

# SITE PLAN & ARCHITECTURAL COMMISSION AGENDA JUNE 3, 2016



## Commission Members

Jeff Bender, Chair

Jim Quinn, Vice Chair

Jim Catt

Bill Chmelir

Tim D'Alessandro

Bob Neathamer

Marcy Pierce

Curtis Turner

Rick Whitlock

City Council Liaison - Dick Gordon

City Council Liaison Alt. - Eli Matthews

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

June 3, 2016

12:00 noon

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

- 
10. Roll Call.
  20. Consent Calendar (voice vote). None
  30. Minutes.
  - 30.1 Consideration for approval of minutes from the May 6, 2016, meeting.
  40. Oral and Written Requests and Communications.  
Comments will be limited to 3 minutes per individual or 5 minutes if representing an organization. **PLEASE SIGN IN.**
  50. Public Hearings.  
Comments are limited to a total of 10 minutes for applicants and/or their representatives. You may request a 5-minute rebuttal time. All others will be limited to 3 minutes per individual or 5 minutes if representing a group or organization. **PLEASE SIGN IN.**

#### New Business

- 50.1 AC-15-115 / E-16-042 Consideration of plans for the construction of a 3,750 square foot addition to an existing metal industrial building and associated exception request to eliminate public right-of-way dedications and standard street improvements, situated on a 4.73 acre parcel located on a privately maintained access road that is approximately 970 feet north, then 1,350 feet east of the intersection of Bateman Drive and Table Rock Road (362W36A TL 802, 5600 Table Rock Rd). (JDT Trucking, Applicant; CSA Planning LTD/Jay Harland, Agent)
- 50.2 AC-16-029 / E-16-030 Consideration of plans for a 22,290 square foot, 108 dwelling unit multiple-family residential building and two Exception requests for building height and setback relief on approximately 1.23 acres extending between Almond Street and the I-5 viaduct approximately 300 feet south of East Main Street, within the C-S/P (Service Commercial and Professional Office) zoning district. (Map lots 371W30BD TL 4400, 4401, 4601, and 4701). (Almond Rentals, LLC., Applicant; Oregon Architecture, Agent)

**60. Written Communications.**

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

**70. Unfinished Business. None**

**80. New Business.**

**90. Report from the Planning Department.**

**100. Messages and Papers from the Chair.**

**110. Propositions and Remarks from the Commission.**

**120. City Council Comments.**

**130. Adjournment.**



## Site Plan and Architectural Commission

# Minutes

From Public Hearing on May 6, 2016

The regular meeting of the Site Plan and Architectural Commission was called to order at 12:00: noon in the Council Chambers on the above date with the following members and staff in attendance:

### Commissioners Present

Jeff Bender, Chair  
Jim Quinn, Vice Chair  
Jim Catt  
Tim D'Alessandro  
Bob Neathamer  
Curtis Turner  
Rick Whitlock

### Staff Present

Jim Huber, Planning Director  
Kelly Akin, Principal Planner  
Eric Mitton, Senior Assistant City Attorney  
Sarah Sousa, Planner IV  
Desmond McGeough, Planner III  
Doug Burroughs, Public Works/Eng Development Services Manager  
Karl MacNair, Transportation Manager  
Debbie Strigle, Recording Secretary

### Commissioners Absent

Bill Chmelir, Excused Absence  
Marcy Pierce, Excused Absence  
Dick Gordon, City Council liaison

10. Roll Call.

20. Consent Calendar/Written Communications. None.

30. Minutes.

30.1 The minutes for the April 15, 2016, meeting, were approved as submitted.

40. Oral and Written Requests and Communications. None.

50. Public Hearings.

Eric Mitton, Senior Assistant City Attorney, read the rules governing the public hearings.

### Old Business.

50.1 **AC-15-162** Consideration of a 18.83 acre master site plan for the Northgate Office Park and final site plan for an 8.5 acre portion of the Northgate Office Park consisting of 58,243 square feet of commercial and office building. Subject site is bounded between Highway 99 to the northeast, North Central Avenue on the northwest and Highway 238 on the south within the C-S/P (Service Commercial /Professional Office) and I-L (Light Industrial) zoning districts. (Tatum Real Estate, Inc., Applicant/Agent)

Chair Bender asked for any potential conflicts of interest or ex-parte communications. There were none.

Desmond McGeough, Planner III, read the approval criteria, and gave a PowerPoint presentation of the April 29, 2016, Staff Report. Staff recommended approval and adoption of the Final Order.

There was some discussion regarding the mid-block access. Mr. McGeough stated they had talked to Don Morehouse, Oregon Department of Transportation (ODOT), and Mr. Morehouse's position was that this mid-block access was definitely a preferred alternative to the existing access point. If ODOT has

jurisdiction and declines to allow the mid-block access, Mr. McGeough said that staff would be comfortable with the temporary access if it is indeed temporary.

Commissioner D'Alessandro wanted to know how the trolley-only access would be facilitated.

Karl MacNair, Transportation Manager, spoke to the trolley-only access saying the exact details of how the trolley crosses the street have not been fully flushed out yet. He said a recommendation had been given in the Public Works Staff Report that the applicant shall provide design for the accesses on both sides of North Central Avenue to a sufficient level of detail that the City can confirm that the proposed movements can be accommodated while still providing the necessary restrictions.

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

a) Dillon Tidwell, Tatum Real Estate, recognized the assistance and work done by staff members and said they had done a great job. Mr. Tidwell made some general comments regarding the project. He stated they were in agreement with the Conditions of Approval and modifications regarding the sidewalks. Mr. Tidwell had three requests for modification of the conditions:

- 1) Exhibit A-1 Discretionary Condition #5: Mr. Tidwell asked that in the event this is still under ODOT jurisdiction, and after an application process the mid-block access gets denied, they did not want to be left without an access point on North Central Avenue.
- 2) Exhibit K-1, 2A: They would like clarification that whoever triggers the 300,000 square foot building permit that they would be required to construct the right turn lane.
- 3) Exhibit K-1, 3.1: Mr. Tidwell asked that the Commission allow them to construct the left turn-in access from Central Avenue without the sign-off from other property owners.

Commissioner Whitlock suggested that if the applicant has proposed changes to staff's recommendations, they bring in language they think might address the issues so the Commission knows clearly what the applicant's positions are. Commissioner Whitlock asked for clarification on the applicant's second request regarding the 300,000 square foot building permit and construction of the right turn lane.

Mr. Tidwell reiterated he wanted clarification that the construction of the right turn lane would not be required by Tatum Real Estate if they are not the ones who trigger the 300,000 square foot building permit. He added he felt that was the intent of the Disposition and Development Agreement (DDA).

Mr. Tidwell reserved time for rebuttal.

b) Don Morehouse, ODOT, spoke to the mid-block access point issue. He said it is currently under ODOT jurisdiction; however, a transfer to the City of Medford is currently in the approval process and is likely to be approved. He added that local ODOT officials do not have any objections to the mid-block access as it does make the most sense.

Mr. MacNair spoke to the applicant's request to construct the left turn-in access without the sign-off of the other property owners. He referenced the Public Works Department Staff Report recommendation.

Commissioner Whitlock asked if it was a good idea, from staff's perspective, to allow this trolley to cross and allow this left-turn access; and also if it is absolutely necessary that the other affected property owners provide notarized consent. Mr. MacNair explained that the trolley service was not something city staff required but was proposed by the original development as a way to reduce the total number of trips from one part of the development to another. Given that it was the basis of the original approval, the trolley service needed to be accommodated in order to allow the full build-out of the development based on the original study that was done. Mr. MacNair went on to talk about the impact of the left

turn-in access and said staff did not feel determining whether or not it was a substantial impact to the trolley service was staff's call to make. He commented that the trolley service is not absolutely required by the development, it is required at the point that the development builds enough square footage to bump up against the trip cap for the development. At that point, the developers would have two options: 1) implement the trolley service or 2) development would not be able to continue past that trip cap.

Mr. MacNair confirmed that the jurisdictional transfer is moving forward and ultimately would need to be approved by the City Council.

Mr. Tidwell spoke to the left-turn in off of Central Avenue. He stated what was more important than the trolley would be the operational benefits to the overall function of the intersection surrounding Northgate. He said it would be improved with the left-in turn access.

The public hearing was closed.

Motion: This Commission accepts the applicant's findings and adopts the Final Order for approval of AC-15-162 per the Revised Staff Report dated April 29, 2016, including Exhibits A-1 through R-1 and including the following:

- 1) This Commission finds that the applicant's parking study has demonstrated that the number of needed parking spaces for the proposed uses is 270, which is less than the 330 spaces required by the Development Code and the 374 spaces on the proposed Phase 1 site plan.
- 2) Add to Condition of Approval #5 additional language that if ODOT has jurisdiction over Central Avenue and will not permit mid-block access, the proposed temporary access would be allowed on a temporary basis only until the mid-block access is approved.
- 3) On page 8 of "Exhibit K-1", Summary of Conditions of the Public Works Report, Condition #2, effectively regarding the public street improvements required of the development, the Commission adds that the entity that pulls the building permit that exceeds the 300,000 square-foot trigger requiring improvement of the north bound Central Avenue right hand turn lane, will be the applicant and development that will construct the Central Avenue lane improvement.
- 4) The Commission further amends the Public Works Report, page 4 of "Exhibit K-1", that the language regarding a condition requiring the applicant to submit notarized documents from all other owners of the Northgate Center development be removed, and that it not be a condition for approval.

Moved by: Commissioner Whitlock

Seconded by: Commissioner Neathamer

Commissioner Whitlock stated he fully supported the movement of the northerly access to the mid-block. He said he does recognize that there will be some delay time if ODOT remains in jurisdiction over Central Avenue for a period of time. He explained that the intent of the motion was to allow the applicant to move forward with the development during the delay process. Mr. Whitlock said he was in agreement with staff that it would be a good idea to have consent from the other property owners, but also thought it would be easy for the other property owners to let their profit motivation interfere with good judgement with respect to the traffic movements. He said there may need to be some hard decisions made regarding possible delays that may occur to the trolley service in connection with crossing the street, but that is fairly minimal compared to the benefit of the left-turn only lane into the development.

Roll Call Vote: Motion passed, 7-0

New Business.

50.2 AC-16-033 Consideration of plans for the construction of a 17-unit multi-family residential project on two parcels totaling 0.46 acres, located on the east side of North Front Street, approximately 120 feet south of East Jackson Street, within the C-H (Heavy Commercial) zoning district. (Commercial Counsel Inc., Applicant; Access, Agent)

Chair Bender asked for any potential conflicts of interest or ex-parte communications. Commissioner D'Alessandro disclosed that his wife is employed by Access but it would not affect his decision and he could remain impartial. Chair Bender disclosed he has business relationships with Access but on this particular project he sees no potential conflict of interest and will not let any of those relationships affect his decision.

Sarah Sousa, Planner IV, gave a PowerPoint presentation of the April 29, 2016, Staff Report. Staff recommended approval.

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

a) Mary Hart, Access, agent for the applicant, stated she had a concern regarding Condition of Approval #1, submitting a mechanical equipment screening detail consistent with MLDC Section 10.782. Her major concern was with adequate air flow. She said she would like the Commission to consider the building screening as being sufficient.

Chair Bender commented that the back of the building, although it does front an alley, is still visible from Central Avenue. He said they usually find that most any mechanical unit that is required to be screened per Code can be allowed to have adequate air flow.

Commissioner Neathamer pointed out the mechanical equipment screening requirement is code-driven so Ms. Hart's request would require an exception. He did not think the Commission could grant the request without one.

Mr. Mitton said given the mandatory language of the code regarding screening, an exception request would have been needed for Ms. Hart's request.

Kelly Akin, Principal Planner, pointed out there are different ways to screen equipment such as with architectural and landscaping elements. She said each equipment unit has a particular clearance requirement and those are different based on the manufacturer. She said whatever is used would have to meet that standard so it does not get so congested it fails.

Chair Bender reserved rebuttal time for Ms. Hart.

The public hearing was closed.

Motion: Adopt the Final Order, as per the Staff Report dated April 29, 2016, including Exhibits A through U, and including the following:

- 1) The Final Order shall state that the criterion in MLDC §10.290(1) is not applicable to this application as regulated by ORS 197.307(4).
- 2) That the applicant be required to comply with RVTD's e-mail dated April 7, 2016, Exhibit Q.

- 3) The Commission finds the parking analysis provided by the applicant demonstrates that the number of needed parking spaces is 17 and not the 26 required by the Medford Land Development Code.

Moved by: Commissioner Whitlock

Seconded by: Commissioner Neathamer

Commissioner Whitlock commented that although he was sympathetic to the operational aspect of the mechanical equipment, he thought it was important that some sort of screening be consistently applied.

Ms. Sousa clarified that the number of parking spaces is 18 not 17 as there is also a small motorcycle parking space.

Friendly Amendment: The motion should read 18 spaces and not 17 as indicated in the original motion.

Made by: Commissioner Whitlock

Accepted by: Commissioner Neathamer

There was no opposition to Commissioner Whitlock’s Friendly Amendment.

Roll Call Vote: Motion passed, 7-0

60. Written Communications.

60.1 CUP-16-022/E-16-023 Consideration of a request for a Conditional Use Permit for the Kids Unlimited Public Charter School Master Campus Plan to allow for the expansion of existing facilities; including but not limited to 18,000 square foot multipurpose building, a two classroom modular building and outdoor athletic field. The Applicant has submitted an associated Exception Application requesting relief from street side setbacks, maximum lot coverage, and reduction of public right-of-way for Edwards Street and Austin Street. The subject site is located west of Riverside Avenue, south of Edwards Street, east of Niantic Street and north of Austin Street. The campus is located in the SFR-10 (Single Family Residential -10 units per gross acre), MFR-20 (Multiple-Family Residential – 20 units per gross acre and C-C (Community Commercial) zoning districts and encompasses approximately 2.8 net acres. (Kids Unlimited of Oregon, Applicant; Scott Sinner Consulting Inc., Agent)

Chair Bender asked for any potential conflicts of interest or ex-parte communications. There were none.

Desmond McGeough, Planner III, read the approval criteria, and gave a PowerPoint presentation of the staff report dated April 29, 2016.

There was some general discussion regarding parking.

Commissioner Quinn asked if this project might come back to this Commission at a later date. Mr. McGeough answered no.

Motion: Adopt the staff’s recommendations as per the Staff Report dated April 29, 2016, and forward to the Planning Commission. The recommendations are as follows:

1. Revise landscape plan per the Parks Department Memorandum dated April 20, 2016 (Exhibit N).
2. The fronting landscape area along Riverside Avenue shall be a minimum of ten feet as required by the Medford Land Development Code.
3. A minimum of eight bicycle stalls be shall be included near the front entry.

- 4. HVAC units of the modular buildings shall be screened from view with a wood or vinyl fencing material.

Moved by: Commissioner Whitlock

Seconded by: Commissioner Neathamer

Friendly Amendment: Add recommendation # 5 to the original motion:

- 5. Recommend approval of the requested exception to the high water usage standards.

Made by: Commissioner Whitlock

Accepted by: Commissioner Neathamer

There was no opposition to Commissioner Whitlock's Friendly Amendment.

Commissioner Whitlock commented that all these recommendations made perfect sense. He said he appreciated the applicant's and staff's willingness to give this Commission the opportunity to give their input.

Chair Bender concurred with Commissioner Whitlock and said he found the application very supportable in all of its aspects such as appearance and architecture.

Roll Call Vote: Motion passed, 7-0

70. Unfinished Business. None.

80. New Business. None.

90. Report from the Planning Department.

90.1 Ms. Akin stated there was no business scheduled for the May 20, 2016, meeting and it would be canceled. She said there is business scheduled for the June 3, 2016, meeting.

90.2 Ms. Akin reported that May is National Historic Preservation Month. She said the Mayor had read a proclamation to that effect at the City Council meeting on May 5, 2016.

90.3 Ms. Akin stated that City Council had accepted a grant for the Landmarks and Historic Preservation Commission.

90.4 Ms. Akin said there would be a text amendment regarding residential site development standards at the May 19, 2016, City Council meeting. Also at that meeting City Council will be considering a proposed revision to the Planning Department's fee schedule.

90.5 Ms. Akin informed the Commission the Urban Growth Boundary (UGB) Expansion Project was put off until June.

100. Messages and Papers from the Chair. None.

110. Propositions and Remarks from the Commission.

110.1 Commissioner Catt wanted to know if the City could mandate the number of trash containers that are provided to multi-family complexes. Ms. Akin replied that she did not know if the City could specifically require the number of trash containers that are provided to complexes. She said the Commission would have the ability to ask the question if every unit is going to have one and if so, how is that going to work. What Medford Land Development Code does require is the screening of a trash enclosure and that is all it requires. The City cannot control the number of trash pick-ups every week.

Chair Bender relayed a conversation he had heard from City Council on this issue. He commented he thought if this Commission chose to, they could forward a recommendation to City Council to have the number of trash containers provided to multi-family complexes reduced.

Commissioner Neathamer commented that the garbage collection service provider is a franchise and they would have to have a huge input on this issue. He added if changes needed to be made, the conversation should be with the service provider.

Commissioner D'Alessandro recalled that part of the discussion he heard at City Council was it was actually cheaper to place the individual trash containers out on the curb. Chair Bender stated his understanding was that it was cheaper for the property owner not necessarily the franchise.

Ms. Akin remarked that staff had done a little work on this issue. She said there had been a particular instance where there had been a common dumpster at a complex but the property owner wanted the tenants to be responsible for their own trash containers. She said she would get back to the Commission with whatever work staff had done on this issue.

Commissioner Whitlock said he remembered from a past discussion there had been talk of aesthetic impacts. He added while he was not generally in favor of additional regulations at any level, he felt it was worth looking at what staff had to say about it.

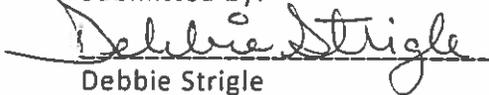
Commissioner Whitlock declared he may not be attending the June 3, 2016, meeting due to a conflict.

120. City Council Comments. None.

130. Adjournment

130.1 The meeting was adjourned at approximately 2:25 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

\_\_\_\_\_  
Jeff Bender  
Site Plan and Architectural Commission Chair

Approved: June 3, 2016



## STAFF REPORT

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

Project JDT Trucking, Applicant  
 CSA Planning Ltd., Agent

File no. AC-15-115 / E-16-042

To Site Plan and Architectural Commission *for June 3, 2016 hearing*

From Tracy Carter, Planner II

Reviewer Kelly Akin, Principal Planner

Date May 27, 2016

### BACKGROUND

#### Proposal

Consideration of plans for the construction of a 3,750 square foot addition to an existing metal industrial building and associated Exception request to eliminate public right-of-way dedications and standard street improvements, situated on a 4.73 acre parcel located on a privately maintained access road that is approximately 970 feet north, then 1,350 feet east of the intersection of Bateman Drive and Table Rock Road (362W36A TL 802, 5600 Table Rock Road).

#### Subject Site Characteristics

Zoning: I-G (General Industrial)  
 GLUP: GI (General Industrial)  
 Use: JDT Trucking Company

#### Surrounding Site Characteristics

North	EFU	County Zoning – Exclusive Farm Use
South	I-L	Various industrial uses
East	I-L	Large warehouse structures
	RR-2.5	County Zoning – Rural Residential, 1 unit per 2.5 acres
West	I-L	Various industrial uses (Rogue Valley Countertop, Northwest Mechanical)
	LI	County Zoning – Light Industrial

### Applicable Criteria

#### **Medford Land Development Code §10.290, Site Plan and Architectural Review Criteria**

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

- (1) The proposed development is compatible with uses and 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 MLDC Section 10.253.

#### **Medford Land Development Code §10.253, Exception Criteria**

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

- (1) The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. The Planning Commission/Site Plan and Architectural Commission 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

The application states that Wayne E. Davis is the owner of the property. The Oregon Secretary of State Business Registry lists James E. Davis as the Registered Agent.

## **ISSUES AND ANALYSIS**

### Background

The subject site borders the city limit line and Urban Growth Boundary along its north property line, and was annexed into the City in 1998 by Ordinance Number 1998-236. Existing improvements include a 3,750 square foot metal building with a 1,350 square foot mezzanine and approximately 8,100 square feet of asphalt. The site is used by JDT Trucking for freight shipping and truck storage and maintenance.

### Current Proposal

This proposal is for construction of a 50-foot by 75-foot metal industrial building. The new addition, totaling 3,750 square feet, will attach to the northern wall of the existing building.

### *Site Plan*

The site plan shows the existing and new metal buildings located at the southwest corner of the property. Roughly 35,400 square feet of new asphalt is being proposed for vehicle maneuvering and access to the new repair bays. In addition, the existing parking area will receive new striping, and four new parking spaces will be added just north of the new metal building. The proposal also includes a new French drain near the north property line, a new trash enclosure, and new landscaping. Access points to the south are not proposed to change (Exhibit B).

Eleven vehicle parking spaces and three bicycle parking spaces are provided to serve this development. The Medford Land Development Code Section 10.743 requires 1.0 space per employee on the largest shift, plus 0.2 spaces per 1,000 square feet of gross floor area. Based on a total of 8,850 square feet of gross floor area, and 10 employees on the largest shift, the minimum vehicle parking required is 12 spaces. The three proposed bicycle parking spaces meet the standards of Code and a condition has been included to provide a minimum of 12 vehicle parking spaces (Exhibit A).

The subject site, zoned General Industrial (I-G), abuts parcels zoned Light Industrial (I-L) to the east and west, and Exclusive Farm Use (EFU) to the north (County zoning). Some form of buffering is required along each of these borders. To the north, the applicant has identified the parcel zoned EFU as engaged in Passive Agriculture and agrees to

follow the mitigation procedures outlined in MLDC Section 10.801(D)(3). Those mitigations include a new 6-foot chain link fence adjacent to the new development (from the northwest corner of the lot, approximately 220 feet east), a deed declaration and mitigation of irrigation runoff (Exhibit D). To the east and west, where the subject site abuts parcels zoned I-L, a Type A, 10-foot wide bufferyard with a 6-foot tall concrete or masonry wall is typically required. The Commission has authority in MLDC Section 10.790(E)(6)(c) to adjust required bufferyards in certain circumstances. The applicant has noted the uses for all three properties are long standing and involve similar activities including trucking, fabrication and warehousing. There are existing 6-foot chain link security fences to the east and west separating the properties. The applicant requests the Commission affirm the existing fencing sufficiently meets the adjusted bufferyard requirements.

#### *Elevations*

The applicant's narrative states that the proposed addition will match the color and material of the existing building. The existing building is a light tan, vertically-ribbed metal building with a light green roof. The walls of the new structure will be the same color and materials of the existing walls and the roof will be the same materials but the color will be charcoal gray. The roof of the existing building, which is light green, will be painted charcoal gray to match the new addition. Per the Elevations plan, the new structure will be taller than the existing, 29 feet in height versus 25 feet 2 inches. There will be two repair bay doors on the east façade and one on the north façade, and one new light fixture on the north façade (Exhibit C).

#### *Landscaping*

According to the applicant's Findings of Fact and Site Plan, existing landscaping consists of planter beds running along most of the length of the eastern and western faces of the existing building. The planter bed running along the western building face currently contains 4-foot high Photinia bushes. There is also a row of Hollywood Juniper trees between the subject property and the abutting property to the west. The planter bed along the eastern building face currently contains a mixture of low ornamental shrubs like Lavender and Raphiolepis. A note has been included that these shrubs will be adapted as needed when the parking striping along this frontage is put in. A new planter bed will be added along the north face of the new building containing low growing shrubs like Lavender and Heavenly Bamboo (Exhibit B).

#### Department and Agency Comments

##### *Street Dedications*

An Exception request to eliminate public right-of-way dedications and standard street improvements on future Judge Lane has been filed concurrently with the Site Plan and

Architectural Review. If approved, dedications and public improvements will not be required for this development, but Public Works has requested that should this occur, the developer be required to enter into a Deferred Improvement Agreement (DIA) for the frontage improvements to future Judge Lane. However, if the Exception request does not get approved, standard street improvements will be required as described below (Exhibit I).

The Public Works Department Staff Report (Exhibit I) identifies future Judge Lane as a Commercial Street, which requires a total right-of-way width of 63 feet. The developer shall dedicate sufficient right-of-way for the half street width of a Commercial Street, which is 31.5 feet, along the entire frontage of this development. The developer shall also provide a 10-foot wide Public Utility Easement (PUE) adjacent to the street frontage of the entire development.

#### *Street Improvements*

The frontage of future Judge Lane shall be improved to Commercial Street standards pursuant to MLDC 10.429 along the frontage of this development, which from the southwest corner of the lot is approximately 220 feet to the east. Based on the plans submitted, two street lights will also be required (Exhibit I).

#### *Storm Drainage*

A comprehensive drainage plan will be required at the time building permits are applied for. Any area catch basins shall meet Department of Environmental Quality (DEQ) requirements (Exhibit I).

#### *Sanitary Sewer*

The site lies within the Rogue Valley Sewer Services area. The property is served by a connection to an 8-inch sewer main on the existing access road. If the proposed building addition includes the installation of plumbing fixtures, there will be sewer system development charges. Currently the sewer main serving this property is located within an easement dedicated for ingress and egress. Rogue Valley Sewer Services requests the applicant dedicate a public sewer easement for protection of the existing sewer main. A condition of approval has been included requiring the developer to comply with the Rogue Valley Sewer Services letter, dated April 26, 2016 (Exhibit O).

#### *Water Facilities*

The Medford Water Commission (MWC) memorandum identifies neither off-site water line installation or on-site water facility construction is required for this development. Access to MWC water lines is available to this development via a 12-inch water line

located in the local access roadway along the south property line of this parcel. Lastly, static water pressure is expected to be over 90 psi and will require the installation of a Pressure Reducing Valve (PRV). A condition of approval has been included requiring the applicant to comply with the memorandum from the Medford Water Commission, dated May 4, 2016 (Exhibit J).

#### *Oregon Department of Aviation*

The Oregon Department of Aviation requests the applicant file an FAA Form 7460-1, Notice of Proposed Construction or Alteration, to determine if the structure will pose a hazard to aviation safety. A condition of approval has been included requiring the applicant to comply with the Oregon Department of Aviation letter, dated May 3, 2016 (Exhibit P).

#### Exception Requests

The applicant has submitted for an Exception in conjunction with the Site Plan and Architectural Review. The request is to eliminate right-of-way dedications and standard street improvements along the frontage of this development. Currently, access to the subject site is obtained via an access easement to Table Rock Road to the west. Right-of-way has not been dedicated between the subject site and Table Rock Road. Judge Lane is partially dedicated and improved from the west end of the subject site to Peace Lane, a portion of roughly 500 feet of Judge Lane is completely unimproved. Approximately 2,000 feet to the east of the subject site, and outside the Urban Growth Boundary, Peace Lane appears to be paved all the way to Vilas Road to the south.

#### Committee Comments

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

No other issues were identified by staff.

#### **FINDINGS OF FACT**

##### MLDC 10.290

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

The Commission can find that the applicant's Findings of Fact (Exhibit D) provide sufficient evidence this development is compatible with uses and development that exist on adjacent land. This criterion is satisfied.

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

The Commission can find that the proposal can be made to comply with the provisions of the code if the Commission approves the Exception request to eliminate right-of-way dedications and standard street improvements, and the applicant satisfies the conditions of approval listed in Exhibit A. This criterion is satisfied.

#### MLDC 10.253

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;*

The Commission can either agree or disagree with the applicant's findings regarding criterion 1. To summarize, the applicant concludes the granting of the Exception will be in harmony with the intent of the code, and will not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. In the applicant's findings, it's stated that public street requirements exist to assure access to private streets that are paved and have a curb and gutter, to prevent the generation of dust caused by dirt roads, reduce demarcation of the travel surface, and provide a means of water conveyance off the travel surface by a gutter, all of which are accomplished by the existing improvements. Furthermore, it is noted that street improvement standards are imposed to ensure proper street construction, and to ensure publicly maintained facilities are adequate for all land uses served in the immediate area and for connectivity to a wider area. The applicant states the existing street does not connect to any other streets, and that any connections would require hundreds of feet of street improvements, and that currently any maintenance responsibility for the private street is the private owner's responsibility and not a burden upon the City. If the Commission agrees with the applicant's findings, then criterion 1 is satisfied.

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;*

The Commission can find that granting this Exception will allow for expansion of the existing trucking business and is an outright permitted use in the General Industrial zoning district per MLDC Section 10.337. This criterion is satisfied.

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 Commission can either agree or disagree with the applicant's findings regarding criterion 3. To summarize, the applicant concludes that there are several unique or unusual circumstances that apply to this site which do not typically apply elsewhere in the City. For example, any connectivity to the east to Judge Lane would require improvements outside the existing Urban Growth Boundary. Also, the applicant states that right-of-way would need to be acquired from fourteen other properties in order to create a City street. The applicant also points out that dedication for a commercial street would impact the existing parking and loading area in front of the existing building, and result in the loss of the entire fence on the south side of the property causing exceptional hardship on the owner. If the Commission agrees with the applicant's findings, then criterion 3 is satisfied.

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.*

The Commission can find that the proposal 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 the knowledge of the standards of this code. This criterion is satisfied.

#### **RECOMMENDED ACTION**

Direct staff to prepare a Final Order for approval of AC-15-115 & E-16-042 per the staff report dated May 27, 2016, including Exhibits A through R.

#### **EXHIBITS**

- A Conditions of Approval dated May 27, 2016
- B Site, Drainage, Utility and Landscape Plan received February 29, 2016
- C Elevations and Floor Plan received February 5, 2016
- D Applicant's Findings of Fact (SPAC) received February 5, 2016
- E Applicant's Findings of Fact (Exception) received March 29, 2016
- F Supplemental Findings of Fact received February 29, 2016
- G Applicant's Exhibits received February 5, 2016
- H Applicant's Exhibits received March 29, 2016

- I Public Works Staff Report received May 4, 2016
- J Medford Water Commission memo received May 4, 2016
- K Medford Fire Department Report received April 29, 2016
- L Medford Building Department memo received May 4, 2016
- M Jackson County Roads letter received April 25, 2016
- N Rogue River Valley Irrigation District Form received May 2, 2016
- O Rogue Valley Sewer Services letter received April 26, 2016
- P Oregon Department of Aviation letter received May 3, 2016
- Q Oregon Department of Transportation email received May 13, 2016
- R Parks and Recreation email received May 24, 2016  
Vicinity map

**SITE PLAN AND ARCHITECTURAL COMMISSION AGENDA:**

**JUNE 3, 2016**

## **EXHIBIT A**

JDT Trucking  
AC-15-115 / E-16-042  
Conditions of Approval  
May 27, 2016

### **CODE REQUIREMENTS**

Prior to issuance of the first building permit, the applicant shall:

1. Submit a revised site plan including the addition of one vehicle parking space, giving a total of 12 vehicle parking spaces and 3 bicycle parking spaces (Exhibit B);
2. Comply with the Public Works Staff Report dated May 4, 2016 (Exhibit I);
3. Comply with the Medford Water Commission memorandum dated May 4, 2016 (Exhibit J);
4. Comply with the Rogue Valley Sewer Services memo dated April 26, 2016 (Exhibit O);
5. Comply with the Oregon Department of Aviation memo dated May 3, 2016 (Exhibit P).

TAX LOT 400

TAX LOT 700

**PLANT LEGEND**

SYMBOLS	GROUNDCOVER	MINIMUM SIZE
○	KINNIKINICK - <i>Arctostaphylos uva-ursi</i>	4" POIS
○	PHOTINA - <i>Photinia 'Raseri'</i>	1 GAL
⊗	RAPHIDIPS - <i>Rapanea's indica 'Indian Princess'</i>	1 GAL
⊗	HEAVENLY BAMBOO - <i>Bambusa domestica 'Curt Stream'</i>	1 GAL
●	LAVENDER - <i>Lavandula angustifolia 'Munstead'</i>	1 GAL

NOTE: ALL LANDSCAPE AREAS TO BE 85% COVERED WITHIN 8 YEARS. ALL PLANTING & AUTOMATIC IRRIGATION TO BE INSTALLED PER CITY STANDARDS.

Page 21

NEW 6" CHAIN LINK SECURITY FENCING w/ RAZOR WIRE ABOVE

NEW 6" CHAIN LINK SECURITY FENCING w/ RAZOR WIRE ABOVE

EXISTING UNPAVED TRUCK STORAGE YARD

NEW 50 GAL STORM WATER STORAGE TANK w/ PUMP

NEW 1" SCH 40 PVC PIPE

NEW STRIPING & PLANTINGS

NEW ASPHALT 35,400 SF

EXIST. METAL BUILDING 780 SF

EXIST. ASPHALT 8,100 SF

TAX LOT 802

TAX LOT 800

TAX LOT 803

TAX LOT 805

TAX LOT 804

TAX LOT 801

EXISTING PRIVATE ACCESS ROAD

CITY OF MOUNTAIN VIEW  
EXHIBIT B  
RD  
MAP # AC-15-115/E-16-042

**BUILDING ADDITION**

**SITE / DRAINAGE / UTILITIES/ LANDSCAPE PLAN**

5600 TABLE ROCK ROAD, CENTRAL POINT, OR

SCALE: 1:50

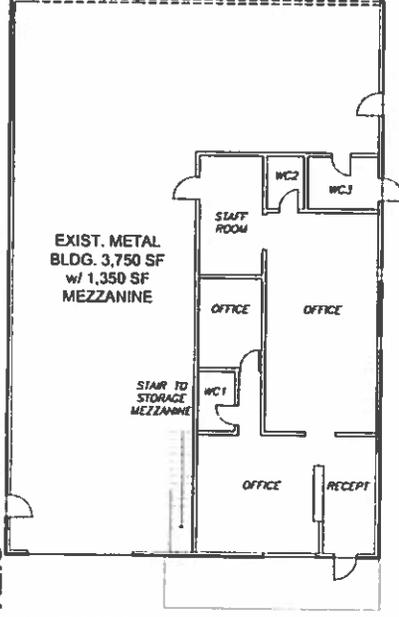
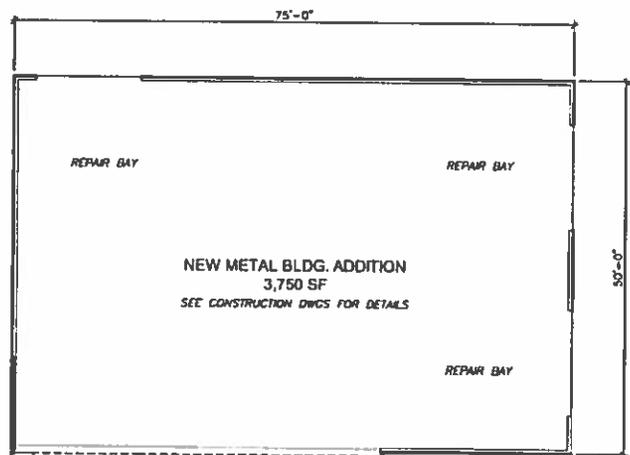
DATE: FEBRUARY 25, 2016

PLANNING DEPARTMENT

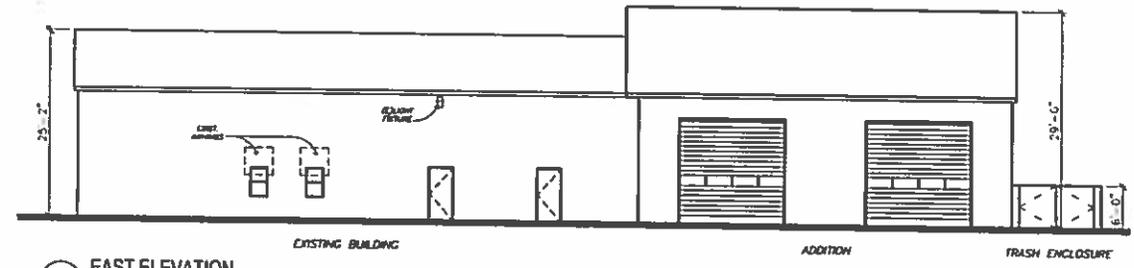
FEBRUARY 29 2016

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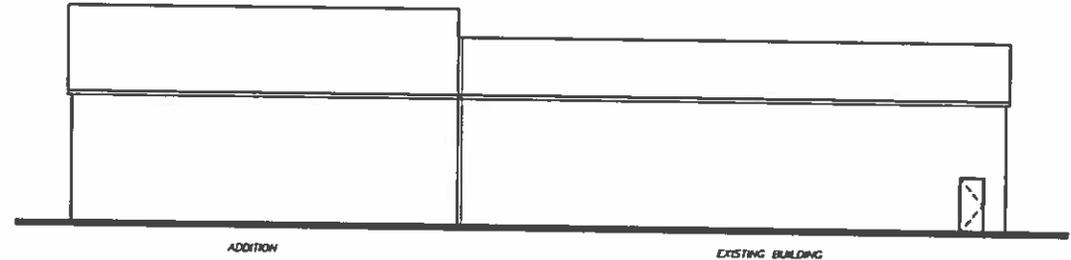
CITY OF MIDDLETOWN  
EXHIBIT B  
ORD



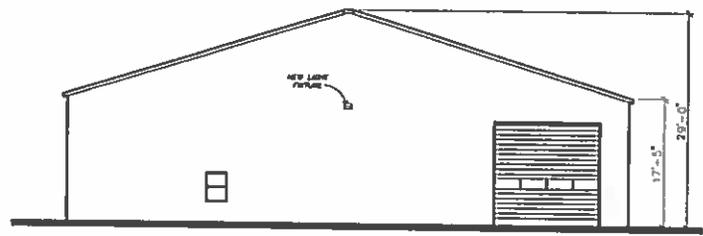
1 FLOOR PLAN  
1/16" = 1'-0"



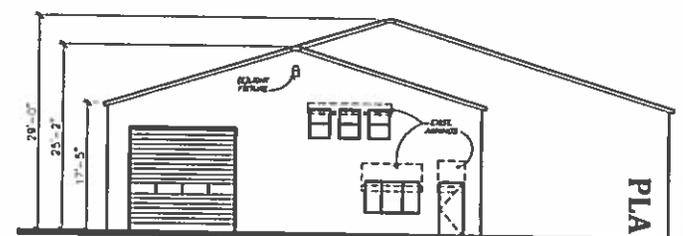
2 EAST ELEVATION  
1/16" = 1'-0"



3 WEST ELEVATION  
1/16" = 1'-0"



4 NORTH ELEVATION  
1/16" = 1'-0"



5 SOUTH ELEVATION  
1/16" = 1'-0"

### FLOOR PLAN / ELEVATIONS

5600 TABLE ROCK ROAD, CENTRAL POINT, OR

SCALE: 1/16" = 1'-0"

DATE: JANUARY 28, 2016

RECEIVED  
FEBRUARY 2, 2016  
PLANNING DEPARTMENT

BEFORE THE SITE PLAN AND ARCHITECTURAL COMMISSION

FOR THE CITY OF MEDFORD

JACKSON COUNTY, OREGON

IN THE MATTER OF SITE PLAN AND )  
ARCHITECTURAL REVIEW FOR A )  
BUILDING ADDITION ON TAX LOT 802 )  
ON ASSESSOR'S MAP36S 2W 36A OFF )  
OF TABLE ROCK ROAD WITHIN AN I-G )  
ZONING DISTRICT WITHIN THE )  
CORPORATE LIMITS OF THE CITY OF )  
MEDFORD, OREGON )

FINDINGS OF FACT AND  
CONCLUSIONS OF LAW  
Applicant's Exhibit 2

Applicant: JDT Trucking )  
Owner: Wayne E. Davis )  
Agent of Record: CSA Planning, Ltd. )

I

SCOPE AND NATURE OF THE APPLICATION

Applicant JDT Trucking, has submitted an application for Site Plan and Architectural Review to entitle a 3,750 square foot addition to an existing metal industrial building.

II

EVIDENCE SUBMITTED WITH APPLICATION

The following evidence is submitted in support of the applications:

- Exhibit 1. Signed and Completed Application Forms for *Site Plan and Architectural Review*. The applications are accompanied by authorization from Applicant JDT Trucking in the form of a Power of Attorney which permits CSA to function in all respects as Applicant's representative
- Exhibit 2. The proposed findings of fact and conclusions of law (this document) which demonstrates how this application complies with the relevant substantive criteria of the City of Medford and State of Oregon
- Exhibit 3. Current GLUP Map with Vicinity Map
- Exhibit 4. Current City of Medford Zoning Map on Aerial depicting the subject property
- Exhibit 5. Jackson County Assessor plat map 36-2W-36A which contains and depicts the subject property Tax Lot 802



**Site Plan and Architectural Review; Exceptions**

Applicant: JDT Trucking

Project: Site Plan and Architectural Review

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- Exhibit 6.** Hydrological Map depicting subject property
- Exhibit 7.** Key Map and Photos of site and surrounding properties
- Exhibit 8.** Design Plans – SPAC Review Set includes sheets:
  - 1 Site/Drainage/Landscape Plan
  - 2 Floor Plan & Building Elevations
- Exhibit 9.** Light fixture cut sheets
- Exhibit 10.** Agricultural Impact Assessment
- Exhibit 11.** Legal Description of subject property
- Exhibit 12.** Stormwater Management Letter, dated January 4, 2016 from Tony Bakke, P.E. of Construction Engineering Consultants.

III

**APPLICABLE SUBSTANTIVE CRITERIA**

The criteria under which an application for *Site Plan and Architectural Review* must be considered are in MLDC 10.227 and in 10.253 with respect to *Exception* relief. The relevant approval criteria are recited verbatim below and again in Section V where each is addressed with the conclusions of law proposed by Applicant to be adopted by the City of Medford:

**MLDC 10.290 SITE PLAN AND ARCHITECTURAL REVIEW CRITERIA**

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

- (1) The proposed development is compatible with uses and 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 MLDC Section 10.253.

**ADDITIONAL CRITERIA**

**10.801 Agricultural Buffering in Non-Urban Reserve Areas**

**A. Purpose.**

The provisions of this Section related to agricultural buffering implement a policy that was mutually adopted by the City and Jackson County as part of the Urban Growth Boundary Management Agreement as amended. Moreover, the purpose of these provisions is to minimize or mitigate:

- (1) Trespass upon and vandalism of agricultural land which is located in near proximity to urban development.
- (2) Potential adverse impacts on urban development associated with noise, dust, spray drift and surface waters.

**B. Applicability.**

The provisions of this Section apply to the development permit applications listed below in this subsection where land proposed for urban development is not in an urban reserve (see Regional Plan Element) and abuts and has a common lot line with other land which is zoned Exclusive Farm Use (EFU) or Exclusive Agriculture (EA). However, development which requires City approval for more than one of the below



## **Site Plan and Architectural Review; Exceptions**

Applicant: JDT Trucking

Project: Site Plan and Architectural Review

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development permit applications for the same development shall be required to demonstrate compliance with the provisions of this Section only in the first such application.

- (4) Site Plan and Architectural Review or Historic Review where the action being sought will result in the construction of one or more buildings intended for human occupancy as dwellings or for business purposes.



IV

FINDINGS OF FACT

The City of Medford Site Plan and Architectural Commission ("SPAC" or "the Commission") reach the following facts and find them to be true with respect to this matter:

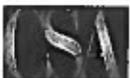
1. **Property Location:** 5600 Table Rock Road. The subject property is situated approximately 1,650 feet to the east of Table Rock Road fronting on a private access road. The property is within the corporate limits of the City of Medford and its urban growth boundary. The property abuts the northern edge of the Medford city limits
2. **Ownership:** The subject property is owned in fee simple by Wayne E. and Rayvon M. Davis .
3. **Property Description:** The property is identified on the Jackson County Assessor's Map as Township 36S Range 2W Section 36A, Tax Lot 802.
4. **Existing Land Use:** The property presently has a 3,750 square foot metal building with a 1,350 square foot mezzanine, that is used by JDT Trucking company. The remainder of the property is used for truck parking and maneuvering.
5. **Comprehensive Plan (GLUP) and Zoning:** The subject property's GLUP map designation is *General Industrial*. See, Exhibit 3. The subject property is presently zoned I-G (Industrial-General). See, Exhibit 4.
6. **Surrounding Land Uses:** The aerial/zoning map, Exhibit 4, accurately depicts the pattern of land partitioning and development in the surrounding area which is primarily industrial uses. Surrounding buildings are primarily constructed of metal, concrete block and concrete. See, Exhibits 4, 5, and 7. The land uses which presently surround the property are:

**West:** Buildings to the west of the subject property along the north and south side of the access road all have industrial uses. Many of them are trucking & warehousing companies similar to the subject property use, as well as some construction related businesses such as Rogue Valley Countertop. Immediately adjacent to the west is Northwest Mechanical, a sheet metal fabricator.

**South:** Industrial uses are the predominant use to the south. Some individual mobile homes and legacy residential are present.

**East:** Large warehouse structures are adjacent to the east. The properties beyond the warehouses and the south end of the access road are vacant. Beyond the vacant properties is a small subdivision of large parcel residential, RR-2.5, properties that are located in the MD-1 Urban Reserve.

**North:** Bordering the property on the north are county EFU lands, most containing a single residence. No active farming activities are evident on the property north of the subject property.



**Site Plan and Architectural Review; Exceptions**

Applicant: JDT Trucking

Project: Site Plan and Architectural Review

7. **Water Service:** The property is currently served by the Medford Water Commission's public water system provided by the City of Medford.
8. **Sanitary and Storm Sewer:** Sanitary sewer service is currently provided by Rogue Valley Sewer Service from an 8" line running down the private road. No storm sewer service is available, so the Applicants are proposing installation of a large french drain system to manage storm run-off on the property that will have details submitted with the construction plans. *See*, Exhibit 12.
9. **Irrigation:** Rogue River Valley Irrigation District's Coker Butte piped lateral runs north-south underground along the western property line. A five foot wide easement runs along this boundary for this purpose. The other half of the easement lays on the parcel to the west.
10. **Private utilities:** The property has natural gas service provided by Avista.
11. **Streets and Access:** The subject property takes access from a developed private access road that connects to Table Rock Road. In 1998 the parcel property owners at that time dedicated a 18 foot wide strip for road purposes along the southern boundary to Jackson County. This dedication was made to meet a condition of approval in connection with Jackson county files 86-2-V and 86-23-MP which imposed an "irrevocable offer to dedicate" on the parcel. The variance that was approved was for a reduction of the roadway standards. However, only one other parcel has followed through on that dedication and at this time, the dedicated strip serves no purpose and does not connect with any dedicated roadway. All access to the site and adjacent sites is by way of a legal easement on the private road that begins at Table Rock Road running east to end in a cul de sac on the property abutting the Subject Property along its eastern boundary.
12. **Proposed Project:** Applicant's proposal is to construct a 3,750 square foot, one-story metal building expansion of the existing metal building on site. In addition, the area to the north and east of the new building 35,400 square feet is to be paved to support truck maneuvering and access to the new repair bays.

**13. Commercial and Industrial Site Development Standards**

**Section 10.721** The following standards apply to commercial and industrial development.

*Table 1*

COMMERCIAL AND INDUSTRIAL DEVELOPMENT		
Standard	I-G	Parcel Compliance
MINIMUM & MAXIMUM AREA FOR ZONING DISTRICT (ACRES)	None	-
MINIMUM LOT AREA (SQ. FEET)	10,000 SF	Complies- 206,039 SF 4.73 acres
MAXIMUM COVERAGE FACTOR	90%	Complies- 3.6% coverage



**Site Plan and Architectural Review; Exceptions**

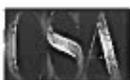
Applicant: JDT Trucking

Project: Site Plan and Architectural Review

COMMERCIAL AND INDUSTRIAL DEVELOPMENT		
Standard	I-G	Parcel Compliance
MINIMUM LOT WIDTH	70 feet	Complies- 660'-0"
MINIMUM LOT DEPTH	100 feet	Complies- 312'-0"+/-
MINIMUM LOT FRONTAGE	70 feet	Complies- 660'-0"
MINIMUM FRONT & STREET SIDE YARD BUILDING SETBACK	10 feet, EXCEPT 20 feet for vehicular entrances to garages or carports	Building is located 32 feet from the southern property line abutting the private access road.
MINIMUM SIDE & REAR YARD BUILDING SET BACK	None, EXCEPT ½ foot for each foot in building height over 20 feet	Complies: East Side= 555'-0" West Side= 30'-0" Rear yard= 155'-0"
MAXIMUM BUILDING HEIGHT	85 feet, EXCEPT 35 feet if within 150 feet of a residential GLUP or Special Area Plan designation.	Complies. Building is to be 29 feet high.
MAXIMUM GROSS FLOOR AREA PER BUSINESS (SQ. FEET)	None	-
PERMITTED OUTDOOR USES	See Note 3	All uses that are not customarily conducted outdoors, are conducted within the building. No sight obscuring fencing is required.
<b>Note 3:</b> All uses, EXCEPT those customarily conducted outdoors, must be located behind a sight-obscuring fence		

**14. Building and site design:**

- a. **Building Siting:** The existing building is located at the southwest corner of the property. The addition will attach to the northern wall of the building. *See*, Exhibit 8.
- b. **Materials:** The existing building is a light tan, vertically-ribbed aluminum-zinc coated alloy-coated steel panels over a steel building frame as is typical for industrial buildings. The roof is a light green and of the same material as the wall sheathing. The proposed addition will be taller and will match the color and material of the existing building walls and the roof will be of the same materials, but will be charcoal gray. The existing roof will be painted to match the new panels.
- c. **Use:** The existing building includes warehouse and truck repair shop space plus offices, restrooms and meeting space on the first floor. In addition, the building contains a storage mezzanine above the office space. The new building is intended to be used to expand the shop space to service more vehicles.
- d. **Off-street Parking Supply Analysis:** The current site does not have any striped parking stalls, however informally there are currently 2 spaces in front and room for 6 spaces along the eastern wall of the existing building. *See*, Exhibit 8.



**Site Plan and Architectural Review; Exceptions**

Applicant: JDT Trucking

Project: Site Plan and Architectural Review

For Industrial or Warehouse use, the City of Medford requires a minimum of:

1.0 space per employee on the largest shift, plus 0.2 space per 1,000 square feet of gross floor area

Per the calculations below, including the new building, 10 parking spaces, including one handicapped accessible space will be striped for use.

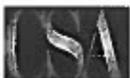
**Table 2**

E & R Distributing Parking Calculations				
Building / Floor	Net Square footage	SF/1,000 x .2	Employees	Total Spaces
Existing / First	3,750	.75	7	5.75
Existing / Mezzanine	1,350	.27	0	0
New / First	3,750	.75	3	2.25
<b>TOTALS</b>	<b>8,850</b>	<b>1.77</b>	<b>10</b>	<b>8 spaces</b>

Eleven spaces are proposed, including one handicapped accessible space. With fewer than 24 spaces, Section 10.746(3) Parking Area Planters does not apply.

Section 10.748 Bicycle Parking Standards requires 20% of the number of parking spaces be provided. 20% of 11 equals 2.2, rounding up, 3 spaces are provided.

- e. **Landscaping:** Keeping with the industrial nature of the property, landscaping has been kept to a minimum. A row of tall Hollywood Junipers are located along the western property line parallel to the building. Planter beds run most of the length of the eastern and western faces of the existing building. The western planting bed is currently planted with mature four foot high Photinia bushes. The eastern bed contains low ornamental shrubs and will be adapted as needed when the parking striping is put in. A third planter bed will be added along the north side of the new addition adjacent to the added parking spaces and will be planted with low growing shrubs as noted on the Site Plan, Exhibit 8. Planter beds have or will have an automatic irrigation system.
- f. **Fencing:** The existing property has 6 foot high chain link security fencing with razor wire extensions on three sides, east, south and west. On the north side there is an existing 4 foot barbed wire fence.
- g. **Signage:** Exterior signage is existing and there are no plans for any additional signage.
- h. **Exterior Lighting:** Existing lights are building mounted high sodium fixtures. A new light fixture will be added on the northern face of the new building. The proposed light is a full cut-off fixture to prevent light trespass onto other properties with a motion sensor. See cut sheet, Exhibit 9 for example of type of light proposed.



**Site Plan and Architectural Review; Exceptions**

Applicant: JDT Trucking

Project: Site Plan and Architectural Review

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**15. Agricultural Buffering:** The subject property is located adjacent to land outside of the City Limits that is zoned EFU. Therefore, an Agricultural Impact Assessment has been prepared to ascertain what impacts this might have. *See*, Exhibit 10.

Per the report, the parcel to the north of the subject property, Tax Lot 700, does not appear to have any farming activities. Based on the impact assessment we conclude that the parcel to the north at most is engaged in Passive Agriculture. This being the case, we are proposing to follow the mitigation procedures under section (3) as quoted below:

- (3) Mitigation - Passive Agriculture. To minimize or mitigate the adverse potential impacts associated with the proximity of urban and agricultural land uses, the following measures shall be undertaken by the developer when urban development is proposed adjacent to land in passive agricultural use:
  - (a) Fencing. A wood fence, chain link fence, or masonry wall, not less than six (6) feet in height shall be installed at the property boundary where the development property adjoins and has a common property line with land zoned EFU or EA. In no case shall a fence or wall be required within a front yard area. The fence or wall used to buffer agricultural land shall comply with the regulations regarding fencing, Sections 10.731 through 10.735. Information shall be provided regarding the long-term maintenance responsibility for the fence or wall.
  - (b) Deed Declaration. The deed declaration required in subsection 10.801.D(2)(c) shall be required.
  - (c) Irrigation Runoff. Measures appropriate to the circumstances present shall be undertaken by the urban developer to mitigate adverse impacts which occur from periodic naturally occurring runoff and inadvertent agricultural irrigation runoff.

The Applicant can and will meet requirements for agricultural buffering as noted in the report.



V

**CONCLUSIONS OF LAW**

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The Commission reaches the following conclusions of law for each of the relevant substantive criteria with respect to the consolidated applications that involve this matter:

**SITE PLAN AND ARCHITECTURAL REVIEW APPLICATION**

***Criterion 1***

**MLDC 10.290 SITE PLAN AND ARCHITECTURAL REVIEW CRITERIA**

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

- (1) The proposed development is compatible with uses and development that exist on adjacent land, and

**Conclusions of Law:** The Commission concludes that compatibility, as it is used in MLDC 10.290, requires an evaluation of the aesthetic design and site planning in the context of an allowed use under the zoning code. Consistent with this interpretation, the Commission concludes as follows with respect to the compatibility criterion:

Based upon findings of fact in Section IV and Applicant's plans in Exhibit 8 which illustrate the building, site planning and proposed landscaping, the proposed metal building addition is concluded to be compatible with uses and development on adjacent lands based upon the following:

- **Uses:** This use is an expansion of an existing use on the property. The proposed addition will be used for warehousing and truck repair activities that are consistent with the General Industrial zoning and with the many adjacent industrial uses on three sides of the property. The use can be compatible with the non-farm EFU lands to the north by adding the buffering requirements listed in the Agricultural Impact Assessment.
- **Design:** The addition is proposed to be of the same materials as the existing structure on site, with the same color wall panels. The new roof will be a charcoal gray and the existing panels will be painted to match.
- **Height:** The proposed building height of 29'-0" does not exceed the height allowed by the zone.
- **Landscaping:** The existing planters and trees are to be retained and a new planter added adjacent to the parking spaces. No other plantings are planned on site as this is an industrial area and an industrial use. The parking areas contain only 12 spaces and therefore interior parking landscaping is not required.

In summary, the Commission concludes that the proposed metal building addition is consistent with the existing uses and development on adjacent lands based upon the foregoing findings of fact and conclusions of law, the plans and designs in Exhibit 8 and



**Site Plan and Architectural Review; Exceptions**

Applicant: JDT Trucking  
Project: Site Plan and Architectural Review

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conclusions presented in the application. Therefore, the Commission concludes that the Site Plan and Architectural Review application is consistent with Site Plan Review Criterion 1.

\*\*\*\*\*

**Criterion 2**

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

**Conclusions of Law:** Based upon the plans submitted in Exhibit 10 and the demonstration of compliance with applicable standards as described in the Section IV Findings, the Commission concludes that this project complies with applicable provisions of all city ordinances.

\*\*\*\*\*

**VII**

**ULTIMATE CONCLUSIONS**

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Based upon the foregoing findings of fact and conclusions of law, the Commission concludes that the subject application for Site Plan and Architectural Review has been substantiated under the requirements of the MLDC. Therefore, the Planning Commission on behalf of the City orders that these applications be, and the same hereby are, approved and made subject to the conditions imposed on the land use permit.

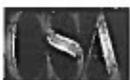
Respectfully submitted on behalf of applicant on **February 5th, 2016:**

CSA PLANNING, LTD.



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Jay Harland  
Consulting Planner



BEFORE THE SITE PLAN AND ARCHITECTURAL COMMISSION  
PLANNING DEPARTMENT

FOR THE CITY OF MEDFORD

JACKSON COUNTY, OREGON

IN THE MATTER OF PRECAUTIONARY )  
EXCEPTION TO PUBLIC IMPROVEMENT )  
REQUIREMENTS FOR A SITE PLAN AND )  
ARCHITECTURAL REVIEW FOR A )  
BUILDING ADDITION ON TAX LOT 802 )  
ON ASSESSOR'S MAP36S 2W 36A OFF )  
OF TABLE ROCK ROAD WITHIN AN I-G )  
ZONING DISTRICT WITHIN THE )  
CORPORATE LIMITS OF THE CITY OF )  
MEDFORD, OREGON )  
)  
Applicant: JDT Trucking )  
Owner: Wayne Davis )  
Agent: CSA Planning, Ltd. )

FINDINGS OF FACT AND  
CONCLUSIONS OF LAW

*Applicant's Exhibit 2*

I

**SUMMARY AND SCOPE OF  
PRECAUTIONARY EXCEPTION  
AND SUPPLEMENTAL FINDINGS**

On August 12, 2015 the Applicant, JDT Trucking, filed a site plan and architectural review application for a 3,750 square foot steel industrial building as an expansion of the existing building, Planning File No. AC-15-115. The Application was deemed incomplete by Planning Staff on September 10, 2015. The Applicant engaged CSA Planning Ltd. to respond to the incompleteness items. On February 5, 2016, CSA Planning filed additional information in response to the incompleteness items. On February 23, 2016 CSA met with Medford Planning staff where certain additional application materials were requested and the same were furnished on February 25<sup>th</sup>. On March 8, 2016 CSA and the Applicant met with Medford Planning and Engineering Staff to discuss public improvement issues surrounding the adjacent public right-of-way. A complicated discussion occurred regarding these issues. During that meeting, Medford staff suggested the Applicant request an Exception as one option to address these issues. This Application includes a precautionary exception request. The Application is precautionary because the Applicant was challenged to find the applicable code standard under which improvements would be required in any event and thus offers the Exception application in the alternative should the City first find that an exception is required.

The filing of this Application is not intended and shall not, in any manner whatsoever, limit, nor be construed to limit, any additional legal remedies the Applicant may have with respect to street or right of way improvement exactions requested by the City of Medford.



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II

**EVIDENCE SUBMITTED WITH APPLICATION**

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Applicant herewith submits the following evidence with its application for Land Division and Exception:

- Exhibit 1.** Signed and Completed Exception Application Forms with Authorization from the current property owners, Wayne E. Davis and Rayven M. Davis.
- Exhibit 2.** The proposed Findings of Fact and Conclusions of Law (this document) demonstrating how the land division application complies with the applicable substantive criteria of the MLDC
- Exhibit 3.** Jackson County Assessor plat map 36-2W-36A, which contains and depicts the subject property
- Exhibit 4.** Current GLUP Map with Vicinity Map
- Exhibit 5.** Current City of Medford Zoning Map on Aerial
- Exhibit 6.** Future Right-of-Way and Existing Improvements Diagram
- Exhibit 7.** Key Map and photos of surrounding properties.



II

**RELEVANT SUBSTANTIVE APPROVAL CRITERIA**

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The criteria under which the application for Exception must be approved are in Section 10.253, of the Medford Land Development Code (MLDC). The approval criteria are recited verbatim below and again in Section V, where each are followed by the conclusions of law:

**City of Medford Approval Criteria**

**EXCEPTION**

**10.253 Criteria for an Exception**

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

- (1) The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. The approving authority shall have the authority to impose conditions to assure that this criterion is met. (Effective Dec. 1, 2013).
- (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.



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IV

**FINDINGS OF FACT**

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The City of Medford Site Plan and Architectural Commission (“SPAC” or “the Commission”) reach the following facts and find them to be true with respect to this matter:

1. **Property Location:** 5600 Table Rock Road. The subject property is situated approximately 1,650 feet to the east of Table Rock Road fronting on a public right of way that contains a privately maintained access road. The property is within the corporate limits of the City of Medford and its urban growth boundary. The property abuts the northern edge of the Medford city limits and the UGB.
2. **Ownership:** The subject property is owned in fee simple by Wayne E. and Rayven M. Davis.
3. **Property Description:** The property is identified on the Jackson County Assessor’s Map as Township 36S Range 2W Section 36A, Tax Lot 802.
4. **Existing Land Use:** The property presently has a 3,750 square foot metal building with a 1,350 square foot mezzanine, that is used by JDT Trucking company. The remainder of the property is used for truck parking and maneuvering.
5. **Comprehensive Plan (GLUP) and Zoning:** The subject property’s GLUP map designation is *General Industrial*. See, Exhibit 4. The subject property is presently zoned I-G (Industrial-General). See, Exhibit 5.
6. **Surrounding Land Uses:** The aerial/zoning map, Exhibit 5, accurately depicts the pattern of land partitioning and development in the surrounding area which is primarily industrial uses. Surrounding buildings are primarily constructed of metal, concrete block and concrete. See, Exhibits 4, 5, and 7. The land uses which presently surround the property are:

**West:** Buildings to the west of the subject property along the north and south side of the access road all have industrial uses. Many of them are trucking & warehousing companies similar to the subject property use, as well as some construction related businesses such as Rogue Valley Countertop. Immediately adjacent to the west is Northwest Mechanical, a sheet metal fabricator.

**South:** Industrial uses are the predominant use to the south. Some individual mobile homes and legacy residential are present.

**East:** Large warehouse structures are adjacent to the east. The properties beyond the warehouses and the south end of the access road are vacant. Beyond the vacant properties is a small subdivision of large parcel residential, RR-2.5, properties that are located in the MD-1 Urban Reserve.



**North:** Bordering the property on the north are county EFU lands, most containing a single residence. No active farming activities are evident on the property north of the subject property.

7. **Water Service:** The property is currently served by the Medford Water Commission's public water system provided by the City of Medford.
8. **Sanitary and Storm Sewer:** Sanitary sewer service is currently provided by Rogue Valley Sewer Service from an 8" line running down the private road. No storm sewer service is available, so the Applicants are proposing installation of a large engineered french drain system to manage storm run-off on the property that will have details submitted with the construction plans.
9. **Irrigation:** Rogue River Valley Irrigation District's Coker Butte piped lateral runs north-south underground along the western property line. A five foot wide easement runs along this boundary for this purpose. The other half of the easement lays on the parcel to the west.
10. **Private utilities:** The property has natural gas service provided by Avista and power from PacifiCorp.
11. **Proposed Project:** Applicant's proposal is to construct a 3,750 square foot, one-story metal building expansion of the existing metal building on site. In addition, the area to the north and east of the new building 35,400 square feet is to be paved to support truck maneuvering and access to the new repair bays.
12. **Streets and Access:** The subject property takes access from a developed private access road that connects to Table Rock Road. In 1998, the parcel property owners dedicated a 18 foot wide strip for road purposes along the southern boundary. This dedication was made to meet a condition of approval in connection with Jackson County Planning files 86-2-V and 86-23-MP which imposed an "irrevocable offer to dedicate" on the parcel. The private road is improved with a ~24-foot wide asphalt paved surface and concrete gutters with rolled curbs. The variance that was approved was for a reduction of the roadway standards. Only the subject parcel has followed through on that dedication and at this time, the dedicated strip serves no purpose and does not connect physically with any dedicated roadway. All access to the site and adjacent sites is by way of a legal easement on the private road that begins at Table Rock Road running east to end in a cul-de-sac on the property abutting the Subject Property along its eastern boundary.

The street is privately maintained. It is not maintained by the City. The asphalt surface is approximately 24-feet wide. There is a concrete rolled curb and gutter on each side of the street. While the dedicated right-of-way connects with the right-of-way on Judge Lane to the east, no physical road improvement exists for a distance of approximately 836 feet.

There are considerable physical development constrictions all along this private street that would impede future widening to a full City Standard Commercial Street with a 63-foot right-of-way, as follows:



1. A future commercial street would wipe out ~14 existing off-street parking spaces and require the demolition or relocation of a building on Tax Lot 501 (Timber Products Company). It would also wipe out an existing yard fence.
2. A future commercial street would wipe out the loading area and approximately 7 parking spaces on Tax Lot 509.
3. On the subject property, a future commercial street would impair the parking lot in front of the existing building and the loading area on the front of the building. It would also wipe out the existing yard fencing.
4. On the south side of the private street, there are 12 power poles adjacent to the paved surface that would need to be relocated or undergrounded.
5. An existing building on Tax Lot 504 would be wiped out.
6. Three existing parking spaces would be wiped out on Tax Lot 507.

One could assert that a City street can be established over time through incremental exactions as properties develop. In this instance, incremental exactions are unlikely to result in a City Street in this location, especially to the full City of Medford commercial street standard. The paved portion of the private street is approximately 2,158 feet in length. This translates to a combined 4,316 feet of frontage on the north and south sides of the private street. Out of that linear distance on both sides of the street, approximately 44% is fully developed and another 38% is non-vacant and devoted to an employment use (such as semi-truck parking). Only the remaining 18% is vacant. Even if all the land that is not fully developed ultimately redevelops, then ~44% of a future commercial street would need to be directly funded by a City financed improvement to meet the commercial street standard. This essentially requires 1,200 feet of City street to be constructed. The City has not identified the improvement of this private street to a City standard as a needed public improvement and the private street is not identified as a local street on Medford's Transportation System Plan. Moreover, the City of Medford does not have any established revenue stream that is devoted to local public street construction projects. These circumstances make it a remote possibility that the existing privately maintained street will become a City street improved to City standards within the next 20 years – barring a major and unforeseen public policy change with respect to City funding for local street improvements.

In addition to the percentage of the private street that is fully developed, creation of a public City Street that serves any connectivity function would require extension to Judge Lane or to Bierson Lane. Such connections would require construction of 720 feet or 657 feet of new road construction respectively. Approximately 300 feet of an extension of Judge Lane would be on land outside the UGB and on land not selected by the Council for inclusion in the pending UGB amendment.



V

**STREET EXACTION  
CODE ANALYSIS**

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Prerequisite to taking an exception to a code requirement is the identification of the code section to which the exception is sought. When an exception concerns a public improvement being required as a condition of development approval, there is a heightened need to identify the relevant code standard because such conditions of approval are public exactions and are subject to limitation<sup>1</sup>. For the subject application, the Applicant has analyzed the MLDC and found those code sections most relevant to serve as a basis to require right-of-way dedications and public improvements within the right-of-way for the proposed project. The analysis in this Section V identifies such MLDC sections. Each MLDC section is followed by a subsequent code analysis that identifies the reasons the Applicant believes the code section is inadequate to justify an exaction of public improvements for the proposed private property development.

**10.421 General Development Design Standards and Criteria**

The developer shall design and improve all required public right-of-way elements, including streets, bicycle lanes, sidewalks, planter strips, street lights, alleys, storm drains, sanitary sewers, waterlines, accessways and public easements which are a part of the development, and those off-site public improvements necessary to serve the development consistent with the Comprehensive Plan or any specific plan thereof, and such other public improvements as required by this chapter in accord with the standards and criteria set forth herein and shall thereafter warrant the materials and workmanship of said improvements for a period of one (1) year from the date of completion. Such improvements as set forth herein shall be considered necessary for the general use of the property owner(s) of the development, the local neighborhood and the city's traffic and drainage needs including without limitation grading and surfacing of streets and accessways, installation of facilities to supply domestic water, construction of storm and sanitary drainage and treatment facilities, all other improvement work as hereafter set forth. All improvement work shall be at the sole cost and expense of the developer unless otherwise specifically provided herein.

**Code Analysis:** This section of the MLDC provides limited, if any, guidance on what public improvements are properly exacted from which types of developments in which circumstances. Rather, this code section is introductory to the entire public improvements section and simply states that "required" public improvements meet applicable standards when they are properly required by a development and that the cost of such public improvements be borne by the developer. The City must first establish what public improvements are required and then this code section is relevant to the imposition of such standards. In the present case, no public street improvements are "part of the development"; the development is proposed entirely on private property. We are aware of any comprehensive plan provision (or specific plan thereof) which contains requirements that are

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<sup>1</sup> Limitation is prescribed by MLD 10.668. Limitation is also prescribed by U.S Supreme Court decisions in *Dolan* and *Nolan*; MLDC 10.668 was also adopted prior to the U.S. Supreme Court decision in *Koontz* which further limits a jurisdiction's ability to use a threat of denial or outright denial as a substitute for satisfying the nexus and proportionality tests required by *Dolan* and *Nolan*.



properly construed as criteria at the time of the development permits for purposes of requiring street improvements in this circumstance.

#### **10.425 Street Access and Dedication Requirements**

Prior to the issuance of a development permit, land shown on any development proposal and intended for vehicular use shall have access to a paved street. Land intended for vehicular and accessway use by the general public shall be offered for dedication.

**Code Analysis:** The facts show that the proposed development has access to a paved street. The land adjacent to the site has already been dedicated. However, the general public has no physical practical way to use this section of right-of-way because there is over 700' of unimproved right-of-way to the east and to the west no public right-of-way intended for vehicular and accessway use by the general public exists; all that exists to the west is a shared private street in an easement for the benefit of the businesses that front on the street.

#### **10.431 Street Improvement**

All new street improvements required as a condition of development shall be improved to the standards set forth in this chapter unless otherwise specified herein or excepted as per Section 10.251, Application for Exception. For purposes of this section, the term new street shall be defined as an unimproved street or existing street which does not have curb and gutter.

**Code Analysis:** This section does not, arguably, provide much guidance on when street improvement conditions are appropriate for the same reason as MLDC 10.421 above.

To the extent it is properly interpreted to provide guidance on where street improvements should be required, that guidance indicates such improvements are not required in the present circumstance. Current standards would only properly be required for "new streets". The existing street is not a new street. The street has a paved asphaltic section for the travel surface and a concrete gutter with rolled curb. The street meets the MLDC definition of a, "Street, Improved" and is not, therefore, a "new" street. Because it is not a "new" street is should be require improvement to current street standards.

#### **10.451 Additional Right-of-Way and Street Improvements**

Whenever an improved arterial or collector street are abutting or within a development and do not meet current City Standards, only additional right-of-way, as per Table IV-1 in Section 10.430B, shall be required as a condition to the issuance of a development permit, unless otherwise occupied by structures in which case only a partial dedication will be required.

**Code Analysis:** This code section is directed at arterial and collector streets and is silent on the requirements for local streets; the subject street is not identified as an existing or future arterial or collector street on the City's TSP functional classification map.

#### **10.481 Improvement Standards Adopted**

Except as otherwise set forth in this chapter the Standard Specifications for public works construction by Oregon Chapter, American Public Works Association, City of Medford standards, The Rogue Valley



Stormwater Quality Design Manual, and the Medford Water Commission Standards for Design and Constructing Water Facilities, all of which standards are hereby incorporated herein by reference, are hereby adopted as minimum design and improvement standards for all streets, sidewalks, driveways, storm drain facilities, street lighting, water facilities, and other development improvements in the city of Medford. In the event that there be any conflict between the standards and specifications set forth in said above referenced pamphlets and any of the standards of specifications specifically contained elsewhere in this code, the latter shall prevail.

**Code Analysis:** This section of the MLDC provides limited, if any, guidance on what public improvements are properly exacted from which types of developments in which circumstances. This section of the code only makes clear the design requirements for new public facilities when they are properly required of a development project.

#### **10.482 Public Improvement Plan Requirements**

A. Prior to the issuance of a development permit and prior to commencement of improvement work, plans and specifications for all public improvements shall be prepared by a professional engineer registered in the State of Oregon in accordance with the design and improvement standards of this Code, and shall be submitted to and reviewed by the City Engineer, except water system plans, which shall be submitted to and reviewed by the Medford Water Commission.

B. All public improvements shall be constructed and completed under the inspection of and with the approval of the City Engineer.

C. Without limiting the foregoing, and using City data, public improvement plans shall include typical cross sections and proposed finished grades of all streets, together with a profile showing the relationship between finished grade and existing ground elevations, and the lengths, sizes, grades, and type of all pipes, culverts, and other structures.

D. Public improvement plans and specifications shall contain performance data reviewed by the developer's engineer demonstrating compliance with all design requirements of this Code. City and Water Commission personnel who check and/or approve public improvement plans and specifications are authorized to accept such performance data at face value without independently verifying the accuracy thereof

**Code Analysis:** Similar to 10.481, this section of the MLDC provides limited, if any, guidance on what public improvements are properly exacted from which types of developments in which circumstances. This section of the code only makes clear the design, timing and process for new public facilities when they are properly required of a development project.



VI

**EXCEPTION  
CONCLUSIONS OF LAW**

For the reasons described in Section V above, the Applicant has been challenged to find the relevant code section under which the City may properly require improvements to the privately maintained street used by the development for access. Notwithstanding this challenge, the Applicant has filed this exception application in an abundance of caution should the Site Plan and Architectural Commission identify a relevant standard under which it believes public improvements to the privately maintained street might be imposed. Based upon the evidence enumerated in Section II and summarized in the Section IV Findings of Fact, the Planning Commission reaches the following Conclusions of Law with respect to this matter:

***City of Medford Approval Criteria***

**10.253 Criteria for an Exception**

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

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**Exception Criterion 1**

(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 Planning Commission/Site Plan and Architectural Commission shall have the authority to impose conditions to assure that this criterion is met.

**Conclusions of Law:** As described in the above Section V, the City's public street requirements exist to assure access to private development occurs on streets that are paved and have a curb and gutter. The intent of the City's minimum regulations for street access is to prevent dust being generated from dirt roads, demarcate the travel surface and provide a means or water conveyance off the travel surface by a gutter. These purposes are all served by the existing improvement condition and the access the subject parcel currently enjoys.

The City's more specific street standards exist for a broader purpose. Street improvement standards are intended to assure publicly maintained facilities are adequate for all the land uses they serve both in the immediate area and for connectivity to a wider area. Structural sections are imposed to assure that new street construction is done in a manner that will



withstand the test of time and will not unduly burden the City with street maintenance expenses. In the subject circumstance, the existing street does not connect to any other streets and there are hundreds of feet of street improvements that would need to occur before it would (or could). Even in the unlikely event such a connection might occur, the maintenance responsibility for the private street is the private owners and not the City so no maintenance burden is borne by the City in any event.

Based upon the foregoing, the Site Plan and Architectural Commission concludes the requested exception will not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources.

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**Exception Criterion 2**

(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.

**Conclusions of Law:** The Site Plan and Architectural Commission conclude that trucking and warehousing uses are outright permitted in the I-G zoning district and nothing in the proposed exception will permit the establishment of the use that is not otherwise allowed in the I-G zoning district.

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**Exception Criterion 3**

(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.

**Conclusions of Law:** The Site Plan and Architectural Commission herewith incorporate and adopt the Findings of Fact in Section IV and conclude thereupon that there are several unique or unusual circumstances that apply to this site which do not typically apply elsewhere in the City, as follows:

1. A land use decision approved by Jackson County provided for a variance to allow the existing private street configuration. The property was located within the City's UGB at that time and the agreement for right-of-way and street configuration was approved without objection from the City of Medford. The property was later annexed to the City with its existing access condition.
2. Logical extension of the street to serve any connectivity function to the east would require improvements outside the existing UGB and outside the UGB boundary selected by the Council for the pending UGB amendment.



3. The subject property is near the eastern end of the private street and the City has no practical way to access the street for maintenance.
4. Right-of-way would need to be acquired from 14 other properties to create a City street; many of these properties are fully developed and incremental improvements through exactions to eventually establish a City street to commercial standards would likely take many years if not many decades.

The Site Plan and Architectural Commission further concludes that dedication of Right-of-Way for a full City standard commercial street would impact the parking and loading area in front of the existing building and wipe out the entire yard fence on the south side of the property causing exceptional hardship on the owner. Additionally, requiring improvements to construct a City street section that the City cannot physically access to maintain and provides no connectivity benefit represents a peculiar, exceptional and undue hardship on the owner.

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#### Exception Criterion 4

(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.

**Conclusions of Law:** Based upon the findings in Section IV above, SPAC concludes the existing private street condition was reviewed and approved by Jackson County and the need for the exception is suffered directly by the property in question.

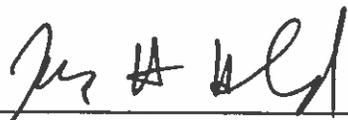
### VII

#### ULTIMATE CONCLUSIONS

Based upon the evidence in Section II and the Findings of Fact in Section IV, the Planning Commission concludes that the case for an Exception to the MLDC is consistent with the relevant criteria in MLDC 10.253 as hereinabove enumerated and addressed.

Respectfully submitted on behalf of Applicant JDT Trucking:

CSA PLANNING, LTD.

  
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Jay Harland  
Consulting Planner

Dated March 29, 2016





RECEIVED

FEB 29 2016

PLANNING DEPT.

# Memorandum

To: Kelly Akin, Principal Planner  
Tracey Carter, Planner I  
City of Medford  
Planning Department

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

Date: February 25, 2016

Re: AC-15-115 - Building Addition at 5560 Table Rock Road

I am writing to follow-up on your discussion of the project with Jay Harland on February 23rd, 2016. My understanding is that there are three issues that require additional information:

1. Buffer standards
2. Block length standards
3. Utility plan

The relevant approval standards regarding Issues 1 and 2 are discussed below. Please see the attached Site Plan depicting the utilities adjacent and onsite.

## 1. BUFFERYARDS

### 10.790 Bufferyards

#### A. Purpose.

Bufferyards are utilized in order to minimize potential conflicts caused by in types and intensity of uses on adjacent properties. Factors to be mitigated include nuisances, such as visual impacts of buildings or parking areas, glare, views from upper story windows, dirt, litter, noise and signs.

#### B. Location.

Bufferyards shall be located along property lines which define the boundary between one zoning district and another, or along the boundary between a zoning district and a General Land Use Plan Map (GLUP) designation where there is not yet city zoning. The specific location of the bufferyard, relative to the property line, is governed by Subsections C-E. Bufferyards are not required along any portion of a public right-of-way or private street.

#### C. Determination of Bufferyard Requirements.

- (1) To determine the type of bufferyard required between two adjacent lots, the following procedure shall be followed:
  - (a) Identify the zoning district within which the subject lot with its proposed use is located.
  - (b) Identify the zoning district(s) or, absent city zoning, the GLUP designation(s) within which the abutting lot(s) are located.
  - (c) Determine the bufferyard required along each boundary, or segment thereof, of the subject lot by referring to Subsection D, Tables of Bufferyard Standards, which specify the bufferyard types required between zones or GLUP designations.
  - (d) A standard bufferyard shall be provided in addition to any agricultural buffering required by Section 10.801.
- (2) Responsibility for bufferyard installation. In the case of two abutting vacant lots, the first lot to develop shall provide the buffer required by Subsection D, Tables of Bufferyard Standards. The second use to develop shall, at the time it develops, provide all additional material/land necessary to provide the total bufferyard required of Subsection D, Tables of Bufferyard Standards.

#### D. Tables of Bufferyard Standards.

The letter designations contained in these tables refer to the bufferyard standards contained in Subsection E, Bufferyard Standards.

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
I-G	2	B	B	B	B	A	A	A	A	-	-

- 1 A type-A bufferyard shall be provided at the time of development of the site.
- 2 Where the bufferyard will be a type A, based on the current zoning, the entire bufferyard shall be installed. Where the bufferyard will be a type B, based on the current zoning, only the 8-foot wall of the bufferyard shall be installed.
- 3 Only the 8-foot wall of the type-B bufferyard shall be installed.
- Signifies no buffering requirement.



**E. Bufferyard Standards.**

- (1) This Subsection provides the width of the bufferyard, type of wall required, and the required planting scheme to provide effective screening between adjacent properties having dissimilar land use. For an administratively approved bufferyard, the Standard Planting Scheme as required by 10.790 (E)(1)(a) shall be used unless the applicant wishes to submit a Site Plan and Architectural Review application to have the Commission consider modifying the requirement.
- (a) Planting Scheme: In addition to compliance with other landscaping provisions in this chapter, bufferyards shall include a variety of plant sizes and shapes and provide effective visual screening between the adjacent properties having dissimilar land uses. The bufferyard shall be planted with trees and shrubs of the appropriate size, shape and spacing to provide a continuous canopy between the top of the wall and a height of 20 feet within ten (10) years. A minimum of 60 percent of the trees used to provide visual screening shall be non-deciduous species. The planting plan shall take into account the nature of the impacts specific to the two sites, particularly building height and locations of windows and lighting.

**Table 10.790-3. Bufferyard Types**

Table 10.790-3. Bufferyard Types		
Type	Width	Wall
A	10 feet	Six (6) foot concrete or masonry wall.

- (2) The wall shall typically be placed on the property line between the two uses; however, the approving authority may authorize its location anywhere within the bufferyard. Walls shall be constructed of a material and design that is sight-obstructing, compatible with adjacent uses, and accepted by the approving authority.
- (3) Any part of the bufferyard may be located on the adjoining property provided it is planted with a proportionate share of the required plants and, for any part located outside of the standard setback, a perpetual bufferyard easement is recorded by the property owner. The easement shall allow for the installation and perpetual maintenance of the bufferyard and restrict use of the area to only the bufferyard.
- (4) Encroachments into bufferyards: The bufferyard is intended to provide a minimum amount of space for the required plants to grow and for aesthetic separation between uses. Therefore, this area shall be reserved exclusively for such use. Encroachment of driveways, parking and maneuvering areas, sidewalks, patios, or structures (other than the required fence or wall) are prohibited in the bufferyard area.
- (5) Bufferyard credits: Existing plant materials within the bufferyard area may be counted toward the bufferyard requirement.
- (6) Adjustments to bufferyards: The approving authority shall have the discretion to make adjustments to the bufferyard requirements if an unusual circumstance exists and a finding is made that adequate buffering will be provided to avoid significant adverse impacts to the livability or value of the adjoining properties. Adjustments shall not be made simply for the convenience of site design. Adjustments to the bufferyard requirements 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.

**Findings; Conclusions of Law:** Per Table 10.790-1 a bufferyard is required between the subject property which is zoned I-G and the properties to the east and west that are zoned I-L.

On the eastern boundary, the parking lot for the industrial shop/warehouses on the site abuts the truck parking area on the subject property. A six foot chain-link security fence separates the two properties. As both sides use the areas for parking and circulation, adding planting would reduce the area available for these activities and would provide little benefit to either side.

On the western boundary, the subject property's truck maneuvering area abuts a driveway for Northwest Specialty Fabrication's sheet metal shop and warehouse on the adjacent property. Like on the eastern boundary, the uses on each side of the boundary are quite similar. A six foot chain-link security fence separates the two properties. Some trees and bushes are existing between the subject property's building and the fence, providing a



visual buffer near the front of the property. However, the Rogue River Valley Irrigation District's Coker Butte piped lateral runs north-south underground, paralleling the western property line. A ten foot wide easement is centered on this boundary for access and maintenance. Half of the easement is on the subject property, the other half of the easement lays on the parcel to the west. Adding planting within the easement area is would impact the Irrigation District's ability to maintain the canal, and adding a wall would not be allowed.

On both borders an existing six foot chain-link security fence is in place which has been sufficient for separating the properties activities. All of the uses on the three properties are long standing and involve similar activities including trucking, fabrication, and warehousing. In addition, along the western boundary, no walls can be constructed due to the irrigation canal easement. The Applicant therefore requests an adjustment to the bufferyard standards per section (6)(c) on the east and west sides and that the Site Plan and Architectural Commission affirm that the existing six-foot chain-link fence is sufficient to meet the bufferyard requirement in these locations.

## 2. BLOCK LENGTH STANDARDS

### 10.426 Street Circulation Design and Connectivity

#### B. Street Connectivity and Formation of Blocks Required.

1. Block layouts shall substantially conform to adopted neighborhood circulation plans for the project area if applicable. Street arrangement and location may depart from the adopted plan if the project will result in a comparable level of overall connectivity. Projects that depart from the neighborhood circulation plan shall conform to planned higher order streets adopted in the City of Medford Transportation System Plan.
2. Proposed streets, alleys and accessways shall connect to other streets within a development and to existing and planned streets outside the development, when not precluded by factors in Section 10.426 C.2 below. When a development proposes a cul-de-sac, minimum access easement or flag lot to address such factors, the provisions of Section 10.450 apply.
3. Proposed streets or street extensions shall be located to provide direct access to existing or planned transit stops and other neighborhood activity centers such as schools, office parks, shopping areas, and parks.
4. Streets shall be constructed or extended in projections that maintain their function, provide accessibility, and continue an orderly pattern of streets and blocks.

#### C. Maximum Block Length and Block Perimeter Length.

1. Block lengths and block perimeter lengths shall not exceed the following dimensions as measured from centerline to centerline of through intersecting streets, except as provided in Subsections 10.426 C.2.

Table 10.426-1 MAXIMUM BLOCK LENGTH AND PERIMETER LENGTH		
Zone or District	Block Length	Block Perimeter Length
e. Regional Commercial and Industrial Zones	940'	3,760'

2. The approving authority may find that proposed blocks that exceed the maximum block and/or perimeter standards are acceptable when it is demonstrated by the findings that one or more of the constraints, conditions or uses listed below exists on, or adjacent to the site:
  - a. Topographic constraints, including presence of slopes of 10% or more located within the boundary of a block area that would be required by subsection 10,426 C.1.,
  - b. Environmental constraints including the presence of a wetland or other body of water,
  - c. The area needed for a proposed Large Industrial Site, as identified and defined in the Medford Comprehensive Plan Economic Element, requires a block larger than provided by section 10.426 C.1.e. above. In such circumstances, the maximum block length for such a Large Industrial Site shall not exceed 1,150 feet, or a maximum perimeter block length of 4,600 feet,
  - d. Proximity to state highways, interstate freeways, railroads, airports, significant unbuildable areas or similar barriers that make street extensions in one or more directions impractical,
  - e. The subject site is in SFR-2 zoning district,



- f. Future development on adjoining property or reserve acreage can feasibly satisfy the block or perimeter standards
  - g. The proposed use is a public or private school, college or other large institution,
  - h. The proposed use is a public or private convention center, community center or arena,
  - i. The proposed use is a public community service facility, essential public utility, a public or private park, or other outdoor recreational facility.
  - j. When strict compliance with other provisions of the Medford Land Development Code produce conflict with provisions in this section.
3. Block lengths are permitted to exceed the maximum by up to 20% where the maximum block or perimeter standards would require one or more additional street connections in order to comply with both the block length or perimeter standards while satisfying the street and block layout requirements of 10.426 A or B or D,
  4. When block perimeters exceed the standards in accordance with the 10.426 C.2. above, or due to City or State access management plans, the land division plat or site plan shall provide blocks divided by one or more public accessways, in conformance with Sections 10.464 through 10.466.

**Findings; Conclusions of Law:** The standard for block length per Table 10.426 above is 940 feet. Per Section 3 above, this length can be exceeded by up to 20%, which would equal 1,260 feet. The subject property is located approximately 1,600 feet from Table Rock Road. It is on the north side of an approximately 2,400 foot long existing private access road that terminates in a cul de sac. The properties along the private access road are all industrial and several of them, including the subject property, are large industrial sites that with frontages of 660 to 1,320 feet.

Per Section 2(f), there is potential to connect to the south to Bateman Road across existing vacant land. On the north, no such opportunities exist. The subject property and all of the properties along the north side of the private access road are bounded on the north by Medford's City Limits and Urban Growth boundary. The properties to the north are all county zoned EFU. The lots to the north are dominated by very large rural lots, ranging from 10 to 63 acres, with no existing streets to which a new north-south street or public accessway could connect.

The proposed site plan for the subject property does not preclude a potential accessway or road connection in the future, when and if the properties to the north are annexed and roads are constructed. A considerable amount of undeveloped land will remain that could be used for a road connection if this area is developed in the future.

Thereby, the Commission can conclude that while the block length along the private access road exceeds the maximum block length by more than 20%, requiring an accessway or road connection at this time is unwarranted as there is no road network that they can connect to and therefore would serve no purpose.

Attached please find the updated site plan showing existing utilities. Other than the proposed storm detention system, no other utilities are being extended. Please feel free to call me if there are any questions regarding these issues or if there are additional issues that still need addressing.

Regards,  
CSA Planning, Ltd.



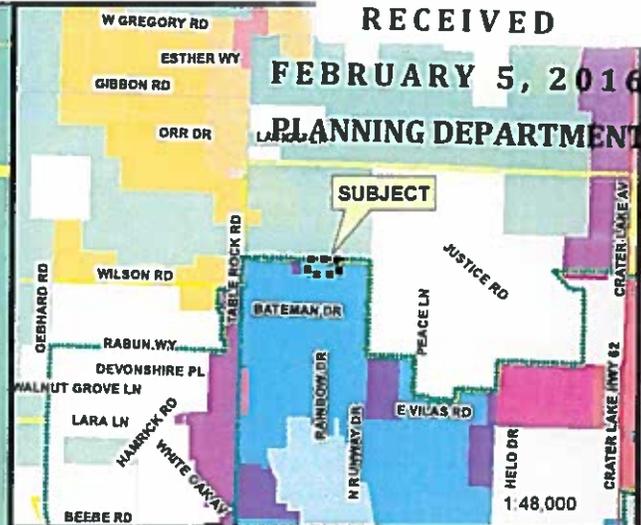
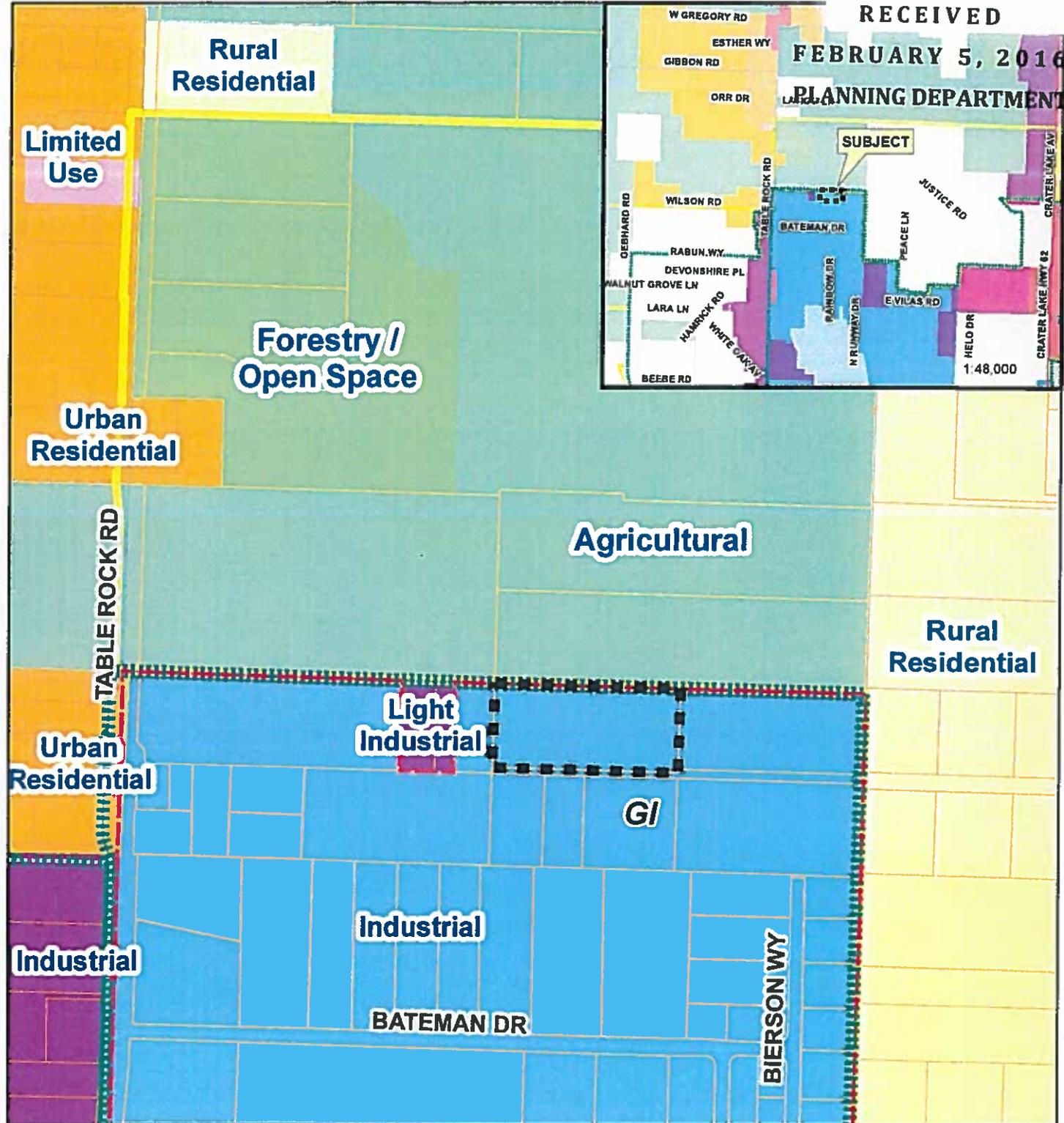
Beverly Thruston, AIA  
Associate

Attached:

No.	Item
1 ea	Site/ Drainage/ Utility/ Landscape Plan, 8.5 x 11 and 11 x 17



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 FEBRUARY 5, 2016  
 PLANNING DEPARTMENT



	Subject Lot		County Comp Plan
	City Limits		Forestry / Open Space
	Urban Growth Boundary		Agricultural
	Urban Reserves		Industrial
	Tax Lots		Limited Use
	Medford GLUP		Rural Residential
	GI		Urban Residential

**General Land Use Plan (GLUP) Map**

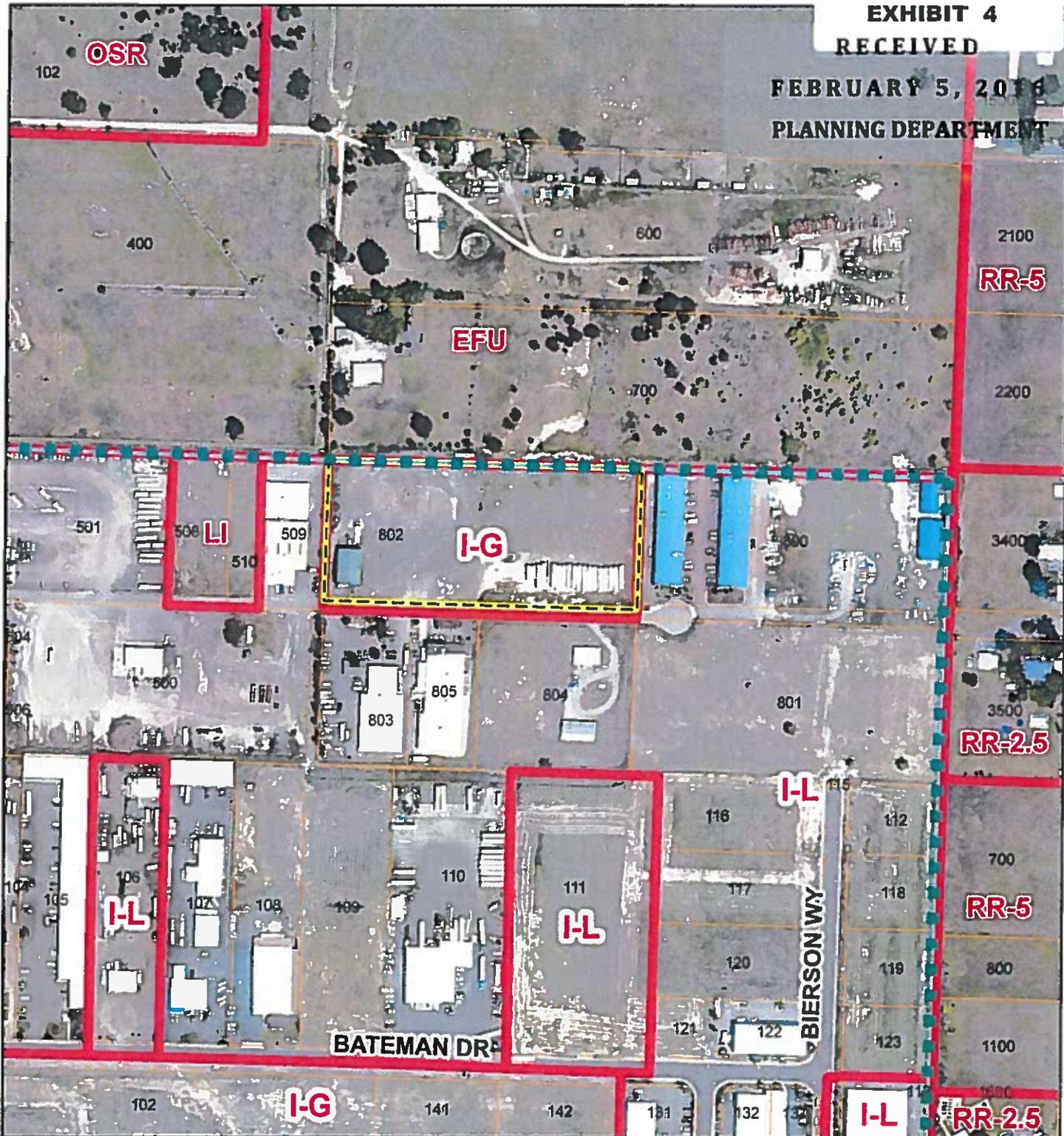
JDT Trucking  
 Site Plan and Architectural Review  
 36-2W-36A-802

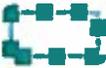
500 250 500 Feet

CITY OF MEDFORD

EXHIBIT #

FEBRUARY 5, 2016  
PLANNING DEPARTMENT



-  Urban Growth Boundary
-  Subject Lot
-  Zoning Outline
-  Tax Lots

2012 Aerial

# Zoning Map on Aerial

JDT Trucking  
Site Plan and Architectural Review  
36-2W-36A-802



CSA Planning LTD

300 150 0 300 Feet  
File # AC-15-115 / E-16-042

CITY OF MEDFORD  
EXHIBIT #

FOR ASSESSMENT AND TAXATION ONLY

N.E.1/4, SEC.36, T.36S., R.2W., W.M.  
JACKSON COUNTY  
1" = 200'

36 2W 36A  
MEDFORD

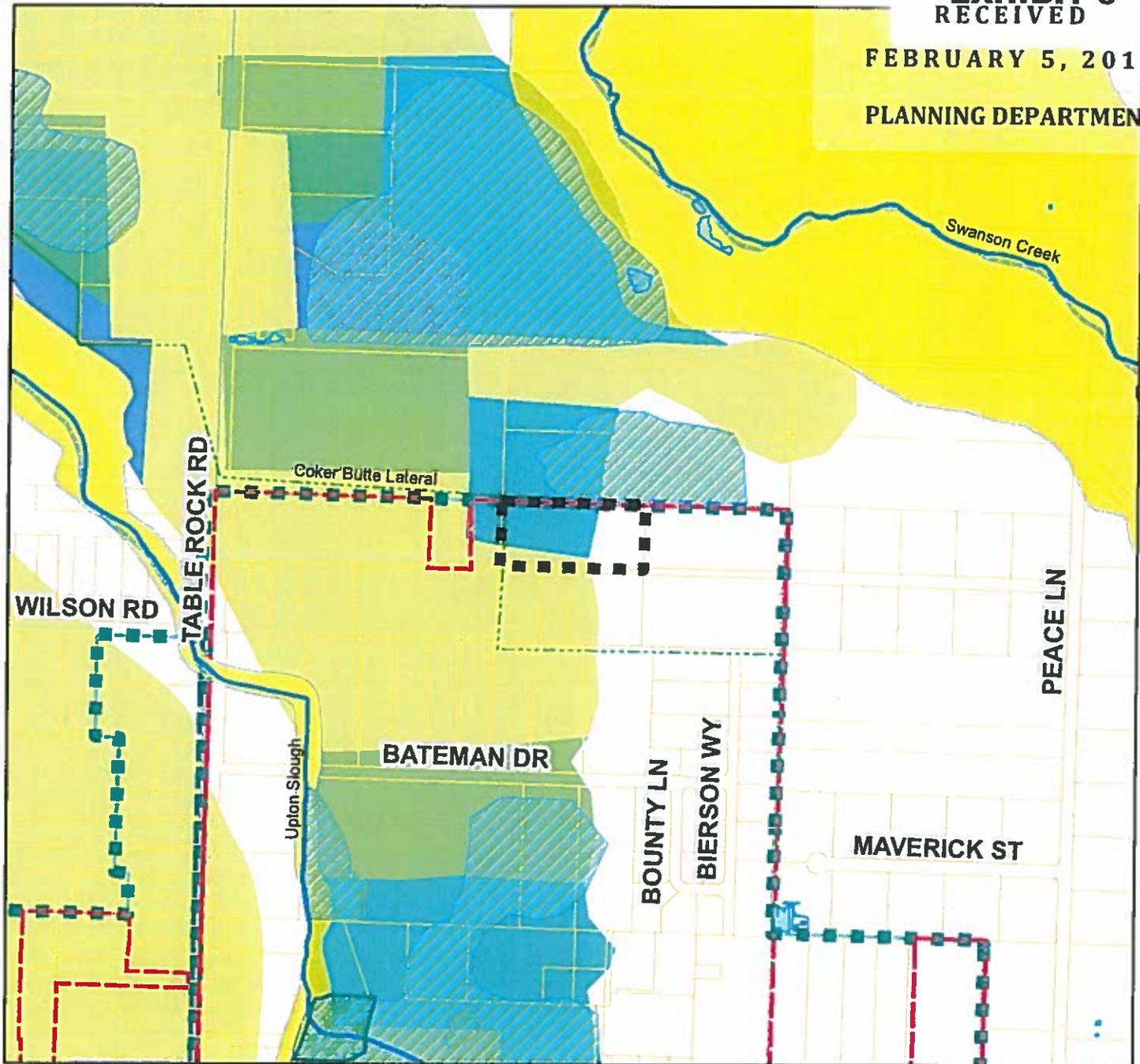
**EXHIBIT 5**

CANCELLED TAX  
LOT NUMBERS  
801



**RECEIVED**  
**FEBRUARY 5, 2016**  
36 2W 36A  
MEDFORD  
**PLANNING DEPARTMENT**

FOR CONVEYANCE IN MEDFORD  
REV FEBRUARY 15, 2009



	Subject Lot	<b>Vernal Pools By Conservation Code</b>	
	Locally Significant	<b>TOPO/HYDRO VEG.</b>	
	Other Wetlands		Intact
	Named Streams		Severly Altered
	Minor Streams		Altered
	Ditches		Severly Altered
	Ditches - Tunnels / Siphons		Severly Altered
	waterbody med area only		Developed
<b>FEMA Floodplains</b>			Undetermined
	100-Year		wetpoly
	City Limits		Lakes & Ponds
	Urban Growth Boundary		
	Tax Lots		

# Hydrological Map



**JDT Trucking**  
**Site Plan and Architectural Review**  
**36-2W-36A-802**



01-26-2016 Source: Jackson GIS

**CITY OF MEDFORD**  
**EXHIBIT #**

**File # AC.15.115 / E.16.042**

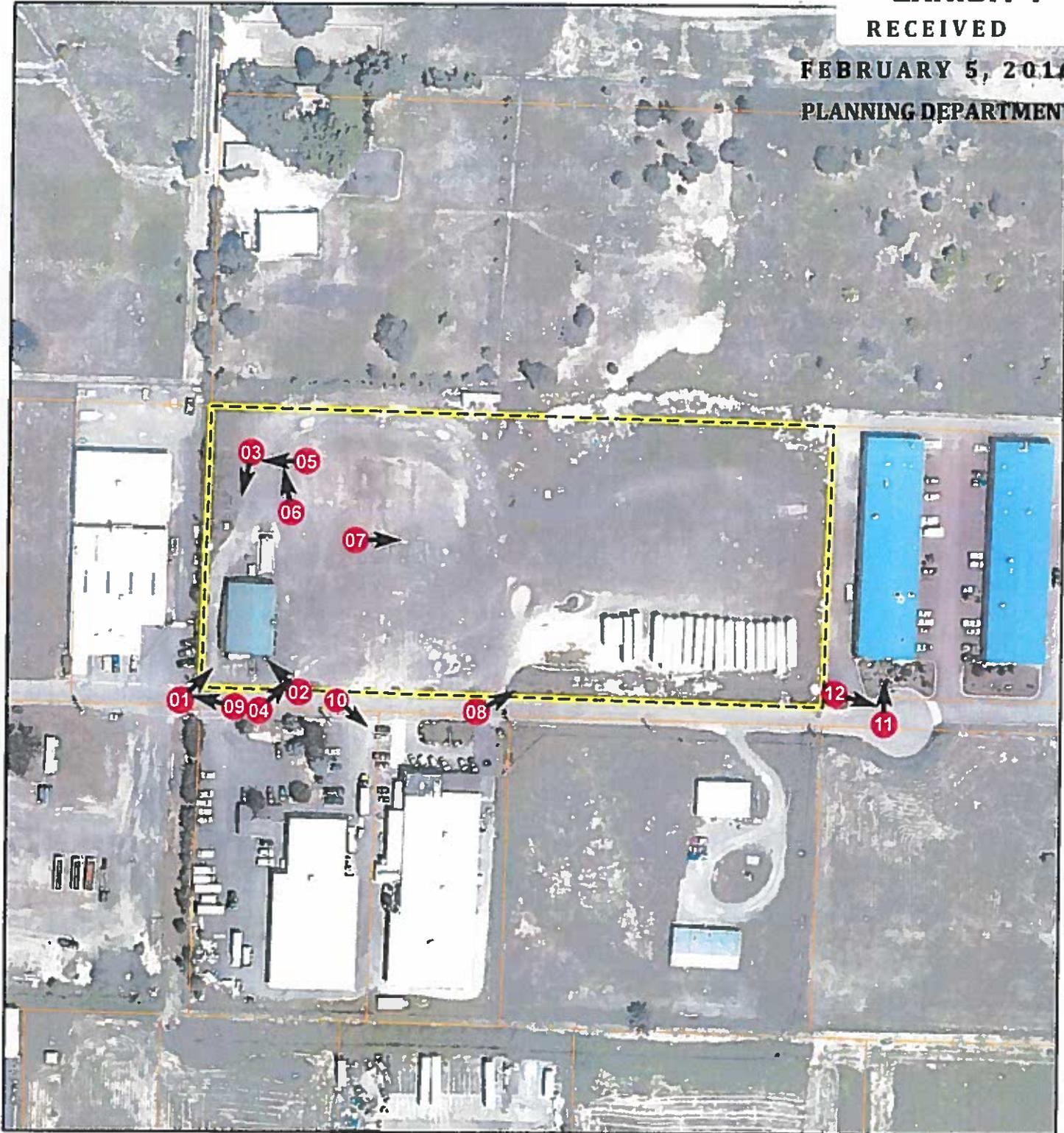


 Photo Location & Direction

 Subject Lot

 Tax Lots

2012 Aerial

# Photo Key Map

**JDT Trucking  
Site Plan and Architectural Review  
36-2W-36A-802**





**CITY OF MEDFORD**  
**EXHIBIT # \_\_\_\_\_**  
**File # AC-15-11515-16-042**

150 75 

FEBRUARY 5, 2016

PLANNING DEPARTMENT



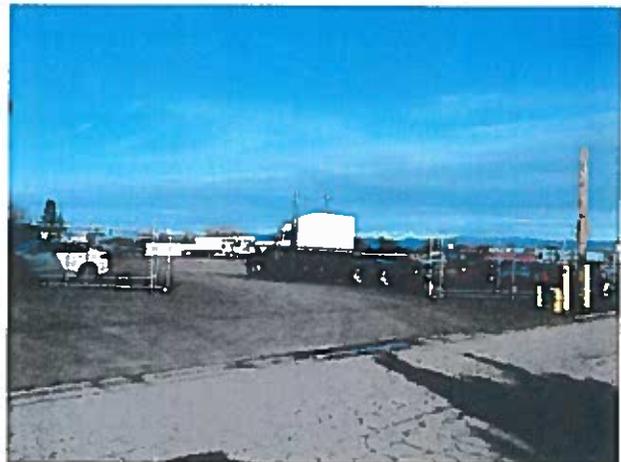
① Northwest corner of Subject Building, facing private road



② Southwest corner of Subject Building adjacent to entry gate



③ North (rear) facade of Subject Building



④ Main entry gate

**Legend**

② Photo ID Number

**Site Photos**

*SITE PLAN and ARCHITECTURAL REVIEW*

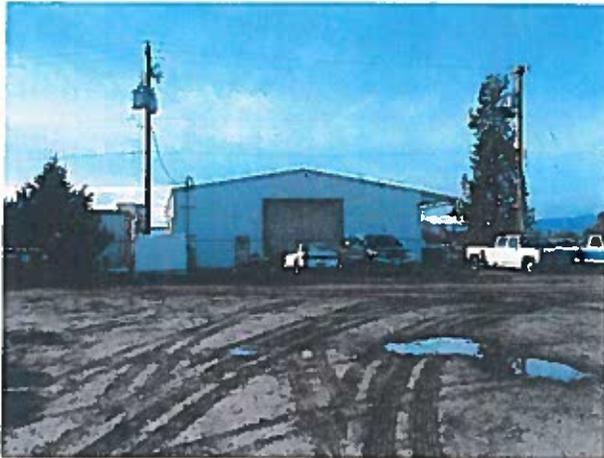
*5560 Table Rock Road, Central Point, OR*

*JDT Trucking*



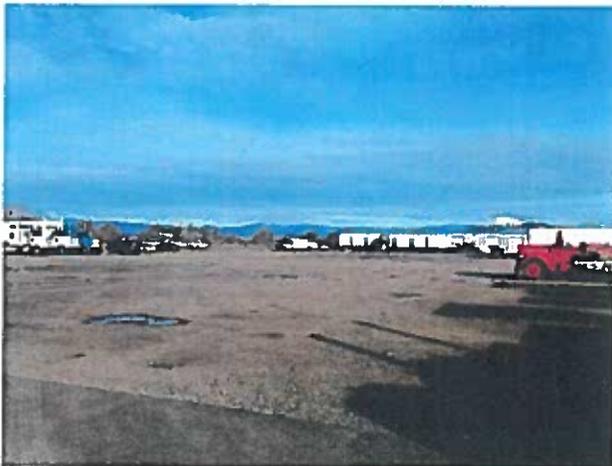
FEBRUARY 5, 2016

PLANNING DEPARTMENT



5 Looking West from rear yard toward building on adjacent Tax Lot 509

6 Looking North from Subject Building toward Tax Lot 700



7 Looking East across Truck Parking Area

8 East entry gate to Parking Area

**Legend**

2 Photo ID Number

**Site Photos**

*SITE PLAN and ARCHITECTURAL REVIEW*

*5560 Table Rock Road, Central Point, OR*

*JDT Trucking*

**CITY OF MEDFORD**

**EXHIBIT #**

**File # AC-15-115 / E-16-042**

February 4, 2016



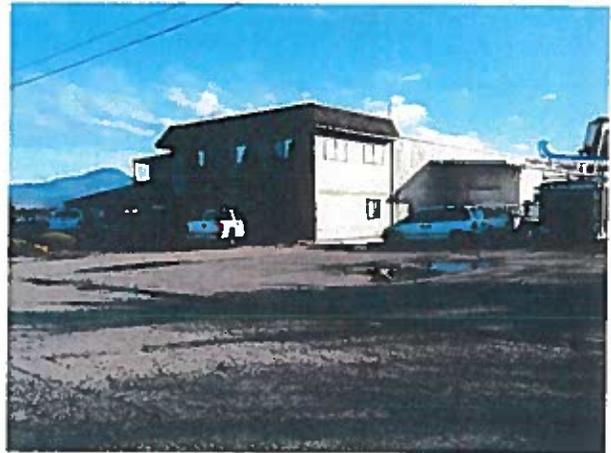
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FEBRUARY 5, 2016

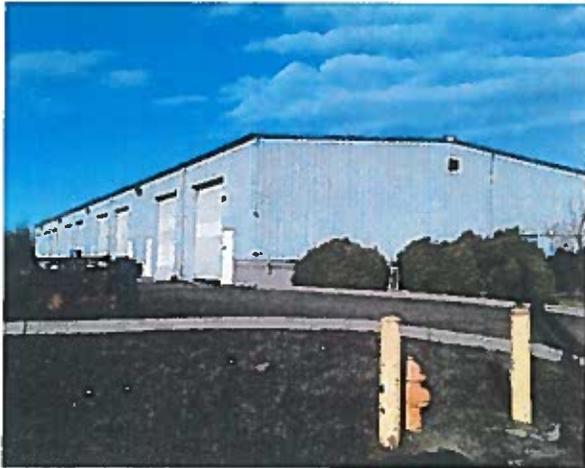
PLANNING DEPARTMENT



9 Adjacent buildings on Private Road, East of Subject property



10 Buildings to the South, across the Private Road



11 Storage Building at cul de sac end of Private Road



12 Looking Southeast across cul de sac end of Private Road

**Legend**

2 Photo ID Number

**Surrounding Area Photos**

*SITE PLAN and ARCHITECTURAL REVIEW*

*5560 Table Rock Road, Central Point, OR*

*JDT Trucking*

**CITY OF MEDFORD**  
**EXHIBIT #** \_\_\_\_\_  
**File # AC-15-115 / E-16-042**

February 4, 2016



CSA

Handwritten initials or mark.

## NEW – WGM/WGL full cut-off wallpacks

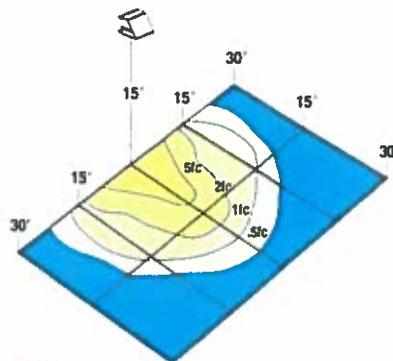
Hubbell Outdoor Lighting's new WGM/WGL are designed for entry and perimeter lighting with typical mounting heights of 10'-15' for the WGM and 15'-25' for the WGL. Use where full cut-off light control is required. Typical applications are commercial, office, warehouse and locations.

### Key Features & Benefits

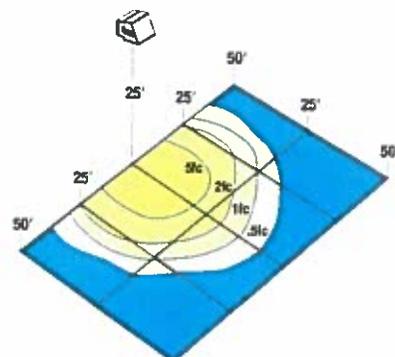
- Two sizes for proper architectural scale
  - WGM – 10-15 ft typical mounting heights
  - WGL – 15-25 ft typical mounting heights
- No uplight – Neighbor friendly
- Die-cast aluminum construction for durability, rigid mounting and excellent heat dissipation for long life
- Clear, tempered, impact resistant glass lens
- 1/2" hubs – top and side locations for surface conduit or photocontrol
- Energy efficient pulse start metal halide, HPS and CFL sources
- WGM-84F-MS42 motion sensor energy saver – illuminates one 42w lamp standard with motion sensor control of second lamp. 50% energy savings when activity is not present. Can be field wired to total sensor control if desired
- Dark Bronze powder coat finish protects housing and provides lasting appearance
- UL1598 listed for use in wet locations



WGM PHOTOMETRIC PERFORMANCE



WGL PHOTOMETRIC PERFORMANCE



ORDERING INFORMATION ON REVERSE SIDE

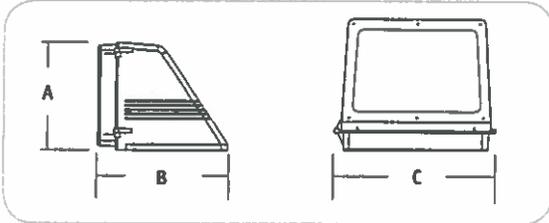


**ORDERING INFORMATION**



CATALOG NUMBER	WATTAGE/SOURCE	VOLTAGE	FINISH	LAMP	WEIGHT LBS. (KG)
<b>WGM – Medium Base or CFL</b>					
<b>WGM-100P</b>	100w PSMH	120, 208, 240, 277V	Bronze	ED17	18 (8.2)
<b>WGM-150P</b>	150w PSMH	120, 208, 240, 277V	Bronze	ED17	19 (8.6)
<b>WGM-150S</b>	150w HPS	120, 208, 240, 277V	Bronze	ED17	18 (8.2)
<b>WGM-84F</b>	2x42w CFL	120-277V	Bronze	3u-4 Pin	16 (7.3)
<b>WGM-84F-MS42<sup>1</sup></b>	2x42w CFL	120V	Bronze	3u-4 Pin	16 (7.3)

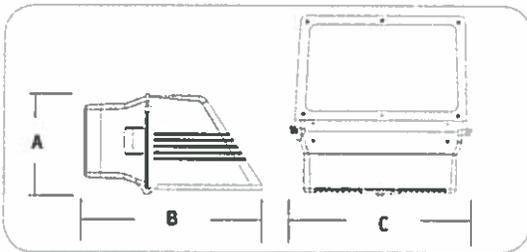
<sup>1</sup> CFL lamps are 3500K, sensor has adjustable time and sensitivity controls



A	B	C
9.25"	11.4"	14.2"
235 mm	290 mm	361 mm



CATALOG NUMBER	WATTAGE/SOURCE	VOLTAGE	FINISH	LAMP	WEIGHT LBS. (KG)
<b>WGM – Medium Base or CFL</b>					
<b>WGL-250P</b>	250w PSMH	120, 208, 240, 277V	Bronze	ED28	27 (12.3)
<b>WGL-320P</b>	320w PSMH	120, 208, 240, 277V	Bronze	ED28	28 (12.7)
<b>WGL-250S</b>	250w HPS	120, 208, 240, 277V	Bronze	ED18	32 (14.5)
<b>WGL-400S</b>	400w HPS	120, 208, 240, 277V	Bronze	ED18	32 (14.5)



A	B	C
9.84"	17.2"	18"
250 mm	438 mm	456 mm

**AGRICULTURAL IMPACT ASSESSMENT REPORT** – January 6, 2016

5560 Table Rock Road, Central Point, OR

**FEBRUARY 5, 2016**

**PLANNING DEPARTMENT**

**C. Information Required: Agricultural Impact Assessment Report.**

As part of any land use or development application listed in Subsection 10.801.B where the agricultural buffering provisions in Subsections 10.801.A through E apply, an applicant for such application shall supply the Planning Department with the following information in a report entitled "Agricultural Impact Assessment Report":

- (1) An excerpt of a City of Medford and/or Jackson County zoning map showing the zoning of land adjacent and within two hundred (200) feet of the property proposed for urban development.

See attached map. Tax Lot 700 to the north of the subject property is zoned EFU.

- (2) A description of the type and nature of agricultural uses and farming practices, if any, which presently occur on adjacent lands zoned EFU or EA and sources of such information. The information thus required, if applicable, shall include:
  - (a) Method of irrigation. An examination of Jackson County GIS groundwater rights data and historic aerial photographs indicate the property does not have irrigation rights.
  - (b) Type of agricultural product produced. The property does not appear to be producing any agricultural products. The aerial photographs and partial perimeter fencing indicate the property may be used for livestock rearing however none were witnessed on site and none are evident on historic aerial photographs. The property appears to primarily be used for rural residential purposes.
  - (c) Method of frost protection. Unknown
  - (d) Type of agricultural equipment customarily used on the property. Based on vegetative patterns evident on recent aerial photographs, it appears the westerly portion of the property, near the house, garden and outbuildings is mowed. Whether the property is mowed for purposes of grass hay or simply fire danger is unknown. Regardless, the typical method for mowing pasture is to use a tractor with a rotary style pto driven pull-behind mover. Given the small area, it is quite possible they used a lawn tractor.

- (3) Detailed information obtained from the Natural Resources Conservation Service (NCRS) concerning soils which occur on adjacent lands zoned EFU or EA, and whether the land has access to water for irrigation.

Soils on the westerly one third and easterly one third of the property are 6B Agate Winlo Complex with a Class IV nonirrigated rating. The middle one third includes 33A Coker Clay, that also a Class IV nonirrigated rating.

- (4) Wind pattern information. Prevailing winds are from the west northwest.
- (5) A description of the measures proposed to comply with the requirements of Subsections 10.801.A through E.
  - 1. Installation of a 6 foot chain link fence. Fence to be maintained by subject property owners.
  - 2. Filing of a deed declaration.
  - 3. Subject property is higher in elevation than EFU property, therefore if the EFU property were to ever become irrigated, no adverse run-off would be anticipated.
  - 4. Subject property run-off will be directed to new French drain.

- (6) The persons who prepared said report and all persons, agencies, and organizations contacted during preparation of the report. Michael Savage, CSA Planning.
- (7) All statements shall be documented, sources given as reference, and any other detailed information needed to substantiate conclusions should be provided in the appendices. None needed.

**D. Mitigation and Impact Management.**

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

Based on our analysis of the adjacent EFU zoned lands, the property appears to be used primarily for rural residential purposes that are neither intensive nor passive agriculture. However, it is possible that the property is used for the raising of livestock and/or seasonal nonirrigated grass hay and is therefore considered passive agriculture under this provision.

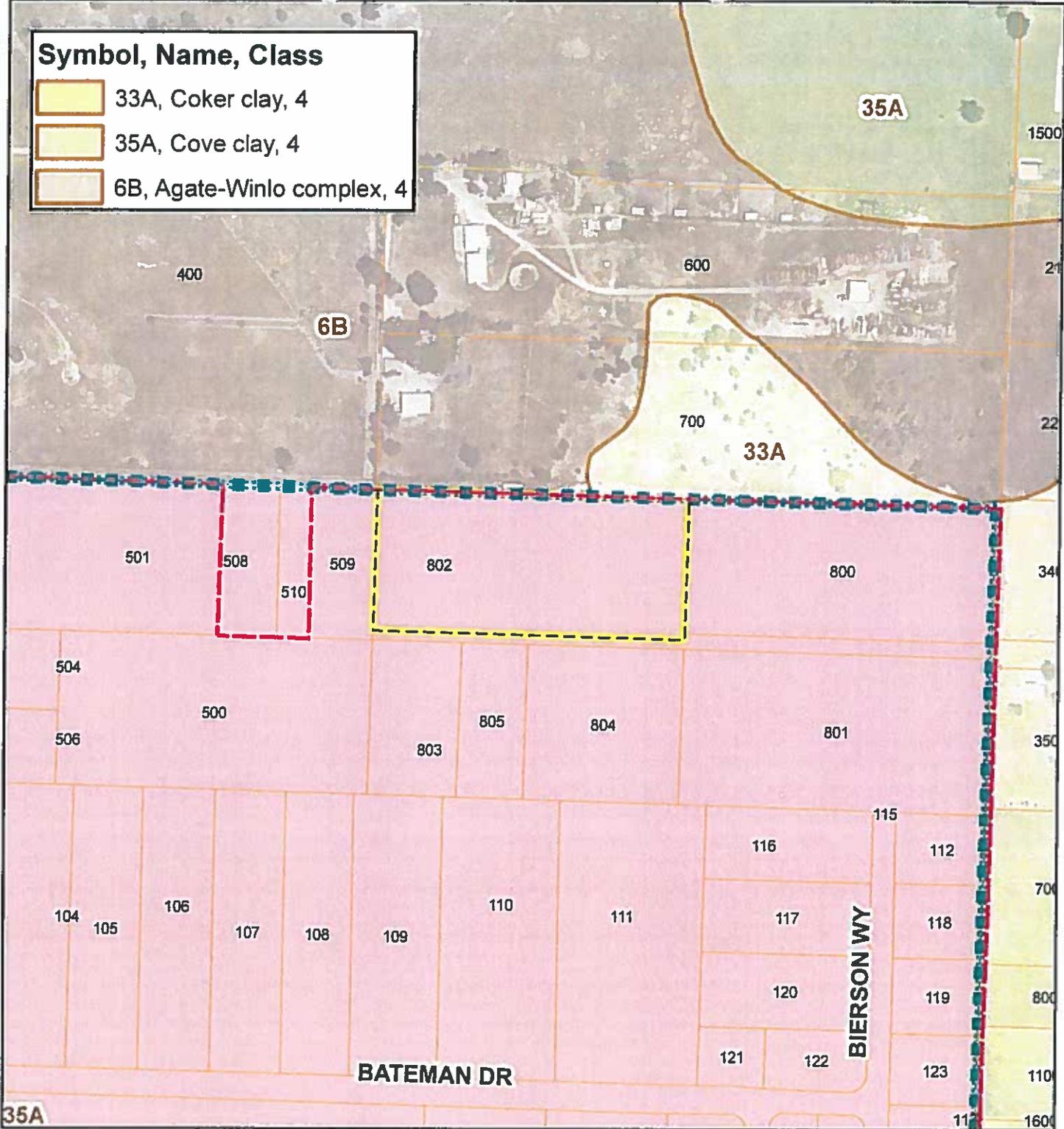
- (3) **Mitigation - Passive Agriculture.** To minimize or mitigate the adverse potential impacts associated with the proximity of urban and agricultural land uses, the following measures shall be undertaken by the developer when urban development is proposed adjacent to land in passive agricultural use:
  - (a) **Fencing.** A wood fence, chain link fence, or masonry wall, not less than six (6) feet in height shall be installed at the property boundary where the development property adjoins and has a common property line with land zoned EFU or EA. In no case shall a fence or wall be required within a front yard area. The fence or wall used to buffer agricultural land shall comply with the regulations regarding fencing, Sections 10.731 through 10.735. Information shall be provided regarding the long-term maintenance responsibility for the fence or wall.
  - (b) **Deed Declaration.** The deed declaration required in subsection 10.801.D(2)(c) shall be required.
  - (c) **Irrigation Runoff.** Measures appropriate to the circumstances present shall be undertaken by the urban developer to mitigate adverse impacts which occur from periodic naturally occurring runoff and inadvertent agricultural irrigation runoff.

See, Item 5 herein above.



**Symbol, Name, Class**

-  33A, Coker clay, 4
-  35A, Cove clay, 4
-  6B, Agate-Winlo complex, 4



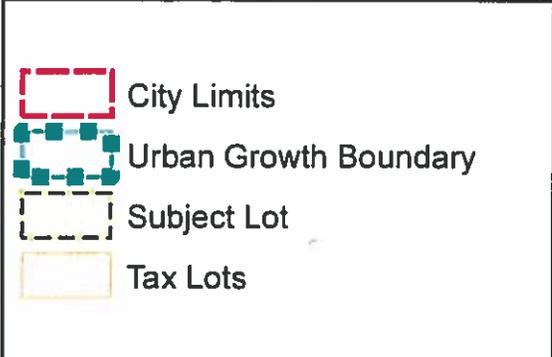
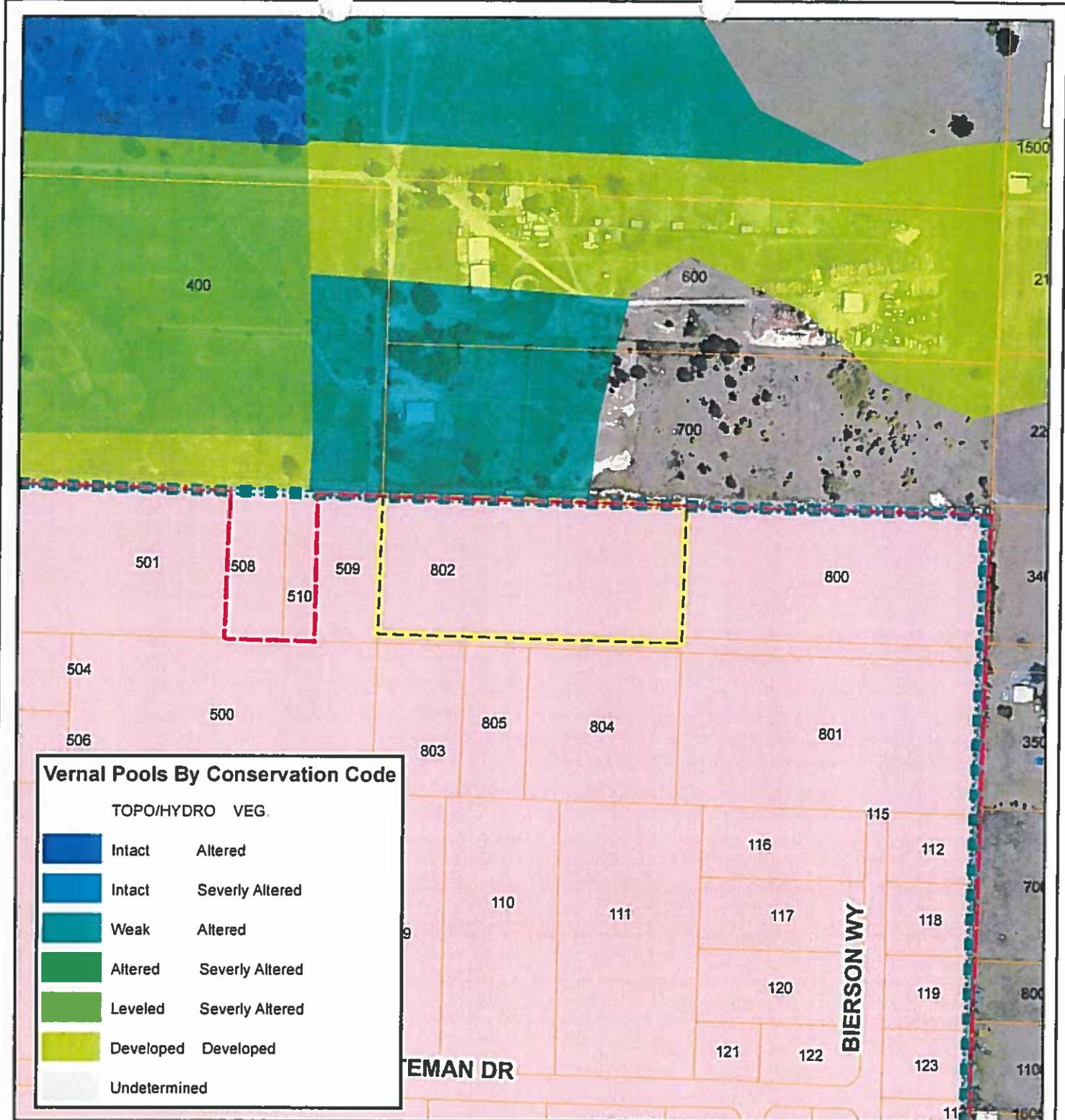
-  City Limits
-  Urban Growth Boundary
-  Subject Lot
-  Tax Lots

**NRCS Soils**

JDT Trucking  
 Site Plan and Architectural Review  
 36-2W-36A-802

2012 Aerial





## Potential Vernal Pools

JDT Trucking  
 Site Plan and Architectural Review  
 36-2W-36A-802

2012 Aerial

CSA Planning | TD



LEGAL DESCRIPTION

RESERVE FOR REC

EXHIBIT 11

RECEIVED  
 Jackson County Official Records 2013-022698  
 R-WD FEBRUARY 12 2:53:26 PM '13  
 Str=1 SHINGLJS \$10.00 \$11.00 \$10.00 \$10.00 \$15.00 \$54.00  
 PLANNING DEPARTMENT  
 I, Christine Walker, County Clerk for Jackson County, Oregon, certify  
 that the instrument identified herein was recorded in the Clerk  
 records.  
 Christine Walker - County Clerk

After recording return to:  
 Wayne E. Davis and Rayven M. Davis  
 5575 Table Rock Road  
 Central Point, OR 97502

Until a change is requested all tax statements  
 shall be sent to the following address:  
 Wayne E. Davis and Rayven M. Davis  
 5575 Table Rock Road  
 Central Point, OR 97502

Escrow No. AP0800773  
 Title No. 0800773  
 SWD r.020212

RECEIVED  
 AUG 11 2015  
 PLANNING DEPT.  
 RECEIVED  
 FEB 05 2016  
 PLANNING DEPT.

**STATUTORY WARRANTY DEED**

**Plunk Transportation Inc.,**

Grantor(s), hereby convey and warrant to

**Wayne E. Davis and Rayven M. Davis, as tenants by the entirety,**

Grantee(s), the following described real property in the County of Jackson and State of Oregon free of encumbrances except as specifically set forth herein:

**The West Half of the North Half of the South Half of the Southeast Quarter of the Northeast Quarter of Section 36, Township 36 South, Range 2 West, of the Willamette Meridian in Jackson County, Oregon. EXCEPTING THEREFROM that portion deeded to the City of Medford, an Oregon Municipal Corporation, as set forth in instrument recorded as No. 98-26314 of the Official Records of Jackson County, Oregon.**

**For Informational purposes only, the following is included:  
 (Map No. 362W36A, Tax Lot 802, Account No. I-064450-6, Code 6-35)**

The true and actual consideration for this conveyance is **PURSUANT TO AN IRC 1031 TAX DEFERRED EXCHANGE ON BEHALF OF GRANTOR/GRANTEE.**

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

**2013-2014 Real Property Taxes a lien not yet due and payable.**

CITY OF MEDFORD  
 EXHIBIT # \_\_\_\_\_  
 File # AC-15-115 / E-16-042

CITY OF MEDFORD  
 EXHIBIT # \_\_\_\_\_  
 FILE # AC-15-115

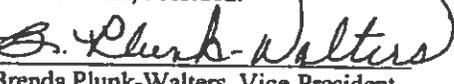
39

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 1 day of July, 2013.

Plunk Transportation Inc.

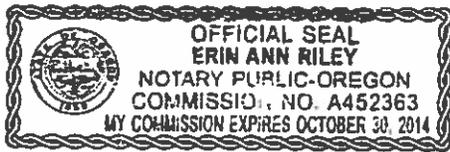
BY:   
Steven Plunk, President

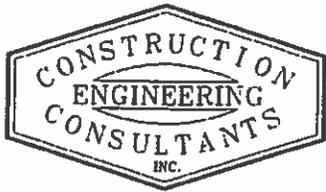
BY:   
Brenda Plunk-Walters, Vice-President

STATE OF OREGON  
County of Jackson

This instrument was acknowledged before me on July 1, 2013, by Steven Plunk as President and Brenda Plunk-Walters as Vice-President of Plunk Transportation Inc..

  
Notary Public for Oregon  
My Commission Expires: 10-30-2014





P.O. BOX 1724 • MEDFORD, OR 97501 • PH (541) 779-5268 • FAX (541) 779-3139

**EXHIBIT 12**

**RECEIVED**

**FEBRUARY 29, 2016**

**PLANNING DEPARTMENT**

January 4, 2016

CSA Planning  
4497 Brownridge Terrace, Ste. 101  
Medford, OR 97504

**Attn: Beverly Thruston**

**RE: JDT Trucking – Stormwater Management – #AC-15-115**

Dear Beverly:

The proposed improvement for the above mentioned project will include stormwater facilities (detention and water quality). All stormwater facilities will be designed to meet the current City of Medford stormwater design requirements. Detailed engineered design and hydraulic calculations will be provided with the construction plans.

If you have any questions, comments, or need additional information, please feel free to give me a call.

Sincerely,

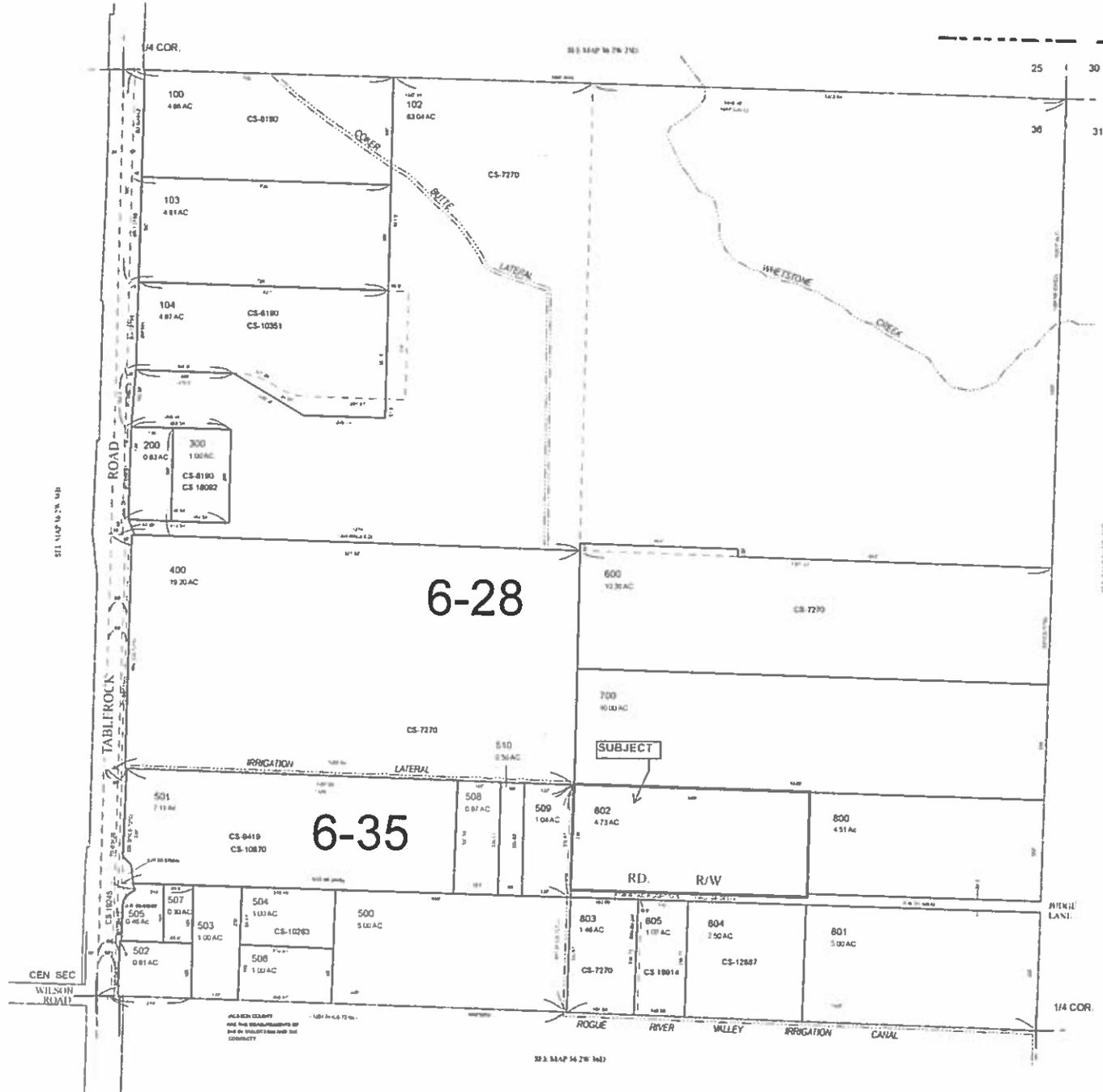
Tony Bakke, P.E.  
Construction Engineering Consultants, Inc.

FOR ASSESSMENT AND  
TAXATION ONLY

N.E.1/4, SEC.36, T.36S., R.2W., W.M.  
JACKSON COUNTY  
1" = 200'

**EXHIBIT 3**

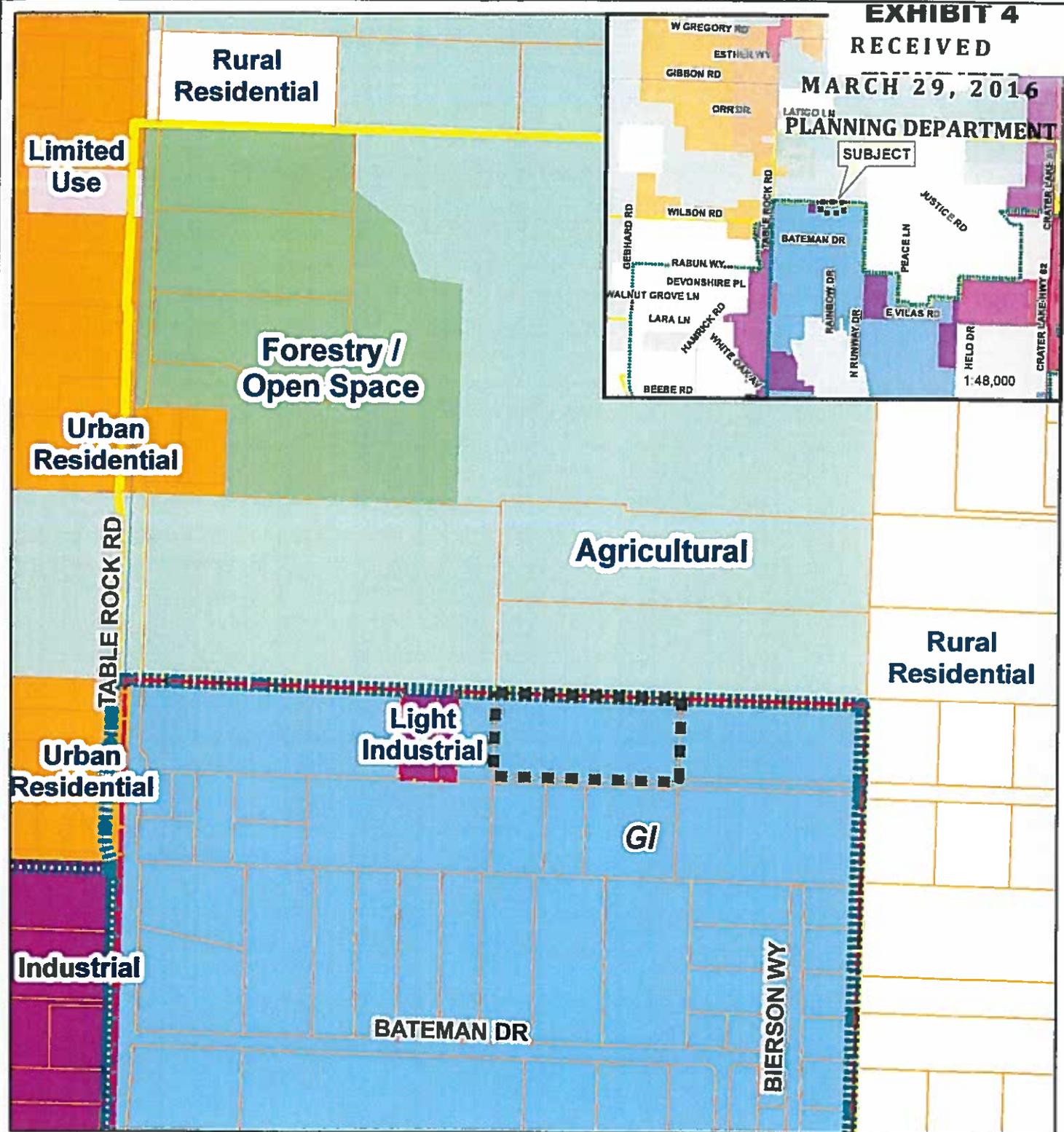
36 2W 36A  
MEDFORD



CANCELLED TAX  
LOT NUMBERS

RECEIVED  
MARCH 29, 2015  
CITY OF MEDFORD  
PLANNING DEPARTMENT

36 2W 36A  
MEDFORD  
FOR CONVERSION TO AGRICULTURE  
REV. FEBRUARY 15, 2000



	Subject Lot		County Comp Plan Forestry / Open Space
	City Limits		Agricultural
	Urban Growth Boundary		Industrial
	Urban Reserves		Limited Use
	Tax Lots		Rural Residential
	Medford GLUP GI		Urban Residential

**General Land Use Plan (GLUP) Map**

JDT Trucking  
Exception Application  
36-2W-36A-802

**CITY OF MEDFORD**  
EXHIBIT # AC-15-115 / E-16042

500 250 0

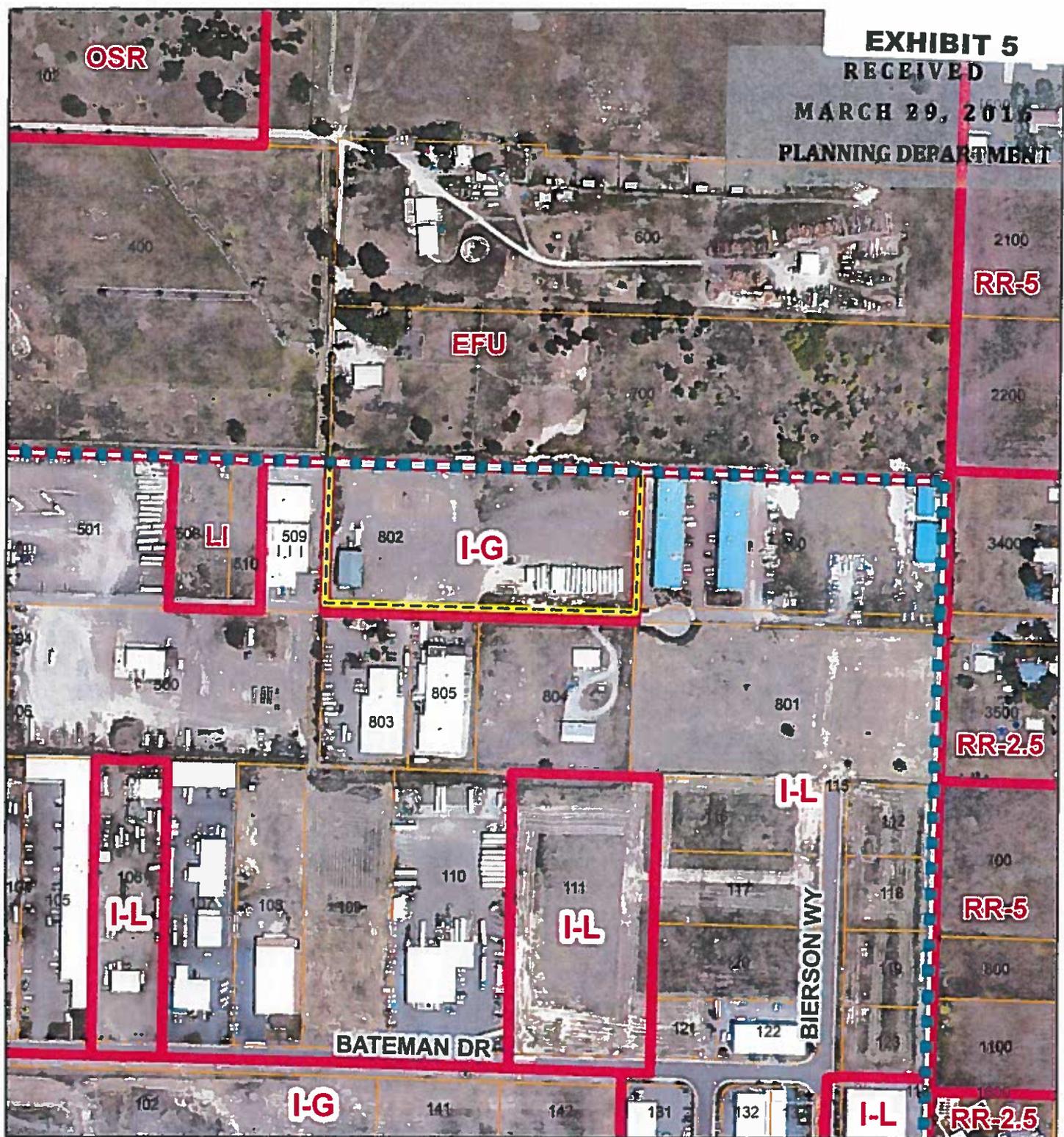


**EXHIBIT 5**

**RECEIVED**

**MARCH 29, 2016**

**PLANNING DEPARTMENT**



-  Urban Growth Boundary
-  Subject Lot
-  Zoning Outline
-  Tax Lots

2012 Aerial

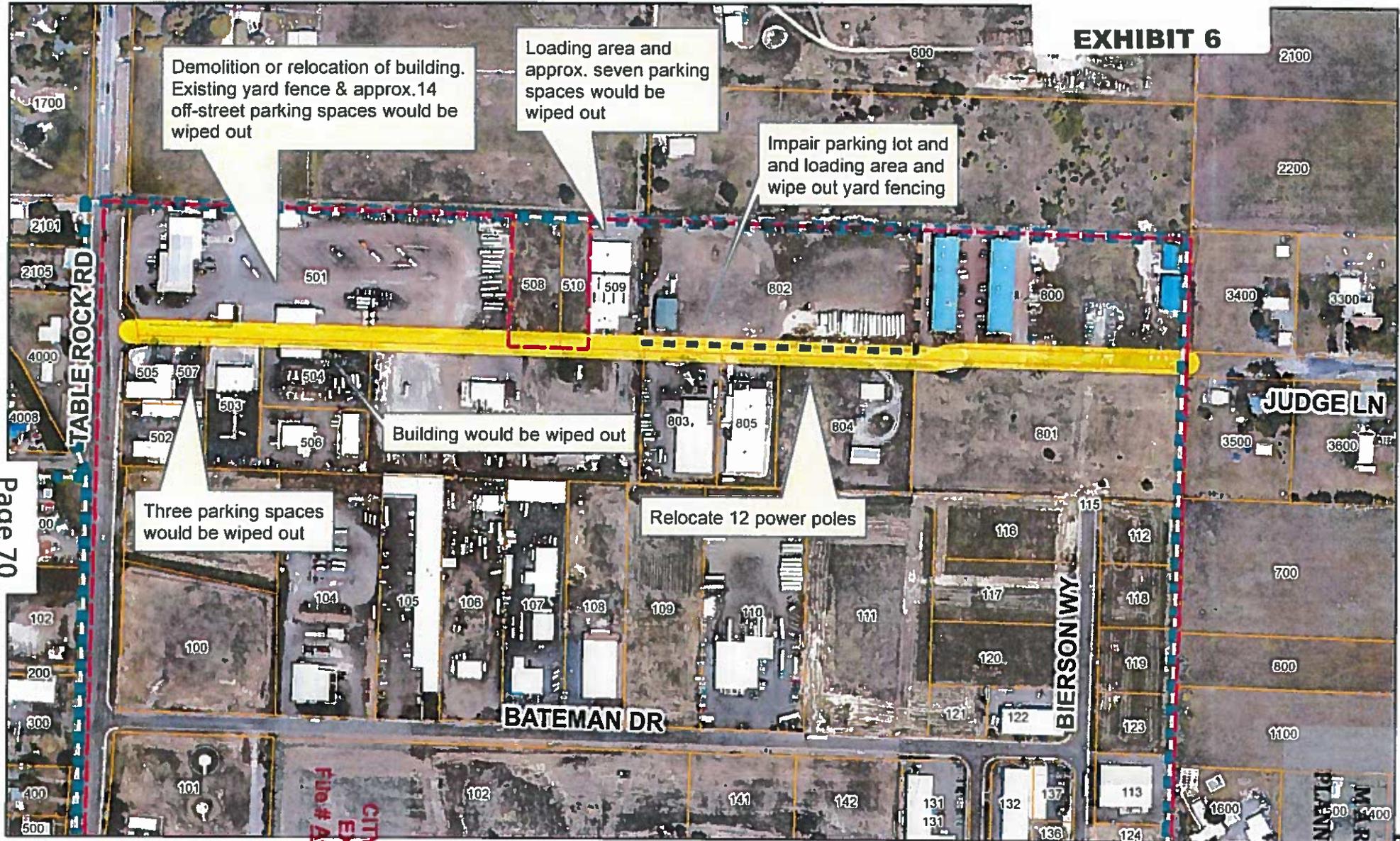
# Zoning Map on Aerial

**JDT Trucking  
Exception Application  
36-2W-36A-802**



**CITY OF MEDFORD**  
**EXHIBIT #** \_\_\_\_\_ **300 Feet**  
**File #** AG 15-115 / E 16-042

**EXHIBIT 6**



Page 70

CITY OF MEDFORD  
EXHIBIT #  
File # AC-15-115 / E-16-042

-  Subject Lot
-  City Limits
-  Urban Growth Boundary
-  Tax Lots
-  63-foot right of way

2012 Aerial

**Future Right-of-Way and Existing Improvements Diagram**

JDT Trucking  
Exception Application  
36-2W-36A-802



03-29-2016 Source JacksonCounty GIS, City of Medford GIS

RECEIVED  
MARCH 29, 2016  
PLANNING DEPARTMENT

**EXHIBIT 7**  
**RECEIVED**  
**MARCH 29, 2016**  
**PLANNING DEPARTMENT**



 Photo Location & Direction  
 Subject Lot  
 Tax Lots  
 2012 Aerial

# Photo Key Map

**JDT Trucking**  
**Exception Application**  
**36-2W-36A-802**



150 7  
**CITY OF MEDFORD**  
**EXHIBIT #**  
**File # AC-15-115 / E-16-042**



① Northwest corner of Subject Building, facing private road



② Southwest corner of Subject Building adjacent to entry gate



③ North (rear) facade of Subject Building



④ Main entry gate

**Legend**

② Photo ID Number

**Site Photos**

*EXCEPTION APPLICATION*

*5560 Table Rock Road, Central Point, OR*

*JDT Trucking*



CSA Planning, Inc.

**CITY OF MEDFORD**

**EXHIBIT #**

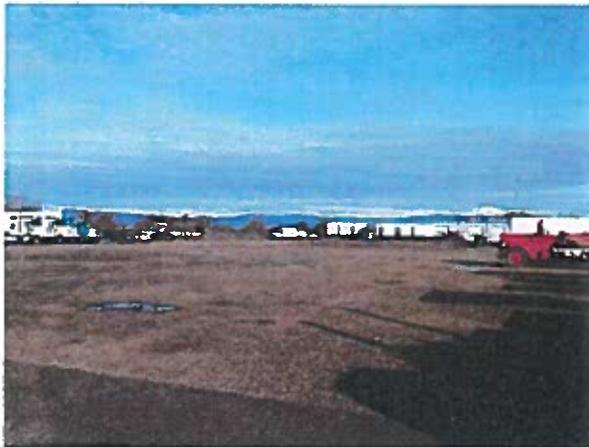
**File # AC-15-1157E-16-042**



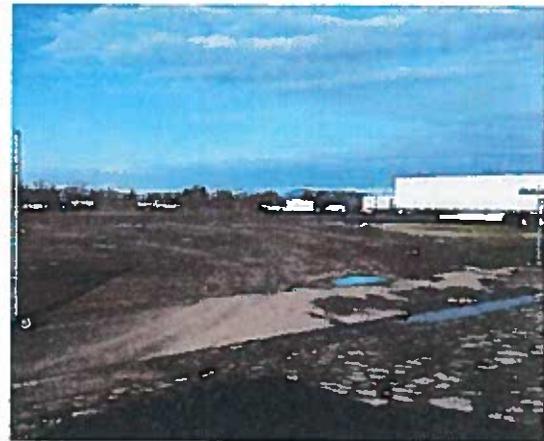
5 Looking West from rear yard toward building on adjacent Tax Lot 509



6 Looking North from Subject Building toward Tax Lot 700



7 Looking East across Truck Parking Area



8 East entry gate to Parking Area

**Legend**

2 Photo ID Number

**Site Photos**

*EXCEPTION APPLICATION*

*5560 Table Rock Road, Central Point, OR*

*JDT Trucking*



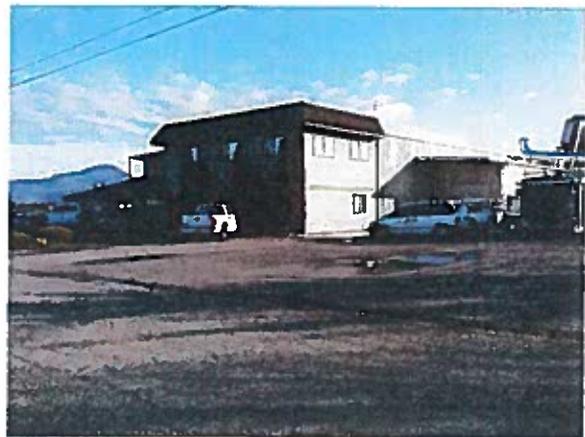
CSA Planning, Inc.

**CITY OF MEDFORD  
EXHIBIT #**

**File # AC-15-115 / D-16-042**



9 Adjacent buildings on Private Road, East of Subject property



10 Buildings to the South, across the Private Road



11 Storage Building at cul de sac end of Private Road



12 Looking Southeast across cul de sac end of Private Road

**Legend**

2 Photo ID Number

**Surrounding Area Photos**

*EXCEPTION APPLICATION*

*5560 Table Rock Road, Central Point, OR*

*JDT Trucking*

**CITY OF MEDFORD**

**EXHIBIT # \_\_\_\_\_**

**File # AC-15-115 / E-16-042**

March 29, 2016



CSA Planning, Inc.



Continuous Improvement Customer Service

**CITY OF MEDFORD**

RECEIVED  
MAY 04 2016  
PLANNING DEPT.

LD Date: 5/4/2016  
File Number: AC-15-115/E-16-042

**PUBLIC WORKS DEPARTMENT STAFF REPORT  
JDT Trucking**

**Project:** Consideration of plans for the construction of a 3,750 square foot addition to an existing metal industrial building and associated exception request to eliminate public right-of-way dedications and standard street improvements, situated on a 4.73 acre parcel.

**Location:** Located on a privately maintained access road that is approximately 970 feet north, then 1,350 feet east of the intersection of Bateman Drive and Table Rock Road (362W36A TL 802, 5600 Table Rock Rd).

**Applicant:** JDT Trucking, Applicant (CSA Planning, Ltd., Agent). Tracy Carter, Planner.

**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 would need to be approved by the Public Works Engineering Department prior to acceptance of security.
- Items A – D, unless noted otherwise.

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

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

65

**A. STREETS**

**1. Dedications**

**The Applicant has requested an Exception for the elimination of public right-of-way dedications on future Judge Lane.** If approved as requested, then no dedications would be provided with this development. If the exception request is denied, the Developer shall dedicate the additional right-of-way as stated below.

Future **Judge Lane** is classified as a Commercial Street within the Medford Land Development Code (MLDC), Section 10.429. 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 31.5-feet. **The Developer’s surveyor shall verify the amount of additional right-of-way required.**

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

**The Applicant has requested an Exception for the elimination of the standard street improvements on future Judge Lane.** If approved as requested, then no public improvements would be provided with this Development and the private street will remain within the existing public right. Public Works requests that if the Exception is approved, that the Developer be required to enter into a Deferred Improvement Agreement (DIA) for the frontage improvements to future Judge Lane as stated below, reference MLDC Section 10.432.

Future **Judge Lane** shall be improved to Commercial Street standards along the frontage of the Development (westerly 220-feet of tax lot) in accordance with MLDC 10.429. The Developer shall responsible to improve the north half.

**b. Street Lights**

The Developer shall provide and install in compliance with MLDC Section 10.495.

Based on the preliminary plan submitted, the following number of street lights will be required:

- A. 2 – 100W HPS street lights, including a secondary power source (BMC) to feed them.

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

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

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

### **c. Pavement Moratoriums**

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

The Developer shall be responsible for notifying by certified letter all utility companies, as well as all current property owners of parcels which are adjacent to any Public Street being constructed or paved as part of this project. The letter shall inform the utility companies and property owners of the City’s street moratorium policy with respect to pavement cutting for future utility services. The utility companies and property owners shall be given the opportunity to install utility services within the right-of-way prior to paving and the subsequent moratorium. Notifications shall be mailed by the Developer at least 6 months before a street is resurfaced or rebuilt per Medford Municipal Code (MMC), Section 3.070. Copies of the certifications shall be submitted to the City Engineer with the submittal of the preliminary construction drawings.

### **3. Soils Report**

The Developer’s engineer shall obtain a soils report to determine if there is shrink-swell potential in the underlying soils in this Development. If they are present, they shall be accounted for in the roadway and sidewalk design within this Development.

### **4. Access and Circulation**

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

### **5. MLDC Section 10.668 Analysis**

*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 are 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, and pedestrians. 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 required dedications and improvements, and the impacts of development.

No mathematical formula is required to support the rough proportionality analysis. Also, the City is allowed to consider the benefits to the development from the dedication and improvements when determining “rough proportionality.”

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.

#### **Future Judge Lane**

The additional right-of-way on future Judge Lane will provide the needed width for public street improvements including planter strips and sidewalk. The 8-foot planter strip moves pedestrians a safe distance from the edge of the roadway. Future Judge Lane will be a primary route for pedestrians traveling to and from this development.

Local street right-of-way dedication and construction requirements identified by the Public Works Department and required by the City are the minimum required to protect the public interest and are necessary for additional or densification of development in the City without detracting from the common good enjoyed by existing properties. Developments are required to provide all internal local streets and half-street improvements to abutting streets, including associated right-of-way dedications, to ensure that new development and density intensification provides the current level of urban services and adequate street circulation is maintained.

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 and current code requirements.

**B. SANITARY SEWERS**

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

**C. STORM DRAINAGE**

**1. Drainage Plan**

A comprehensive drainage plan showing the entire project site with sufficient spot elevations to determine direction of runoff to the proposed drainage system, and also showing elevations on the proposed drainage system, shall be submitted with the building permit application for approval. All area catch basins shall meet Department of Environmental Quality (DEQ) requirements, which include a down-turned elbow and sump.

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

**2. Grading**

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

**3. Detention and Water Quality**

Storm water quality and detention facilities shall be required in accordance with Medford Land Development Code Section 10.481 and 10.729.

**4. Certification**

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

**5. Erosion Prevention and Sediment Control**

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

certificate of occupancy.

**D. General Conditions**

**1. Design Requirements and Construction Drawings**

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

**2. Construction Plans**

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

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

**3. Construction and Inspection**

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

**4. Site Improvements**

All on-site parking and vehicle maneuvering areas related to this Development shall be paved in accordance with MLDC, Section 10.746, prior to issuance of certificate of occupancy for any

structures on the site. Curbs shall be constructed around the perimeter of all parking and maneuvering areas that are adjacent to landscaping or unpaved areas related to this site. Curbs may be deleted or curb cuts provided wherever pavement drains to a water quality facility.

#### **5. System Development Charges (SDC)**

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

Prepared by: Doug Burroughs

## SUMMARY CONDITIONS OF APPROVAL

JDT Trucking  
AC-15-115/E-16-042

### A. Streets

#### 1. Street Dedications to the Public:

- **Future Judge Lane** – Dedicate additional public right-of-way for a 31.5' right-of-way half width.
- Dedicate 10-foot Public Utility Easements (PUE) along the frontage of future Judge Lane.

#### 2. Improvements:

##### a. Public Streets

- Improve half (18') of the north side of future Judge Lane (westerly 220' of tax lot), complete with curbs, gutters and sidewalks.

##### b. Lighting and Signing

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

##### c. Access and Circulation

- Access shall be taken off of the future Judge Lane as indicated on proposed plans.

##### d. Other

- Provide pavement moratorium letters.
- Provide soils report.

### B. Sanitary Sewer

- The site is situated within the RVSS area.

### C. Storm Drainage

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

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



BOARD OF WATER COMMISSIONERS  
**Staff Memo**

RECEIVED  
MAY 04 2016  
PLANNING DEPT.

**TO:** Planning Department, City of Medford  
**FROM:** Rodney Grehn P.E., Water Commission Staff Engineer  
**SUBJECT:** AC-15-115 & E-16-042  
**PARCEL ID:** 371W30AC TL 2500  
**PROJECT:** Consideration of plans for the construction of a 3,750 square foot addition to an existing metal E-16-042 industrial building and associated exception request to eliminate public right-of-way dedications and standard street improvements, situated on a 4.73 acre parcel located on a privately maintained access road that is approximately 970 feet north, then 1,350 feet east of the intersection of Bateman Drive and Table Rock Road (362W36A TL 802, 5600 Table Rock Rd); JDT Trucking, Applicant (CSA Planning, Ltd., Agent). Tracy Carter, Planner.  
**DATE:** May 4, 2016

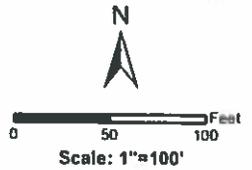
I have reviewed the above plan authorization application as requested. Conditions for approval and comments are as follows:

**CONDITIONS**

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.
3. Installation of an MWC 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 tester. See MWC website for list of certified testers at the following web link <http://www.medfordwater.org/Page.asp?NavID=35>.
4. The existing 1-inch water meter is required to be protected in place from potential vehicular traffic and parking. Applicant shall coordinate with MWC engineering staff for review of water meter location and proposed protection measures.

**COMMENTS**

1. Off-site water line installation is not required.
2. On-site water facility construction is not required.
3. Static water pressure is expected to be over 90 psi. See attached document from the City of Medford Building Department on "Policy on Installation of Pressure Reducing Valves".
4. MWC-metered water service does exist to this property. There is an existing 1-inch water meter that serves the existing on-site building. (See Condition 4 above)
5. Access to MWC water lines is available. There is a 12-inch water line located in the local access roadway along the south property line of this parcel.



**Water Facility Map  
for  
AC-15-115 &  
E-16-042**

**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 Dram Pipe
- Pressure Zone Line
- Boundaries:**
- ▭ Urban Growth Boundary
- ▭ City Lands
- ▭ Tax Lots
- MWC Facilities:**
- C** Control Station
- P** Pump Station
- R** Reservoir



This map is based on a 2008 Aerials satellite image. Medford Water Commission has a North Arrow on this map. All other symbols are not necessarily to scale. In printing this map, the City of Medford, Oregon, has no liability for any errors.



# Medford Fire Department

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

RECEIVED  
APR 29 2016  
PLANNING DEPT.

## LAND DEVELOPMENT REPORT - PLANNING

To: Tracy Carter

LD Meeting Date: 05/04/2016

From: Fire Marshal Kleinberg

Report Prepared: 04/29/2016

File #: AC - 15 - 115

Associated File #'s: E - 16 - 42

### Site Name/Description:

Consideration of plans for the construction of a 3,750 square foot addition to an existing metal industrial building and associated exception request to eliminate public right-of-way dedications and standard street improvements, situated on a 4.73 acre parcel located on a privately maintained access road that is approximately 970 feet north, then 1,350 feet east of the intersection of Bateman Drive and Table Rock Road (362W36A TL 802, 5600 Table Rock Rd); JDT Trucking, Applicant (CSA Planning, Ltd., Agent). Tracy Carter, Planner

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

Approved as Submitted

Meets Requirement: No Additional Requirements

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

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

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

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

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

# Memo



RECEIVED  
MAY 04 2016  
PLANNING DEPT.

**To:** Tracy Carter, Planning Department  
**From:** Mary Montague, Building Department  
**CC:** JDT Trucking; Jay  
**Date:** May 4, 2016  
**Re:** May 4, 2016, LDC Meeting: Item #1 – AC-15-115/E-16-042

**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](mailto: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](mailto: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](http://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](http://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.
4. A separate demolition permit will be required for demolition of any structures not shown on the plot plan.

**Comments:**

5. Occupancy is S-1. Must comply with Section 406.8 and Table 307.1(1).
6. ADA parking spaces shall be required in accordance with code section 1106 of the Oregon Structural Specialty Code.
7. Building shall be designed per 107..3.4.1.

CITY OF MEDFORD  
EXHIBIT # L  
File # AC-15-115 / E-16-042



# JACKSON COUNTY

Roads

Roads  
Engineering

Kevin Christiansen  
Construction Manager

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

www.jacksoncounty.org

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APR 20 2016  
PLANNING DEPT.

April 25, 2016

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

RE: Development off Table Rock Road on a privately maintained access road  
Planning File: AC-15-115 / E-16-042

Dear Kelly:

Thank you for the opportunity to comment on the request for the construction of a 3,750 square foot addition to an existing metal industrial building and associated exception request to eliminate public right-of-way dedications and standard street improvements on a 4.73 acre parcel located on a privately maintained access road off Table Road within the I-G (Medford Light Industrial) zoning. Jackson County Roads has no comments.

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

Sincerely,

Kevin Christiansen  
Construction Manager



# CITY OF MEDFORD PLANNING DEPARTMENT

Lausmann Annex • Room 240 • 200 South Ivy Street • Medford, Oregon 97501  
Telephone (541) 774-2380 • FAX: (541)618-1708 • email: [plnmed@cityofmedford.org](mailto:plnmed@cityofmedford.org)

**RECEIVED**

**MAY 02 2016**

**PLANNING DEPT.**

Date: April 18, 2016

- |   |   |   |
|---|---|---|
| <input checked="" type="checkbox"/> Building Department         | <input checked="" type="checkbox"/> Avista Utilities                | <input type="checkbox"/> Medford Irrigation District              |
| <input checked="" type="checkbox"/> City Attorney               | <input checked="" type="checkbox"/> Charter Communications          | <input type="checkbox"/> Medford School Dist. 549C                |
| <input checked="" type="checkbox"/> Engineering                 | <input checked="" type="checkbox"/> Pacific Power & Light           | <input type="checkbox"/> ODOT                                     |
| <input checked="" type="checkbox"/> Engineering – Tina Garvin   | <input checked="" type="checkbox"/> Qwest                           | <input type="checkbox"/> Phoenix School District 4                |
| <input checked="" type="checkbox"/> Fire Department             | <input checked="" type="checkbox"/> Rogue Disposal                  | <input checked="" type="checkbox"/> Rogue River Valley Irrigation |
| <input checked="" type="checkbox"/> Parks & Recreation          | <input checked="" type="checkbox"/> Rogue Valley Transit District   | <input checked="" type="checkbox"/> RVSS                          |
| <input checked="" type="checkbox"/> Police Department           | <input checked="" type="checkbox"/> US Post Office                  | <input type="checkbox"/> R.V. International Airport               |
| <input checked="" type="checkbox"/> Public Works Service Center | <input checked="" type="checkbox"/> Federal Aviation Administration | <input type="checkbox"/> Talent Irrigation District               |
| <input checked="" type="checkbox"/> Water Commission            | <input type="checkbox"/> Jackson Co. Admin. Officer                 | <input type="checkbox"/> Urban Renewal (MURA)                     |
| <input type="checkbox"/> City Manager                           | <input type="checkbox"/> Jackson Co. Health Department              | <input checked="" type="checkbox"/> OR. Dept. of Aviation         |
| <input checked="" type="checkbox"/> Tech. Services - Jennifer   | <input type="checkbox"/> Jackson Co. Planning                       | <input checked="" type="checkbox"/> Central Point School Dist. 6  |
| <input type="checkbox"/>  | <input checked="" type="checkbox"/> Jackson Co. Roads               | <input type="checkbox"/>  |
| <input type="checkbox"/>  | <input type="checkbox"/> Jackson Co. Surveyor                       | <input type="checkbox"/>  |

File No. AC-15-115/E-16-042

**Project Name:** JDT TRUCKING – Consideration of plans for the construction of a 3,750 square foot addition to an existing metal industrial building and associated exception request to eliminate public right-of-way dedications and standard street improvements, situated on a 4.73 acre parcel located on a privately maintained access road that is approximately 970 feet north, then 1,350 feet east of the intersection of Bateman Drive and Table Rock Road (362W36A TL 802, 5600 Table Rock Rd).

Agent Contact: [jay@csaplanning.net](mailto:jay@csaplanning.net)

Planner:  
[Tracy.Carter@ci.medford.or.us](mailto:Tracy.Carter@ci.medford.or.us)

Attached are documents for your review. Please investigate and submit to the Planning Department, within ten (10) working days, a written report setting forth any necessary conditions as required of your department/agency for approval of the above project.

If your proposed conditions of approval include the dedication of land for public use or the provision of public improvements, please submit written findings with supporting data or information that justify the requirements. Specifically, the findings must show that there is an essential connection between your requirements and a legitimate government purpose, and that there is a rough proportionality between the burden of the requirement on the developer and the impacts of the proposed development on public facilities and services. All requirements may be strictly scrutinized by the courts and must have legitimate authority so that they will not result in a taking of private property.

If no comments are received within the 10-day review period, it will be assumed that there are no comments.

A Land Development Committee meeting is scheduled for Wednesday, May 4, 2016, at 9:30 a.m. in Room 151, Lausmann Annex, 200 South Ivy Street, Medford.

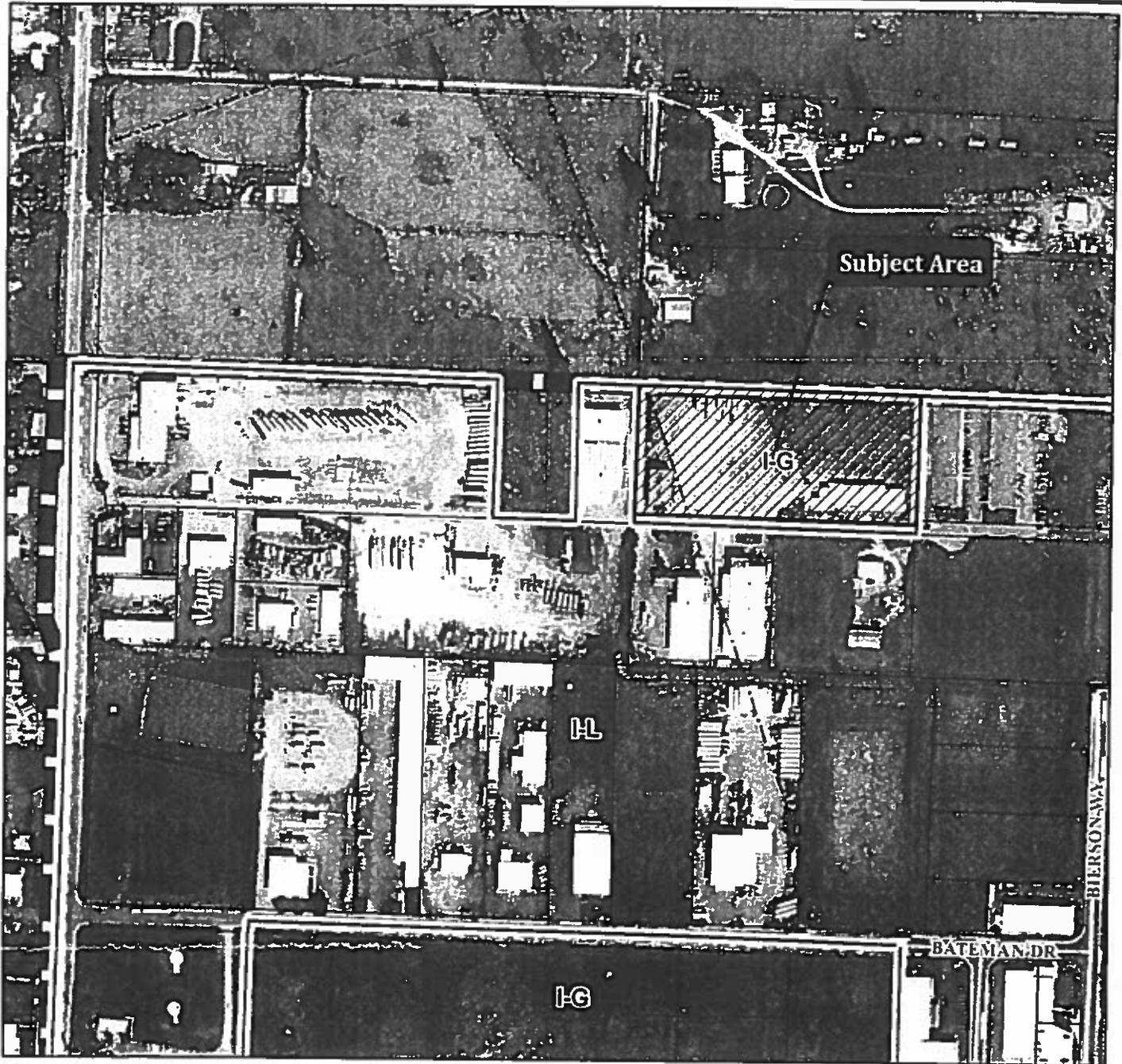
62



City of Medford  
 Planning Department

Vicinity  
 Map

File Number:  
**AC 15-115**  
**E 16-042**

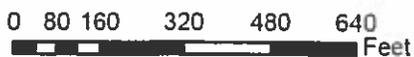


Project Name:

**JDT Trucking**

Map/Taxlot:

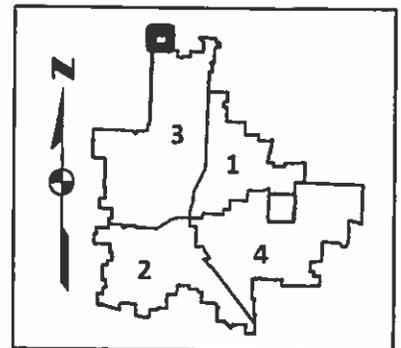
**362W36A TL 802**



04/04/2016

**Legend**

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



ROGUE RIVER VALLEY IRRIGATION DISTRICT  
LAND USE AGENCY RESPONSE FORM

3139 Merriman Road  
Medford OR 97540  
Email: [rrvid@rrvid.org](mailto:rrvid@rrvid.org)

Phone: 541-773-6127  
Fax: 541-773-5420

NAME OF ENTITY REQUESTING RESPONSE: Planning Department  
ENTITY REFERENCE NUMBER: AC-15-115/E-16-242  
MEETING REVIEW DATE: Wednesday MAY 4, 2016

PROPERTY

MAP DESCRIPTION: 362W36A 802 ADDRESS: 5600 TABLE ROCK RD.

NO COMMENT OF LAND USE ISSUE (IF NOT MARKED, CONTINUE BELOW)

NO COMMENT IF CHECKED COMMENTS ARE APPLICABLE

**A. WATER RIGHT ISSUES**

- 1. Water rights need to be sold to someone or transferred back to RRVID.  
Number of Irrigated Acres: \_\_\_\_\_
- 2. Must have District approval for water rights to remain in place on Subject's property.  
Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**B. EASEMENTS**

**DISTRICT EASEMENTS**

- 1. Easement needs to remain clear. No permanent structures or deep-rooted plants will be allowed within the easement limits.  
Comments: \_\_\_\_\_
- 2. If facility is to be relocated or modified, specifications must meet the District's Standards and be agreeable to the District. A new written and recorded easements must be conveyed to the District.  
Comments: \_\_\_\_\_
- 3. If a written and recorded easement does not exist for an existing facility, then one must be provided in favor of the District.  
Comments: \_\_\_\_\_

**PRIVATE EASEMENTS**

- 1. Property may have private facilities (ditch or pipeline) that the District does not manage. Arrangements may need to be made to provide continued service through the subject property for down stream water users.  
Comments: \_\_\_\_\_  
\_\_\_\_\_

ENTITY REQUESTING RESPONSE:

Planning Department

ENTITY REFERENCE NUMBER: AC-15-115/E-16-042

NO COMMENT IF CHECKED COMMENTS ARE APPLICABLE

**C. FACILITIES** (including but not limited to pipelines, ditches, canals, control checks or boxes)

- 1. Upgrades to District facilities may be required to support any land use changes or developments, such as pipe installations or encasing existing pipe under roads or concrete.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**D. DRAINAGE / STORM WATER**

The District relies on the Bureau of Reclamation's Storm Water Policy. No urban storm water or point source flows will be allowed into the District's facilities without going through the Bureau of Reclamation process. (Developments in historically agricultural areas need to be aware of agricultural run off water and take appropriate action to protect the development from upslope water.)

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**GENERAL COMMENTS:**

- 1. No interruptions to irrigation water deliveries will be allowed.
- 2. R.R.V.I.D. is a Federal Project and some facilities and/or easement issues may need Bureau of Reclamation approval.
- 3. The developer/sub-divider will take all appropriate actions to ensure the reliability and protection of original function of the District's facilities.

As required by ORS 92.090(6) the entity must receive a certification form the District before approval of the final plat.

Brian Hampson

Brian Hampson  
Rogue River Valley Irrigation  
3139 Merriman Road  
Medford OR 97501

Date Signed: 4-28-16

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APR 26 2016

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## ROGUE VALLEY SEWER SERVICES

Location: 138 West Vilas Road, Central Point, OR - Mailing Address: P.O. Box 3130, Central Point, OR 97502-0005  
Tel. (541) 664-6300, Fax (541) 664-7171 www.RVSS.us

April 26, 2016

City of Medford Planning Department  
411 West 8th Street  
Medford, Oregon 97501

**Re: AC-15-115/E-16-042, JDT Trucking, Tax Lot 802, Map 36 2W 36A**

ATTN: Tracy,

The subject property is currently served by a connection to the 8 inch sewer main on the existing access road. The proposed building addition will not require a permit from RVSS, however there will be development fees owed if there are new plumbing fixtures installed in the new building.

The sewer main was constructed around 1978 and appears to have been constructed within an easement dedicated for ingress and egress, but not necessarily utilities. If the exception to public right of way dedications is approved, RVSS requests that a utility easement protecting the existing public sewer main be dedicated instead.

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

1. Applicant must pay sewer system development charges to RVSS for all new plumbing fixtures prior to the start of construction.
2. Applicant must dedicate a public sewer easement to RVSS protecting the existing public sewer main.

Feel free to contact me with any questions.

Sincerely,

A handwritten signature in cursive script that reads "Carl Tappert".

Carl Tappert, PE  
Manager

K:\DATA\AGENCIES\MEDFORD\PLANNING\ARCH COMM\2015\AC-15-115\_JDT  
TRUCKING.DOC



# Oregon

Kate Brown, Governor



RECEIVED  
MAY 03 2016  
PLANNING DEPT.

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

May 3, 2016

Tracy Carter  
Planner – Planning Development  
City of Medford  
Lausmann Annex Room 240  
200 South Ivy Street  
Medford, OR 97501

Re: File No. AC-15-115/E-16-042: Building Expansion

Dear Tracy:

The Oregon Department of Aviation (ODA) appreciates the opportunity to review and comment in the application process for the proposed addition to an existing building located in Medford (Map Lot: 36SW36A TL 802)

The Oregon Department of Aviation would like to make the following comments and possible conditions of approval are added to the final land use decision, if the development is approved.

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

ODA appreciates the opportunity to comment on this application. The Department requests to be identified as a party of record for standing and be notified of the decision once it becomes available

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

Sincerely,

Jeff Caines, AICP  
Aviation Planner  
Oregon Department of Aviation

CITY OF MEDFORD  
EXHIBIT # P  
File # AC-15-115 / E-16-042

**Tracy R. Carter**

---

**From:** MOREHOUSE Donald <Donald.MOREHOUSE@odot.state.or.us>  
**Sent:** Friday, May 13, 2016 4:33 PM  
**To:** Tracy R. Carter  
**Subject:** AC-15-115/ E-16-042

**RECEIVED**  
MAY 13 2016  
PLANNING DEPT.

Tracy,

Thank you for sending agency notice of a consideration of plans for the construction of a 3,750 square foot addition to an existing metal industrial building and associated exception request to eliminate public right-of-way dedications and standard street improvements, situated on a 4.73 acre parcel located on a privately maintained access road that is approximately 970 feet north, then 1,350 feet east of the intersection of Bateman Drive and Table Rock Road (362W36A TL 802, 5600 Table Rock Rd). We reviewed this and determined that it would not significantly affect state transportation facilities under the State Transportation Planning Rule (OAR 660-012-0060) or State Access Management Rule (OAR 734-051-000). We have no further comments at this time.

**Don Morehouse**  
**Senior Transportation Planner**  
**ODOT Region 3, District 8 (Rogue Valley Tech Center)**  
**Ph: (541) 774-6399**  
**Fax: (541) 774-6349**  
**Donald.Morehouse@odot.state.or.us**

**Tracy R. Carter**

---

**From:** Timothy D. Stevens  
**Sent:** Tuesday, May 24, 2016 12:39 PM  
**To:** Tracy R. Carter  
**Subject:** AC-15-115

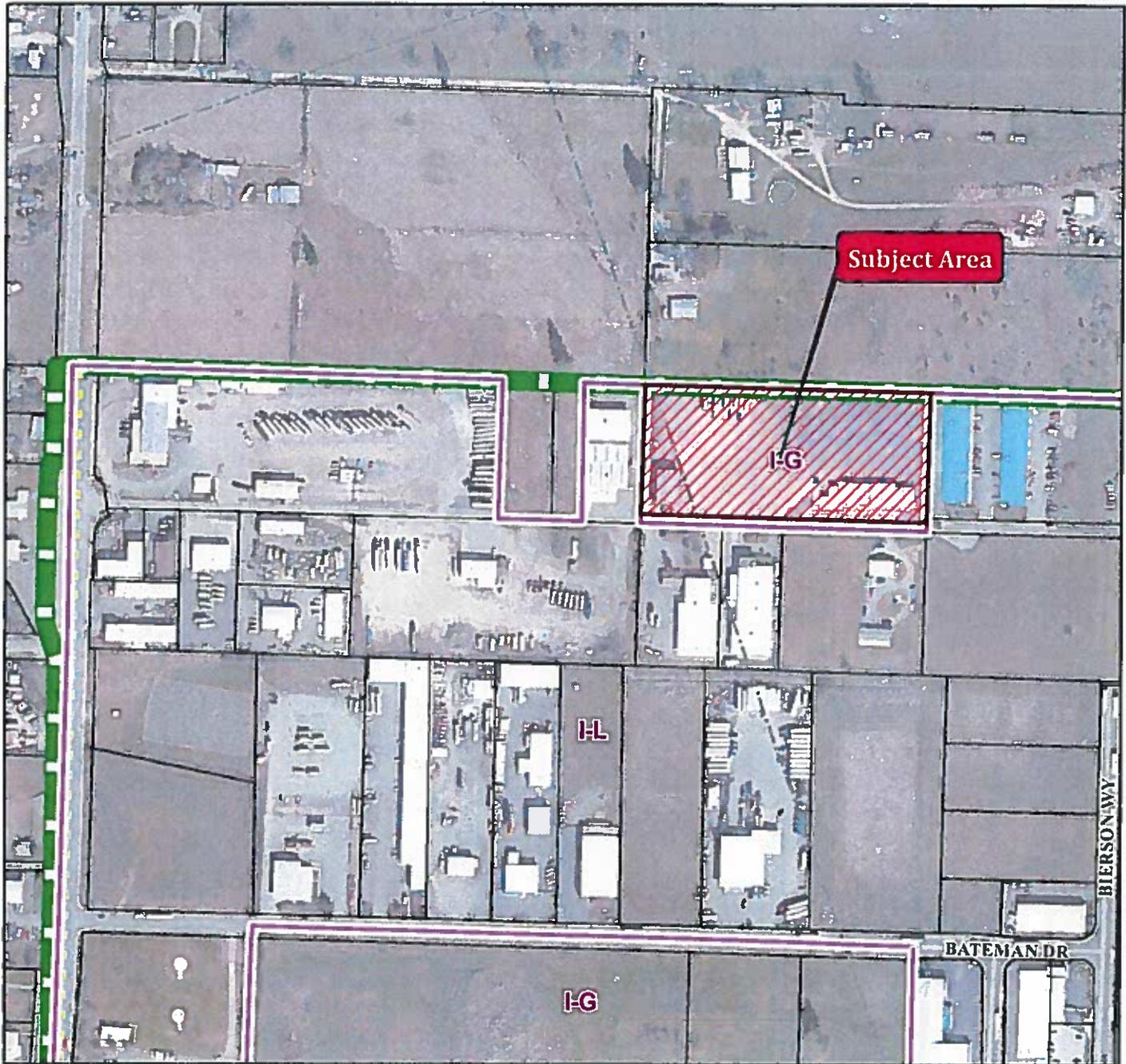
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MAY 24 2016  
PLANNING DEPT.

Tracy,

Landscape review is not applicable to AC-15-115 for the purposes of SPAC review.

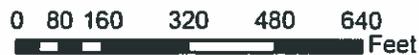
Tim Stevens  
City of Medford  
Park Maintenance Superintendent  
P: (541) 774-2689





Project Name:  
**JDT Trucking**

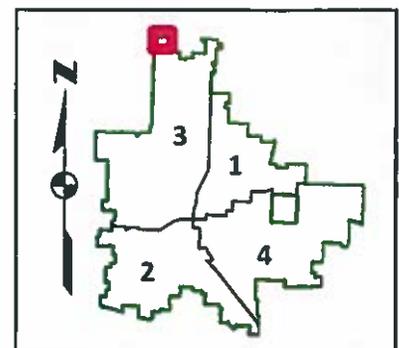
Map/Taxlot:  
**362W36A TL 802**



04/04/2016

**Legend**

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





# Planning Department

*Working with the community to shape a vibrant and exceptional city*

## STAFF REPORT

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

PROJECT Almond Street Apartments  
 Applicant: Almond Rentals, LLC, Agent: Oregon Architecture

FILE NO. AC-16-029/E-16-030

TO Site Plan and Architectural Commission *for June 3, 2016 hearing*

FROM Dustin Severs, Planner II

REVIEWER Kelly Akin, Principal Planner *[Signature]*

DATE May 27, 2016

### BACKGROUND

#### Proposal

Consideration of plans for a 22,290 square foot multiple-family residential building composed of 108 dwelling units, along with two Exception requests for building height and setback relief, on a 1.23 acre site within the Service Commercial and Professional Office (C-S/P) zoning district. The subject site consists of four contiguous parcels located west of Almond Street, east of the I-5 viaduct, and approximately 300 feet south of East Main Street (Map lots 371W30BD TL 4400, 4401, 4601, and 4701).

#### Subject Site Characteristics

Zoning	C-S/P	Service Commercial and Professional Office
GLUP	SC	Service Commercial
Overlay	C-B	Central Business (TL 4401 outside of C-B overlay)
Use		Four single-family homes

#### Surrounding Site Characteristics

North	MFR-20	Multiple-Family Residential, 20 dwelling units per gross acre
	C-S/P	Townhouse
South	MFR-20	City of Medford public parking lot
West	N/A	I-5 viaduct/Bear Creek riparian corridor
East	MFR-20	Single-family homes

Related Projects

PA-15-159 Almond Street Apartments Pre-application

Corporate names

The Oregon Secretary of State website lists Dan Thomas as the Registered Agent and Member of Almond Rentals, LLC.

Applicable Criteria

MLDC Section: 10.290 – Site Plan & Architectural Review Criteria

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

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

**Above listed Criterion is not applicable to this application as regulated by ORS 197.307(4).**

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

MLDC Section: 10.253 - Criteria for an Exception

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

- (1) *The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. The approving authority shall have the authority to impose conditions to assure that this criterion is met.*
- (2) *The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located.*

- (3) *There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere in the City, and that the strict application of the standard(s) for which an exception is being requested would result in peculiar, exceptional, and undue hardship on the owner.*
- (4) *The need for the exception is not the result of an illegal act nor can it be established on this basis by one who purchases the land or building with or without knowledge of the standards of this code. It must result from the application of this chapter, and it must be suffered directly by the property in question. It is not sufficient proof in granting an exception to show that greater profit would result.*

## ISSUES AND ANALYSIS

### ORS 197.307(4) – Needed Housing

The subject application is subject to Oregon Revised Statutes (ORS) 197.303(1) which relates to needed housing. ORS 197.307(4) dictates that local governments only impose clear and objective standards, conditions and procedures regulating the development of needed housing. As this application is for a needed housing type listed within the Housing Element of the Medford Comprehensive Plan (Exhibit W), the Commission may only impose clear and objective standards as listed in Medford Land Development Code (MLDC) Section 10.290(2) and may not impose MLDC Section 10.290(1) as it does not relate to objective standards.

### Background

The subject site is composed of four contiguous parcels totaling 1.23 gross acres, with each respective tax lot currently containing a single-family home under the ownership of Almond Rentals, LLC.

On March 7, 2016, the applicant submitted a SPAC application with full plans showing the proposed construction of a 22,290 square foot apartment building composed of 108 units consisting of one- and two-bedroom apartments, along with studio apartments. The building is proposed to be constructed with a four-story west wing of apartments along the westerly lot line abutting the I-5 viaduct, and two east flanking wings with two-story apartments. The existing four single-family homes will be removed as part of the proposed development.

The proposed development also includes an Exception application requesting relief from the Code standards for building height and side and rear yard building setbacks.

### Zoning

All four subject tax lots are located within the C-S/P zoning district. Medford Land Development Code (MLDC) Section 10.326 identifies the C-S/P district as the following:

*The C-S/P district provides land for professional offices, hospitals, and limited service commercial uses. This district is intended to be customer-oriented, however, retail uses are limited. Development in this zone is expected to be suitable for locations adjacent to residential neighborhoods.*

Though the applicant is proposing a multi-family residential development, and the subject site is zoned commercial, pursuant to MLDC 10.837, dwelling units are permitted as a special use in all commercial districts except the Neighborhood Commercial (C-N) zone subject to the dwelling type standards established for housing within the MFR-30 district.

In addition to the underlying zoning classification, three of the four subject tax lots are within the Central Business (C-B) zoning overlay which imposes additional or different development regulations in the downtown area of the City. MLDC 10.358 identifies the Central Business overlay district as the following:

*The C-B district is representative of the core downtown business and retail area. The intent of the C-B district is to recognize the unique and historic character of the downtown area as an asset to the community and to provide standards and criteria necessary for its continued development and redevelopment as a vital part of this community.*

Tax lot 4401 located in the northeast portion of the subject site totaling 0.23 acres and containing a single family home, is the only tax lot within the subject site which is located outside of the C-B overlay. The only effect this anomaly has to the submitted site plan is the parking on this parcel is held by a different standard than the other three parcels that are within the C-B overlay. Other than parking, all four subject parcels are held by the same dwelling type and development standards of the MFR-30 district.

### Fire Department Access

In their report, the Fire Department states that four fire hydrants will be required for the proposed development, along with the required access provisions. It is further stated in the report that a 20 foot wide fire lane will be required for both the south and west sides of the proposed building, which will require access agreements with the City of Medford, which owns the parking lot to the south, and the Oregon Department of Transportation (ODOT), which owns the property west of the subject site. In order to

comply with the Fire Department's access easements, parking will have to be prohibited along the fire lanes. This provision would require the removal of existing parking spaces on the municipal parking lot to the south.

As of this writing, staff has not received any agreements between the applicant and the City of Medford or ODOT, and the submitted site plan does not delineate the 20 foot wide fire lane required by the Medford Fire Department. Staff has included conditions of approval requiring documentation of access agreements between the applicant and the City of Medford and between the applicant and ODOT for access rights allowing the development to meet Fire Code requirements. Further, staff has included a condition requiring a revised site plan be submitted which clearly delineates the 20 foot wide fire lanes required by the Medford Fire Department.

#### Vehicular access

Vehicular access to the proposed development will be primarily from Almond Street. The submitted site plan shows two adjacent driveways serving as a U-shaped design for vehicular ingress and egress. The proposed development can also be accessed from East Main Street and East 8<sup>th</sup> Street through the Senior Center parking lot.

#### Pedestrian access

Pedestrian access will be primarily from Almond Street which is currently served by a sidewalk. The submitted site plan also shows interior pedestrian walkways providing safe, direct, and convenient pedestrian access connecting the public sidewalk fronting Almond Street to the proposed building entrances consistent with MLDC Sections 10.772-10.775.

#### Parking

##### **PARKING CALCULATIONS**

	REQUIRED	SHOWN
Total parking spaces (auto)	115	115
Accessible spaces	5	5
Bike spaces	108	126
Loading berth	0	1

The proposed parking for the subject site includes underground parking as well as open air parking to be located in the center court area. The applicant is proposing a total of 115 automobile parking spaces, including five accessible spaces and six motorcycle spaces. Of the 115 proposed spaces, 81 are proposed to be located in an underground parking lot, while the other 34 are proposed to be located in the center court area. The submitted site plan also includes a loading berth area located in the southeast corner of

the subject to the rear of the proposed building. The loading berth will need to be removed or relocated to accommodate the required fire lane on the west side of the structure.

In addition to parking spaces for automobiles, the applicant is proposing a total of 126 bicycle spaces at various areas of the proposed site, as well as at different levels of the building.

As illustrated in the Parking Calculations table above, the site plan meets and/or exceeds the applicable off-street parking requirements for the proposed development pursuant to MLDC 10.743- 10.751.

### Landscaping

#### LANDSCAPING CALCULATIONS

	REQUIRED	SHOWN
Frontage - Trees	11	11
Frontage - Shrubs	66	66+
Parking Lot - Trees	4	5
Parking Lot - shrubs	8	8+

The applicant has submitted a Landscape Plan prepared by a State of Oregon registered landscape architect, Madera Design, Inc. (Exhibit E). The submitted plan proposes 8,790 square feet of total landscaped area, which includes the frontage along Almond Street, landscaping along both the northerly and southerly side lot lines, and landscaping along the northwest corner of the subject site serving as a buffer between the proposed building and the Medford Senior Center parking area in which it abuts. Pursuant to MLDC Section 10.746, the landscaping plan also includes internal parking lot area planter bays totaling 441 square feet.

As illustrated in the Landscaping Calculations table above, the submitted Landscaping Plan meets or exceeds the applicable landscaping requirements for the proposed development pursuant to MLDC 10.746 and 10.780.

### *Bufferyards*

Bufferyards are required in order to provide aesthetic separation between incompatible uses, such as when residentially zoned lots share a lot line with a commercially zoned property.

Pursuant to MLDC 10.790(D), the proposed development will require Type A bufferyards along both the northerly and southerly lot lines which abut MFR zoned parcels. This would include the entire length of the southerly lot line, and westerly 167 feet of the

northerly lot line, less the 100 foot parcel abutting the subject site to the northeast (TL 4300). That lot is also commercially zoned; a bufferyard is not required.

MLDC 10.790(E) identifies Type A bufferyards as a 10 foot width of plantings with a six foot concrete or masonry wall. The submitted site plans identifies a six foot masonry wall running along the northerly lot line, along with landscaped plantings running the length of both the southerly and northerly lot lines. The submitted site plan does not meet the full bufferyard requirements as outlined in MLDC 10.790, as the southerly lot line does not include the location of a six foot wall, and both the southerly and northerly landscaping buffer widths are substandard.

The Code provides “built in” relief for applicants who are proposing a site plan which either excludes a bufferyard, or the proposed bufferyard does not meet the full requirements as outlined in the Code. This relief is contingent on approval by the approving authority and does not require a formal Exception request.

In regards to discretionary adjustments to bufferyard requirements, MLDC 10.790(E)(6) states the following:

*Adjustments to bufferyards: The approving authority shall have the discretion to make adjustments to the bufferyard requirements if an unusual circumstance exists and a finding is made that adequate buffering will be provided to avoid significant adverse impacts to the livability or value of the adjoining properties. Adjustments shall not be made simply for the convenience of site design. Adjustments to the bufferyard requirements 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.*

It is staff's view that the bufferyards as identified on the submitted site plan are adequate, and that the approval of discretionary adjustments can be granted without adverse impacts to the livability or value of the adjoining properties. MLDC Section 10.790(E)(6)(c) applies specifically to the southerly lot line which abuts a city-owned parking lot. In regards to the northerly lot line, while staff feels minimal buffering is appropriate, the existing uses are sufficiently compatible that full buffering is not necessary.

### Concealments

Consistent with the requirements outlined in MLDC Sections 10.781 and 10.782, the submitted site plan shows the proposed location of both the Heating, Ventilation, Air Conditioning (HVAC) equipment and the proposed trash facilities to be fully screened.

### Dedications and Public Improvements (Exhibit Q)

#### *Streets*

All four tax lots have direct frontage along Almond Street which is classified as a Standard Residential Street per MLDC Section 10.430. Almond Street is currently improved with pavement, curb, gutter, planter strip, sidewalk, and some street lights.

Pursuant to MLDC Section 10.430, a Standard Residential Street requires a minimum right-of-way width of 63 feet. Almond Street currently measures 50 feet in width. In accordance with MLDC 10.451, an additional right-of-way dedication of 6.5 feet is required and shown on the site plan.

In addition to the right-of-way dedication, the applicant delineates a 10 foot Public Utility Easement in the submitted site plan in accordance with MLDC 10.471.

#### *Sanitary Sewer*

The proposed development is within the Medford sewer service area. In their submitted staff report, Public Works states that there is an existing 8-inch diameter sanitary sewer main in Almond Street in which will allow the developer to provide an individual service lateral to the subject site.

There is also an existing sanitary sewer line running along the westerly end of the subject site under the jurisdiction of the Rogue Valley Sewer Services. The applicant is not proposing to utilize this sanitary line for the proposed development as confirmed in their submitted utility plans.

### *Storm Drain & Water Quality*

There is not a public storm drain serving Almond Street or the adjacent area surrounding the subject site. As stated in the applicant's narrative and illustrated in the submitted Conceptual Stormwater Drainage and Quality/Detention Facility Plan, the developer is proposing to drain to Bear Creek, which is located to the west of the proposed building. The applicant's submitted narrative states the following:

*Storm water quality and quantity for the open surface parking will be addressed through pervious pavement. Roof drainage will be detained on the roof and then collected at the back of the site and treated for water quality before it empties into Bear Creek. The expected outfall is directly into the Creek.*

In order for the development to include the construction of a storm drain pipe through the riparian corridor of Bear Creek, the applicant will have to coordinate with ODOT concerning access through the I-5 right-of-way. Additionally, approval for construction of storm drain facilities within the Bear Creek Riparian Corridor will require the approval of a Conditional Use Permit by the Planning Commission. A condition has been included.

### Other Agency Review Comments

#### *Medford Water Commission (Exhibit R)*

The subject site is served by the Medford Water Commission in which the proposed development has access to an existing 4-inch water line in Almond Street, a 12-inch water line located in E Main Street, and a 4-inch water line in E 9<sup>th</sup> Street. However, as the existing the water lines are non-conforming, the applicant will be required to install a new 12-inch water main in Almond Street.

#### *ODOT (Exhibit U)*

ODOT has reviewed the site plan and determined that this application will not significantly affect state transportation facilities under the State Transportation Planning Rule.

At the time of this writing, staff has contacted ODOT concerning possible right-of-way issues with the proposed development for both fire lane access and the proposed drainage pipe, and is awaiting a response.

*Public Works Survey Section (Exhibit V)*

It appears that tax lot 4401 was illegally created in 1993. As a condition of approval, staff recommends that the applicant either provide documentation proving tax lot 4401 was legally created, or legalize the lot pursuant to the Oregon Revised Statutes Chapter 92 (ORS 92).

Exception Analysis

	<b>REQUIRED</b>	<b>SHOWN</b>
Building height, west wing	35 feet maximum	54 feet
Side yard setback, east wings	13 feet minimum	7.5 feet
Side yard setback, west wing	23.5 feet minimum	12.5 feet
Rear yard setback, west wing	23.5 feet minimum	5 feet

*Building Height*

The applicant is requesting relief to exceed the maximum height allowed for the westerly section of the proposed apartment building. Pursuant to MLDC 10.837, dwelling units are permitted in all commercial districts subject to the dwelling type standards established for housing within the MFR-30 district. The development standards for the MFR-30 zoning district in MLDC 10.714 limit building height to 35 feet. The two-story east wings are proposed to be 33 feet and meet the requirement. However, west wing is proposed to reach a height of 54 feet, exceeding the maximum allowed by 19 feet.

One of the purposes of imposing height limits for buildings within a zoning ordinance is in the interest of promoting incremental development patterns by preventing new developments in which are incompatible with existing adjacent developments and which could potentially have an adverse effect on the surrounding area.

Oddly, the subject site abuts residentially zoned properties to the north and south which contain commercial type uses (Medford Senior Center and municipal parking lot), and abuts a commercially zoned parcel to its north in which is currently used as a residence containing a townhouse.

In the submitted Findings of Fact, the applicant points out that the design team intentionally kept the tallest mass of the building at least 150 feet from the residential uses along the east side of Almond Street to not cast afternoon shadows on the residential neighborhood. Further, the applicant argues that despite abutting a residentially zoned parcel to its south, the use of this parcel as a City-owned parking lot is highly unlikely to be converted to a residential use in the near future.

Though the proposed 54 foot west wing will be adjacent to the Medford Senior Center to the north, the Medford Senior Center fronts and is accessed via 8<sup>th</sup> Street and Main Street. The proposed building will not impair the motorists/pedestrian view of the center from these public streets.

For these reasons, compounded with the tremendous need for multi-family development within the City, it is staff's view that the granting of this Exception would be in harmony with the general purpose of the regulation, and would not adversely affect the character of the existing neighborhood.

#### *Side Yard Setback*

Pursuant to MLDC Section 10.714, the side yard setback for the proposed building is required to be a minimum of 13 feet for the east sections of the building proposed at 33 feet, and 23.5 feet for the four-story west wing of the proposed building. The proposed building has different setback requirements for the two east wings from the west wing; however, the proposed building as delineated on the submitted site plan does not meet the required side yard setback at any point. At the closest points, the building is proposed at and 7.5 for the two-story east wings and 12.5 feet for the west wing, necessitating substantial Code relief to be granted.

Staff agrees that unique and unusual circumstances do indeed apply to the subject site as the developer is proposing a residential development on commercially zoned property, and the existing uses on the abutting properties are not compatible with their zoning districts. Further, it is the view of staff that the granting of a side yard setback Exception for the southerly lot line would be in harmony with the general purpose of the regulation, and would not adversely affect the character of the existing neighborhood, as the use on the adjoining property is a City-owned parking lot and is unlikely to be redeveloped in the future.

Staff fails to see any unique or unusual circumstances that exist on the property which would preclude the applicant from meeting the northerly side yard setback requirement or that would impose an undue hardship on the property owner. Therefore, staff is unsupportive of the applicant's request, and recommends a condition of approval requiring the submittal of revised plans showing the required side yard setbacks along the northerly lot line prior to the issuance of a building permit.

#### *Rear Yard Setback*

Pursuant to MLDC Section 10.714, the rear yard setback for the proposed building is required to be 23.5 feet for the four-story west wing of the proposed building. The site plan shows varied distances for the required rear yard ranging from 11.5 feet to 5 feet.

As shown, the site plan does not meet the required rear yard setback minimum at any point.

Staff agrees that unique and unusual circumstances do apply to the subject site in terms of the rear yard lot line. The subject property abuts the I-5 Viaduct/ODOT right-of-way to the rear of the property running along the westerly lot line, which is also used as additional parking for the Medford Senior Center. Additionally, the northerly section of the rear lot line of the subject property abuts another section of the Medford Senior Center parking lot. Given the existing uses on the abutting properties are unlikely to be redeveloped (in the case of the ODOT right-of-way/Bear Creek Riparian Corridor, extremely unlikely), it is the view of staff that the Exception can be granted in keeping in harmony with the general purpose of the regulation, and would not adversely affect the character of the existing neighborhood.

#### Committee Comments

No comments were received from a committee such as BPAC.

#### **FINDINGS OF FACT**

##### MLDC Section: 10.290 – Site Plan & Architectural Review Criteria

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

Downtown housing is identified as a needed housing type in the Housing Element of the Comprehensive Plan. This Criterion does not apply under ORS 197.307 (4).

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

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

##### MLDC Section: 10.253 - Criteria for an Exception

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.*

The Commission can find that the Exception requests can be granted in compliance with the criteria of the Code with the imposition of conditions of approval contained in Exhibit A.

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.*

Pursuant to MLDC 10.837, dwelling units are permitted as a special use in all commercial districts except the Neighborhood Commercial (C-N) zone subject to the dwelling type standards established for housing within the MFR-30 district. The criterion is satisfied.

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 Commission can find that the Exception requests can be granted in compliance with the criteria of the Code with the imposition of conditions of approval contained in Exhibit A.

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,*

The Commission can find that the Exception requests can be granted in compliance with the criteria of the Code with the imposition of conditions of approval contained in Exhibit A.

## **FINDINGS AND CONCLUSIONS**

Staff has reviewed the applicant's narrative, findings, and conclusions (Exhibit B) and recommends the Commission adopt the findings with the following modification(s):

- The criterion at MLDC 10.290(1) does not apply under ORS 197.307(4) as downtown housing is identified as a needed housing type in the Housing Element of the Comprehensive Plan.

- The applicant shall submit revised plans showing the proposed building meeting the required side yard setback for the entire length of the northerly lot line prior to the issuance of a building permit for the proposed development.
- The applicant shall submit revised plans in which a clear delineation of the required 20 foot wide lane fire lane for the southerly and westerly ends of the subject site is identified. Agreements with the abutting property owners (ODOT and the City) are required.

### RECOMMENDED ACTION

Adopt the findings with the proposed modifications as recommended by staff and direct staff to prepare a Final Order for approval of AC-16-029/E-16-030 per the staff report dated May 27, 2016, including Exhibits A through W.

### EXHIBITS

- A Conditions of Approval dated May 27, 2016.
- B Applicant's Narrative, Questionnaire, and Findings of Fact, received April 12, 2016.
- C Site Plan, received May 19, 2016.
- D Aerial Site Plan, received May 19, 2016.
- E Landscape Plan, received May 19, 2016.
- F Setback and Utility Plans, received May 19, 2016.
- G Existing Conditions, received May 19, 2016.
- H Surveyed Site Plan, received April 12, 2016.
- I Phasing Plan, received May 19, 2016
- J Roof Plan, received May 19, 2016.
- K Materials Plan, received March 7, 2016.
- L Concept Elevations (1-4), received March 7, 2016.
- M Building Elevations (1-2), received March 7, 2016.
- N Floor Plans (1-3), received March 7, 2016.
- O Oregon Department of Aviation memo, dated May 3, 2016.
- P Rogue Valley Transportation District Memorandum, dated May 2, 2016.
- Q Medford Public Works Department Staff Report, received May 18, 2016.
- R Medford Water Commission Memorandum, dated May, 2016.
- S Medford Fire Department Report dated May 20, 2016.
- T Building Department Memo, dated May 11, 2016.
- U Oregon Department of Transportation email, dated May 13, 2016.
- V Public Works Survey Section memo, dated April 27, 2016
- W Housing Element Section VI  
Vicinity Map

**SITE PLAN AND ARCHITECTURAL COMMISSION AGENDA:**

**JUNE 3, 2016**

## EXHIBIT A

Almond Street Apartments  
AC-16-029 & E-16-030  
Conditions of Approval  
May 27, 2016

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### DISCRETIONARY CONDITIONS

1. Prior to the issuance of the first building permit, the applicant shall submit revised plans showing the following:
  - a. Adjust the building to provide the required side yard setback for the entire length of the northerly property line.
  - b. The required 20-foot wide lane fire lane for the southerly and westerly ends of the subject site consistent with the requirements of the Medford Fire Department (Exhibit S).
2. Prior to issuance of the first building permit for vertical construction, the applicant shall either provide the Planning Department with documentation demonstrating tax lot 4401 was legally created, or legalize the lot pursuant to the Oregon Revised Statutes – Chapter 92 (ORS 92) of the Oregon State Legislature.
3. Prior to issuance of the first building permit, the applicant shall provide the Planning Department with documentation demonstrating permission from the Oregon Department of Transportation (ODOT) for the following:
  - a. Installation of stormwater drainage facilities through ODOT right-of-way to Bear Creek.
  - b. Use of ODOT right-of-way for all or part of the required 20-foot fire lane along the west side of the site consistent with the Medford Fire Department Land Development Report (Exhibit S).
4. Prior to the issuance of the first building permit, the applicant shall provide the Planning Department a copy of a recorded agreement allowing the use of the abutting property to the south for the required 20-foot fire lane along the southerly property line consistent with the Medford Fire Department Land Development Report (Exhibit S).

### CODE CONDITIONS

5. Prior to issuance of the first building permit, the applicant shall consolidate tax lots 4400, 4401, 4601, and 4701 through the Medford Planning Department.
6. The applicant shall comply with all conditions stipulated by the Medford Water Commission (Exhibit R).

7. The applicant shall comply with all conditions stipulated by the Oregon Department of Aviation (Exhibit O).
8. The applicant shall comply with all conditions stipulated by Medford Public Works Department (Exhibit Q).
9. Prior to the issuance of any building permit and upon receipt of documentation confirming permission from ODOT to install stormwater facilities within the ODOT right-of-way, the applicant shall apply for and obtain a Conditional Use Permit to construct stormwater facilities within the Bear Creek Riparian Corridor pursuant to MLDC Section 10.925.

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April 2016

**NARRATIVE FOR NEW 108 UNIT APARTMENT BUILDING LOCATED AT 100 ALMOND STREET**

**BRIEF PROJECT NARRATIVE**

The site for the proposed development is a collection of four lots all owned by Almond Street Rentals, LLC, totaling 1.33 AC, located at 26, 106, 114 and 116 Almond Street in Medford, approximately 1 block south of East Main Street and immediately to the east of the I-5 viaduct. The proposed development will be a single apartment building that may be constructed in phases, depending on market conditions. It will be 2 floors over at-grade parking up to 150 feet away from Almond Street and 4 floors over at-grade parking on the rear of the site (against the freeway). The Developer is proposing to construct 109 automobile parking spaces, 74 of which will be in a secured lot under the building and 35 open spaces in the center court area. There will be 10 additional motorcycle spaces under the building, 6 of which will count towards the required parking. In addition, there are existing public parking lots immediately to the south, west and north of the site. The lot to the south is permit parking under the control of the City of Medford. The lots to the west and north are associated with the Rogue Valley Senior Center. The developer is also proposing to create 126 covered bicycle parking spaces.

The site fronts on Almond Street, which is the primary access. Almond Street connects north of the site to East Main Street at a signalized intersection. From the south Tripp Street connects to Siskiyou Blvd/10<sup>th</sup> Street and Almond connects to Tripp at either 8<sup>th</sup> or 9<sup>th</sup> Street going east. The west boundary fronts public ROW along the I-5 corridor. The public parking spaces and their access driveway on the west boundary are in public ROW.

Three of the four lots that compose the site are within the CBD overlay. All four lots are currently zoned C/SP. Within the CBD overlay the parking requirement for apartment units is 1 space per unit. Outside the CBD zone the parking requirement is 1.5 spaces per unit. We have determined that 95 of the apartment units are within the CBD overlay and 13 are outside it. Therefore the required parking is 108 + 6.5, for a total of 115 required spaces. 5% of those spaces may be dedicated motorcycle spaces. The Developer is proposing to create 109 automobile parking spaces, and is allowed to count 6 of the motorcycle spaces as meeting the parking requirements. Parking for the site is met.

The Medford Land Development Code also treats residential uses in commercial zones somewhat differently than other structures. Within the CBD it is clear residential uses are to follow MFR-30 site development standards. Within the C/SP zone the wording is different and confusing. The design team believes that based on the Code language the site development standards for the C/SP zone are clearly to be used for multi-family projects, although Planning staff has taken a different view. At some point these four lots will need to be combined in order to

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construct the project and then CBD boundary will need to be adjusted. For the purposes of this proposal it makes sense to consider the entire site as within the CBD.

Regardless of which development standards are the most appropriate to follow for this project, the Development Code is clear that there is no maximum density limitation for residential uses within either the CBD or on C/SP zoned property.

For the building itself the exterior walls will take a modern look, with balconies to provide outdoor space for most units. Some units on the upper floors will have stunning views of the surrounding mountains. The building will also feature large common lobby spaces, laundry facilities, and an on-site gym. A roof deck is planned for a later phase. The Developer hopes to secure a vendor to provide cars available for short-term rental specifically for tenant use. There will be a trash chute to a dumpster with access from each floor. The dumpster will be accessed from the public ROW driveway to the adjacent Senior Center. The building entry and elevators will be accessed through a secure access-controlled lobby at the ground floor. There are also several stairs and access points around the perimeter where tenants can take advantage of this site's convenient location to downtown and the Bear Creek Greenway, out the back door, so to speak. The building will also have a loading area with access to the rear of the building and the elevators.

The Developer is proposing to construct 45 studio units, 37 one bedroom units and 26 two bedroom units. They are all intended to be market rate units.

## **PROJECT EVALUATION CRITERIA - COMPATIBILITY**

### **A. List existing uses and development adjacent to your project site. Along with this list, describe the architecture (materials, colors, etc.) age and condition of the adjacent buildings.**

Immediately to the north of this proposed development is the Medford Senior Center, owned by the Rogue Valley Council on Aging. It is a single story building with a flat roof clad in horizontal lap siding and constructed in the early 1990s. Hawthorne Park is approximately one block north, across East Main Street. To the west is the I-5 Viaduct and the Bear Creek Greenway. To the south is a public parking lot owned by the City of Medford. Across Almond Street to the east is a collection of older single-story buildings originally constructed as single family homes. Many of these have been converted to multi-unit residential buildings of various unit configurations. The majority of the buildings adjacent to the site is more than 50 years old and sit on very small lots. The physical condition of these structures runs the gamut from decrepit to well-maintained.

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

It would be the wrong design choice to mimic the small scale design of the adjacent structures for a building of this size. With that said, however, this building presents a small street façade to Almond Street and for 150 feet back on each side of the lot. It is tall along the freeway. The parapet height along Almond Street is only 33 feet, about what you would see for a two story gable-roofed apartment building. There are lots of windows and changes in exterior color and the use of different materials on the façade that help the building relate to its neighbors.

**C. Describe the proposed architecture and exterior treatments that break up large facades and give relief to the building mass.**

This building is designed with a large amount of façade articulation, including projecting balconies and bay windows and plan recesses. It has two low-rise wings of a fairly narrow profile at the Almond Street frontage flanking a large center court that the building wraps. The Developer proposes to retain as many of the existing established street trees as possible.

**D. Describe how the placement and orientation of the proposed building relates to the street facilities and how this orientation promotes a more pedestrian-friendly site design.**

The proposed structure is designed to encircle a large center court with the open side to Almond Street. The two flanking wings that front Almond are low-rise (two stories over a level of parking) and will have a narrow profile on the Almond Street façade. The two wings are approximately 126 feet apart, so the whole does not present a monolithic façade to pedestrians walking down Almond Street. The rear of the building is parallel with the I-5 Viaduct and off-axis to the street grid. The top two floors should be above the Viaduct roadway, providing an interesting urban experience for both residents and those traveling along the Interstate freeway.

**a. If the site lies within 600 feet of an existing or planned transit stop, describe compliance with the standards of Section 10.808.**

This condition does not apply to this site, as the local transit route along East Main Street is further than 600 feet to the north.

**E. Describe the pedestrian facilities and amenities on your site, and how they will function for pedestrians.**

The Developer is proposing a roof-top garden area, a roof-top recreation area and a gym for use by residents in future phases as money allows. The building will be equipped with two laundry areas, a generous lobby space, and a meeting room available for residents. The building will also have secure, covered bicycle parking. The Developer is looking for a vendor that will provide short-term automobile rentals for building tenants.

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

Vehicular access to the site will be primarily from Almond Street, but the site can also be accessed from East Main Street through the Senior Center parking lot, or via East 8<sup>th</sup> or 9<sup>th</sup> Streets. The majority of the parking will be under the building. The parking is set up in a one way configuration, with the entry and the exit points approximately 125 feet apart. Additional open-air parking will be available on site. A City-owned public parking lot is also immediately adjacent to the site on the south.

Primary pedestrian access will be from Almond Street along the east side of the building, although a secondary access to the first floor lobby can be reached from either East Main Street or the pedestrian bridge across Bear Creek from the west.

**G. Describe if and how the proposed plan is sensitive to retaining any existing trees or significant vegetation on the site.**

The Developer wishes to retain and incorporate into the landscape design scheme as many of the existing street trees as possible. Other existing site trees will most probably need to be removed

unless we are able to incorporate them into the surface parking area landscaping. There is no other significant vegetation on the site.

**H. Describe storm water detention facilities on the site. If these facilities will be landscaped areas, describe how the proposed landscaping will be integrated with other landscaping on the site.**

Storm water quality and quantity for the open surface parking area will be addressed through pervious pavement. Roof drainage will be detained on the roof and then collected at the back of the site and treated for water quality before it empties into Bear Creek. The expected outfall is directly into the creek. There is no public storm drainage system in the surrounding neighborhood.

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

The proposed landscaping will add color and visual interest to the setting for this handsome new building.

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

As the majority of the parking will be under the building, the majority of exterior building lighting will be small wattage bulbs to illuminate private balconies. There will be parking lot lights to illuminate the front entry area and accessible parking spaces, far away from public walks or adjacent buildings. The site walk to the public sidewalk will be illuminated by overhead standards with dark sky heads that do not shine light into the night sky. There may be some feature landscape lighting, but with low-wattage bulbs. There will also be yard lights at the service entrances, again with fixture heads that do not shine into the night sky or directly onto adjoining properties.

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

No signage is proposed other than a building identification sign that will be within code limits.

**L. Explain any proposed fencing, including its purpose, and how you have incorporated it as a functional, attractive component of your development.**

The Developer proposes to enclose the parking lot under the building with a 3-foot high masonry wall topped by a decorative wrought-iron fence for security purposes along the south and west sides of the building at the exterior building line and along the perimeter of the court. Along the north side a 6 foot tall masonry wall is proposed to enclose the side yard, which also is the location for much of the bicycle parking. In other locations, primarily along the front and rear facades the solid wall of the building perimeter will serve as fencing.

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

Once construction is complete the Developer does not expect any tenant to generate noise louder than what is permitted in the code.

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

This project provides much needed market rate rental housing in close proximity to the downtown area. While the building is greatly larger than anything in this neighborhood, we have scaled the elements of the building to be compatible with the older housing across Almond Street. The larger portion of the structure faces the Viaduct and the taller buildings of the central city.

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

The Developer is requesting an exception to the maximum height standard for a portion of the building, as well as relief from the setback requirements for the C/SP zone and the MFR-30 standards from a Residential zone for portions of the building. The details of these exceptions are addressed in the Application for Exception which is a part of this application package.

**P. Section 10.780(C)(2) – List any petition for relief of landscaping standards. Provide rationale for requested deviation from standard.**

No exceptions or modifications are requested for this project that are noted in Section 10.780 (C)(2).

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**EXCEPTION APPLICATION NARRATIVE  
100 ALMOND STREET APARTMENT PROJECT**

The Developer of this project, Almond Street Rentals, LLC, is proposing to construct 108 apartment units in a single building on a 1.33AC site adjacent to Bear Creek. The building will contain 47 studio units, 35 one bedroom units and 26 two bedroom units. The building will be two floors of apartments over at-grade parking for the east two-thirds of the site and a four story wing of apartments above at-grade parking along the west edge of the property, fronting Interstate 5. The building will contain a laundry, a trash enclosure with chute, lobbies on all four levels, a loading area at the rear and an exercise room. A roof garden on the south two story wing is scheduled for a future phase once the building is completed and rented up. Both wings on the east half of the building are proposed to be 33 feet tall from grade. The west wing of the building will be 54 feet tall. Most of the apartments will have exterior balconies.

The Developer is proposing to construct 109 automobile parking spaces and 10 motorcycle parking spaces on this site within the scope of the project. Approximately 70% of those spaces will be covered and secured behind a decorative security fence under the building. The site meets the parking requirements for the Central Business District Overlay and the small portion of C/SP covered by the building.

The site is composed of 4 existing platted lots zoned C/SP, the GLUP designation is "Service Commercial". Three of the four lots are within the CBD overlay. The adjacent parcels east of Interstate 5 are all zoned MFR-20 or C/SP. The parcel abutting the west property line of this site (west of the public ROW containing Interstate 5) is zoned C-C. The Land Development Code is clear in that residential projects within commercially zoned land in the CBD must meet site development conditions of the MFR 30 zone. Unfortunately, the Code is not quite so clear regarding residential projects within the C/SP zone, which would affect a small portion of the site.

Our contention is that the portion of the project within the C/SP zone lot outside the CBD overlay meets the site development standards for the C/SP zone. The building within that portion of the site meets the C/SP zone site development standards.

The portion of the site within the CBD is required to meet the standards of the MFR-30 zone for setbacks and building height. There is a 10 foot setback from the street frontage (20 feet if a garage is facing the street). The side and rear yard setbacks are 4 feet, plus 1/2 foot for each foot in height above 15 feet. For the portion of the building 33 feet tall, the side and rear setbacks are 13 feet. For the portion of the building 54 feet tall the setback is 23.5 feet. The height limit in the MF-30 zone is 35 feet. There is a maximum lot coverage for the building of 50%.

Housing is a permitted use within the C/SP zone, with no maximum density.

46

The Developer is requesting the following exceptions:

1. Relief from the 35-foot height limitation for the 54 foot tall portion of the building.
2. Relief from the side yard and rear yard setback requirements for some portions of the building.

The rationale for granting these exceptions is as follows:

**Exception 1:**

Section 10.721 of the Medford Land Development Code limits the height of any building in a commercial zone to a maximum height of 35 feet within 150 feet of any residential zone. The height limitation within the C/SP zone is 85 feet, although inexplicably, the code limits residential development anywhere in the city to 35 feet, the maximum allowed in the MFR-30 zone. The west portion of this project faces Interstate 5 and abuts the C-C zone, as well as being within the CBD overlay. The project is using this taller portion of the building as a noise screen for the balance of the site. Further, the Developer needs at least 100 units to make the project financially viable, so we elected to place the majority of the units in one tower away from the lower density development along and across Almond Street.

The site is flanked by commercial development on residentially zoned lots along its north and south property lines on the west side of Almond Street, and some portion of its west property line. These adjacent sites are commercial uses owned and operated by government bodies, so it is unlikely that ownership would pass back into private hands, and with that the possibility that new small scale residential uses would be constructed on them. The configuration of the building is a plus for the neighborhood and the adjacent development. There is precedent for residential uses within the CBD that are taller than 35 feet, including the Medford Hotel, the Hotel Grand Apartments and the new development currently under construction by the Jackson County Housing Authority on the norther perimeter of the CBD.

**Section 10.253: Criteria for exception**

- 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.

*This exception is in harmony with the general purpose and intent of the LDC regulations. Section 10.721 of the LDC is designed to preclude the development of a very tall commercial building immediately adjacent to a low-scale residential structure, thereby crowding out light and air from the residential occupants. In the case of this project the Design Team has meet the intent of the Code by keeping the tallest mass of the building at least 150 feet away from the actual residential uses along the east side of Almond Street and other properties further to the east. For the Almond Street frontage this building is no more imposing than any of the other low-rise apartment buildings found in the neighborhood. Where this building is tall is along the west property line, facing the I-5 Viaduct, where it will act as a noise barrier for the neighborhood. The four story wing is far enough away from Almond Street that it will not cast afternoon shadows on the buildings facing Almond (even though this is not a Code requirement). The four story portion of the project is also far enough away from non-adjacent, non-government owned parcels further south and north on the west side of Almond Street, that the requirements of Section 10.721 are met regarding these parcels.*

*The exception is needed because, while the adjacent parcels are zoned residential, the GLUP designation is commercial, and the existing uses are commercial. The north and south adjacent properties are owned by government bodies, so it is unlikely they will ever be converted back into private residential use.*

*The Commission can find the granting of this exception is in harmony with the general purpose and intent of the regulations by keeping the taller portion of the project away from actual residential uses along the east side of Almond Street, and not injurious to the health, safety or general welfare. The Commission can find this condition has been 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.

*The use proposed for this property is a permitted use under the Land Development Code. Granting of this exception will not permit the establishment of a use not currently permitted in the C/SP zone. The Commission can find this condition is met.*

- 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 limitation of building height in this section of the LDC is based on the assumption that these are residential uses on the adjacent residentially zoned land. In this case, the residential land is owned and used by government entities for commercial purposes, which is a unique circumstance not contemplated when the Code section was developed. Strict adherence to this section of the Code would result in peculiar development and undue hardship on the Developer. The Commission can find this condition is met.*

- 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.

*The Developer has owned this parcel for a number of years and is aware of the requirements of the Land Development Code. The need for the exception is not the result of an illegal act. The need for the exception is the result of the application of the standards of this code and is suffered directly by the property and owner in question. The Commission can find this condition is met.*

#### **Exception 2:**

Section 10.721 of the Medford Land Development Code requires a side and yard setback of ½ foot for every foot of building height over 15 feet, plus 4 feet. For some portions of the building this setback requirement is 13 feet. For other portions of the building the setback is 23.5 feet. Balconies are allowed to encroach an additional foot into the required setback. The project does not meet the 13 foot setback requirement along part of the north and all of the south sides of the building, and the 23.5 foot setback along most the west side. However, the building is to be constructed on C/SP zoned land within the CBD overlay and is adjacent to commercial enterprises and a city-owned parking lot. The purpose of this regulation is to shield a multi-family use from adjoin lower density residential uses, and that is clearly not the case here. This structure is in among commercial uses and maintains the same scale and street presence as those adjacent uses, and it fronts Interstate 5 as well, which has already provided its own setback from the public Right-of-Way. The MFR-30 side and rear yard setbacks are clearly not needed for this development to shield it from adjacent residential uses.

#### **Section 10.253: Criteria for exception**

- 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.

*The exception is requested for 52 feet along the west end of the north property line, along the west property line and along most of the west property line. The sides of the building adjoin publically owned property with commercial uses on them – a permit only parking lot to the south and the Rogue Valley Senior Center and parking lot to the north. The site also abuts a multi-family residential use along Almond Street outside the CBD overlay and a 6-foot high screen fence is proposed along the north side along the building. Where that adjacent development exists, the project meets the C/SP side yard setback of 6.5 feet.*

*An exception is also requested for the rear of the building along the 100 feet where the subject property shares a property line with the Senior Center parking area and the property line abutting Interstate 5. The Senior Center Building is east of the property tail and the four story portion of the building. In practical terms, the building meets the setback distance from building to building, although not from the property lines. In practical terms the proposed structure fronts the Interstate 5 Right-of-Way, which does not need a buffer.*

*This building is surrounded on the north and south by publicly-owned parking lots and commercial uses that are unlikely to be redeveloped into anything other than parking for quite some time. Granting this exception will be in harmony with the general purpose and intent of the regulations and is not otherwise detrimental to the health, safety and general welfare of the adjacent uses. The Commission can find this condition has been 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.

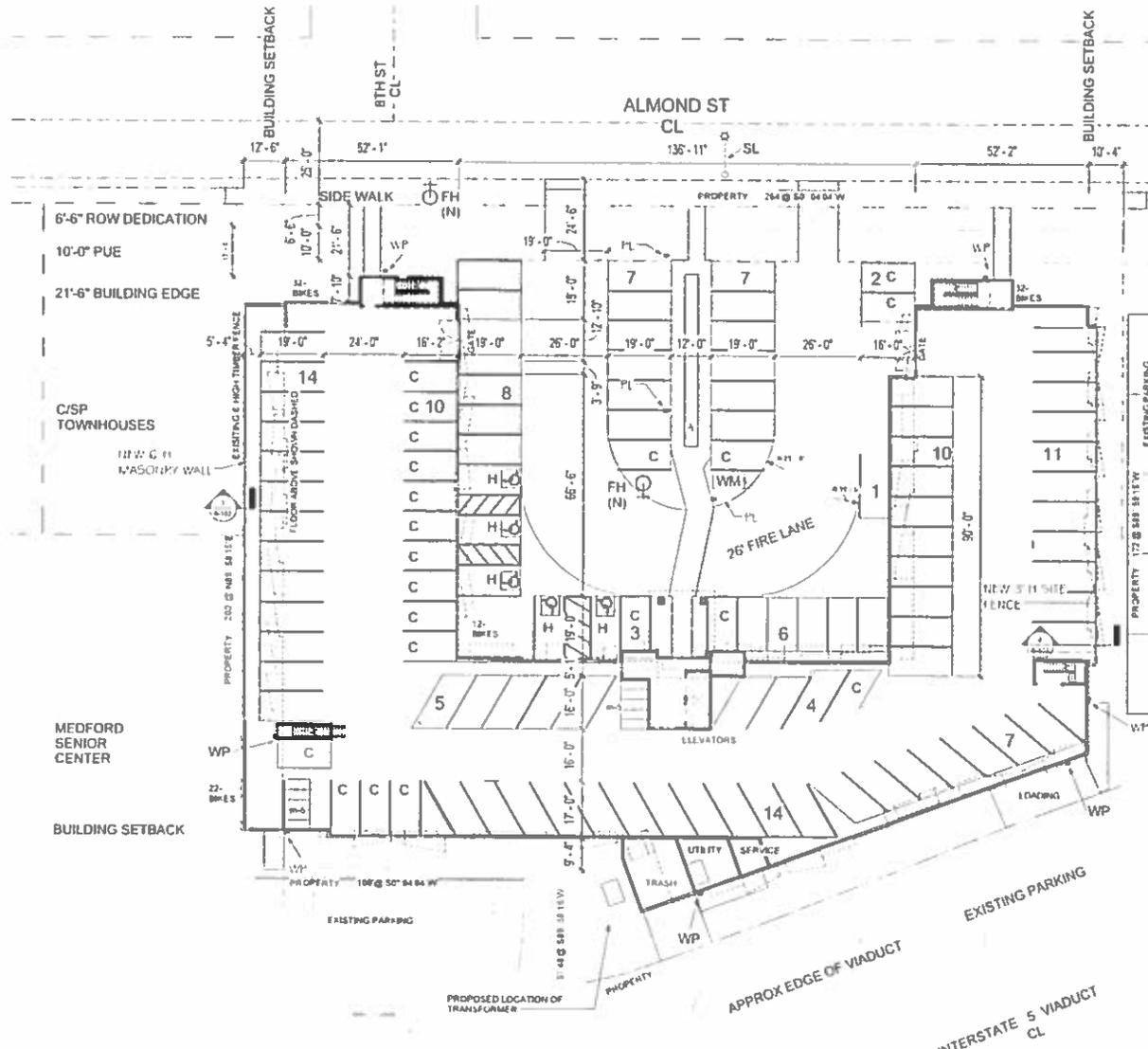
*The use proposed for this property is a permitted use under the Land Development Code. Granting of this exception will not permit the establishment of a use not currently permitted in the C/SP zone. The Commission can find this condition is met.*

- 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 limitation of building height in this section of the LDC is based on the assumption that there are residential uses on residentially zoned land. In this case, the residential land is owned and used by government entities for commercial purposes, which is a unique circumstance not contemplated when the Code section was developed. Strict adherence to this section of the Code would result in peculiar development and undue hardship on the Developer. The Commission can find this condition is met.*

- 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.

*The Developer has owned this parcel for a number of years and is aware of the requirements of the Land Development Code. The need for the exception is not the result of an illegal act. The need for the exception is the result of the application of the standards of this code and is suffered directly by the property and owner in question. The Commission can find this condition is met.*



← N  
- 0 GROUND FLOOR  
1/16" = 1'-0"

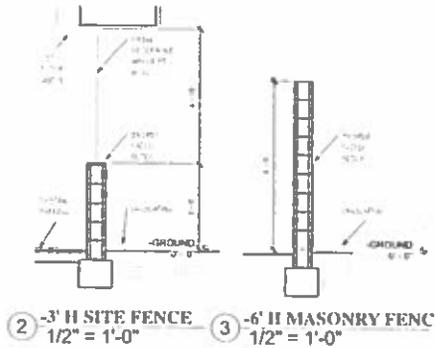
**-PARKING REQUIREMENTS**

**-PARKING:**  
 PROPOSED BUILDING: 108 Dwelling Units  
 PARKING REQUIRED: 114.5 Spaces  
 ( 13 @ Residential = 1.5 spaces / Dwelling Unit)  
 ( 95 @ CRD Res = 1 spaces / Dwelling Unit)  
 INCLUDING ACCESSIBLE (5 Spaces)

PARKING PROPOSED: 109 Spaces  
 INCLUDING ACCESSIBLE (5 Spaces)  
 PLUS MOTORCYCLE @5%: 6 Spaces  
 Total: 115 Spaces

**-BIKE PARKING:**  
 REQUIRED: 108 Spaces  
 PROPOSED:  
 Ground Level: 98 Spaces  
 First Level: 14 Spaces  
 Second Level: 14 Spaces  
 Total: 126 Spaces

**-SITE LIGHTING:**  
 WALL PACK (WP): 7  
 POLE LIGHT (PL): 3



**ALMOND STREET  
RENTALS LLC**



100 Almond St  
Medford OR, 97504  
 Maps: - 57 1W 3030  
 Tel: - 4400, 4401, 4601, 4701

Approval Expires	Date
BY:	
DATE	
DRAWN BY	
SHEET	
GROUND FLOOR	

**A-102**

REGISTERED ARCHITECT  
 STATE OF OREGON  
 No. 25,836  
 MERRILL GUYER  
 2016

ALMOND STREET  
 RENTALS LLC



100 Almond St  
 Medford OR, 97504

Maps - 37 W. 3030  
 Tel: - 4100, 4401, 4601, 4701

Approved By	Date
Project No.	By
PLOT DATE	
DRAWN BY	
SHEET	
ALMOND SITE PLAN	

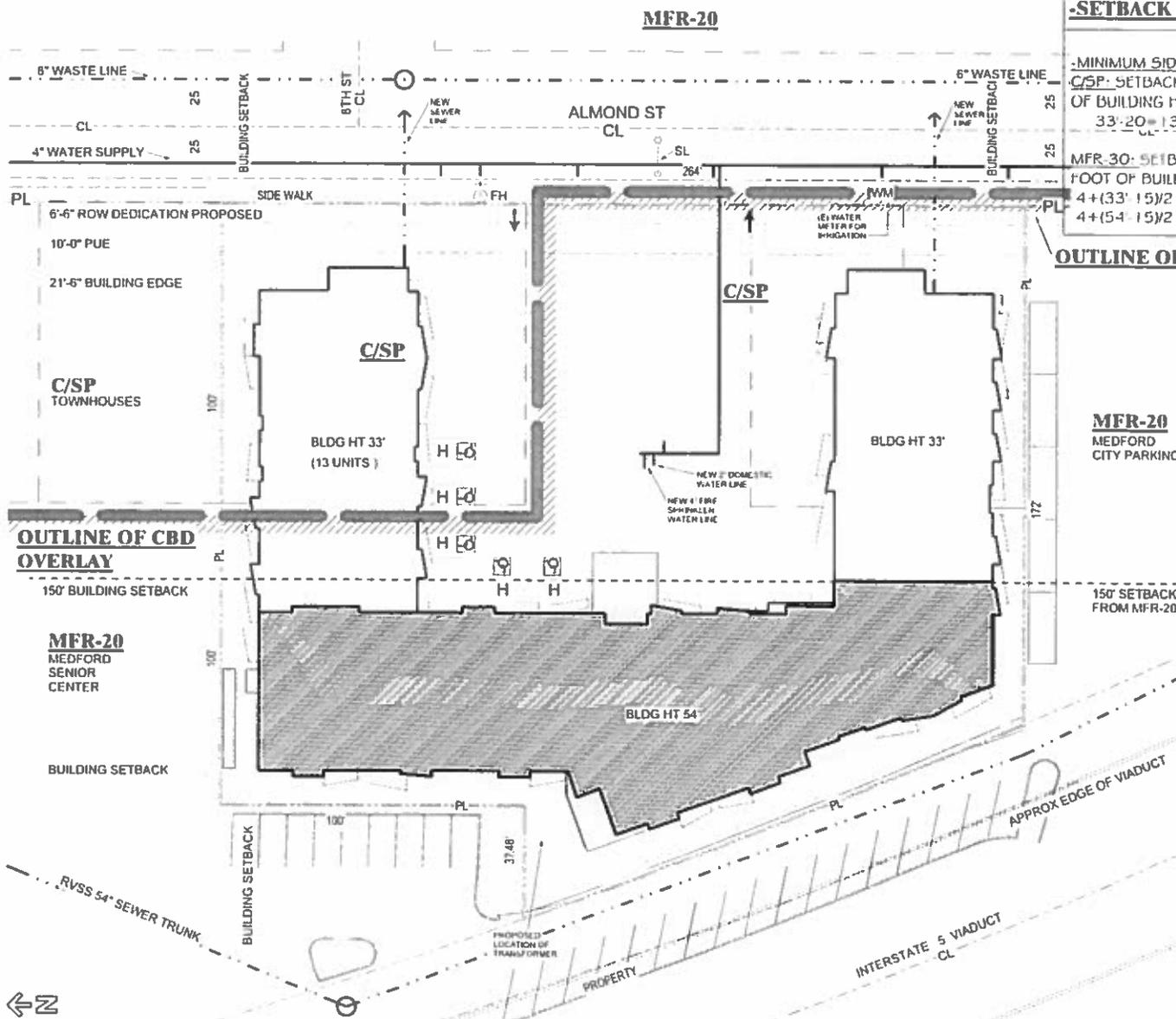
**A-101.1**



- SITE OVERLAY  
 1/32" = 1'-0"







**-SETBACK REQUIREMENTS**

**-MINIMUM SIDE AND REAR YARD**  
**C/SP:** SETBACK IS 0' PLUS 1/2' FOR EVERY FOOT OF BUILDING HEIGHT OVER 20'.  
 $33 \cdot 20 = 13 \cdot 1/2 = 6' - 6"$  SETBACK

**MFR 30:** SETBACK IS 4' PLUS 1/2' FOR EVERY FOOT OF BUILDING HEIGHT OVER 15'.  
 $4 + (33 - 15) \cdot 1/2 = 13' - 0"$  SETBACK  
 $4 + (54 - 15) \cdot 1/2 = 23' - 6"$  SETBACK

**OUTLINE OF CBD**

**MFR-20**  
MEDFORD CITY PARKING

**- BUILDING SETBACKS PLAN**  
1/16" = 1'-0"



**ALMOND STREET RENTALS LLC**



100 Almond St  
Medford OR, 97504  
Map: 37 NW 3030  
Tel: 3400, 4401, 4601, 4703

Approval Signature	Date
BY:	
DATE:	
DRAWN BY	
SHEET	
SETBACKS - UTA/PLS	

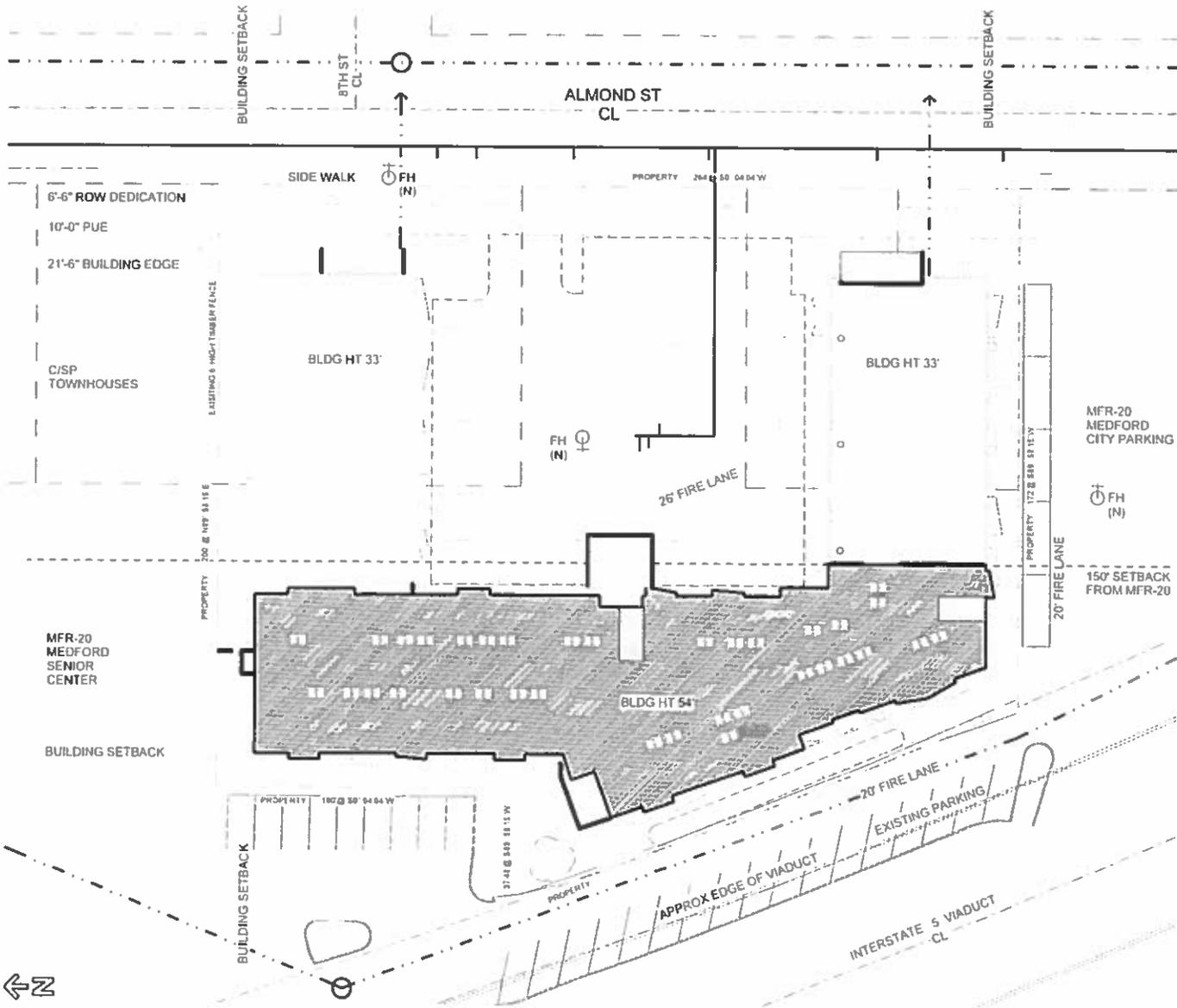
**A-101**







CITY OF MEDFORD  
EXHIBIT # 3



- ROOFTOP PLAN  
1/16" = 1'-0"



ALMOND STREET  
RENTALS LLC



100 Almond St  
Medford OR, 97504  
Maps - 37.5W, 30.3N  
Tel. - 4400.4401, 4601.4703

Project Name	Sheet
Client	Scale
Plot Date	Date
Drawn By	Checked By
Sheet	Roof

A-107

**-PROPOSED MATERIALS**

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REGISTERED ARCHITECT  
MARCH 7 2016  
PLANNING DEPARTMENT  
CITY OF MEDFORD

ALMOND STREET  
RENTALS LLC



100 Almond St  
Medford OR, 97504

Steph - 371 W 383D  
TH - 5490-4401-3691-3701

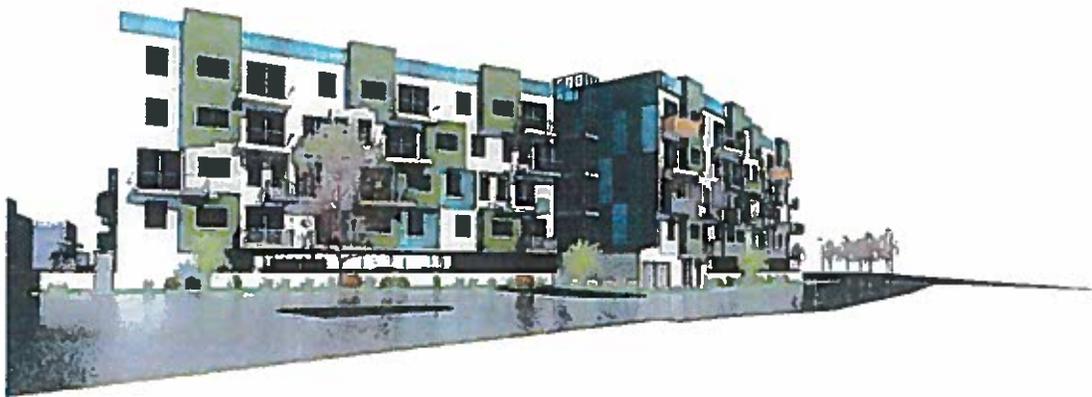
Approved Signature: [Signature]  
DATE: 03/07/16  
BY: [Signature]  
PLotted BY:  
DRAWN BY:  
DATE: 03/07/16

CITY OF MEDFORD  
EXHIBIT # **K**  
File # **AC-16-029 / E-16-030**

2/2



03-3D-gnd-SW  
12" = 1'-0"



04-3D-gnd-West  
12" = 1'-0"

**-PAINTED STUCCO**



SW 6700  
Daybreak  
Color Number: 280-01



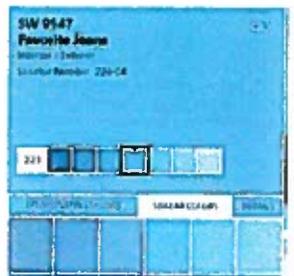
SW 7000  
Pure White  
Color Number: 215-01



SW 6365  
Chestnut Cream  
Color Number: 188-01



**-HARDIE PANELS**



**-METAL PAILING**





ALMOND STREET  
RENTALS LLC



100 Almond St  
Medford OR, 97504

TEL: 541-754-4701  
FAX: 541-754-4700  
WWW.JRCHUBBARCHITECTURE.COM

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MARCH 7, 2016  
PLANNING DEPARTMENT



Almond-NorthEast  
Scale = 1'-0"

CITY OF MEDFORD

EXHIBIT # L-1

File # AC-16-029 / E-16-030



File # AC-16-029 / E-16-030

CITY OF MEDFORD

EXHIBIT # 1-2

Almond-NorthWest  
Scale = 1"=10'



ALMOND STREET  
RENTALS LLC



100 Almond St  
Medford OR, 97504

Phone: 531 775-4478  
Fax: 531 775-4401

Map: 37 11V 3030  
Tr: 4400, 4401, 4601, 4701

PLANNING DEPARTMENT

MARCH 7, 2016

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ALMOND STREET  
RENTALS LLC



100 Almond St  
Medford OR, 97504

PLANNING DEPARTMENT

Tel: 541.754.4600 | Fax: 541.754.4601

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MARCH 7, 2013



Almond-SouthEast  
Scale = 1'-0"

CITY OF MEDFORD  
EXHIBIT # L-3

File # AC-16-029 / E-16-030



ALMOND STREET  
RENTALS LLC



100 Almond St  
Medford OR, 97504  
Fax: - 541 411 4141  
Tel: - 4099 4600 1701

100 Almond St  
Medford OR, 97504

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MARCH 7 2016

PLANNING DEPARTMENT



Almond-SouthWest  
1/2" = 1'-0"

CITY OF MEDFORD  
EXHIBIT # 1-4

File # AC-16-029 / E-16-030



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 MAR 20 2016  
 PLANNING DEPARTMENT  
 CITY OF MEDFORD



PAPER TOP  
 34'-0"

GROUND  
 0'-0"

-West  
 1" = 10'-0"

ALMOND STREET  
 RENTALS LLC

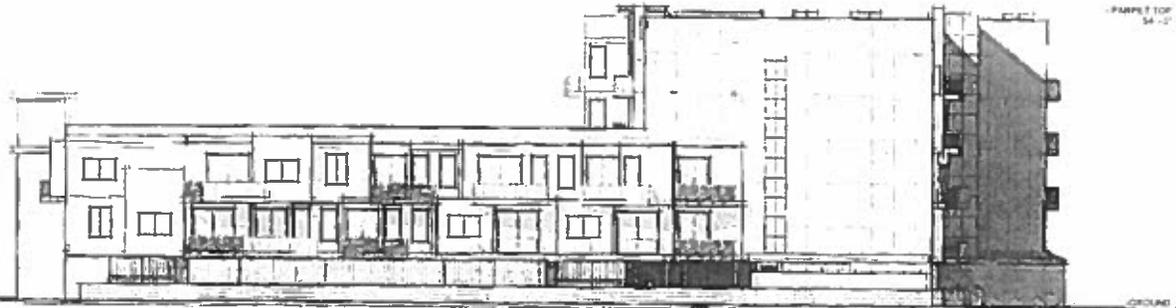


100 Almond St  
 Medford OR, 97504

Map # - 37 1W 30A0  
 T# - 44000, 4401, 4601, 4701

Section	Scale

CITY OF MEDFORD  
 EXHIBIT # M  
 File # AC-16-029 / E-16-030

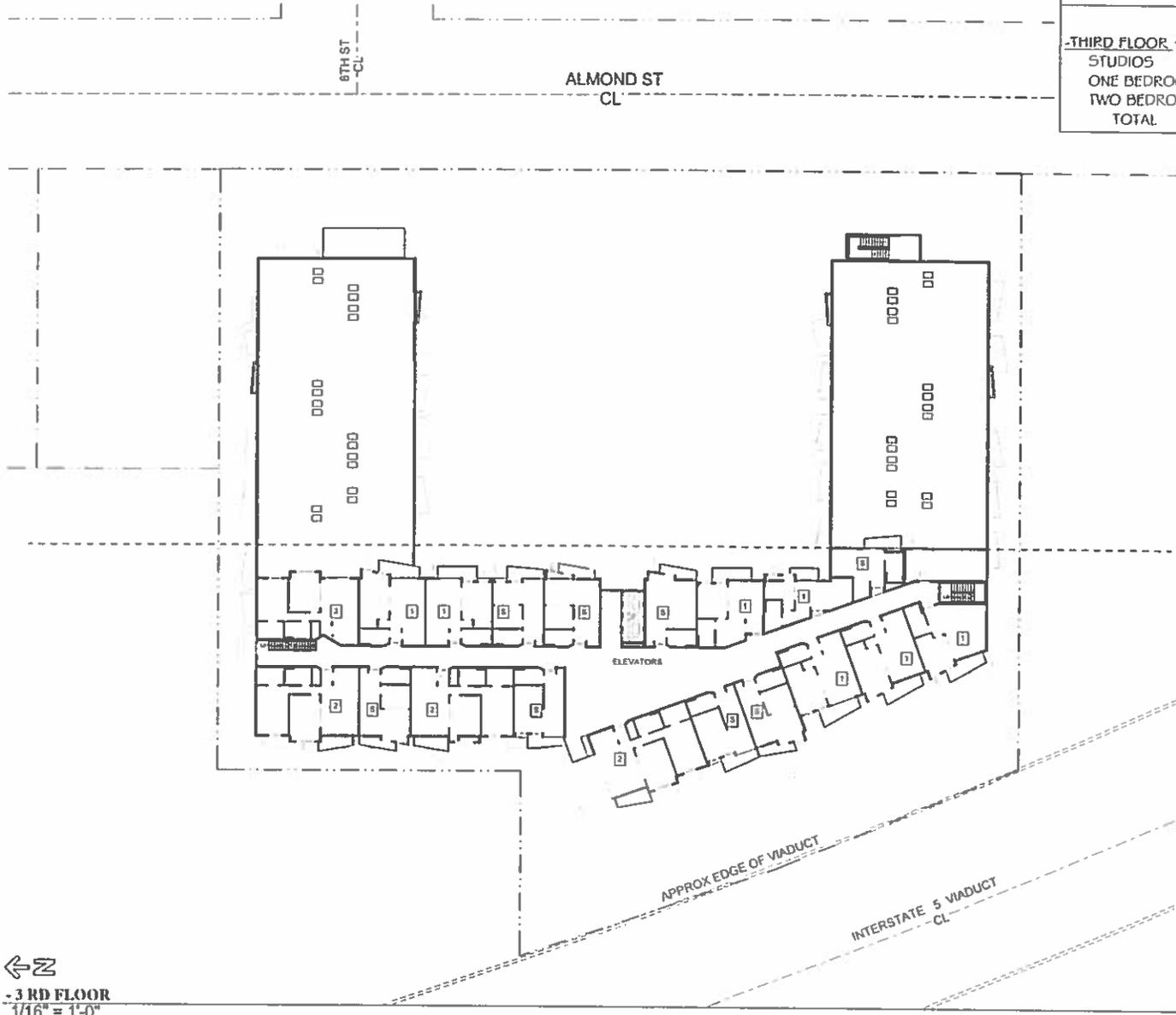


PAPER TOP  
 34'-0"

GROUND  
 0'-0"

CITY OF MEDFORD  
 EXHIBIT # M-2  
 File # AC-16-029 / E-16-030

CITY OF MEDFORD  
 EXHIBIT # N-1  
 File # AC-16-029 / E-16-030



**-PROPOSED DWELLING UNITS**

<b>-THIRD FLOOR -</b>		12,290 SF
STUDIOS	= 8 Units	
ONE BEDROOMS	= 7 Units	
TWO BEDROOMS	= 4 Units	
<b>TOTAL</b>	<b>19 Units</b>	

← N  
 - 3 RD FLOOR  
 1/16" = 1'-0"



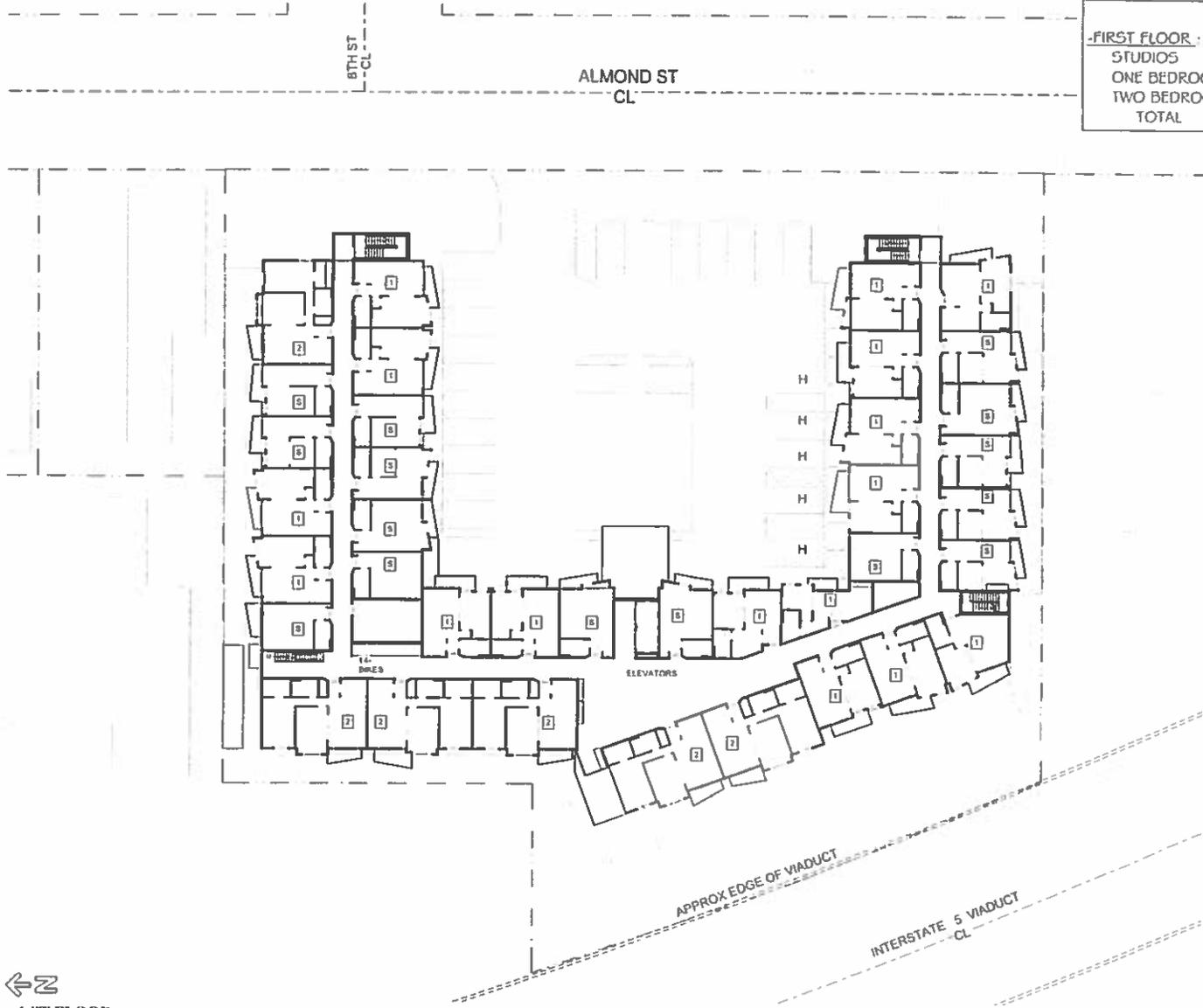
**ALMOND STREET  
 RENTALS LLC**



100 Almond St  
 Medford OR, 97504  
 Map: - 37 W 3030  
 Tel: - 4400-4401, 4661, 4761

RECEIVED  
 5 MAR 16  
 2 26 16  
 PLANNING DEPARTMENT

CITY OF MEDFORD  
EXHIBIT # N-2



- 1 ST FLOOR  
1/16" = 1'-0"

-PROPOSED DWELLING UNITS	
-FIRST FLOOR :	22,290 SF
STUDIOS	= 15 Units
ONE BEDROOMS	= 16 Units
TWO BEDROOMS	= 6 Units
TOTAL	37 Units



ALMOND STREET  
RENTALS LLC

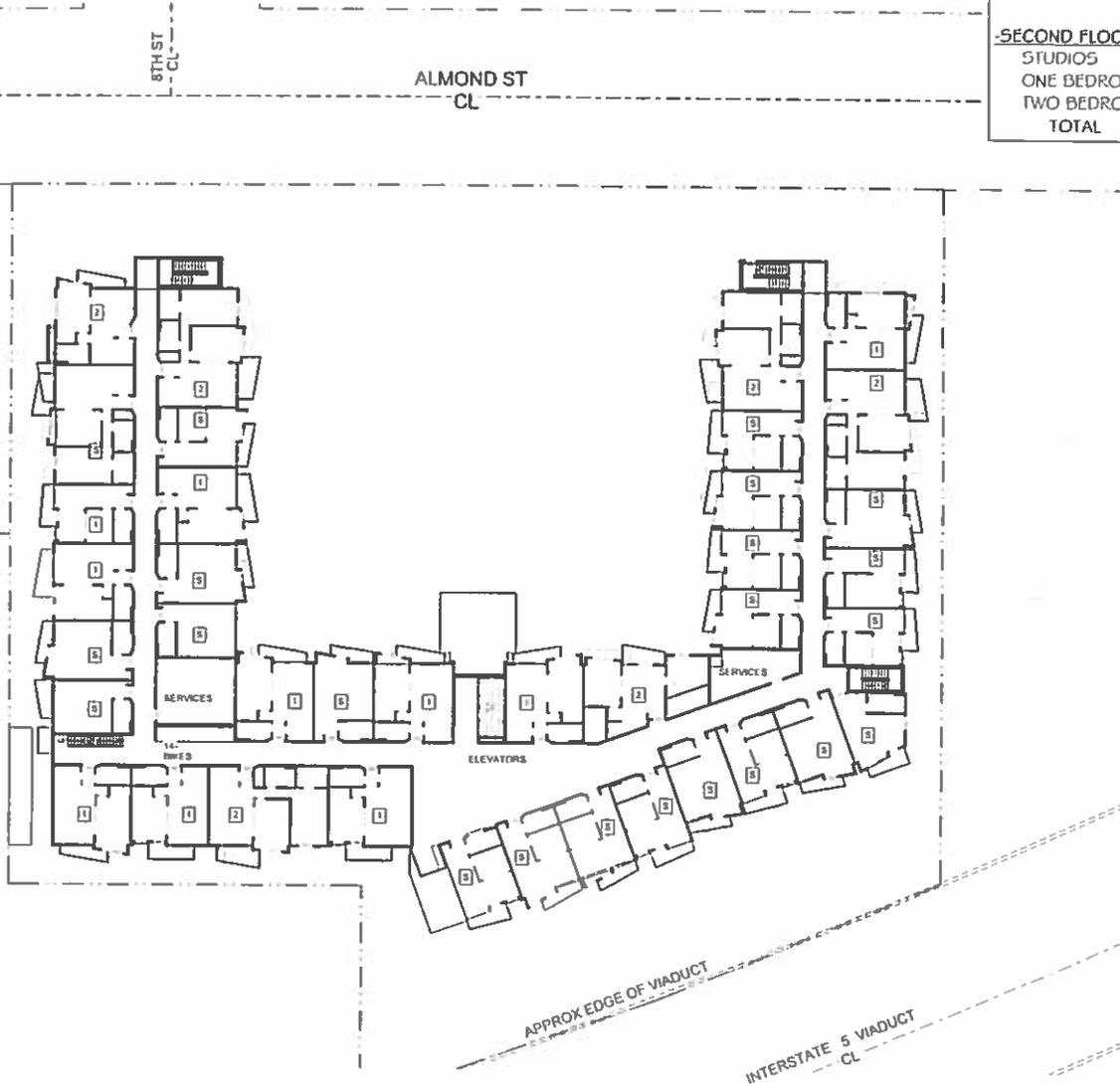


100 Almond St  
Medford OR, 97504  
Maple - 37 W. 3030  
Tel - 4400.4401, 4601, 4701

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MARCH 7 2016  
PLANNING DEPARTMENT

CITY OF MEDFORD  
EXHIBIT # N-3

← N  
- 2ND FLOOR  
1/16" = 1'-0"



**-PROPOSED DWELLING UNITS**

<b>-SECOND FLOOR:</b>	22,290 SF
STUDIOS	= 22 Units
ONE BEDROOMS	= 10 Units
TWO BEDROOMS	= 6 Units
<b>TOTAL</b>	<b>= 38 Units</b>



ALMOND STREET  
RENTALS LLC



100 Almond St  
Medford OR, 97504

MEP: - 37 1W 3030  
TEL: - 4400 - 4401 - 4601 - 4701

PLANNING DEPARTMENT

MARCH 7 2016

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2016

THIS PLAN IS THE PROPERTY OF MEDFORD ARCHITECTURE, LLC AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, REPRODUCED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF MEDFORD ARCHITECTURE, LLC.



# Oregon

Kate Brown, Governor



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

May 3, 2016

Dustin Severs  
Planner – Planning Development  
City of Medford  
Lausmann Annex Room 240  
200 South Ivy Street  
Medford, OR 97501

Re: File No. AC-16-029 / E-16-030: 108 dwelling unit building

Dear Mr. Severs:

The Oregon Department of Aviation (ODA) appreciates the opportunity to review and comment in the application process for the proposed 108 dwelling unit building located in Medford (Map Lots: 371W30BD TL 4400, 4401, 4501, 4701)

The Oregon Department of Aviation would like to make the following comments and possible conditions of approval are added to the final land use decision, if the development is approved.

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

ODA appreciates the opportunity to comment on this application. The Department requests to be identified as a party of record for standing and be notified of the decision once it becomes available.

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

Sincerely,

Jeff Caines, AICP  
Aviation Planner  
Oregon Department of Aviation

**CITY OF MEDFORD**  
**EXHIBIT # 0**  
**File # AC-16-029 / E-16-030**

49



## Rogue Valley Transportation District

From the Desk of Paige Townsend, Senior Planner

3200 Crater Lake Avenue • Medford, Oregon 97504-9075

Phone (541) 608-2429 • Fax (541) 773-2877

Visit our website at: [www.rvtd.org](http://www.rvtd.org)

May 2, 2016

RE: AC-16-029 108 dwelling unit residential building

Dustin Severs,

RVTD would like to express support for this application that will provide greater density within the urban core of Medford. RVTD has interest in development that increases access for residents to existing transit service. Urban core densities provide more efficient transit operations by placing dwellings along service that is already in place, avoiding costly service expansions to areas not already within walking distance of transit. The development is within 1/3 mile to the Front Street Transfer Station providing extremely valuable access to the entire RVTD transit system. The additional bicycle parking demonstrates the forethought the applicant has toward meeting the multi-modal needs of the residents. RVTD appreciates the willingness of the City to consider and approve this application.

Thank you,

Paige Townsend

CITY OF MEDFORD  
EXHIBIT # P  
File # AC-16-029 / E-16-030

48



Continuous Improvement Customer Service

## CITY OF MEDFORD

LD Date: 5/11/2016  
File Number: AC-16-029/E-16-030

### PUBLIC WORKS DEPARTMENT STAFF REPORT Almond Street Apartments

- Project:** Consideration of plans for a 22,290 square foot, 108 dwelling unit multiple-family residential building and two Exception requests for building height and setback relief.
- Location:** Located on approximately 1.23 acres extending between Almond Street and the I-5 viaduct, approximately 300 feet south of East Main Street, within the C-S/P (Service Commercial and Professional Office) zoning district. (Map lots 371W30BD TL 4400, 4401, 4601, and 4701).
- Applicant:** Oregon Architecture, Inc., Applicant (Mark McKechnie, Agent). Dustin Severs, Planner.

**NOTE:**

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

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

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

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

**Paving of all on-site parking and vehicle maneuvering areas**

- Certification by the design engineer that the stormwater quality and detention system was constructed per the approved plan, if applicable.
- Completion of all public improvements, if applicable.

---

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Staff Report-DB.docx

Page 1

PUBLIC WORKS DEPARTMENT  
ENGINEERING & DEVELOPMENT DIVISION

200 S. IVY STREET  
MEDFORD, OREGON 97501  
[www.ci.medford.or.us](http://www.ci.medford.or.us)

TELEPHONE (541) 774-2100  
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CITY OF MEDFORD

EXHIBIT # Q

File # AC-16-029 / E-16-030

## A. STREETS

### 1. Dedications

The site of the proposed project is located adjacent to the Interstate 5 Viaduct (I-5). The Applicant is advised to consult with Oregon Department of Transportation (ODOT) regarding any possible right-of-way dedication requirements or setback concerns pertaining to the I-5 frontage.

**Almond Street** is classified as a Standard Residential Street in accordance with Medford Land Development Code (MLDC) Section 10.430. Prior to issuance of any permit for construction, the developer shall dedicate for public right-of-way, sufficient width of land along the frontage of this development to comply with the half width of right-of-way for a Standard Residential Street, which is 31.5-feet. **The Developers surveyor shall verify the amount of additional right-of-way required.**

In accordance with MLDC 10.471, **the property owner shall dedicate a 10 foot wide public utility easement (PUE) adjacent to the right-of-way on Almond Street.**

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

### 2. Public Improvements

#### a. Public Streets

The Developer shall obtain all necessary permits from ODOT for work within the I-5 right-of-way.

**Almond Street** is currently improved with pavement, curb, gutter, planter strip, sidewalk and some street lights. If the Developer elects to reconstruct all or portions of the improvements along this developments frontage, then it shall be improved to City of Medford standards for a Standard Residential Street (MLDC 10.430(1)).

#### b. Street Lights and Signing

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

#### Street Lighting - Developer Provided & Installed

##### A. 1 – 100W HPS Street Lights

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Staff Report-DB.docx Page 2

PUBLIC WORKS DEPARTMENT  
ENGINEERING & DEVELOPMENT DIVISION

200 S. IVY STREET  
MEDFORD, OREGON 97501  
[www.ci.medford.or.us](http://www.ci.medford.or.us)

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

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

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

### **c. Pavement Moratoriums**

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

### **3. Access and Circulation**

Driveway access to the proposed development site shall comply with MLDC 10.550. The driveway approach can utilize either a standard curb cut or have 20 foot curb radii, concrete valley gutters and ADA ramps at the throat of each driveway.

The Developer shall submit evidence of or obtain cross-access easements from the property along its boundaries to allow access to parking on the westerly portion of this site.

### **4. MLDC Section 10.668 Analysis**

*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 are 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, and pedestrians. 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 required dedications and improvements, and the impacts of development.

No mathematical formula is required to support the rough proportionality analysis. Also, the City is allowed to consider the benefits to the development from the dedication and improvements when determining “rough proportionality.”

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.

**Almond Street**

The additional right-of-way will provide the needed width for a future bike lane, planter strip, on street parking and sidewalk. The 8-foot planter strip moves pedestrians a safe distance from the edge of the roadway. These streets will be the primary route for pedestrians traveling to and from this development.

Local street right-of-way dedication and construction requirements identified by the Public Works Department and required by the City are the minimum required by code to protect the public interest and are necessary for additional or densification of development in the City without detracting from the common good enjoyed by existing properties. Developments are required to provide all internal local streets and half-street improvements to abutting streets, including associated right-of-way dedications, to ensure that new development and density intensification provides the current level of urban services and adequate street circulation is maintained.

Dedication of the PUE will benefit development by providing public utility services, which are out of the roadway and more readily available to each Lot 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 and improved 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.

**B. SANITARY SEWERS**

The proposed development is situated within the Medford sewer service area. There is an existing 8-inch diameter sanitary sewer main in Almond Street. The Developer shall provide a minimum of one separate individual service lateral to each tax lot or ensure that the site is served by an individual service laterals. Any existing sanitary sewer laterals that will not serve the proposed building shall be capped at the main with a permit issued by the City (to be issued concurrent with the vertical building permit).

## **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 vertical building permit application for approval. The plan shall show areas of inundation. All area catch basins shall meet Department of Environmental Quality (DEQ) requirements, which include a down-turned elbow and sump.

No fill shall be allowed within the **FEMA floodplain** without a Flood Plain Permit from the Building Department.

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.

The Developer is proposing to drain to Bear Creek and will need to coordinate with ODOT, and may be required to obtain a Conditional Use Permit from the Planning Department.

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

### **2. Grading**

A comprehensive grading plan showing the relationship between adjacent property and the proposed development shall be submitted with the building permit application for approval. Grading on this development shall not block drainage from an adjacent property or concentrate drainage onto an adjacent property without an easement. The developer shall be responsible that the final grading of the development shall be in compliance with the approved grading plan. The grading plan shall show that any finish floor elevation is 1-foot above the 100-year base flood elevation.

### **3. Detention and Water Quality**

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

### **4. Certification**

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

### **5. Erosion Prevention and Sediment Control**

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

#### **D. GENERAL CONDITIONS**

##### **1. Design Requirements and Construction Drawings**

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

##### **2. Construction Plans**

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

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

##### **3. Construction and Inspection**

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

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

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

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

#### **4. Site Improvements**

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

#### **5. System Development Charges**

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

By Doug Burroughs

# SUMMARY CONDITIONS OF APPROVAL

## Almond Street Apartments

AC-16-029/E-16-030

### A. Streets

#### 1. Street Dedications to the Public:

- Dedicate additional public right-of-way for a 31.5' right-of-way half width.
- Dedicate 10-foot Public Utility Easement (PUE) along the frontage.

#### 2. Improvements:

##### Public Streets

- No public improvements are required along Almond Street.

##### Lighting and Signing

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

##### Access and Circulation

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

##### Other

- There is no pavement moratorium currently in effect on Almond Street.

### B. Sanitary Sewer:

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

### C. Storm Drainage:

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

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

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PUBLIC WORKS DEPARTMENT  
ENGINEERING & DEVELOPMENT DIVISION

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BOARD OF WATER COMMISSIONERS  
**Staff Memo**

**TO:** Planning Department, City of Medford  
**FROM:** Rodney Grehn P.E., Water Commission Staff Engineer  
**SUBJECT:** AC-16-029 & E-16-030 (Revised)  
**PARCEL ID:** 371W31BD TL's 4400, 4401, 4601, 4701  
**PROJECT:** Consideration of plans for a 22,290 square foot, 108 dwelling unit multiple-family residential building and two Exception requests for building height and setback relief on approximately 1.23 acres extending between Almond Street and the I-5 viaduct, approximately 300 feet south of East Main Street, within the C-S/P (Service Commercial and Professional Office) zoning district. (Map lots 371W30BD TL 4400, 4401, 4601, and 4701); Oregon Architecture, Inc., Applicant (Mark McKechnie, Agent). Dustin Severs, Planner.  
**DATE:** March 17, 2016

**RECEIVED**  
**MAY 18 2016**  
**PLANNING DEPT**

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

**CONDITIONS**

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.
3. The existing water meters along Almond Street are required to be abandoned. One (1) of these ¾-inch water meters could be utilized for future on-site irrigation. Applicants' civil engineer shall coordinate with MWC Engineering Department.
4. Installation of a 12-inch water main is required in Almond Street, from E Main Street to south property line of Tax Lot 4701. Applicants' civil engineer shall coordinate with MWC Engineering Department for water facility layout.
5. Per MWC Standard 3.00.02 - Existing water mains and water facilities that are in non-conformance with the current MWC standards shall be brought into compliance with current MWC standards upon new developments and/or upgrades.
6. Per MWC Standard 3.00.03 - Design of future (proposed) water mains and water facilities shall not create non-compliant conditions and/or maintenance hardships. All water main and water facilities shall be designed to current MWC standards.
7. Per MWC Standard 3.01.08 - The distribution system lateral water mains shall be looped wherever possible. The installation of permanent dead-end mains and dependence of



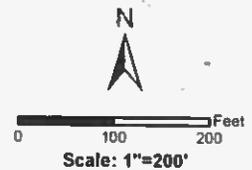
## Staff Memo

relatively large areas on a single water main is to be avoided. Looping shall be defined as a minimum distance of 500 feet between water main connection points.

8. Applicants' civil engineer shall coordinate with Medford Fire Marshall for proposed fire hydrant locations.
9. Dedication of a 10 foot wide (minimum) access and maintenance easement to MWC over all water facilities located outside of public right-of-way is required. Easement shall be submitted to MWC for review and recordation prior to construction.
10. Installation of an MWC 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 tester. See MWC website for list of certified testers at the following web link <http://www.medfordwater.org/Page.asp?NavID=35>.

### COMMENTS

1. Off-site water line installation is required. (See Condition 4 above)
2. On-site water facility construction is required. (See Condition 6 and 7 above)
3. MWC-metered water service does exist to this property. There are a total of 5 (five) ¾-inch water meters that serve domestic water to existing homes at 26, 102, 106, 110, and 114-116 Almond Street. (See Condition 3 above)
4. Static water pressure is expected to be between 98 and 102 psi. See City of Medford Building Department on "Policy on Installation of Pressure Reducing Valves".
5. Access to MWC water lines is available. A 4-inch water line is located in Almond Street; a 12-inch water line is located in E Main Street, and a 4-inch water line in E 9<sup>th</sup> Street.



**Water Facility Map for  
AC-16-029 &  
E-16-030**

**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



This map is based on a 2016 aerial photograph copyright Medford Water Commission. It is not a warranty of accuracy. Medford Water Commission does not assume any liability for errors or omissions. Medford Water Commission is not responsible for any damage or injury resulting from the use of this map.



# Medford Fire Department

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

**RECEIVED**  
**MAY 30 2016**  
**PLANNING DEPT**

## LAND DEVELOPMENT REPORT - PLANNING

To: City of Medford Public Works

LD Meeting Date: 05/11/2016

From: Greg Kleinberg

Report Prepared: 05/10/2016

Applicant: Oregon Architecture, Inc., Applicant (Mark McKechnie, Agent)

File #: AC - 16 - 29

Associated File #'s: E - 16 - 30

### Site Name/Description:

Consideration of plans for a 22,290 square foot, 108 dwelling unit multiple-family residential building and two Exception requests for building height and setback relief on approximately 1.23 acres extending between Almond Street and the I-5 viaduct, approximately 300 feet south of East Main Street, within the C-S/P (Service Commercial and Professional Office) zoning district. (Map lots 371W30BD TL 4400, 4401, 4601, and 4701); Oregon Architecture, Inc., Applicant (Mark McKechnie, Agent). Dustin Severs, Planner

DESCRIPTION OF CORRECTIONS	REFERENCE
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**Requirement FIRE HYDRANTS**

OFC

508.5

Fire hydrants with reflectors will be required for this project.

Fire hydrant locations shall be as follows: A total of four fire hydrants are required: One existing on Almond to be slightly relocated, one in the interior courtyard near the fire department connection, one on the City's adjoining property in a parking island near the SW corner of the building, and one on E. Main Street in front of the Medford Senior Center.

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

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

**Requirement FIRE FLOW - OTHER THAN 1 & 2 FAMILY DWELLINGS**

OFC

B105.2

The minimum fire flow and flow duration for buildings other than one- and two-family dwellings shall be as specified in Table B105.1.

The current infrastructure will not meet the required fire flow.

**Requirement AERIAL APPARATUS ACCESS**

OFC

D105

The revised sheet A-102 submitted on 5/17/16 showing a 26' aerial fire lane meets aerial apparatus access requirements.

**SECTION D105-AERIAL FIRE APPARATUS ACCESS ROADS**

D105.1 Where required. Buildings or portions of buildings or facilities exceeding 30 feet (9144 mm) in height above



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To: City of Medford Public Works

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From: Greg Kleinberg

Report Prepared: 05/10/2016

Applicant: Oregon Architecture, Inc., Applicant (Mark McKechnie, Agent)

File #: AC - 16 - 29

Associated File #'s: E - 16 - 30

### Site Name/Description:

the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.

D105.2 Width. Fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925 mm) in the immediate vicinity of any building or portion of building more than 30 feet (9144 mm) in height.

D105.3 Proximity to building. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572 mm) and a maximum of 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building.

### Requirement PRIVATE FIRE DEPARTMENT ACCESS PARKING RESTRICTION OFC 503.4

The five parallel parking spots along the South side of the building will need to go away to provide the required minimum 20' wide fire lane. A minimum 20' wide fire lane is required on the West side. An access agreement is required to maintain both the South side fire lane and the West side fire lane. Parking shall be posted as prohibited along the fire lanes.

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

Where parking is prohibited for fire department vehicle access purposes, NO PARKING signs shall be spaced at minimum 50' intervals along the fire lane (minimum 75' intervals in residential areas) and at fire department designated turn-around's. The signs shall have red letters on a white background stating "NO PARKING FIRE LANE TOW AWAY ZONE ORS 98.810 to 98.812" (See handout).

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

#### Alternative #1:

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

#### Alternative #2:

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



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Applicant: Oregon Architecture, Inc., Applicant (Mark McKechnie, Agent

File #: AC - 16 - 29

Associated File #'s: E - 16 - 30

Site Name/Description:

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

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

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

### Requirement FD APPARATUS ACCESS ROAD DESIGN

OFC 503.2.1

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

(See also OFC 503.4; D102.1)

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

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

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

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

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

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



# Memo

**To:** Dustin Severs, Planning Department  
**From:** Chad Wiltrout, Building Department (541) 774-2363  
**CC:** Almond Street Apartments, Applicant (Oregon Architects, Agent).  
**Date:** May 11, 2016  
**Re:** May 11, 2016 LDC Meeting: AC-16-029/E-16-030; Ref. PA-15-159

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**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](mailto: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](mailto: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](http://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](http://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.
4. A separate demolition permit will be required for demolition of any structures not shown on the plot plan.

**Comments:**

5. Proposed construction in proximity to property lines shall comply with table 602 and code section 705 of the Oregon Structural Specialty Code.
6. ADA parking spaces shall be required in accordance with code section 1106 of the Oregon Structural Specialty Code.
7. The building and building appurtenances shall be designed by an Oregon licensed design professional in accordance with 107.1 and 107.3.4 OSSC. A geotechnical report for the site is required for the building pads pursuant to 1803 OSSC.
8. A code analysis providing occupant load type of construction, type of occupancy, occupant load notation of sprinkled or non-sprinkled, separated or non-separated use, egress plan etc

CITY OF MEDFORD

EXHIBIT # I

File # AC-16-029 / E-16-030

**Dustin J. Severs**

---

**From:** MOREHOUSE Donald <Donald.MOREHOUSE@odot.state.or.us>  
**Sent:** Friday, May 13, 2016 4:39 PM  
**To:** Dustin J. Severs  
**Subject:** AC-16-029/ E-16-030

Dustin,

Thank you for sending agency notice of a consideration of plans for a 22,290 square foot, 108 dwelling unit multiple-family residential building and two Exception requests for building height and setback relief on approximately 1.23 acres extending between Almond Street and the I-5 viaduct, approximately 300 feet south of East Main Street, within the C-S/P (Service Commercial and Professional Office) zoning district. (Map lots 371W30BD TL 4400, 4401, 4601, and 4701). We reviewed this and determined that it would not significantly affect state transportation facilities under the State Transportation Planning Rule (OAR 660-012-0060) or State Access Management Rule (OAR 734-051-000). We have no further comments at this time.

**Don Morehouse**  
**Senior Transportation Planner**  
**ODOT Region 3, District 8 (Rogue Valley Tech Center)**  
**Ph: (541) 774-6399**  
**Fax: (541) 774-6349**  
**Donald.Morehouse@odot.state.or.us**



# Planning Department

Working with the community to shape a vibrant and exceptional city

## MEMORANDUM

Subject     Legal Description  
 File no.    AC-16-029/E-16-030  
 To            Jon Proud, Engineering  
 From        Dustin Severs, Planning Department  
 Date         April 27, 2016

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

1. AC-16-029/E-16-030 (Oregon Architecture, Inc., Applicant/Agent).

I would like to have the legal description PL, P1 & P3  
 I attached a map with the legal description  
 delineated in RED, GREEN, & ORANGE.  
 P3 is on the north side of the road.

It appears that the existing lots of JC FRONT  
 corner lot 4401 were allegedly  
 created by deed split in 1973  
 by doc # 73-2445.

I would also like to have the legal description  
 delineated in the map. E. of the road  
 the road was to the north is 2005. The  
 na

Attachments

Jon Proud

## VI. STRATEGIES FOR MEETING HOUSING NEEDS

Oregon land use laws require communities to provide land use policies that promote adequate housing. Each community must consider the broader housing need of the region in arriving at a fair allocation of housing types and amounts, including multiple-family, attached single-family, detached single-family, and manufactured housing. The term regional fair share usually refers to the proportion of housing by type, tenure, and price that a community would have if housing and population were distributed evenly throughout the market area. Local standards and procedures for reviewing applications must be "clear and objective," and there must be legal reasoning, supported by state and local planning regulations, to deny projects. The Oregon Administrative Rules (OARS) require cities to provide certainty in the housing development process. Approval standards, special conditions, and procedures regulating development of needed housing must be clear and objective, and must not cause unreasonable cost or delay.

As previously stated, Medford's residential land need must be accommodated by first changing the General Land Use Plan designations of buildable lands within the current urban growth boundary. This process is already underway in what is called an Internal Rezone Review. Through this process Medford anticipates designating more land within the current Urban Growth Boundary as Urban Medium Density Residential (UM).

Medford's current plan designations and zoning districts comply with the various statutory requirements for needed housing types. This section reviews some specific housing needs identified during the update process. Those specific needs include:

- **Manufactured home parks.** OAR 197.480(4) requires cities to inventory the mobile home or manufactured dwelling parks sited in areas planned and zoned or generally used for commercial, industrial or high density residential development. The determined need for manufactured dwellings in parks must be based on population projections; household income levels; housing market trends of the region; and an inventory of mobile home or manufactured dwelling parks sited in areas planned and zoned or generally used for commercial, industrial or high density residential development because they are more likely to close and be changed to another land use.
- **Housing needs of seniors.** This population includes households with individuals aged 55 and over. The housing needs analysis estimates the number of individuals and households in this age group, and provides a projection of the need for group quarters such as nursing homes, and residential care facilities, and retirement communities.
- **Downtown housing.** Downtown housing can take many forms which can achieve multiple community development objectives including creating a more vibrant downtown, supporting downtown businesses, and reducing transportation demands.

### MANUFACTURED HOMES

Manufactured homes are and will be an important source of affordable housing within the City of Medford in the future. They provide a form of homeownership that can be made available to low and moderate income households. Cities are required to plan for manufactured homes—both on lots and in parks (ORS 197.475-492).

The City had 708 manufactured homes in 1990 and 1,115 manufactured homes in 2000, more than 90% of which were in manufactured home parks. Between 1996 and 2006, the City issued 72 permits for manufactured homes on lots and 288 permits for new manufactured homes in parks. According to Census data, 83% of the manufactured homes in the City were owner-occupied in 1990—a figure that decreased to 81% in 2000.

Generally, manufactured homes in parks are owned by the occupants who pay rent for the space. Monthly housing costs are typically lower for a homeowner in a manufactured home park for several reasons, including the fact that property taxes levied on the value of the land are paid by the property owner rather than the manufactured home owner. The value of the manufactured home generally does not appreciate in the way a conventional home would, however. Manufactured home owners in parks are also subject to the land rents of the property owner. It is generally not within the means of a manufactured home owner to relocate a manufactured home to escape rent

CITY OF MEDFORD

EXHIBIT # W PAGE 67

File #

AC-16-029/E-16-030

increases. Living in a park is desirable to some because it can provide a more secure community with on-site managers and amenities, such as laundry and recreation facilities.

The City of Medford *Land Development Code* was amended in the 1990s to meet state requirements for allowing manufactured housing on lots and in parks. Individual manufactured homes outside parks are allowed in all single-family residential zoning districts, subject to the specific placement standards permitted by state law. The standards are intended to assure that the manufactured homes are generally consistent with other single-family dwelling units, having features such as a pitched roof and a garage.

The *Land Development Code* conforms with state requirements for the siting of manufactured home parks. State law requires that manufactured home parks be allowed in zoning districts which permit residential densities of six to 12 units per acre. The City is allowed to establish clear and objective criteria and standards for the placement and design of parks. State law restricts the establishment of new parks in areas planned for commercial or industrial use.

OR 197.480(4) requires cities to inventory the mobile home or manufactured dwelling parks sited in areas planned and zoned or generally used for commercial, industrial or high density residential development. Moreover, the city is required to provide a projection of future need for manufactured home parks based on population projections, household income levels, market trends, and an inventory of existing parks in areas planned and zoned for commercial, industrial, or high density development. Table 42 presents the inventory of mobile and manufactured home parks within the Medford UGB in 2007. The results show that the Medford UGB had 1,265 spaces on 184 acres.

**TABLE 42 - INVENTORY OF MOBILE/MANUFACTURED HOME PARKS, 2007  
MEDFORD UGB**

NAME	LOCATION	ZONE	GLUP MAP	SPACES	ACRES	DENSITY (DU/AC)
<b>CITY</b>						
SHIRLEEN	602 RIVERSIDE AVE.	C-C	CM	32	2.8	11.4
12 <sup>TH</sup> STREET	401 EAST 12 <sup>TH</sup> ST.	C-G	CM	32	2.3	13.9
IDLE WHEELS	2252 TABLE ROCK RD.	MFR-20	UH	181	26	7.0
TABLE ROCK	2385 TABLE ROCK RD.	MFR-20	UH	132	19.1	6.9
VILLAGE	2335 TABLE ROCK RD.	MFR-20	UH	60	6.5	9.2
VALLEY CENTER	3410 N. PACIFIC HWY.	C-G	CM	50	3.4	14.7
MYRA LYNN	924 CAROL AVE.	SFR-10	UR	225	33.2	6.8
J AND D	801 CENTRAL AVE.	C-G	C	22	0.6	36.7
LINDEN	833 JACKSON ST.	C-L	CM	29	1.3	22.3
WINDSTONE	2552 THORNE OAK DR.	SFR-10	UR	108	17.61	6.1
PEACHWOOD	1570 PEACH STREET	SFR-10	UR	147	18.4	8.0
SAN GEORGE ESTATES	10 SOUTH STAGE RD.	SFR-10	UR	146	27.4	5.3
KINGS HWY	211 KINGS HWY	SFR-10	UR	43	7.6	5.7
EL CAMINO	1500 KINGS HWY.	SR-2.5	UR	16	1.6	10.0
<b>SUBTOTAL</b>				<b>1,223</b>	<b>167.8</b>	<b>7.3</b>
<b>UGB</b>						
WELDON	2600 STERNS WAY	SR-2.5	UR	42	16.2	2.6
<b>TOTAL</b>				<b>1,265</b>	<b>184.0</b>	<b>6.9</b>

Source: City of Medford Planning Department

The housing need projection prepared for the planning period estimates a need for 395 new manufactured dwellings in parks by the year 2029, or an average additional need of about 20 per year.<sup>21</sup> The average number

<sup>21</sup> ORS 197.480(2) only requires an estimate of mobile or manufactured homes in parks. For the purpose of this analysis, manufactured homes in subdivisions or on infill lots are considered part of the single-family need.

added per year between 1996 and 2009 was 13. The additional units will require approximately 55 net acres, at an average density of 6.2 units per acre (the delivered density since 1996) and 75 gross acres.

The need projection must also include the potential displacement of homes in the parks within commercial, industrial, or high density designations. In 2007, there were five manufactured home parks with a total of 185 spaces (13% of the total spaces) in areas designated for commercial use, and 373 spaces (29% of the total spaces) in three parks designated for high density use. There is no indication at this time that they are being considered for closure. Should they all be closed, 63 acres of buildable residential land would be required to replace them, in addition to the 75 acres needed by 2029. The small parks of less than 35 spaces are generally in commercial areas, allow small trailers, and provide very low income housing.

### HOUSING NEEDS OF SENIORS

The demographic composition of America is experiencing considerable change. Americans are living longer and the percentage of elderly Americans is increasing. This demographic shift coincides with the baby boom generation reaching retirement age. Many experts believe this demographic shift will have significant effects on the housing market; however, the literature is inconclusive on exactly how aging will affect housing demand and need.

According to the Oregon Office of Economic Analysis' 2004 forecast of population by age, Jackson County will have a larger share of population aged 60 and older in 2030 than in 2000. The forecast projects that the number of people aged 60 and older will more than double in Oregon and Jackson County between 2000 and 2030. It is reasonable to expect that Medford will experience similar changes in this age group of residents as the County and State.

Medford has many facilities that provide housing for the elderly. In 2000, Medford had 1,285 people living in nursing or convalescent homes and other group quarters. In addition to group quarters, there were 2,000 residents in retirement facilities in 2007. The Rogue Valley Manor is the largest retirement facility in the City, with a range of housing types and prices, including a skilled nursing facility, congregate care, assisted living, attached dwelling units, and affordable housing units. The Rogue Valley Manor had approximately 980 residents in 2007.

It is likely that the growing retired and elderly population will lead to new housing needs and preferences. Determining housing needs for retired and elderly requires examining the following trends:

- **Housing mobility.** A lot has been written about the desires of retirees and "empty nesters" to move to new homes later in life. Much of the data on this topic is anecdotal, and frequently contradictory. An AARP survey conducted in 2000 found that 69% of respondents aged 55 years and over expected to continue living in their current residence, and 30% of seniors expect to move.<sup>22</sup> Challenges that seniors face in continuing to live in their current home include changing healthcare needs, financial concerns, home maintenance, loss of mobility, and property taxes.

Other studies have found that seniors are willing and likely to move to a new home. A survey of baby boomers published by Pulte Homes in 2005 suggests many baby boomers will consider moving to a new home as part of their retirement plans. The survey found that 47% of boomers planned to move at some point after retirement<sup>23</sup>. Younger boomers, those in the 41 to 49 age group, were more likely than older boomers to plan on buying a new home after retirement. The survey found that higher cost of living, property taxes, and sales taxes were all deterrents for baby boomers when choosing a retirement home location.

Studies conducted by the American Associations of Homes and Services for the Aging and Assisted Living Facilities of America of seniors who relocated show that seniors prefer to live near or within their

<sup>22</sup> AARP, "Fixing to Stay: A National Survey of Housing and Home Modification Issued," May 2000, page 27.

<sup>23</sup> 2005 Pulte Homes Survey of Baby Boomers.

community and near family members. More than 50% of seniors that moved to an assisted living facility and 40% or more of seniors that moved to an independent living situation relocated 10 or fewer miles.<sup>24</sup>

- **Housing tenure.** Older Americans have higher homeownership rates than younger Americans. According to Census data, homeownership rates peak with about 80% of households owning their home for householders aged 55 to 84, decreasing in householders 85 years and older. Older households are less likely to be homeowners in Medford due to the large number of retirement facilities. Homeownership rates peak at 88% for householders 60 to 64 years in Medford, decreasing to 51% for householders 75 to 84 years and 18% for householders 85 years and older.
- **Housing size.** Older generations have historically down-sized their homes after retirement, selecting smaller, more affordable housing units. It is unclear whether people currently nearing retirement will follow this trend. A survey of people aged 45 to 64 years conducted by the National Association of Realtors suggests that people in this age group may be slower to downsize than previous generations. About 15% of survey respondents that plan to move indicated they plan to move to a larger home and 5% indicated they plan to move to a smaller home.<sup>25</sup> Anecdotal evidence suggests that baby boomers may desire larger homes. One survey suggests that the unprecedented wealth of the baby boom generation will allow them to break the trend of downsizing, and purchase larger homes.<sup>26</sup>

There is evidence that some households will downsize to a smaller home after retirement. In Pulte Home's survey of baby boomers one common reason that survey respondents indicated they plan to move during retirement is to move to a smaller home. The survey found that 13% of baby boomers who planned on moving during retirement were interested in upsizing their home, 44% were interested in downsizing, 30% would like to stay in the same size home, and 12% were unsure.<sup>27</sup>

- **Housing affordability and wealth.** The measures of housing affordability presented earlier in the *Housing Element* are based on household income. However, housing affordability is also affected by wealth. Table 43 compares wealth by age group for the U.S. in 2004.<sup>28</sup> National trends show that older Americans, particularly baby boomers have higher incomes and greater wealth than younger age groups and previous generations. Nationally, households aged 45 to 54 had a median family income of \$61,000 in 2004, compared to the median family income for all households of \$43,200. Median family income declined to \$23,700 for households 85 years and older. The combination of high household income and low number of dependents result in the large per capita income for baby boomers.<sup>29</sup> In addition, older Americans have lower poverty levels, with 9.8% of people aged 65 years and over in poverty in 2004, compared to 11.3% of people aged 18 to 64. Poverty rates are higher among the oldest seniors, with 12.6% of people 85 years and older in poverty.<sup>30</sup>

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<sup>24</sup> Susan B. Brecht, *Analyzing Seniors' Housing Markets*, 2002, Urban Land Institute.

<sup>25</sup> "The State of the Nation's Housing," Joint Center for Housing Studies at Harvard University, 2007.

<sup>26</sup> "How Changes in the Nation's Age and Household Structure Will Reshape Housing Demand in the 21<sup>st</sup> Century," Martha Farnsworth Riche, Ph.D., 2003.

<sup>27</sup> 2005 Pulte Homes Survey of Baby Boomers.

<sup>28</sup> Reliable data about accumulated assets and wealth by age group is not available at the state or city level.

<sup>29</sup> "How Changes in the Nation's Age and Household Structure Will Reshape Housing Demand in the 21<sup>st</sup> Century," Martha Farnsworth Riche, Ph.D., 2003.

<sup>30</sup> Federal Interagency Forum on Aging-Related Statistics, "Older Americans Update 2006: Key Indicators of Well-Being," May 2006.

**TABLE 43 - MEASURES OF FINANCIAL WORTH BY AGE GROUP, 2004  
UNITED STATES**

Family by Age Group	Family Income (Median)	Net Worth (Median)	Primary Residence (Median Value)	Financial Assets (Median Value)
45 - 54	\$61,100	\$144,700	\$170,000	\$38,600
55-64	\$54,400	\$248,700	\$200,000	\$78,000
65-74	\$33,300	\$190,100	\$150,000	\$36,100
75 +	\$23,700	\$163,100	\$125,000	\$38,800
<b>All families</b>	<b>\$43,200</b>	<b>\$93,100</b>	<b>\$160,000</b>	<b>\$23,000</b>

Source: Federal Reserve report "Recent changes in U.S. Family Finances: Evidence from the 2001 and 2004 Survey of Consumer Finances"

Income only accounts for a portion of financial worth. Table 43 shows that in the U. S. in 2004 median net worth was greatest among families aged 54 to 64 years (\$248,700) and 65 to 74 years (\$190,000). Net worth for families 75 years and older (\$163,100) remained substantially higher than the average net worth for all families (\$93,100).

Two of the most important assets for all families are a family's primary residence and their financial assets. The value of these assets is higher for people aged 45 years and over when compared to the average value for all families, peaks for families aged 55 to 64 years, and decreases in older households, while continuing to remain above the average for all families.

The implication of the data in Table 43 is that retired people or those nearing retirement may be able to afford to purchase more expensive dwellings than younger people. The majority of older people purchasing new homes are likely to be in-migrants, rather than existing residents, most of whom are likely to continue living in their current dwelling (as discussed previously). However, in-migrants have made the choice to move, often from out-of-state. According to information in Table 43, in-migrants 55 years and older will have, on average, greater accumulated wealth and ability to afford a more expensive dwelling than younger in-migrants.

The data in Table 43 is from six years ago. Since that time the nation has entered a recession which has resulted in a decline in the financial worth of most families throughout the country. The current unfavorable economic and demographic environment may be ongoing long into the future and significantly different from the past reflected in the Table 43 above. The City will evaluate the impacts of the recession on seniors in five years from the adoption of the Housing Element.

#### Housing alternatives for seniors

- **Independent and assisted living facilities.** One housing alternative for older people are independent and assisted living facilities. These facilities include congregate facilities, which are not considered group quarters, such as small apartments. The residents of these facilities typically pay a monthly fee for services, such as housekeeping, transportation, or meals. Medford had about 2,000 such units in 2007. These facilities also include assisted living facilities, which provide a combination of housing, support services, health care, and other assistance. As Medford's population ages, the need for these facilities will grow, especially among older seniors.
- **Nursing homes.** Nursing or convalescent homes are a housing alternative for seniors who have become too ill or frail to live independently or in assisted living facilities. Nursing homes typically provide housing and health care services. As Medford's population ages, the need for these facilities will grow, especially among older seniors.

- **Subsidized housing.** This is public housing or government-provided low cost housing in multi-unit complexes that are available to low-income residents. Managed by local housing authorities, they typically require tenants to pay no more than 30% of their monthly income for rent. Currently, out of a total of 1,048 subsidized housing units in Medford, 501 subsidized housing units are for seniors. See Medford's *Consolidated Plan* for more discussion and analysis related to affordable housing for low-income residents.
- **Manufactured homes in senior parks.** As discussed in the previous section, manufactured homes are an important source of affordable housing. Medford currently has two senior parks – Idle Wheels Mobile Home Estates with 181 spaces and Table Rock Mobile Village with 132 spaces. In addition, there is one senior park inside the UGB, but outside city limits – Weldon Park with 42 spaces.
- **Active adult retirement communities.** These are age-targeted or age-restricted active adult communities that have residential and recreational amenities that are not normally available in other types of senior citizen facilities. Amenities may include single family homes on individual lots, townhouses, and apartments; and recreation facilities such as club houses for social activities, swimming pools, golf courses, tennis courts, hiking trails and fitness gyms.

### DOWNTOWN HOUSING

The zoning in a community's downtown should encourage the development of housing - both new and in existing buildings. Affordable housing, particularly for the elderly or single person households, can often be provided in downtowns with high levels of subsidy. There are several examples of buildings in Medford's downtown, such as the Medford Hotel, that have been converted to apartments. The upper floors of existing commercial buildings are ideal locations for this type of housing if the original quality of construction is adequate. Having residents in a downtown enhances the activity level, especially after normal business hours, and reduces the need for personal vehicles. In addition, large older dwelling units in the central area are often suitable for conversion to group housing for persons with special needs. The conversion of older residential areas to commercial uses can cause a decline in an existing affordable housing stock.

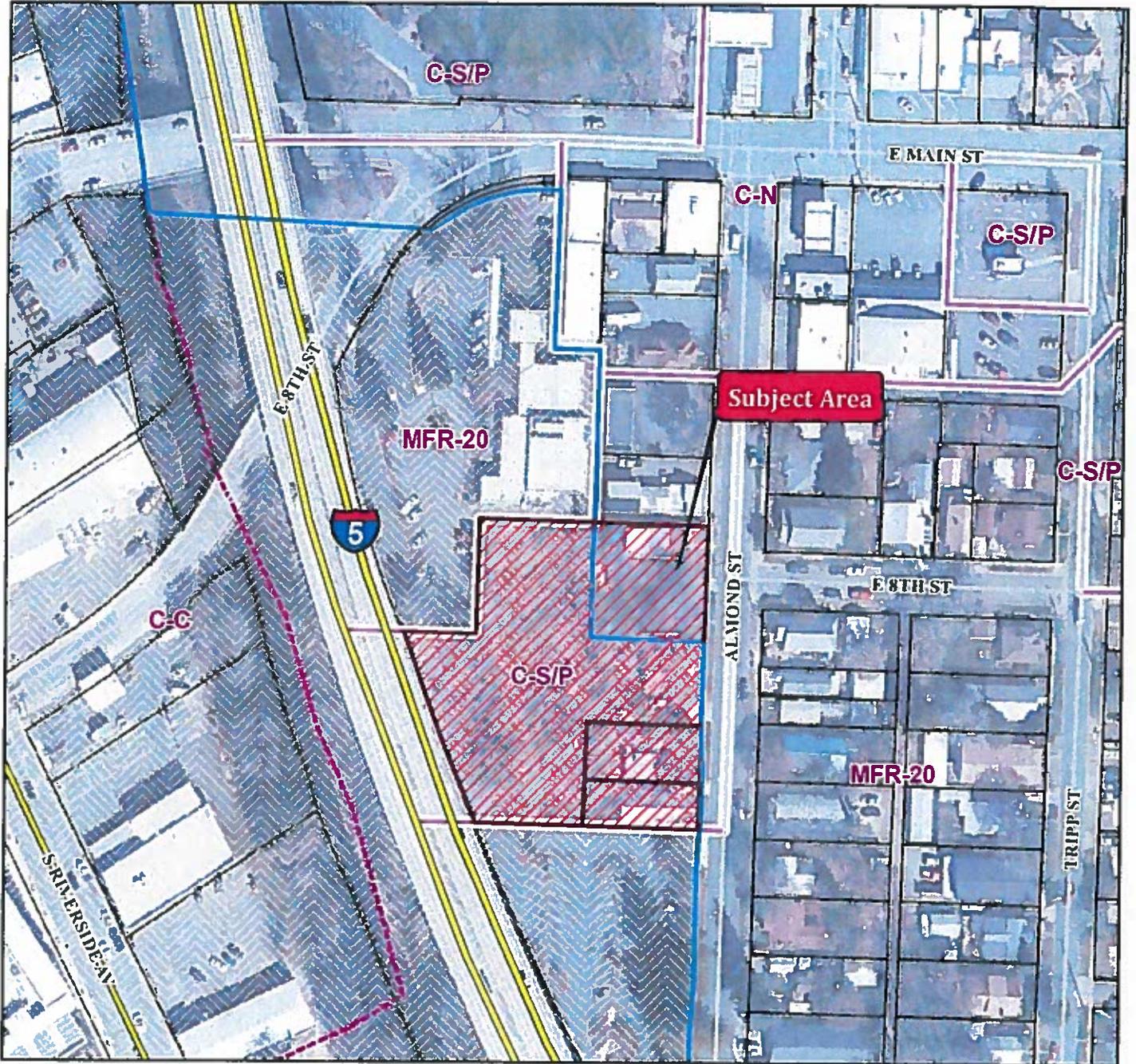
Medford's housing needs analysis assumes that 5% of new housing units (691 new dwellings) will locate in Commercial plan designations. This will primarily include multifamily units. Medford is actively encouraging housing in its downtown and a portion of the overall allocation to commercial lands will be met through new housing in the downtown area.



City of Medford  
**Planning Department**

Vicinity  
 Map

File Number:  
**AC 16-029**  
**E 16-030**



Project Name:

**Almond Street Apartments**

Map/Taxlot:

**371W30BD**

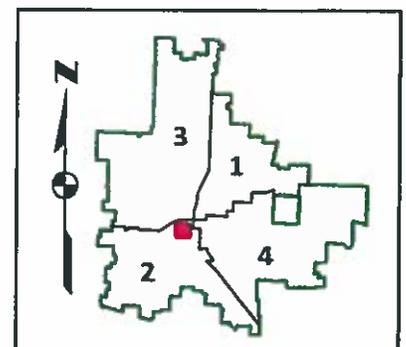
**TL 4400, 4401, 4601, 4701**



03/10/2016

**Legend**

- Subject Area
- Medford Zoning
- Tax Lots
- Streets
- Central Business







May 24, 2016

James E. Huber, AICP, Planning Director  
City of Medford Planning Department

RE: File No: AC-14-093 for Fern Gardens Phase 3

Dear Mr Huber

RECEIVED

MAY 24 2016

PLANNING DEPT.

As per our approval letter dated November 26, 2014, for decision date November 21, 2014, I am hereby requesting an extension of our approval which would expire on November 21, 2016 to be extended one year to November 21, 2017.

Reason for delay has been due to consultant time frames, work loads and strategic planning on bringing the facility on line according to our market studies and needs.

Please note that this phase has been referenced to as Phase 3, but we are changing it officially to Phase 5. This will not affect our timeline, but rather is for our own internal record keeping and campus planning reasons.

Please provide us written approval of this extension.

Thank you!

A handwritten signature in black ink, appearing to read 'Luis J Jauregui Jr'.

Luis J Jauregui Jr  
US-REDIC  
2336 1/2 Table Rock Road  
Medford, Oregon 97501  
541-772-6248 Office  
541-941-1144 Cell  
[us.redic@gmail.com](mailto:us.redic@gmail.com)

CITY OF MEDFORD  
EXHIBIT # A  
File # AC-14-093  
EXTENSION REQUEST



APPROVAL F&P'S

# CITY OF MEDFORD

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# PLANNING DEPARTMENT

November 26, 2014

US-Redic Inc  
2336 Table Rock Rd.  
Medford OR 97501

Decision Date: November 21, 2014  
Final Date for Appeal: December 10, 2014  
File No: AC-14-093

The Site Plan and Architectural Commission adopted the final order containing Findings of Fact relating to the approval of the following request:

Consideration of plans for Fern Gardens Phase 3, a 48,446 square foot memory care facility on 2.57 acres located on the north side of Swing Lane, approximately 390 feet east of Table Rock Road within the MFR-20 (Multi-Family Residential – 20 units per gross acre) zoning district.

The approval is based on the findings and subject to the conditions and time periods set forth in the Site Plan and Architectural Commission Report dated November 7, 2014.

The final date for filing an appeal is 14 days from the date the notice of the decision is mailed. The written appeal and filing fee must be received by the City Recorder no later than 5:00 p.m. on the Final Appeal Date stated above. Appeals must be filed in the form prescribed, and will be decided based upon Medford Code Sections 10.051-10.056 (copies available).

Site Plan Review approvals expire two years following the date of the final order unless a building permit has been issued or an extension of time has been issued. If a written request for an extension of time is filed with the Planning Department within two years from the date of the final order, the Site Plan and Architectural Commission may grant an additional extension not to exceed one year.

In order to obtain a building permit, all conditions contained in the attached report must be completed. This can be accomplished through either bonding for the improvement(s) and/or entering into an agreement with the city pursuant to Section 10.296, Issuance of Building Permits, of the Land Development Code. **If a building permit is not issued, the approval will expire in two years (November 21, 2016) unless a written request for extension is submitted and approved.**

Sincerely,

  
James E. Huber, AICP  
Planning Director

ds

Enclosure: Final Order/Commission Report

Cc: Ron Grimes Architects, Dave Evans, 14 N Central, Suite 106, Medford OR 97501  
ODOT (E-mailed)

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*"Working with the Community to Shape a Vibrant and Exceptional City"*  
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Phone (541)774-2380 • Fax (541)618-1708  
[www.ci.medford.or.us](http://www.ci.medford.or.us)





# Vicinity Map

Application Name/Description:  
**Fern Garden's Phase 3**

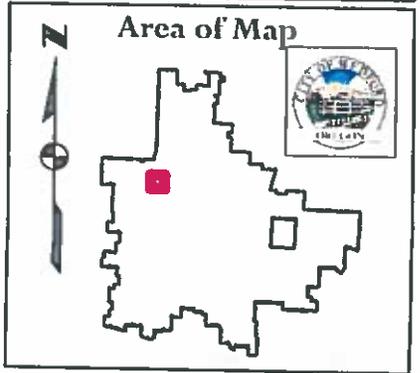
Proposal:  
**Memory Care Facility**

File Numbers:  
**AC-14-093**

Applicant:  
**US-Redic Inc**

Map/Taxlot:  
**372W13AC TL's 2100, 2200, 2300 & 2400**

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



10/14/2014

