LANDSCAPE CONTRACTOR 100660

Native Riparian provides a quick establishing native seed mix for riparian areas. This mix can with stand flooding and periods of drought.



SCALE
1"=20'-0"

HUYCKE MINI-STORAGE
RIPARIAN & DETENTION POND

NATURAL SYSTEMS

778-2885

MEDFORD, OREGON



EXHIBIT MAP

For:
Delta Waters Lenders, LLC

823 Aldercreek Drive
Medford, Oregon

Located in:

In the N.E. 1/4 of Sec. 18 (18AA)
Township 37 South, Range 1 West, W.M.,
City of Medford, Jackson County, Oregon
Taxlots 1200 & 1400

RECEIVED
OCT 04 2018
PLANNING DEPT.

DELTA WATERS ROAD

TL 2200

665°54'50"E 05.00'

38'

TL 1300

TL 1200

ROGUE VALLEY HEIGHTS

2

TL 1400

Lot 1

Lot 21

N00°20'09"E 26.61'

600°28'05"W 42.85'

600°28'05"W 42.85'

28.41'

600°07'01"W 4.20'

N09°52'55"W 15.02'

609°55'13"W 05.00'

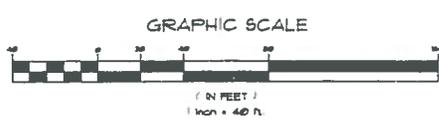
4.00' PINE CREEK

AREA REMOVED FROM SPECIAL FLOOD HAZARD AREAS
SEE ATTACHED L.O. N.A.

REMAINS
IN FLOOD PLAIN
(S.F.H.A.)

CITY OF MEDFORD
EXHIBIT # H
FILE # AC-18-147

REGISTERED
PROFESSIONAL
LAND SURVEYOR
ELECTRONIC SIGNATURE
DAVID M. MINNECI
2349
EXPIRES 12/31/18



BY: DAVID MINNECI	LS 2349
DATE: JULY 25, 2018	
PROJECT:	18-106
PROJECT NO.:	18-106
DRAWING FILE NO.:	18-06EXDUS
SCALE:	1" = 40'
REVISION NO.:	
REVISION DATE:	
BASE OF BEARING:	NAVD 83
DATUM:	DTM
DRAWN BY:	
REVIEWED BY:	

37 1W 18AA - TL 1200 & 1400

RECEIVED

OCT 04 2018

PLANNING DEPT.

APPLICANT'S QUESTIONNAIRE FINDINGS

Self Storage Facility

37-1w-18aa Tax Lots 1200, 1300, 1400

Section I- Narrative

Applicant proposes a 43,170sq. ft. +/-, 218 +/- unit self storage facility located on Delta Water Road. Presently the lots are being used for outside storage and have a few old buildings from bygone years.

- 1) Access will be taken from Delta Waters Road
- 2) A key code entry system is proposed to alleviate the need for an on-site manager.
- 3) Exteriors walls will be CMU Light grey with Dark green trim and doors.
- 4) An on-site restroom will be available during operating hours .
- 5) Paving will be used for all vehicular travel. Storm quality and detention shall be accomplished by the design of an Oregon licensed engineer.
- 6) All lots will be combined prior to final permits.
- 7) Trash cans or dumpsters will not be available for the clients use due to the amount of garbage that would be generated if they were.
- 8) Parking will be short term and in front of each individual rental unit. The spaces shown on the Site Plan are for demonstrative purposes only to show compliance with the LDO requirements.

At the request of the Planning Dept. and the Engineering Dept. a cross access easement will be provided at the North side of the property.

Additionally, a 10 foot P.U.E. will be provided at the north property line abutting Delta Waters Rd.

A Storm Water Quality feature will be built within the 50 foot riparian setback at the south property line. It will only use approximately 10 feet of the north side of the riparian.

Section II- Criterion No. 1

A) The property to the North is Delta Waters Rd. Across from that are numerous small retail businesses.

The property to the East is owned and used by Curtius/Huntley Plumbing Inc. as their place of business. The buildings are over thirty years old comprised of steel, block and wood.

The properties to the South are vacant.

The two properties to the West have two buildings on the northern lot. They are composed of a wood frame and wood sided building; both buildings are over thirty years old. The southern lot is vacant.

B) The project is consistent with numerous projects co-designed by Steel Building Systems and local design professionals. The use of block and steel provides a maintenance free exterior while prolonging the life of the project. The design more than complements the surrounding area by bringing a streetscape of colored block and metal design along with appealing street frontage landscape designed by Natural Systems Landscaping Co.

C) The architectural details of the different colored block as well as the use of gates, landscaping and other building and elevation changes in the project will give a pleasing drive by street view as well as break up the character of the use itself.

D) The entrance will utilize existing or install new street facilities. The project has one entrance to the facility which will be easily identifiable to a pedestrian looking for the entrance. Although pedestrians are historically not expected to use the facility, the vehicular traffic that the project will generate will be able to locate the entrance easily.

E) Due to the nature of the business, pedestrians are not expected to roam about the facility. Most customers will access their storage unit by a vehicle eliminating the need for defined pedestrian facilities or amenities. A sidewalk is provided to Delta Waters Rd. that will connect to the manager's office during business hours.

F) Pedestrian and vehicular traffic would access the site through a locked key coded access gate. The general public would not be able to access this project. Once inside the client would drive or walk to his storage unit. The secured premises provide an area that would prohibit the storage clients from entering, or a need to access adjacent sites. A pedestrian gate will remain locked during business hours; access will be by code or by the manager sending a signal to the gate to open.

"I"
2 of 4

- G) The property is void of any retainable vegetation at this time.
- H) The storm detention system/water quality treatment will be designed by CEC Engineering. Landscaping will be provided by Natural Systems Landscaping and will comply with the L.D.O. requirements of planting material.
- I) The landscaping design will provide a more than adequate system which will buffer the buildings from the street views.
- J) "Night Sky" Certified wall mount L.E.D. fixtures will be utilized throughout the project. The light will be mounted on buildings within the project therefore eliminating any light glare on neighboring properties.
- K) All signs will meet the current code. None are proposed at this time.
- L) Fencing will be utilized based on the gaps created by the building layout at the south property line. They will be chain link, eight feet tall with security wire located at the top. A gate will be provided to access the storm quality area. A block wall eight feet tall will be utilized at the building gap at the northwest corner.
- M) By nature a mini storage complex does not create any noise other than that of muffled vehicles. The project expects to have a lower noise output than most industrial uses. The projects noise levels will comply with Section 10.752-10.761 of the LDO.
- N) This project will provide the large expanse of homes in the Northeast Medford area a close accessible mini storage facility, which will reduce vehicular trips to other complexes. The abundant landscaping as well as the low maintenance required by the building materials used shall create a longlasting positive effect on the surrounding area. This concept has been built out in Medford and the surrounding area for over forty years with few if any complaints as to the degradation of the neighborhood. This is a low traffic, non-pedestrian, low noise polluting business that will fit perfectly with the surrounding and future surrounding developments.
- O) The applicant requests an exception to Section 10.426 Street Circulation Design and Connectivity. This request is based on Section 10.426 C) 2) b) "Environmental constraints including the presence of wetland or other body of water." Due to the presence of Lone Pine Creek at the south property line and it being in a Riparian area, recognized as a fish bearing creek and within the Floodplain, relief is requested from 10.426. Additionally, due to the North property lines' proximity to Delta Water Rd. it would not easily permit a newly created road extension at any point along Delta Waters Rd., relief is requested per 10.426 C) 2)d.

"I"
3 of 4

These properties are within a floodplain and a riparian area. Currently the applicant is finalizing the findings and applications for:

1. A Floodplain Development Permit
2. A LOMA Application.
3. A reduction of the riparian area per 10.927 B.
4. A C.U.P. for the Stormwater Quality system within a riparian area per 10.925

These applications and permits are extremely time consuming. Because of this, the applicant requests an approval of this project, as shown, with a stipulation that all required permits within the Flood Plain/Riparian area are approved prior to issuance of building permits.

P) A Type A Buffer Yard is required by code on half of the south property line due to the I-L /MFR zoning of the two abutting properties. A relief/adjustment to the Buffer yard requirements on the South East portion of the property is requested.

A building will be located approximately forty feet from the property line. It will utilize a continuous twelve foot tall block wall. Lone Pine Creek flows through the south property line which will add additional buffer area. The applicant has designed a complete landscaping plan that will be scrutinized and approved by R.V.S., the Engineering Dept. and Parks and Rec. for the required landscaping within the Water Quality Area. Additionally, the O.D.F.W. will also be in the approval loop for the landscaping within the Riparian area as well as the Planning Director being involved on the C.U.P. for the Reduction of the Riparian area. In all, a fifty foot strip of land will have five government agencies scrutinizing this section of the property for water quality, riparian enhancement and landscaping design.

The extent of buffering that will be created will exceed the intent of the L.D.O. as well as provide adequate buffering between the properties; therefore, approval of this adjustment is requested.

"I"
4 of 4

EXCEPTION REQUEST

RE: AC-18-147 / C.U.P. -18-148

MLDC 10.464

November 21, 2018

From: Bill Philp, Agent

To: Liz Conner, Planner

Dear Liz,

At the request of the Public Works Department I am submitting this request for an exception to the MLDO Sec. 10.464 Accessways.

The first paragraph of this section lists the purpose of the accessway is to provide safe and convenient pedestrian and bicycle accessway within and from new subdivisions, planned unit developments, shopping centers and industrial parks. This project and application is none of the above mentioned. It is a permitted use within an industrial zone. It is my belief that an accessway is not a requirement for this project.

However, I am submitting the following findings based on allowed exceptions to the code. Although Public Works did not clarify at which point or where the accessway should be located I assume they meant the Southern boundary in the Riparian area of Lone Pine Creek., due to the fact that this development will provide East/ West access by means of a sidewalk on the Northern property area. Again, I make the assumption that they are requesting the Riparian Area.

(1) (A)

To be able to build a bridge capable of pedestrian and bicycles across Lone Pine Creek would require numerous permits from multiple agencies. I doubt if a permit is even obtainable due to the nature of the access which would have to cross a fish bearing Riparian corridor that is. This along with the cost of construction, engineering, environmental studies and applications would deem this infeasible and inappropriate.

CITY OF MEDFORD
EXHIBIT # J of 2
FILE # AC-18-147

(1) (b)

Due to the nature of the abutting existing development (Lone Pine Creek) and private property there is no possibility to connect the proposed development to the abutting property without building within a Riparian Corridor or trespassing across private property.

(1) (c)

As mentioned above the only way feasible to connect to the property to the south would be to cross a natural area with significant natural habitat and construction would be incompatible with the protection of the natural values.

(1) (d)

The accessway would have to be built within and cross land that is designated in a flood way. Hoffbuhr and Assc did a thorough and comprehensive study of the Lone Pine Creek area within this project to identify the flood plain. A LOMA was submitted and approved by F.E.M.A. The creek itself is a flood channel. The designated use of the southern boundary is a flood way making a bridge incompatible with the use.

(1) (e)

If by chance a pedestrian bridge was not an option then creating a pathway within the Riparian Corridor would be an even poorer choice. In order to circumvent a minimum eight foot deep water channel a cross slope path would destroy significant Riparian area. Additionally, even if a cross slope path on both sides of the creek were built it would not eliminate the inability to cross the creek during times of a water flow event.

In conclusion, to provide a North/South Accessway at the southern end of this property would be infeasible and inappropriate as well as create an extreme financial hardship to the owners and destroy an existing Riparian Corridor.

Therefore, I am requesting an exception to Section 10.464 of the MLDO.

Respectfully,

Bill Philp

"J"
2 of 2

CITY



Federal Emergency Management Agency

Washington, D.C. 20472

RECEIVED

OCT 04 2018

PLANNING DEPT.

LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (REMOVAL)

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	CITY OF MEDFORD, JACKSON COUNTY, OREGON	A portion of Lot 27, Block 2, Rogue Valley Heights, as described in the Sheriff's Deed recorded 2013-039430, in the Office of the County Clerk, Jackson County, Oregon The portion of property is more particularly described by the following metes and bounds:
	COMMUNITY NO.: 410096	
AFFECTED MAP PANEL	NUMBER: 41029C1976F	
	DATE: 5/3/2011	
FLOODING SOURCE: LONE PINE CREEK		APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 42.359589, -122.857869 SOURCE OF LAT & LONG: LOMA LOGIC DATUM: NAD 83

DETERMINATION

LOT	BLOCK/SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NAVD 88)	LOWEST ADJACENT GRADE ELEVATION (NAVD 88)	LOWEST LOT ELEVATION (NAVD 88)
27	2	Rogue Valley Heights	1884 Delta Waters Road	Portion of Property	X (unshaded)	--	--	1342.7 feet

Special Flood Hazard Area (SFHA) - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

ADDITIONAL CONSIDERATIONS (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)

LEGAL PROPERTY DESCRIPTION PORTIONS REMAIN IN THE SFHA

This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Amendment for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the described portion(s) of the property(ies) is/are not located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This document amends the effective NFIP map to remove the subject property from the SFHA located on the effective NFIP map; therefore, the Federal mandatory flood insurance requirement does not apply. However, the lender has the option to continue the flood insurance requirement to protect its financial risk on the loan. A Preferred Risk Policy (PRP) is available for buildings located outside the SFHA. Information about the PRP and how one can apply is enclosed.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration

CITY OF MEDFORD
EXHIBIT # K 1 of 5
FILE # AC-18-147

X



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

LEGAL PROPERTY DESCRIPTION (CONTINUED)

BEGINNING at the Southwest corner of Lot 27 in Block 2 of ROGUE VALLEY HEIGHTS in Jackson County, Oregon, according to the Official Plat thereof, now of record, thence, along the Westerly line of said lot, North 00°28'05" East 428.19 feet (Record North 00°26'22" East 428.22 feet) to the Northwest corner of PARCEL 2 of that tract described in Document No. 2013-039430, Official Records of said Jackson County; thence, along the Northerly line of said tract, South 89°54'50" East 125.00 feet to the Northeast corner thereof; thence, along the Easterly line of said tract, South 00°26'22" West 428.25 feet to the Southeast corner thereof; thence, along the Southerly line of said Lot 27, North 89°53'14" West (Record North 89°52' West) 125.00 feet to the Point of Beginning.

PORTIONS OF THE PROPERTY REMAIN IN THE SFHA (This Additional Consideration applies to the preceding 1 Property.)

Portions of this property, but not the subject of the Determination/Comment document, may remain in the Special Flood Hazard Area. Therefore, any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426

Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division

"K"
2 of 5



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (NON-REMOVAL)

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	CITY OF MEDFORD, JACKSON COUNTY, OREGON	A portion of Lot 1, Block 2, Rogue Valley Heights, as described in the Sheriff's Deed recorded 2013-039430, in the Office of the County Clerk, Jackson County, Oregon The portion of property is more particularly described by the following metes and bounds:
	COMMUNITY NO.: 410096	
AFFECTED MAP PANEL	NUMBER: 41029C1976F DATE: 5/3/2011	
FLOODING SOURCE: LONE PINE CREEK		APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 42.359382, -122.858323 SOURCE OF LAT & LONG: LOMA LOGIC DATUM: NAD 83

DETERMINATION

LOT	BLOCK/SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS NOT REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NAVD 88)	LOWEST ADJACENT GRADE ELEVATION (NAVD 88)	LOWEST LOT ELEVATION (NAVD 88)
1	2	Rogue Valley Heights	1884 Delta Waters Road	Portion of Property	AE	1341.7 feet	--	1341.1 feet

Special Flood Hazard Area (SFHA) - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

ADDITIONAL CONSIDERATIONS (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)

LEGAL PROPERTY DESCRIPTION

This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Amendment for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the described portion(s) of the property(ies) is/are located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). Therefore, flood insurance is required for the property described above. The lowest adjacent grade elevation to a structure must be at or above the Base Flood Elevation for a structure to be outside of the SFHA.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination and information regarding your options for obtaining a Letter of Map Amendment. If you have any questions about this document, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

Luis V. Rodriguez, P.E., Director
 Engineering and Modeling Division
 Federal Insurance and Mitigation Administration

"K"
3 of 5



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (NON-REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

LEGAL PROPERTY DESCRIPTION (CONTINUED)

Commencing at the Southeast corner of Lot 1 in Block 2 of ROGUE VALLEY HEIGHTS in Jackson County, Oregon, according to the Official Plat thereof, now of record; thence, along the Easterly line of said Lot, North 00°28'05" East 4.00 feet to the POINT OF BEGINNING; thence, leaving said Easterly line, North 89°52'59" West 75.02 feet; thence South 00°07'01" West 4.00 feet to the Southerly line of said Lot 1; thence, along said Southerly line, North 89°52'59" West (Record North 89°52' West) 40.00 feet to the Southwest corner of TRACT B of PARCEL 1 of that tract described in Document No. 2013-039430, Official Records of said Jackson County; thence, along the Westerly line of said tract, North 00°28'05" East 268.13 feet (Record North 00°26'22" East 268.10 feet) to the Northwest corner thereof; thence, along the Northerly line of said tract, North 89°54'50" East 115.00 feet to the Northeast corner thereof; thence, along the Easterly line of said tract, South 00°28'05' West (Record South 00°26'22" West) 264.19 feet to the Point of Beginning.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

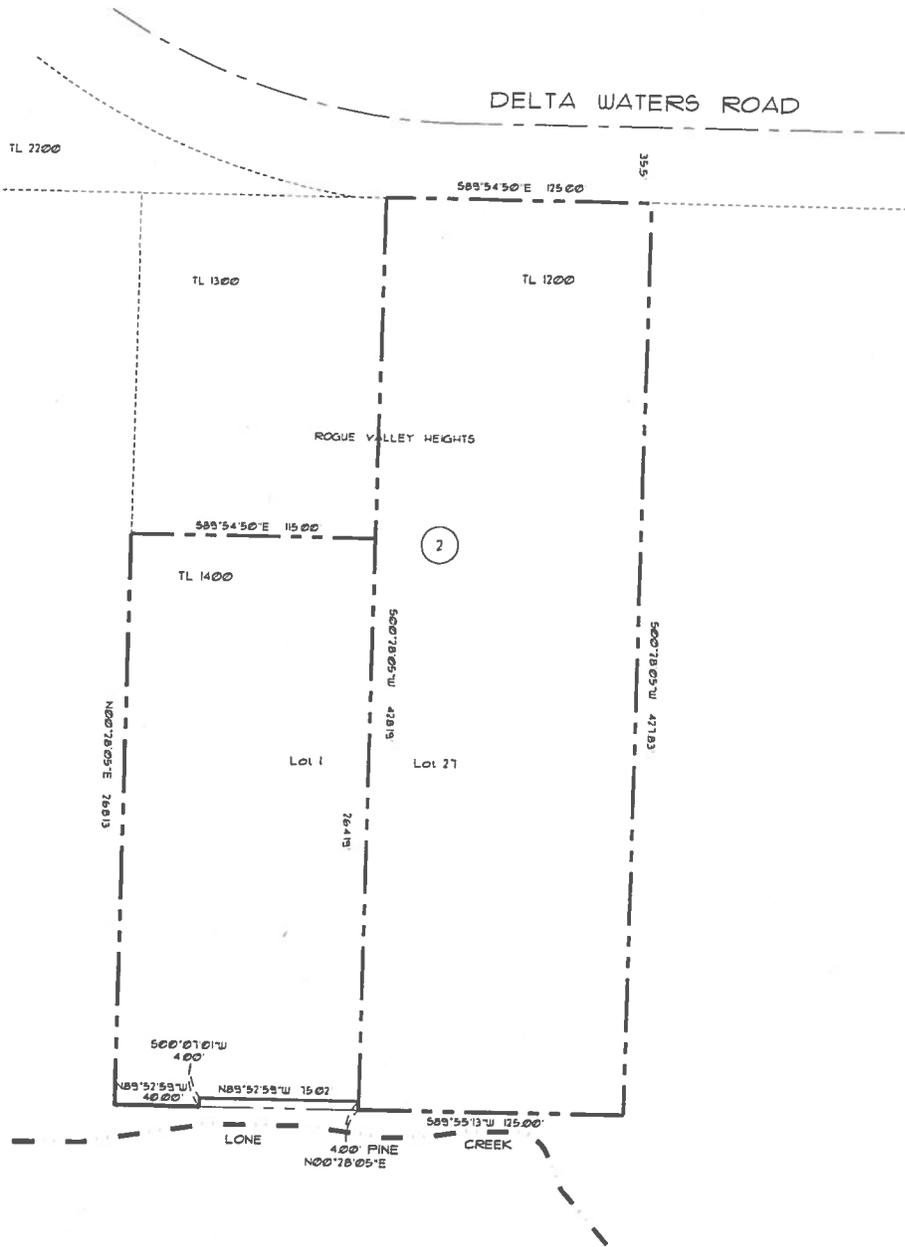
Luis V. Rodriguez, P.E., Director
 Engineering and Modeling Division
 Federal Insurance and Mitigation Administration

"K"
4 of 5



EXHIBIT MAP

For:
Delta Waters Lenders, LLC
 823 Aldercreek Drive
 Medford, Oregon
 Located in:
 in the NE 1/4 of Sec. 18 (18AA)
 Township 37 South, Range 1 West, WM.,
 City of Medford, Jackson County, Oregon
 Taxlots 1200 & 1400



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

ELECTRONIC SIGNATURE

OREGON
 REG. NO. 1588
 DAVID M. MINNEDI
 2349

EXPIRES 12/31/18

GRAPHIC SCALE



37 1W 18AA - TL 1200 & 1400

BY: DAVID MINNEDI	LS 2349
DATE	JULY 25, 2018
PROJECT	
PROJECT NO	15-106
DRAWING FILE NO	15106EX.DWG
SCALE	1" = 40'
REVISION NO	
REVISION DATE	
BASIS OF BEARING	
DATUM	NAVD 88
DRAWN BY	DM
REVIEWED BY	

"K"
5075



Medford – A fantastic place to live, work and play

CITY OF MEDFORD

Revised Date: 1/10/2019

File Number: AC-18-147/CUP-18-148

Reference: PA-17-055

PUBLIC WORKS DEPARTMENT STAFF REPORT 1862/1884 Delta Waters Road Self-Storage Units

- Project:** AC-18-147: Consideration to construct a 43,170 square foot self-storage facility on a 2.37 acres parcel zoned I-L (Light Industrial).
CUP-18-148: A Conditional Use Permit to allow storm water facilities within the Riparian Corridor of Lone Pine Creek.
- Location:** AC-18-147/CUP-18-148: Located approximately 300 feet from the intersection of Delta Waters Road and Crater Lake Highway (HWY 62) (371W18AA TL 1200-1400).
- Applicant:** Delta Waters Lenders; Agent; Bill Philp; Planner: Liz Conner.

NOTE:

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

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

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

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

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

P:\Staff Reports\AC\2018\AC-18-147_CUP-18-148 Delta Waters Road - Mini-Storage Units (TLs 1200, 1300 & 1400)\AC-18-147_CUP-18-148 Staff Report-Revised2.docx Page 1 of 8

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 # L
FILE # AC-18-147

A. STREETS

1. Dedications

Delta Waters Road is classified as a Major Arterial street, and in accordance with Medford Land Development Code (MLDC) Section 10.428, requires a total right-of-way width of 100-feet. The developer shall dedicate for public right-of-way, sufficient width of land along the entire frontage of this development to comply with the half width of right-of-way, which is 50-feet. **The Developer's surveyor shall verify the amount of additional right-of-way required.**

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

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

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

2. Public Improvements

a. Public Streets

Delta Waters Road – All street section improvements, with the exception of a planter strip and sidewalk, have been completed in close conformance with current standards, including pavement, curb and gutter. **A 5-foot wide sidewalk with a 10-foot planter strip will be required along this developments frontage, MLDC Section 10.428. Sidewalk shall transition to be curbtight on east end to align with sidewalk on adjacent property.**

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

"L"

m

signs and place new signs provided the Developer.

c. Pavement Moratoriums

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

3. Access and Circulation

Driveway access to the proposed development site shall comply with MLDC 10.550. The driveway access on Delta Waters Road shall be restricted to right-in/right-out only by extending traffic separator median at least 50-feet beyond the driveway in both directions.

Cross-access easements shall be required to be granted to tax lots 2200, 1500, and 1100 in accordance with MLDC 10.550. Site design shall accommodate the future use of such accesses.

The cross access easement shall be paved in order to accommodate use of the easement and in accordance with MLDC 10.746, which requires all vehicle maneuvering areas to be paved.

The applicant has provided acceptable findings addressing the constraints that allow block lengths to exceed maximum standards listed in MLDC 10.426.C.2. Also, the applicant has provided acceptable findings addressing how a public accessway is infeasible or inappropriate in accordance with section 10.464.

4. 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

"L"

12

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.

Delta Waters Road:

The additional right-of-way on Delta Waters Road will provide the needed width for a future planter strip and sidewalk. Delta Waters Road is a 30 mile per hour facility, which currently carries approximately 13,200 vehicles per day. The 10-foot planter strip moves pedestrians a safe distance from the edge of the roadway. Delta Waters Road will be a primary route for pedestrians traveling to and from this development. The development shall construct approximately 140 linear feet of sidewalk along the frontage of the property. All developments in Medford are required to construct frontage sidewalk.

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

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

"L"

10

Cross Access Easements:

Additional information addressing the nexus and proportionality of the cross access easements are addressed in a separate Memorandum from the City Attorney's Office dated January 9, 2019. Public Works concurs with this memorandum.

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

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

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

2. Storm Drainage Conditions

Developer shall make improvements to their side of Lone Pine Creek to convey the 25-year storm with one foot of freeboard, or provide calculations showing this condition now exists.

Developer shall provide a 30-foot easement for Lone Pine Creek measured from the centerline of the Creek.

Developer shall provide riparian plantings meeting Oregon Department of Fish and Wildlife (ODFW) standards within the Creek easement.

3. 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.

4. Detention and Water Quality

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

5. Certification

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

6. Erosion Prevention and Sediment Control

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

D. General Conditions

1. Design Requirements and Construction Drawings

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

2. Construction and Inspection

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

3. 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.

P:\Staff Reports\AC\2018\AC-18-147_CUP-18-148 Delta Waters Road - Mini-Storage Units (TLs 1200, 1300 & 1400)\AC-18-147_CUP-18-148 Staff Report-Revised2.docx Page 6 of 8

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

4. System Development Charges (SDC)

Buildings in this development are subject to SDC fees. All SDC fees shall be paid at the time individual building permits are issued.

Prepared by: Jodi K Cope, Reviewed by: Doug Burroughs, Revised by: Jodi K Cope/Doug Burroughs

SUMMARY CONDITIONS OF APPROVAL

1862/1884 Delta Waters Road

Self-Storage Units

AC-18-147/CUP-18-148

A. Streets

1. Street Dedications to the Public:

- Delta Waters Road – Dedicate additional right-of-way.
- Dedicate 10-foot Public Utility Easement (PUE) along frontage.

2. Improvements:

Public Streets

- No public improvements are required along Delta Waters Road, aside from 5-foot wide sidewalk and 10-foot planter strip.

Lighting and Signing

- No additional street lights are required.

Access and Circulation

- Driveway access to the proposed development site shall comply with MLDC 10.550. The driveway access on Delta Waters Road shall be restricted to right-in/right-out only.
- Cross-access easements shall be required.
- The cross access easements shall be paved.

Other

- There is no pavement moratorium currently in effect on Delta Waters Road.

B. Sanitary Sewer:

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

C. Storm Drainage:

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

- = City Code Requirement
- = Discretionary recommendations/comments

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

P:\Staff Reports\AC\2018\AC-18-147_CUP-18-148 Delta Waters Road - Mini-Storage Units (TLs 1200, 1300 & 1400)\AC-18-147_CUP-18-148 Staff Report-Revised2.docx Page 8 of 8

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



Medford Fire-Rescue Land Development Report

Review/Project Information

Reviewed By: Kleinberg, Greg

Review Date: 11/14/2018
Meeting Date: 11/21/2018

LD File #: AC18147/CUP18148

Planner: Liz Conner

Applicant: Delta Waters Lenders

Project Location: 300 feet from the intersection of Delta Waters Road and Crater Lake Highway (HWY 62).

Project Description: AC18147: Consideration to construct a 43,170 square foot self-storage facility on a 2.37 acres parcel zoned I-L (Light Industrial)

CUP18148: A Conditional Use Permit to allow storm water facilities within the Riparian Corridor of Lone Pine Creek

Specific Development Requirements for Access & Water Supply

CITY OF MEDFORD
EXHIBIT # M
FILE # AC-18-147

Reference	Comments	Description	Conditions
OFC 508.5	Fire hydrant location approved as submitted.	Fire hydrants with reflectors will be required for this project.	The approved water supply for fire protection (hydrants) is required to be installed prior to construction when combustible material arrives at the site.
OFC 104.9	Horizontal dry standpipe system requirements.	In lieu of internal fire hydrants, a horizontal standpipe system is required for this project. Prior to construction the proposed standpipe system shall be approved by the Fire Marshal (See Medford Handout) and meet NFPA 14 requirements.	Plans and specifications for fire hydrant system shall be submitted to Medford Fire-Rescue for review and approval prior to construction. Submittal shall include a copy of this review (OFC 501.3).
OFC 503.2.1	Fire apparatus access road/fire lane requirements.	Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and unobstructed vertical clearance of not less than 13 feet 6 inches. The required width of a fire apparatus access road shall not be obstructed in any manner, including parking of vehicles. Minimum required widths and clearances established under section 503.2.1, shall be maintained at all times. The fire apparatus access road shall be constructed as asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 60,000 pounds. (See also OFC 503.4; D102.1)	The Fire Department Connection (FDC) shall be located away from the building (out of the collapse zone if possible) and within 75 feet of a fire hydrant. The fire hydrant and fire department connection shall be located on the same side of the fire department access route.
OFC 503	Electric gate requirements.	Access control devices must be approved by Medford Fire Department. All gates shall have approved locking devices. Manual gates shall have a lock connected to a long length of chain. Automatic gates shall be equipped with an approved emergency services activated opening device (radio frequency microphone click from fire engines opens gate). OFC 503.1; 503.4; 503.5; 503.6	The turning radius on fire department access roads shall meet Medford Fire Department requirements (OFC 503.2.4).
OFC 903	A fire sprinkler system is required for a Group S-1 occupancy that is used for the storage of upholstered furniture or mattresses when the fire area exceeds 2,500 sq. ft.	Fire sprinkler system requirement information.	Where a fire sprinkler system is required, it shall meet the requirements of the Oregon Fire Code and the applicable National Fire Protection Association (NFPA) Standard.
	Consult the Medford Water Commission for proper water meter sizing for fire sprinkler systems.	Consult the Medford Water Commission for proper water meter sizing for fire sprinkler systems.	

Construction General Information/Requirements

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

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

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

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

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

www.medfordfirerescue.org

Memo



To: Elizabeth Conner, Planning Department
From: Chad Wiltrout, Building Department (541) 774-2363
CC: Delta Waters Lenders, Applicant; Bill Philp, Agent
Date: November 20, 2018
Re: November 21, 2018 LDC Meeting Item #2: AC-18-147/CUP-18-148; (Previous app PA-17-055)

Please Note:

This is not a plan review. Unless noted specifically as Conditions of Approval, general comments are provided below based on the general information provided; these comments are based on the 2014 Oregon Structural Specialty Code (OSSC) unless noted otherwise. Plans need to be submitted and will be reviewed by a commercial plans examiner, and there may be additional comments.

Fees are based on valuation. Please contact Building Department front counter for estimated fees at (541) 774-2350 or building@cityofmedford.org.

For questions related to the Conditions or Comments, please contact me, Chad Wiltrout, directly at (541) 774-2363 or chad.wiltrout@cityofmedford.org.

General Comments:

1. For list of applicable Building Codes, please visit the City of Medford website: www.ci.medford.or.us Click on "City Departments" at top of screen; click on "Building"; click on "Design Criteria" on left side of screen and select the appropriate design criteria.
2. All plans are to be submitted electronically. Information on the website: www.ci.medford.or.us Click on "City Departments" at top of screen; click on "Building"; click on "Electronic Plan Review (ePlans)" for information.
3. A site excavation and grading permit will be required if more than 50 cubic yards is disturbed and/or utilities installed.
4. A separate demolition permit will be required for demolition of any structures not shown on the plot plan.

Comments:

5. The building and building appurtenances shall be designed by an Oregon licensed design professional in accordance with 107.1 and 107.3.4 OSSC (for buildings over 4000 sqft.).
6. A code analysis providing means of egress plan, type of construction, occupancy classification, occupant load, notation of sprinkled or non-sprinkled, fire protection systems, fuel loading/fire areas, etc. shall be required.
7. Building construction shall comply with table 602 and section 705 OSSC for fire separation distance to adjacent buildings and property lines.
8. Modular buildings are required to comply with the Oregon Insignia provisions of OAR 918-674.

9. Self-service storage facilities shall provide accessible individual self-storage spaces in accordance with table 1108.3.OSSC.
10. A geotechnical engineer may be required to provide a design for soils at building locations pursuant to 1803 or the Oregon Structural Specialty Code (usually buildings over 4,000 sf.)
11. Each building - unit cluster - will be a separate permit.
12. The city provided special inspection statement form for inspections may be required by Chapter 17 of the OSSC.
13. Com-check forms shall be required for lighting, mechanical equipment and exterior envelope to show energy efficiency compliance with the 2014 Oregon Energy Efficiency Specialty Code (for any conditioned spaces).
14. Construction located in the flood hazard zone shall comply with ASCE7-10, ASCE 24, and OSSC Section 1612.



City of Medford

Planning Department

Working with the community to shape a vibrant and exceptional city

MEMORANDUM

Subject Delta Waters Secure RV Storage
File no. PA-17-055 (1862 and 1884 Delta Waters Drive)
To Praline McCormack, Planner II
From Carla Angeli Paladino, Principal Planner, Floodplain Coordinator
Date May 16, 2017

SITE CHARACTERISTICS

- Light Industrial (L-I) zoning district; General Industrial (GI) General Land Use Plan designation
- Lone Pine Creek along the southern property boundaries
- Base Flood Elevations established (approximately 1,341 to 1,342 feet)
- Riparian corridor established along the creek
- Portions of the south property lines contain both the 0.2% and 1% Annual Chance Flood Hazard Area (previously known as the 100-year and 500-year floodplains)
- FIRM panel 41029C 1976F effective May 3, 2011

FLOODPLAIN PERMIT REQUIREMENTS

Project Proposal

A pre-application conference to review the construction of a 97-space recreational vehicle storage lot (12 spaces enclosed and 85 covered) including a wash bay and clean out station.

Floodplain Regulations

The Medford Floodplain regulations are found in Sections 9.701-9.707 of the Municipal Code.

A Floodplain Development Permit is required prior to development in the Special Flood Hazard Areas.

The topographic survey provided shows the elevation for the top of bank of Lone Pine Creek. This survey seems to indicate the floodplain is contained near or within the banks of the creek. Verification of the floodplain boundaries on a survey map will help to identify these special hazard areas.

The riparian corridor regulations are found in Sections 10.920-10.928 of the Municipal Code. Future site plans shall identify this elevation information and identify the riparian corridor setback of 50 feet from the top of bank per Section 10.923. Existing fencing or structures within this area also need to be identified and noted if they will be removed or relocated outside of the riparian corridor. A landscape plan documenting the existing trees and vegetation along the creek is needed. The canopy structure proposed along the southern property line will need to be relocated outside of the riparian corridor setback. It appears that if the riparian corridor setback is maintained on the property that there will not be any structures proposed in the floodplain. Information from a licensed engineer or surveyor confirming this is requested.

The formal application shall identify what is proposed near the creek (grading, fill, additional vegetation, etc.).

Floodplain Permit

If structures are proposed in the Special Flood Hazard Area, submit a floodplain application and fee (\$150) along with submittal requirements identified in Section 9.705 (C). An elevation certificate is required at the time of building permit submittal, during construction, and prior to certificate of occupancy.

Submit copies of all necessary permits from other governmental agencies from which approval is required prior to start of construction.

Construction shall be in compliance with applicable building and fire codes.

Expiration of Floodplain Permit

A floodplain Development Permit shall become invalid unless work is started within 180 days after its issuance. Extensions for periods of not more than 180 days each shall be requested in writing.



Planning Department

Working with the community to shape a vibrant and exceptional city

Date: August 22, 2018
To: Matt Brinkley, AICP, CFM, Planning Director
From: Liz Conner, CFM, Planner II
RE: 1862/1884 Delta Waters Road – Riparian Corridor Reduction (GF-18-096)

Request:

Consideration of a request to reduce or deviate from the riparian corridor boundary provisions, pursuant to MLDC 10.927, for a proposed development consisting of the construction of a mini storage facility and RV storage on three parcels totaling 2.36 acres located approximately 321 feet east of Crater Lake Highway on the south side of Delta Waters Road within an I-L/AA/A-C (Light Industrial, Airport Approach Overlay, Airport Area of Concern Overlay) zoning district (371W18AA1200, 1300, 1400).

Background:

The subject property consists of three contiguous parcels totaling approximately 2.3 acres, and is located on Delta Water Road between Crater Lake Hwy and Crater Lake Avenue. The southern portion of the property is encumbered by the riparian corridor of Lone Pine Creek which runs along the southern boundary of the parcels. Per MLDC 10.922, Lone Pine Creek is identified as a protected waterway within the City. As such, a 50-foot riparian corridor - measured horizontally from the top-of-bank on both sides of the creek – is applied to the section of Lone Pine Creek abutting the lot, restricting development within this established corridor. The creek's northerly top-of-bank encroaches slightly within the boundary of the subject lot, with the 50-foot riparian corridor area covering a significant portion of the lot.

Per MLDC 10.927, titled *Riparian Corridors, Reduction or Deviation*; a 50-foot riparian corridor may be reduced if a request to reduce the setback has been approved. MLDC 10.927 reads as follows:

A request to reduce or deviate from the riparian corridor boundary provisions of this section may be submitted to the Planning Director or designee for consideration. A deviation request may be approved as long as equal or better protection of the riparian area will be ensured through a plan for restoration, enhancement, or similar means. Such a plan shall be submitted to the Oregon Department of Fish and Wildlife for a habitat mitigation recommendation pursuant to O.A.R. 635-415 "Fish and Wildlife Habitat Mitigation Policy." In no case shall activities prohibited in Section 10.926 (1) through (3), "Prohibited

Activities within Riparian Corridors" be located any closer than 25 feet from the top-of-bank. The Planning Commission shall be kept advised of the outcome of deviation or reduction requests. Any decision of the Planning Director may be appealed to the City Council as provided in Chapter 10 of the Code of Medford.

Along with the letter for the riparian reduction request (Exhibit A), the applicant has included a letter of recommendation from Oregon Department of Fish and Wildlife (ODFW) (Exhibit B) and a Riparian Planting Plan prepared by a State of Oregon registered all-phase landscape contractor (Exhibit C) consistent with the requirements outlined in MLDC 10.927.

As stated in the submitted letter and illustrated in the submitted Riparian Planting Plan, the applicant is requesting a riparian reduction of 25 feet, which will allow some encroachment to accommodate a bio-swale for storm water treatment and a portion of the storage facility structure.

The applicant's submitted Riparian Planting Plan shows the remaining 25 feet of riparian area to be restored and enhanced within the top of bank. The bio-swale will be planted and irrigated to increase native vegetation within the Riparian Corridor.

Pursuant to MLDC 10.927 cited above, the applicant forwarded the Riparian Planting Plan to ODFW for a habitat mitigation recommendation.

Per the ODFW letter (Exhibit B), the proposed Riparian Planting Plan and addition of bio-swale will provide significant natural area to the current decomposed granite parking lot. It goes on to state that decomposed granite in large quantities can smother and kill incubating salmon and steelhead eggs.

ODFW believes that the proposed reduction to the riparian area will not negatively affect Lone Pine Creek. The addition of 54 native trees and shrubs will meet the planting density recommendations and enhance the present riparian area along Lone Pine Creek as the plantings will assist in cooling Lone Pine Creek and provide habitat for animals that seek refuge in this habitat. As proposed, ODFW does not recommend against the application.

GLUP / Statewide Planning Goals and Policies

The Environmental Element of the *Medford Comprehensive Plan* provides goals, policies, and implementation strategies for improving and maintaining environmental quality in Medford, while accommodating continued growth. The Environment Element is primarily guided by the provisions set forth in *Statewide Planning Goal 5: Open Spaces, Scenic and Historic Places, and Natural resources*, which oversees the protection and conservation of natural resources in Oregon. Included in Goal 5 is the requirement that riparian corridor regulations be applied to those waterways identified as being *fish-bearing streams*, and other waterways having riparian areas determined to be significant. The

August 22, 2018
Matt Brinkley, AICP, CFM, Planning Director
RE: 1862 & 1884 Delta Waters Riparian Reduction Request
Staff Report

means to achieve the objectives of Goal 5 must be set forth in Medford's land use guiding documents: the *Comprehensive Plan* and *Land Development Code*. Medford's Riparian Corridor ordinance, in keeping with the goals and policies established in the Environmental Element of the *Comprehensive Plan*, was adopted on June 1, 2000, to meet the requirements of Goal 5.

Agency Comments

Oregon Department of Fish and Wildlife (Exhibit B)

Peter Samarin, Rogue Assistant District Fisheries Biologist with ODFW, submitted a letter to the applicant in response to their request for their review of the proposed Riparian Planting Plan, with Mr. Samarin forwarding a favorable recommendation.

Recommendation

Staff recommends approval of the applicant's request for a riparian corridor reduction of 25 feet along the site's boundary abutting Lone Pine Creek. Staff has determined that the applicant has submitted the requisite materials as outlined in MLDC 10.927; is not proposing any activities prohibited in Sections 10.926 (1) through (3) to be located any closer than 25 feet from the top-of-bank; and has gained a favorable recommendation from ODFW. It is further staff's view that the submitted Riparian Planting Plan, together with the proposed irrigation system, will provide better protection of the riparian corridor from what currently exists. Therefore, the granting of the riparian corridor reduction request can be made in keeping with the purpose and spirit of both the *Medford Land Development Code*, and the Environmental Element of the *Medford Comprehensive Plan* in its goals to protect and restore Medford's waterways.

Exhibits

- A Applicant's request letter to Planning Director, drafted July 20, 2018
- B Letter of recommendation from ODFW, drafted July 17, 2018
- C Riparian Planting Plan, received August 16, 2017

Planning Director Decision:

- Approval per the Staff Report dated August 22, 2018
- Denial



Matt Brinkley, AICP, CFM
Planning Director

8-23-18

Date



BOARD OF WATER COMMISSIONERS
Staff Memo

TO: Planning Department, City of Medford

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

SUBJECT: AC-18-147 & CUP-18-148

PARCEL ID: 371W18AA TL 1200 & 1400

PROJECT: Consideration to construct a 43,170 square foot self-storage facility on a 2.37 acres parcel zoned I-L (Light Industrial), located approximately 300 feet from the intersection of Delta Waters Road and Crater Lake Highway (HWY 62). (371W18AA TL 1200-1400).

A Conditional Use Permit to allow storm water facilities within the Riparian Corridor of Lone Pine Creek, located approximately 300 feet from the intersection of Delta Waters Road and Crater Lake Highway (HWY 62). (371W18AA TL 1200-1400). Applicant: Delta Waters Lenders; Agent; Bill Philp; Planner: Liz Conner

DATE: November 21, 2018

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

CONDITIONS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.
3. Installation of a Fire Hydrant off the existing 6-inch water line stub located between Lots 1200 & 1300 is required. This fire hydrant will be utilized to provide water to the proposed on-site "dry" stand pipe fire suppression system. Applicant shall coordinate with Medford Fire Department for approved location of proposed Fire Department Connection (FDC). Proposed FDC shall be located outside of public right-of-way.
4. Static water pressure is expected to be near 105 psi. See attached document from the City of Medford Building Department on "Policy on Installation of Pressure Reducing Valves".
5. Installation of an Oregon Health Authority approved backflow device is required for all commercial, industrial, municipal, and multi-family developments. New backflow devices shall be tested by an Oregon certified backflow assembly tester. See MWC website for list of certified testers at the following web link <http://www.medfordwater.org/Page.asp?NavID=35>.

Continued to Next Page

CITY OF MEDFORD
EXHIBIT # Q 1 of 3
FILE # AC-18-147



BOARD OF WATER COMMISSIONERS
Staff Memo

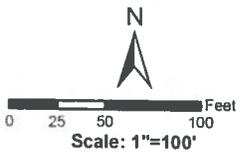
Continued from Previous Page

COMMENTS

1. Off-site water line installation is required. (See Condition 3 above)
2. On-site water facility construction is not required. The "Dry Standpipe" system is not a Medford Water Commission facility, it is a "Private" fire protection system.
3. MWC metered water service does exist to this property. There is an existing ¾-inch water meter located along the Delta Waters Road frontage, approximately mid-lot on Tax Lot 1200 (1884 Delta Waters Rd) that could be used to serve the proposed. There is also a ¾"-inch water meter near the northwest property corner that currently serves the existing building at 1862 Delta Waters Road, which could be utilized for landscape irrigation water meter.
4. Access to MWC water lines is available. There is an existing 6-inch water line in Delta Waters Road.
5. There is also an existing 6-inch water line which is stubbed to the south right-of-way line of Delta Waters Road located near the common property corner of Lots 1200 & 1300. (See Condition 3 above)

Q
2 of 3

38



Water Facility Map
City of Medford
Planning Application:
AC-18-147/CUP-18-148
(Delta Waters Lenders
Self Storage Facility)
November 7, 2018

Legend

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

Page 79

3 of 3
 11/21



This map is based on a digital dataset compiled by Medford Water Commission from a variety of sources. Medford Water Commission cannot be held responsible for errors or omissions, or for any consequences arising from the use of the information. There are no warranties, expressed or implied.

1971



City of Medford

City Attorney's Office

Continuous Improvement ~ Customer Service

MEMORANDUM

TO: Liz Conner, Planner II
FROM: Eric Mitton, Deputy City Attorney
RE: AC-18-147 CUP-18-148
DATE: January 10, 2019

Although the Applicant's Questionnaire Findings do not specifically address the issue of the cross-access easement and paving thereof, Applicant has communicated with this office repeatedly on that topic. During a phone call on January 8, 2019, Mr. Huycke clarified that the challenge was being made on two fronts. First, Applicant challenges the establishment of any cross-access easement under the cases *Nollan* and *Dolan*. Second, if such an easement is established, Applicant challenges the paving of any such easement, contending the easement is not a "maneuvering area" under the Medford Municipal Code where paving is required. For the reasons below, our office respectfully disagrees with each of these two legal assertions. Please place this memorandum in the record.

I. Establishment of a cross-access easement between applicant's business and neighboring businesses is not an unconstitutional taking under *Nollan* and *Dolan*.

A cross-access easement is required by Medford Municipal Code 10.550(3), which states in material part:

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

Because Applicant's property has driveway access onto Delta Waters Road, this provision applies, requiring cross-access to both the east and west.

Under *Nollan v. California Coastal Commission*, 483 US 825 (1987), in order to avoid the requirement constituting a taking, the City must demonstrate an essential nexus between the condition and a legitimate state interest. Here, that standard is met. The cross-access easement, currently required of all businesses on higher order streets, provides connectivity between Applicant's business and neighboring businesses. Providing access for Applicant's customers to access to neighboring businesses without having to enter and then immediately exit Delta Waters Road improves both safety and traffic flow.

411 West 8th Street, Medford, OR 97501

Tel. 541.774.2020 • email: cityattorney@cityofmedford.org • Fax 541.774.2567

www .org

Page 80

CITY OF MEDFORD
EXHIBIT # R of 4
FILE # AC-18-147

It is our understanding that Applicant will argue that there is no essential nexus because Applicant contends that its customers will never use the cross-access easement. Without agreeing that this factual assertion alone would make the cross-access easement a taking under *Nollan*, Staff respectfully disagrees with this factual assumption. There are at least three practical scenarios where Applicant's customers would utilize this cross-access for egress from Applicant's property. First, it provides a far more direct route onto Crater Lake Highway northbound than any other option (please note that the driveway to Applicant's business will be right-in-right-out, so turning left onto Delta Waters is not an option). Second, it allows access to the car wash business at the intersection of Crater Lake Highway and Delta Waters Road, which may be used to vacuum out a vehicle after transporting objects for storage. Finally, it allows access to the gas station immediately adjacent to that car wash business.

Under *Dolan v. City of Tigard*, 512 US 374 (1994), in order to avoid the requirement constituting a taking, the City must demonstrate rough proportionality between the exactions and the impact of the development on legitimate and substantial governmental interests. Here, such proportionality exists. The exaction is minimal: Applicant's proposed site plan already has space for the easement without disrupting or requiring the relocation of any buildings or structures.¹ On the other hand, the impact of eliminating this existing *de facto* access point² onto Applicant's parcel is substantial, since it would direct increased traffic onto a higher-order street near a busy intersection. Cross-access easements like these, that reduce the impacts of driveways onto arterial and collector streets, are currently required for all properties where driveway access is to an arterial or collector street and the contiguous parcels do not abut a lower order street. For all of these reasons, this cross-access easement is proportional in both nature and extent to the impact of the proposed development.

Even setting aside the already-existing *de facto* access point to the County's triangular parcel, and instead looking solely at Applicant's parcel and the stove store due west of it, no *Nollan/Dolan* concern exists with the cross-access easement. If an applicant could avoid establishing a cross-access easement just because its neighbors had not yet established their own cross-access easements, nobody would ever establish cross-access easements. In practicality, though, somebody has to take the first step. When the stove store redevelops, it will be subject to the same code provisions requiring it grant a cross-access, and then the two parcels will have mutual cross-access easements at that time. Cross-access easements can survive a *Nollan/Dolan* inquiry even if a neighboring

¹ Although this easement would not disrupt any buildings or structures, Applicant does currently plan to place trees on top of where the cross-access easement would be located. However, in part because the business at issue is a mini-storage business where the exact layout of landscaping has only so much impact on the business model, relocating these trees to avoid obstructing the easement would not constitute a significant exaction.

² Aerial photographs show tire tracks leading to Applicant's parcel from the driveway to the carwash (technically a separate parcel owned by Jackson County) at the northwest corner of Applicant's parcel.

"R"
2 of 4
47

parcel has not yet granted its own cross-access easement. The nexus still exists because the easement will serve Applicant's customers once the neighbor redevelops and grants its own cross-access easement. The requirement is roughly proportional because the traffic safety and traffic flow benefits in reducing the number of customers who drive in and out of adjacent driveways on a higher-order streets still outweighs the minimal impact of requiring a site plan that contemplates cross-access between neighboring parcels in these situations.

These comments are meant to supplement, and not replace, any comments made by Planning and/or Public Works staff in their respective reports on these issues.

II. The cross-access easement requested here constitutes a "maneuvering area."

With the exception of two situations not applicable here, Medford Municipal Code 10.746 requires paving of "all parking, loading, driveway, and vehicle maneuvering areas." We understand that Applicant will argue that this cross-access easement does not constitute and will not constitute a maneuvering area, because Applicant anticipates that its customers will never use it. However, because of the existing *de facto* access that is taking place onto Applicant's property, as shown in aerial photos, and because of the connectivity to Crater Lake Highway northbound, the car wash, and the gas station, Staff respectfully disagrees with this assumption.

We understand Applicant also will argue that this easement is not a "driveway" or "maneuvering area" because the property directly west of the parcel, a stove store, does not currently provide cross-access, and has, at times, placed a series of rocks along Applicant's western property line. However, that stove store directly west of Applicant is not the only property in that general direction. The triangular parcel to the northwest (owned by Jackson County, and in practical terms the driveway leading to the carwash) is not similarly blocked off. This cross-access easement would connect to that parcel, allowing cars to drive from Applicant's property to the triangular property to the car wash, ultimately reaching those businesses or Crater Lake Highway northbound, without ever crossing the stove property. The cross-access easement would continue to provide this connectivity if the cross-access easement is required. As such, it is a vehicle maneuvering area, and paving is required by Medford Municipal Code 10.746.

Even setting aside the already-existing *de facto* access point to the County's triangular parcel, and instead looking solely at Applicant's parcel and the stove store due west of it, the cross-access easement still constitutes a "maneuvering area" where paving should be required. Even if the stove store's current lack of cross-access easement will prevent any use of the easement on Applicant's property—an assertion with which we do not agree—the easement's purpose is still vehicular maneuvering, and thus it is still a "maneuvering area" as described in Medford Municipal Code 10.746. Vehicles will start to cross that easement as soon as the stove store redevelops, even if they do not do so sooner. And there are very practical implementation and enforcement concerns in asking

Applicant to pave the easement at some unknown future date, when Applicant itself is not seeking any additional development permit.

For these reasons, this Office is of the opinion that requiring a cross-access easement, and paving thereof, are consistent with the Medford Municipal Code and applicable law, including *Nollan* and *Dolan*.

"R"
4 of 4



City of Medford

Planning Department

Working with the community to shape a vibrant and exceptional city

MEMORANDUM

Subject Legal Description
 File no. AC-18-147/CUP-18-148
 To Jon Proud, Engineering
 From Liz Conner, Planning Department
 Date November 7, 2018

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

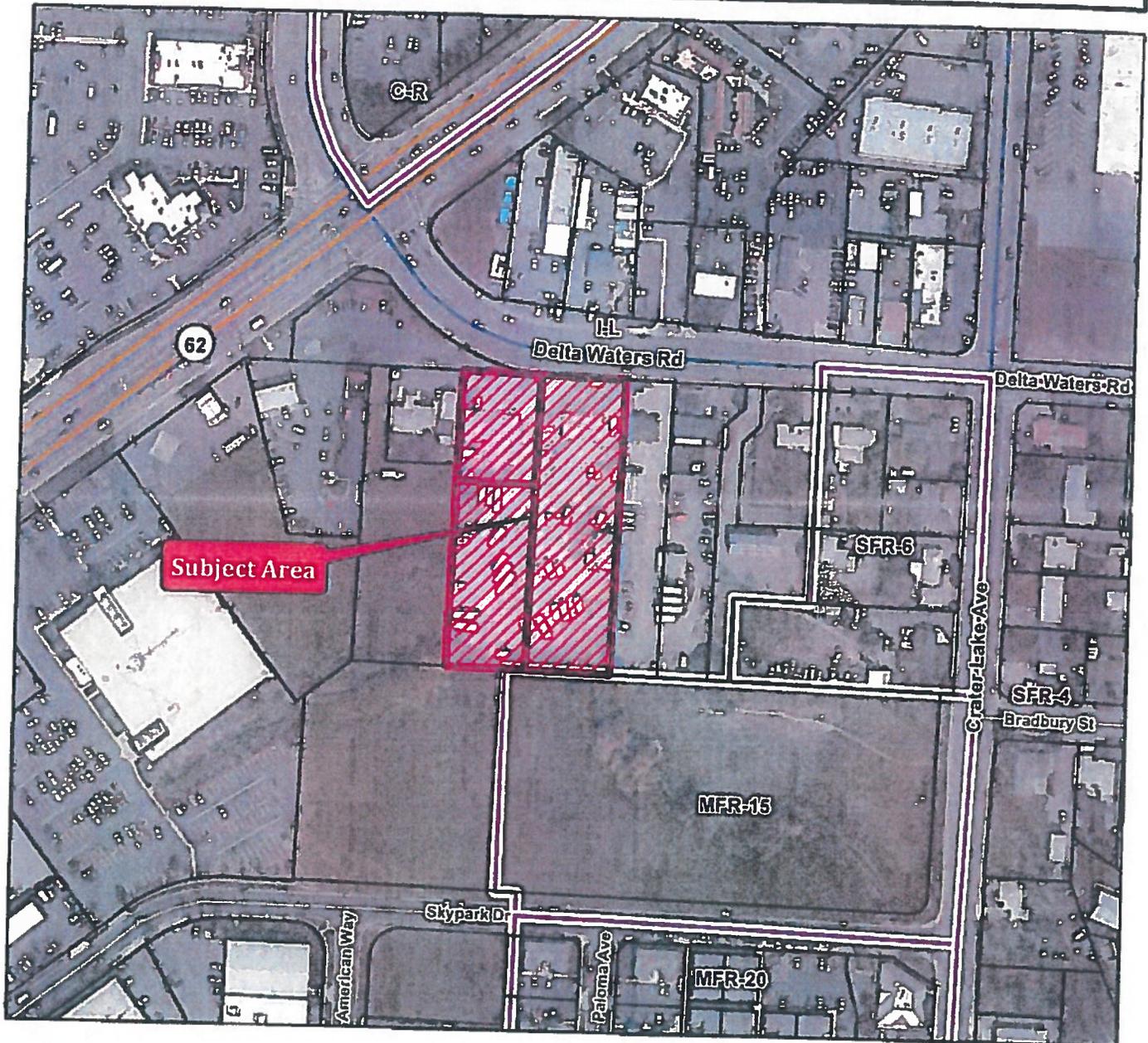
1. AC-18-147/CUP-18-148
 Applicant: Delta Waters Lenders, LLC
 Agent: Bill Philp

Liz, the descriptions describe the "subject area" shown on the attached vicinity map. It should be noted per a cursory review of JC front counter that the parcels might of been created by deed in the 90's without benefit of a partition map. I would suggest that the applicant provide evidence that the properties were configured as described per land division law.
 Thanks, Jon 11-15-18

cp

Attachments:

Vicinity Map, Legal description



Project Name:

**Delta Waters Lenders, LLC
Self Storage**

Map/Taxlot:

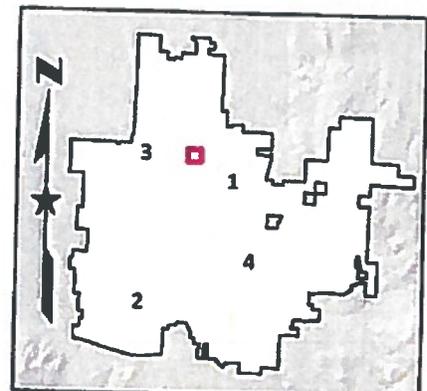
371W18AA TL 1200-1400



10/10/2018

Legend

-  Subject Area
-  Zoning Districts
-  Tax Lots



11511
2013
AD

PARCEL 1:

TRACT A: Beginning at the Southeast corner of Lot 1, Block 2, ROGUE VALLEY HEIGHTS in the City of Medford, Jackson County, Oregon; thence North 89°52' West, along the Southerly line of said lot, 115.0 feet; thence North 0°26'22" East, 428.10 feet, to intersect the Northerly line of said lot; thence South 89°54'50" East, along said Northerly line, 115.0 feet, to the Northeast corner of said lot; thence South 0°26'22" West, 428.22 feet, to the point of beginning.

EXCEPTING THEREFROM the following: Beginning at the Southeast corner of Lot 1 in Block 2 of ROGUE VALLEY HEIGHTS in Jackson County, Oregon, according to the Official Plat thereof, now of record; thence North 89°52' West along the Southerly line of said lot, a distance of 115.0 feet; thence North 0°26'22" East 268.10 feet; thence South 89°54'50" East, 115.0 feet to the East line of said Lot One; thence South 0°26'22" West 268.22 feet to the point of beginning.

TRACT B: Beginning at the Southeast corner of Lot 1 in Block 2 of ROGUE VALLEY HEIGHTS in Jackson County, Oregon, according to the Official Plat thereof, now of record; thence North 89°52' West along the Southerly line of said lot, a distance of 115.0 feet; thence North 0°26'22" East 268.10 feet; thence South 89°54'50" East, 115.0 feet to the East line of said Lot One; thence South 0°26'22" West 268.22 feet to the point of beginning.

PARCEL 2:

Beginning at the Southwest corner of Lot 27, Block 2, ROGUE VALLEY HEIGHTS in the City of Medford, Jackson County, Oregon; thence North 0°26'22" East, along the West line of said Lot 428.22 feet, to the Northwest corner thereof; thence South 89°54'50" East, along the North line of said lot, 125.0 feet; thence South 0°26'22" West, 428.25 feet, to intersect the South line of said lot; thence North 89°52' West, 125.0 feet, to the point of beginning.

"S"
3 of 3



JACKSON COUNTY

Roads

Roads
Engineering

Chuck DeJanvier
Construction Engineer

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

www.jacksoncounty.org

November 16, 2018

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

RE: Consideration of a 43,170 square foot storage facility and a Conditional Use Permit for storm water on a 2.37 acre parcel on Delta Waters Road - a City maintained road. And near Highway 62 – an ODOT maintained road
Planning File: AC-18-147 / CUP-18-147

Dear Elizabeth:

Thank you for the opportunity to comment on consideration to construct a 43,170 square foot storage facility and a Conditional Use Permit for storm water facilities within the Riparian Corridor of Lone Pine Creek on a 2.37 acre parcel zoned I-L (light Industrial), located approximately 300 feet from the intersection of Delta Waters and Highway 62

1. Please contact the Oregon Department of Transportation for comments.

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

Sincerely,

Chuck DeJanvier
Construction Engineer

Liz A. Conner

From: Amber Judd <JuddAJ@jacksoncounty.org>
Sent: Tuesday, November 13, 2018 12:28 PM
To: Liz A. Conner
Subject: File No. AC-18-147/CUP-18-148 Project Name: Delta Waters Lenders-Self Storage Facility

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Elizabeth,

The Airport requests an Avigation, Noise and Hazard Easement be a requirement of this project. In addition, due to the proximity to the Airport, the applicant needs to contact the FAA regarding filing a 7460-1 Notice of Proposed Construction or Alteration. The FAA contact is: Paul Holmquist, phone (206) 231-2990.

I have inserted some information below from the FAA's website:

The requirements for filing with the Federal Aviation Administration for proposed structures vary based on a number of factors: height, proximity to an airport, location, and frequencies emitted from the structure, etc. For more details, please reference CFR Title 14 Part 77.9.

You must file with the FAA at least 45 days prior to construction if:

- Your structure will exceed 200 ft above ground level
- Your structure will be in proximity to an airport and will exceed the slope ratio
- Your structure involves construction of a traverseway (i.e. highway, railroad, waterway, etc...) and once adjusted upward with the appropriate vertical distance would exceed a standard of 77.9(a) or (b)
- Your structure will emit frequencies, and does not meet the conditions of the FAA Co-location Policy
- Your structure will be in an instrument approach area and might exceed part 77 Subpart C
- Your proposed structure will be in proximity to a navigation facility and may impact the assurance of navigation signal reception
- Your structure will be on an airport or heliport
- Filing has been requested by the FAA

If you require additional information regarding the filing requirements for your structure, please identify and contact the appropriate FAA representative using the Air Traffic Areas of Responsibility map for Off Airport construction, or contact the FAA Airport Region/District Office for On Airport construction.

Results

You exceed the following Notice Criteria:

Your proposed structure exceeds an instrument approach area by approximately 32 feet and aeronautical study is needed to determine if it will exceed a standard of subpart C of 14CFR Part 77. The FAA, in accordance with 77.9, requests that you file.

Your proposed structure is in proximity to a navigation facility and may impact the assurance of navigation signal reception. The FAA, in accordance with 77.9, requests that you file.

77.9(b) by 17 ft. The nearest airport is MFR, and the nearest runway is 14LF/32RF.

The FAA requests that you file.

Thank you,

Amber Judd

Deputy Director-Administration
Rogue Valley International-Medford Airport (MFR)



1000 Terminal Loop Parkway, Suite 201
Medford, Oregon 97504
541-776-7222

"U"
2012

2019 Image from Google Earth



CITY OF MEDFORD
EXHIBIT # V 1 of 3
FILE # AC-18-147

June 28, 2018 image from Google Earth



"V"
2 of 3

August 22, 2012 Image from Google Earth



"V"
3 of 3

RECEIVED

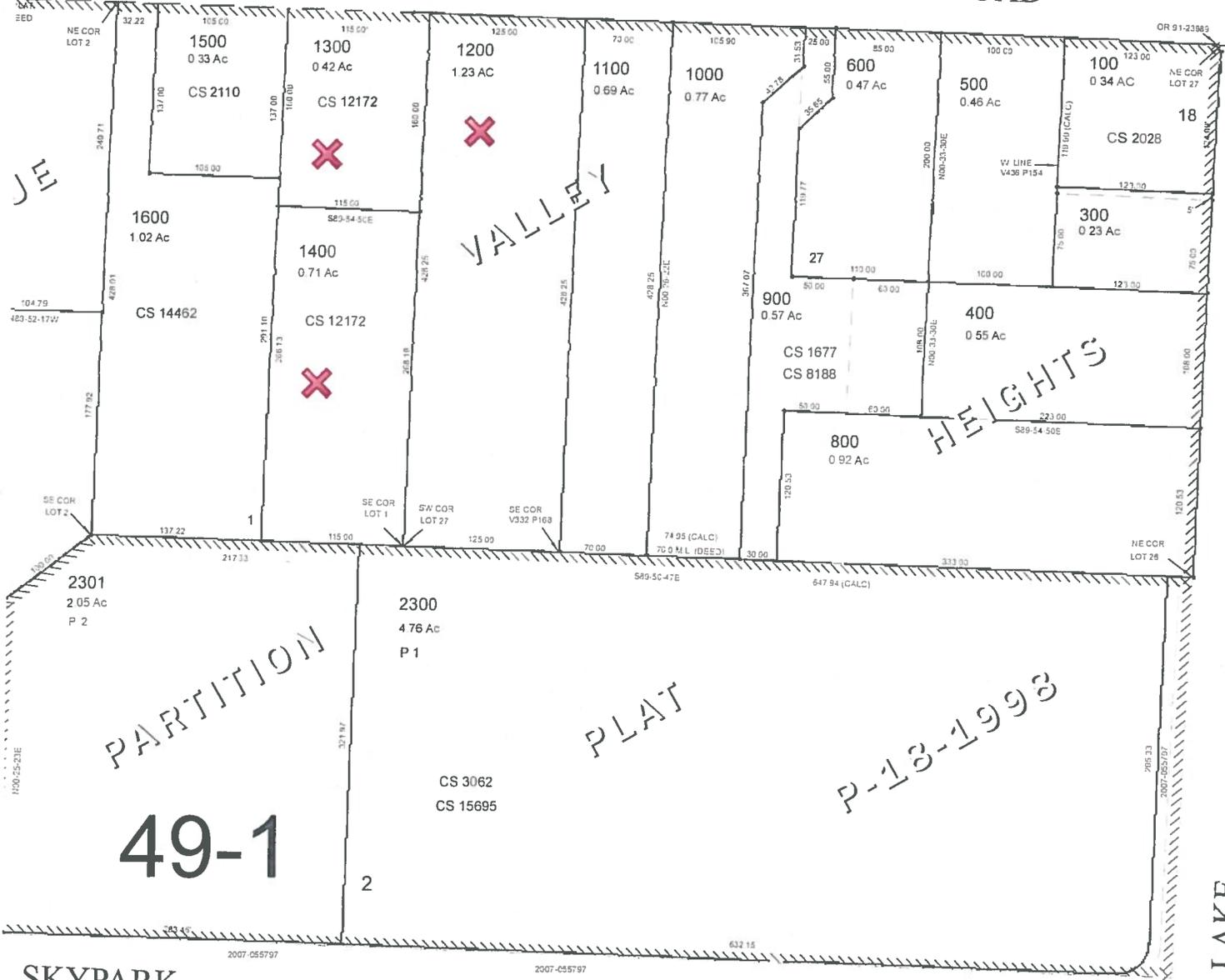
OCT 04 2018

PLANNING DEPT.

N.E.1/4, N.E.1/4, SEC.18, T.37S., R.1W., W.M.
JACKSON COUNTY
1" = 100'

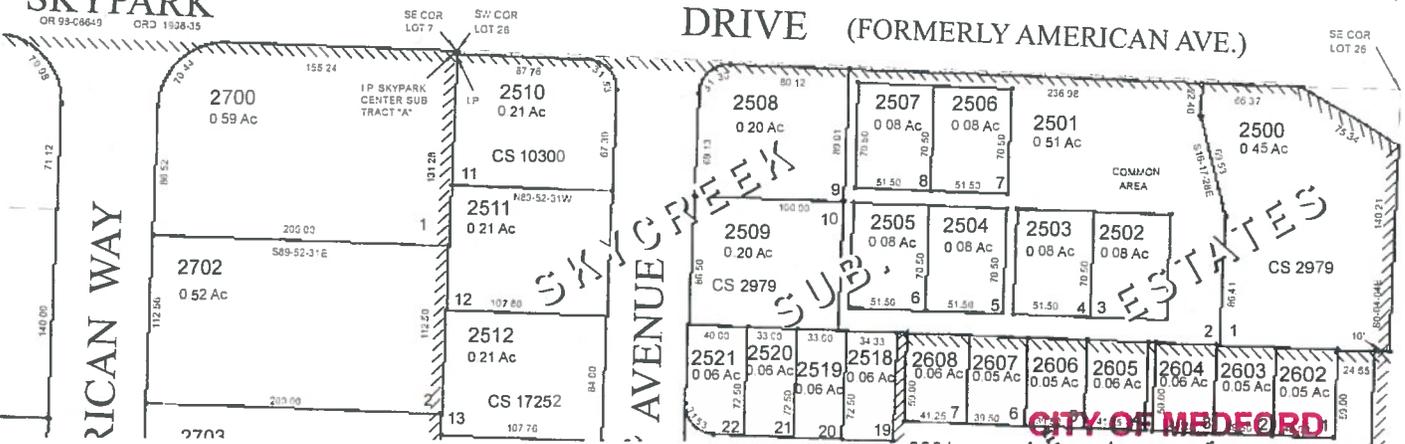
SEE MAP 37 1W 7DD

DELTA WATERS ROAD



SKYPARK

DRIVE (FORMERLY AMERICAN AVE.)



CITY OF MEDFORD
EXHIBIT # W
FILE # AC-18-147



HUYCKE
O'CONNOR
JARVIS, LLP

ATTORNEYS AT LAW



MEDFORD OFFICE

823 Alder Creek Drive
Medford, OR 97504
541-772-1977
Fax: 541-772-3443

ASHLAND OFFICE

320 East Main Street
Suite 209
Ashland, OR 97520
541-482-8491
Fax: 541-772-3443

office@medfordlaw.net
www.mcdfordlav.net



Partners

Patrick G. Huycke
Daniel B. O'Connor *
Darrel R. Jarvis
Sydney B. Dreyer
Erik J. Glatte **
Erik C. Larsen

Associates

H. M. Zamudio
Jacquelyn Bunick

*Also admitted in Washington
**Also admitted in Idaho

Writer's Direct E-mail:
pgh@medfordlaw.net

Writer's Assistant:
Renne Dal Santo

January 17, 2019

City of Medford
Planning Department
attn: Liz Conner
200 S. Ivy St.
Medford, OR 97501

RE: Delta Waters Self Storage; AC-18-147

Dear Ms. Conner:

This letter is submitted in response to the Staff Report for the above application and, particularly, in response to the Memorandum, dated January 10, 2019, submitted by Eric Mitton, Deputy City Attorney. Please place this letter in the record.

Issues:

The concerns of the applicant are:

- 1) The applicant should be compensated for the value of the cross-access easement because the exaction is a taking;
- 2) The cross-access easement should not be paved until use of the cross-access easement can commence; and
- 3) The City should pay for the development and paving of the roadway.

Facts Concerning Property:

For many years, the subject property has been used for RV storage; rental of construction and mechanical shop and storage space; professional offices; and rental of light industrial manufacturing, showroom and storage space. All of these uses have taken place concurrently. RV storage has included up to 70 - 80 vehicles. Presently, there are two open,

unimpeded access points from Delta Waters Road to the two existing buildings on the subject property, whereas there will be only one gated access point to the proposed self-storage development. Compared to the current usage of the subject property, the self-storage facility will have less impact on public facilities.

The proposed access easement will connect on the north to Tax Lot 2200, on the west Tax Lot 1500 and 2200 and on the east to Tax Lot 1100. The property to the north of the subject property (Tax Lot 2200) is owned by Jackson County and, since approximately 2001, has been leased to Crater Carwash. The property was deeded to Jackson County by the City of Medford in 1997. The property includes parking and maneuvering areas and vacuum units used by carwash customers. The property to the west of the subject property (Tax Lot 1500) is owned by Gene and Trudy Bradley. For many years, it has been the location of Smokey's Stoves. The property to the east of the subject property is owned and occupied by Curtis-Huntley Plumbing, Inc. The City Attorney, in his Memorandum is incorrect in stating that the cross-access easement can be developed without crossing over the Smokey Stove property, Tax Lot 1500. Tax Lot 1700 lies to the south of Tax Lot 2200. This is the location of Crater Car Wash. Tax lot 1800 lies to the south and west of Tax Lot 1700 and is the location of a gas station owned by Truax Corporation.

There are no appurtenant easements benefitting the subject property that provide access rights for owners and occupants of the subject property over and across Tax Lots 2200, 1500 and 1100 and other nearby properties. Before the Delta Waters/Crater Lake Highway intersection was redeveloped, the subject property had access to Delta Waters Road at its northwest corner. With the redevelopment of the intersection, this direct access was eliminated. Now, in order to access Delta Waters Road from the northwest corner of the subject property one has to cross Tax Lot 2200. The driveway access on the subject property that would allow this to occur has been blocked by boulders for many years.

Contrary to the City Attorney's suggestion, the proposed access easement will not allow the applicant and its customers to access the northbound lanes of Crater Lake Highway. To do that, the customers would have to travel across Tax Lots 1500, 2200, and 1700, and enter upon Tax Lot 1800. The applicant and its customers have no right to do this.

"X"

Argument:

1) The applicant does not question the legitimate government purpose of the cross-access easement requirement. The City's designation and development of Delta Waters Road as a major arterial is the reason a cross-access frontage road makes sense.

2) There is no additional burden on public facilities caused by the proposed development that justifies the imposition of the cross-access easement requirement. Traffic generated by the development will be less than the traffic that currently exists, which consists of traffic for the businesses identified above, and unimpeded traffic over and across the front yard of the subject property through the two access points on Delta Waters Road.

3) The cross-access easement will not benefit the subject property. A-25 foot swath of property, which could otherwise be used for the development, will be lost. The easement will go no where. The applicant has no right to create driveways and travel over and across Tax Lots 2200, 1500 and 1100 and other nearby properties. The owners and occupants of the adjacent properties will not look kindly on vehicles and trailers trying to maneuver through their properties. Few customers of the self-storage facility will have reason to want to cross over to the other properties. If the applicant felt the cross-access easement was going to benefit its property and customers, it would support the imposition. The only entity benefitting from the cross-access easement imposition is the City of Medford because the easement will allow it to limit access points to Delta Waters Road in the future.

4) The cross-access easement is a substantial burden on the applicant and its property. Without it, the applicant could develop more self-storage units, or the applicant could maintain aesthetically pleasing landscaping in front of its development. The City Attorney argues that the "exaction is minimal: Applicant's proposed site plan already has space for the easement..." That argument doesn't make sense; space for the easement is provided for because of MMC 10.550. The question here is whether the applicant should be compensated for the exaction. If and when cross-access easements are granted on neighboring properties because those properties are being further

"X"

developed, it is likely that access to Delta Waters Road for some or all of the other properties will be eliminated. The other properties will access Delta Waters from the access road on the applicant's property. This will impose a substantial burden/detriment on the applicant's property because it will interfere with the free flow of traffic to and from the applicant's property.

5) The elimination of the access easement will not affect the flow of traffic from Smokey's Stoves, carwash and gas station customers as asserted by the City Attorney in his Memorandum. These customers have access on to Delta Waters Road directly from Tax Lot 2200. There is no reason for them to go on to the applicant's property in order to access Delta Waters.

6) The cross-access easement will not be used until the three other adjacent properties are developed and are required to grant reciprocal cross-access easements. In fact, the easement that the applicant is required to grant will not become a "cross-access" easement until the owners of the other properties grant the reciprocal easements. Until then, the owners of the other properties have the right to block the trespass by self-storage customers over their properties. The requirement in MMC 10.550 that a cross-access easement be granted does not include a requirement that an access road be built. There is nothing in the MMC that requires the construction and paving of a access road until it becomes a "maneuvering area" per MMC 10.746. MMC 10.550 contemplates that the grant of a cross-access easement will not necessarily result in the immediate construction of an access road; it provides: "[s]ite design must accommodate future use of such accesses" (emphasis added). The applicant's site design complies with this requirement. Until the cross-access easement can be used, it will not be a maneuvering area. When reciprocal cross-access easements are granted, the applicant understands the access road will have to be paved.

7) The applicant understands that the City can impose the cross-access easement requirement. This right does not allow the city to avoid a Nolan/Dolan inquiry as to whether or not the requirement constitutes a taking for which compensation is required, just like the taking of additional right of way for Delta Waters Road. If the requirement of a cross-access easement is a taking, then the City should

" X "

pay for the paving of the access road.

8) MMC 10.746, which imposes the paving requirement for maneuvering areas, contemplates that existing unpaved parking areas must be paved "where existing parking facilities are excavated and re-installed." If MMC 10.746 can be applied to require a landowner to pave existing parking areas sometime in the future, it can be applied to require the paving of a future maneuvering area. The elimination of a current paving requirement for the cross-access road does not result in "practical implementation and enforcement concerns" that don't already exist (quotation taken from City Attorney's Memorandum).

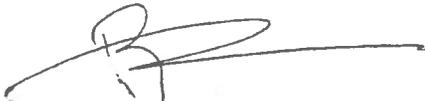
Conclusion:

The applicant proposes that the commission find:

- 1) there is no proportionality between the exaction of the cross-access easement with the impact of the development;
- 2) the requirement that the applicant provide a cross-access easement is a taking that requires compensation, just like the taking of additional right of way for Delta Waters Road;
- 3) when and if the cross-access easement is contiguous to other cross-access easements and can thus be used, it shall be paved; and
- 4) the City of Medford shall cause the cross-access easement to be developed and shall pay the costs thereof.

Respectfully submitted,

HUYCKE O'CONNOR JARVIS, LLP



PATRICK G. HUYCKE

PGH:rds



Liz A. Conner

From: Pat Huycke <pgh@medfordlaw.net>
Sent: Thursday, January 17, 2019 2:42 PM
To: Liz A. Conner
Subject: FW: Delta Waters Self Storage; AC-18-147
Attachments: DOC.PDF

Hi Liz:

See the email, below and the attachment. I'm resending them because I had a typo in your email address.
Pat H.

----- Original Message -----

From: PGH
To: Liz Conner <lizl.conner@cityofmedford.org>
Sent: 1/17/2019 2:31PM
Subject: Delta Waters Self Storage; AC-18-147

Hello Liz:

Following up on our telephone conversation, please see the attached letter, which I request be made part of the record in the above matter.

Tomorrow, at the hearing, I will be requesting that the hearing be continued until Friday, February 1, in order to give the SPAC time to consider my letter.

Please confirm your receipt of this letter.

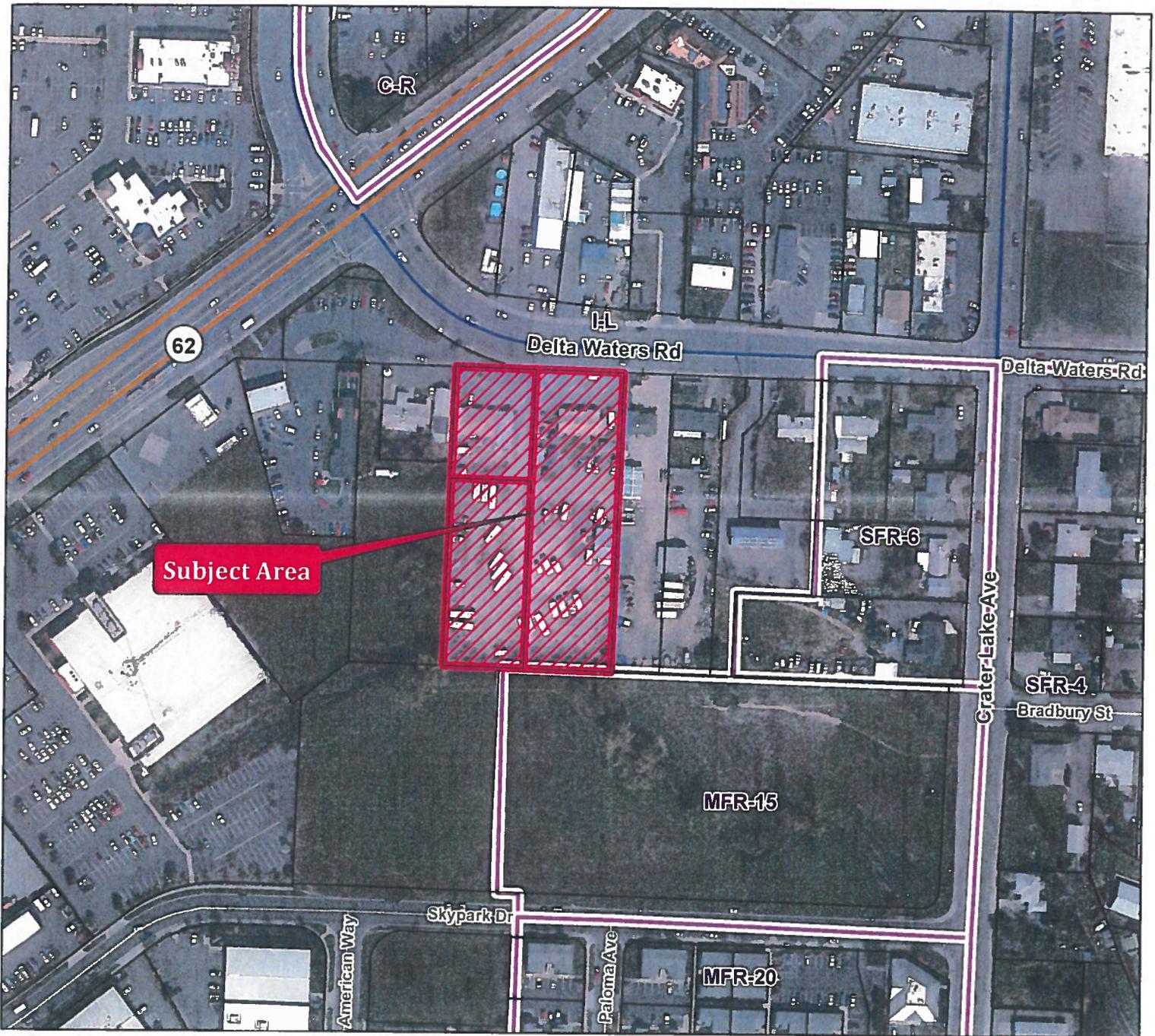
Let me know if you have any questions or concerns.

Thanks.

Patrick G. Huycke
Huycke O'Connor Jarvis, LLP
823 Alder Creek Drive
Medford, OR 97504
Phone: 541-772-1977
Fax: 541-772-3443

The information contained in this e-mail is intended only for the use of the designated recipients named above. This email, and any documents, files or previous e-mails attached to it, may be a confidential attorney-client communication or otherwise privileged and confidential. If you are not the intended recipient, you are hereby notified that you have received this transmittal in error, and that any review, dissemination, distribution or copying of the transmittal is STRICTLY PROHIBITED. If you have received this e-mail in error, please notify us immediately by telephone at 541-772-1977. Thank you.

IRS Circular 230 disclosure: To comply with regulations of the Internal Revenue Service, we are required to inform you that this communication, if it contains advice relating to Federal taxes, cannot be used for the purpose of (i) avoiding penalties that may be imposed under Federal tax law, or (ii) promoting, marketing or recommending to another party any transaction or matter addressed in this communication.



Subject Area

Project Name:
**Delta Waters Lenders, LLC
 Self Storage**

Map/Taxlot:
371W18AA TL 1200-1400



10/10/2018

Legend

-  Subject Area
-  Zoning Districts
-  Tax Lots

