

SITE PLAN & ARCHITECTURAL COMMISSION AGENDA JULY 15, 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

July 15, 2016

12:00 noon

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

-
10. Roll Call.
 20. Consent Calendar.
 - 20.1 AC-15-115 / E-16-042 Final Order 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).
 30. Minutes.
 - 30.1 Consideration for approval of minutes from the July 1, 2016, meeting.
 40. Oral and Written Requests and Communications.
 50. Public Hearings. None.
 60. Written Communications. None
 70. Unfinished Business. None
 80. New Business.
 90. Report from the Planning Department.
 100. Messages and Papers from the Chair.
 110. Propositions and Remarks from the Commission.
 120. City Council Comments.
 130. Adjournment.

BEFORE THE MEDFORD SITE PLAN AND ARCHITECTURAL COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF SITE PLAN AND ARCHITECTURAL COMMISSION)
FILE AC-15-115 APPLICATION FOR PROJECT REVIEW SUBMITTED) ORDER
BY JDT TRUCKING)

AN ORDER granting approval 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).

WHEREAS:

1. The Site Plan and Architectural Commission has duly accepted the application filed in accordance with the Land Development Code, Section 10.285.
2. The Site Plan and Architectural Commission has duly held public hearings on the matter of an application 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), with public hearings a matter of record of the Site Plan and Architectural Commission on June 3, June 17, and July 1, 2016.
3. At the public hearings on said application, evidence and recommendations were received and presented by the Planning Department staff; and
4. At the conclusion of said public hearings, after consideration and discussion, the Site Plan and Architectural Commission, upon a motion duly seconded, granted approval and directed staff to prepare a final order with all conditions and findings set forth for the granting of approval.

THEREFORE LET IT BE HEREBY ORDERED that the application of JDT Trucking, stands approved subject to compliance with the conditions stated in the Commission Report dated July 1, 2016.

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

FINAL ORDER AC-15-115

- (a) That the proposed development, with the conditions of approval, complies with the applicable provisions of all city ordinances as determined by the staff review.
- (b) That the proposed development is compatible with uses and development that exist on adjacent land, based upon information provided in the Applicant's Questionnaire and presented at the public hearing.

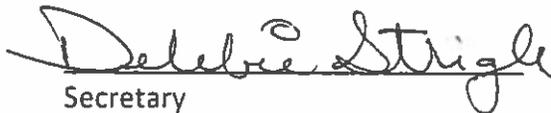
BASED UPON THE ABOVE, it is the finding of the Medford Site Plan and Architectural Commission that the project is in compliance with the criteria of Section 10.290 of the Land Development Code.

Accepted and approved this 15th day of July, 2016.

MEDFORD SITE PLAN AND ARCHITECTURAL COMMISSION

Site Plan and Architectural Commission Chair

ATTEST:


Secretary

BEFORE THE SITE PLAN AND ARCHITECTURAL COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF DENIAL OF AN EXCEPTION FOR)

JDT TRUCKING) [E-16-042])

ORDER

An order for denial of an exception 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, 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*).

WHEREAS:

1. The Site Plan and Architectural Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Sections 10.251 and 10.252; and
2. The Site Plan and Architectural Commission has duly held public hearings on the request for consideration 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*), with public hearings a matter of record of the Site Plan and Architectural Commission on June 3, June 17, and July 1, 2016.
3. At the public hearings on said exception, evidence and recommendations were received and presented by the Planning Department Staff; and
4. At the conclusion of said hearings, after consideration and discussion, the Site Plan and Architectural Commission, upon a motion duly seconded, denied the exception and directed staff to prepare a final order with findings set forth for the exception denial.

THEREFORE LET IT BE HEREBY ORDERED that the exception of JDT Trucking, stands denied per the Commission Report dated July 1, 2016.

AND LET IT FURTHER BE OF RECORD, that the action of the Site Plan and Architectural Commission in denying this request for exception is hereafter supported by the findings referenced in the Commission Report dated July 1, 2016.

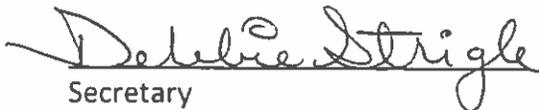
BASED UPON THE ABOVE, the Site Plan and Architectural Commission determined that the exception does not comply with the provisions of law and Section 10.253 criteria for an exception of the Land Development Code of the City of Medford.

Accepted and approved this 15th day of July, 2016.

MEDFORD SITE PLAN AND ARCHITECTURAL COMMISSION

Site Plan and Architectural Commission Chair

ATTEST:


Secretary



COMMISSION 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
Date July 1, 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

Public Hearing: July 1, 2016

Dick Stark, attorney for the applicant, submitted additional evidence concerning Dolan objections to the requested improvements. The evidence is included as Exhibit BB.

The Commission generally supported the compromise proposed by the applicant; however, the approval of the Exception would represent a significant departure from past practice. The Commission felt that the City Council should decide whether the covenant agreement is acceptable as an alternative to the Deferred Improvement Agreement and in the best interest of city residents.

Additional exhibits S-1, Z, AA and BB were added to the record.

Public Hearing: June 17, 2016

Dick Stark, attorney for the applicant, gave some history on the road and displayed a map that had been prepared by a title company (Exhibit W). He pointed out the location of the private easement that all the adjoining property owners use at the present time. Mr. Stark clarified that the road to the east of the property is not improved.

At the hearing, Mr. Stark offered a compromise that he thought would be to the advantage of the City and not an undue burden on the applicant. The proposal included:

- Commission granting an Exception eliminating the required 8 foot planter strip;
- Applicant will agree dedicate an additional 5.5 feet, for a total half-width of 23.5 feet, at the time the improvements are made;
- Applicant will agree to participate in a Local Improvement District and pay their fair share;
- Applicant will agree to execute a waiver of rights under Dolan/Nollan.

The Commission requested that the Applicant provide the agreement for the Commission for review prior to its decision. The Applicant agreed, and requested a continuance to the July 1, 2016 public hearing.

On June 23, 2016, the applicant's attorney submitted a cover letter, an Irrevocable Covenant, and a Technical Memorandum prepared by CSA Planning (Exhibit X). The Irrevocable Covenant appears to reflect the applicant's verbal testimony, including dedication of an additional 5.5 feet of right-of-way and participation in the cost of the future street construction. Additionally, the cover letter states, "After City approval, the Owners would sign a waiver of their rights under Dolan and 10.668." (Exhibit X, p. 1)

Also on June 23, 2016, Eric Mitton, the Senior Deputy City Attorney, submitted an e-mail stating no objection to the form and terms of the Irrevocable Covenant (Exhibit Y).

Further, "Counsel finds this document to be legally sufficient as a "condition to assure that this criterion is met" for purposes of exception criteria, 10.253."

Public Hearing: June 3, 2016

At the end of the testimony from the agent, the agent requested to leave the record open or to continue the hearing in order to provide additional material. The hearing was continued to the June 17, 2016 Site Plan and Architectural Commission meeting. As of the date of publication, no additional information has been submitted by the applicant or agent. No other revisions have been made to this report.

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-1).

Note: The Public Works Department submitted a revised Staff Report on June 17, 2016 (Exhibit I-1). The report was revised to remove the recommended condition for the DIA should the Exception be approved. The revised report also recommends denial of the application. Based on that information, the Planning Department recommendation was amended at the hearing to reflect the Public Works Department report.

The Public Works Department Staff Report (Exhibit I-1) 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-1).

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-1).

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).

Rogue River Valley Irrigation District

Compliance with the RRVID correspondence was inadvertently omitted as a condition of approval. The Commission added a condition requiring compliance with Exhibit N.

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-2. 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 (i.e., the private street to the west). Currently any maintenance responsibility for the private street is the private owner's responsibility and not a burden upon the City.

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 (i.e., the public street to the east) does not connect to any other streets, and that any connections would require hundreds of feet of street improvements. If the Commission agrees with the applicant's findings, then criterion 1 is satisfied.

As noted in Exhibit Y, the City Attorney's Office finds that the Irrevocable Covenant is legally sufficient as a "condition to assure that this criterion is met" for purposes of this criterion.

Decision: The Commission found that a condition requiring the Irrevocable Covenant proposed by the applicant did not ensure compliance with this criterion.

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. According to the applicant, none of this is necessary at this time because the property has access via the private street to the west. 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

Staff has prepared two alternative motions for the Commission to consider, one for approval of both the site plan AC-15-115 and exception E-16-042, and one for approval of the site plan AC-15-115 and denial of the exception E-16-042.

Approval of AC-15-115 and E-16-042

Direct staff to prepare Final Orders for approval of AC-15-115 and E-16-042 per the Second Revised Staff Report dated June 24, 2016, including Exhibits A-1 through Y. The Commission grants the Exception request for relief from the required 8-foot planter strip and finds that the Irrevocable Covenant ensures the general purpose and intent of the required street improvements are met. The record is clear that this is an unusual case with a possibility of a challenge based on Dolan. This action does not set any kind of a precedent for future cases. Finally, the Commission accepts the applicant's offer to sign a waiver of their rights under Dolan.

Approval of AC-15-115 and Denial of E-16-042

Direct staff to prepare a Final Order for approval of AC-15-115 and a Final Order for denial of E-16-042 per the Second Revised Staff Report dated June 24, 2016, including Exhibits A-1 through Y, eliminating conditions 1 and 2 in Exhibit A-1.

ACTION TAKEN

Directed staff to prepare a Final Order for approval of AC-15-115 and a Final Order for denial of E-16-042 per the Second Revised Staff Report dated June 24, 2016, including Exhibits A-1 through Y, eliminating conditions 1 and 2 in Exhibit A-1 and adding a condition requiring compliance with the Rogue River Valley Irrigation District Land Use Agency Response Form (Exhibit N). Additionally, Exhibit S was replaced with Exhibit S-1 and Exhibits Z, AA and BB were added.

EXHIBITS

- A-2 Conditions of Approval dated July 1, 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-1 Public Works Staff Report received June 17, 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
- S-1 Notice of Irrevocable Offer to Dedicate, received July 1, 2016**
- T Bargain and Sale Deed (Dedication), received June 17, 2016
- U Jackson County Zoning Clearance Sheet, received June 17, 2016
- V Jackson County Assessor's page with easement identified, received June 17, 2016
- W Medford Land Development Code Section 10.668, received June 17, 2016
- X Letter from Stark and Hammack, P.C., received June 23, 2016
- Y E-mail from Eric Mitton, received June 23, 2016
- Z **City Surveyor's depiction of the legal description in Exhibit S-1, received June 30, 2016**
- AA **Minor Land Partition County File No. 86-23-MP related to Exhibit S-1, received July 1, 2016**
- BB **Letter from Stark and Hammack, P.C., received July 1, 2016**
Vicinity map

SITE PLAN AND ARCHITECTURAL COMMISSION

Jeff Bender, Chair

SITE PLAN AND ARCHITECTURAL COMMISSION AGENDA:

JUNE 3, 2016
JUNE 17, 2016
JULY 1, 2016
JULY 15, 2016

EXHIBIT A-2

JDT Trucking
AC-15-115 / E-16-042
Conditions of Approval
July 1, 2016

Conditions 1 and 2 were deleted by the Commission. Condition 8 was inadvertently omitted and was added by the Commission.

DISCRETIONARY CONDITIONS

- ~~1. Prior to issuance of the first building permit, the applicant shall execute and record the stipulated Irrevocable Covenant (Exhibit X), with a copy of the recorded document provided to the Planning Department. The final language of the document shall be approved by the City Attorney.~~
- ~~2. Execute a waiver of rights under Dolan and MLDC 10.668 as proffered in Exhibit X.~~

CODE REQUIREMENTS

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

3. 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);
4. Comply with the Public Works Staff Report dated June 17, 2016 (Exhibit I-1), except as modified by the Site Plan and Architectural Commission;
5. Comply with the Medford Water Commission memorandum dated May 4, 2016 (Exhibit J);
6. Comply with the Rogue Valley Sewer Services memo dated April 26, 2016 (Exhibit O);
7. Comply with the Oregon Department of Aviation memo dated May 3, 2016 (Exhibit P);
8. Comply with the Rogue River Valley Irrigation District Land Use Agency Response Form received May 2, 2016 (Exhibit N).

86-22711

11:59

RECEIVED
24 JUL 01 2016
PLANNING DEPT

NOTICE OF IRREVOCABLE OFFER TO DEDICATE

Pursuant to condition 12 in the Jackson County Planning Department Staff Report, Conditions of Approval, dated October 21, 1986, in connection with Jackson County Planning Department Files 86-2-V and 86-23-MP, the following Petition should be, and hereby is, placed of record by the undersigned attorney for the applicant.

Dated this 7th day of November, 1986.

STARK AND HAMMACK



Richard A. Stark OSB #69164
Of Attorneys for Applicant

STATE OF OREGON)
) ss.
County of Jackson)

Date: November 7, 1986

BEFORE ME, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Richard A. Stark, who is known to me to be the identical individual described in and who executed the within instrument, and acknowledged to me that he executed the same voluntarily and on behalf of applicant.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the day and year last above written.



Richard E. Jettles
Notary Public for Oregon
My Commission Expires 1-3-88

STARK AND HAMMACK
ATTORNEYS AT LAW
X 037 EAST MAIN STREET, SUITE B
MEDFORD, OREGON 97504-7174

CITY OF MEDFORD
EXHIBIT # 5-1
File # AC-15-115 / E-16-042

86-22711

PETITION

THE UNDERSIGNED, owners of the particular tax lot indicated next to their names below, hereby consent to the dedication of the real property which is described on Exhibit "A", attached hereto and by this reference incorporated herein, to the County of Jackson, State of Oregon, for public road purposes. Each of the undersigned owns a portion of the real property described on Exhibit "A" and the properties owned by each of the undersigned use the property described on Exhibit "A" for access at the present time.

THE UNDERSIGNED also hereby appoint JOHN DAVIS their Attorney-in-Fact to apply for any necessary variance, to make representations at the hearing, and to establish a variance to lessen the standards for a public road by lessening the width and providing for aboveground utilities in connection with the dedication of the property described on Exhibit "A" for public road purposes.

Hughes & Dodd Co.,
An Oregon Corporation

Tax Lot 500

By [Signature]

Date 3-11-86

V & F Equipment Co.

Tax Lot 501 (West of Pt)

By [Signature]
George B. Vinson

Date 4-25-86

By [Signature]
Stanley Foley

Date 3-11-86

[Signature]
John E. Davis

Tax Lot 501 (East of Pt)

Date 5-22-86

[Signature]
Clairte Davis

Date 5-22-86

Schwans Sales Enterprise, Inc.

Tax Lot 503

By [Signature]
Manager

Date 5/15/86

PETITION -1

2-

86-22711

Burrill Properties, Inc.

[Signature]

Tax Lot 504

Date 3/12/86

[Signature]
Reid Allison Murphy

Tax Lot 505

Date 4-16-86

[Signature]
Robert Allison Murphy
by Robert Murphy Attorney in fact

Date 4-16-86

[Signature]
Reid Allison Murphy

Tax Lot 507

Date 4-16-86

[Signature]
Robert Allison Murphy
Attorney in fact

Date 4-16-86

[Signature]
Cecil H. Hughes

Tax Lot 800

Date 3-11-86

[Signature]
Arthur A. Hughes

Date 3-12-86

[Signature]
John S. Hughes

Date 3-12-86

[Signature]
Sally D. Hughes

Date 3-11-86

[Signature]
Kathy A. Hughes

Date 3-11-86

[Signature]
Robert M. Janzlik

Date 3-15-86

[Signature]
Patricia A. Janzlik

Date 3/14/86

[Signature]
William R. Bagley

Date 3-12-86

PETITION -2

3-

86-22711

Cydney J. Bagley Date _____
Cydney J. Bagley

Jerry C. Eiler Date 3-13-86
Jerry C. Eiler

Ann Eiler Date 3-13-86
Ann Eiler

Dwight H. Findley Date 3-17-86
Dwight H. Findley

Patricia A. Findley Date 3-17-86
Patricia A. Findley

Cecily H. Hughes Tax Lot 801
Cecily H. Hughes

Arthur A. Hughes Date 3-11-86
Arthur A. Hughes

John S. Hughes Date 3-12-86
John S. Hughes

Sally B. Hughes Date 3-11-86
Sally B. Hughes

Kathy A. Hughes Date 3-11-86
Kathy A. Hughes

William R. Bagley Date 3-12-86
William R. Bagley

Cydney J. Bagley Date _____
Cydney J. Bagley

Jerry C. Eiler Date 3-13-86
Jerry C. Eiler

Ann Eiler Date 3-13-86
Ann Eiler

Robert M. Janzik Date _____
Robert M. Janzik

Patricia A. Janzik Date 3/14/86
Patricia A. Janzik

PETITION -3

4-

86-22711

Jerry A. German
Jerry A. German

Tax Lot 802

Date 5/8/86

Collman Decorating
By Richard D. Collman, Sr.
Richard D. Collman, Sr.

Tax Lot 803

Date 5/12/86

Dean L. Purdy
Dean L. Purdy

Tax Lot 804

Date 5/8/86

Mary Ann Purdy
Mary Ann Purdy

Date 5/8/86

Clarence O. Patterson
Clarence O. Patterson

Tax Lot 805

Date 3/11/86

Craig A. Wilson
Craig A. Wilson

Date 3/11/86

PETITION -4

5-

80-22711

EXHIBIT "A"

A strip of land situated 15 feet on each side of the following described center line:

Real property situated in the County of Jackson, State of Oregon, to-wit:

Commencing at the Southwest Corner of the North Half of the South Half of the Southwest Quarter of the Northeast Quarter of Section 16, Township 36 South, Range 2 West of the Willamette Meridian in Jackson County, Oregon; thence Easterly along the South line of the North Half of the South Half of the Northeast Quarter of said Section 36 to a point 67.0 feet East of the East boundary of the Southwest Quarter of the Southeast Quarter of the Northeast Quarter of said Section 36, the point of terminus; together with an area within a circle centered on the point of terminus with a radius of 38.0 feet.

Jackson County, Oregon
Recorded
OFFICIAL RECORDS

11:59 NOV 10 1986 A.M.

KATHLEEN S. BECKETT
CLERK and RECORDER

By *Ruby G. Poling* Deputy

6-

MINOR LAND PARTITION

Located in the N.E. 1/4 Sec.36, T.36 S., R.2 W., W.M., Jackson County, Oregon

December, 1986

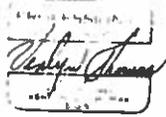
PARTITIONER

John Davis
3610 Table Rock Road
Central Point, Oregon 97502

SURVEYOR'S CERTIFICATE

I, Verlyn Thomas, a duly Registered Land Surveyor of the State of Oregon, hereby certify that this map correctly represents a survey made by me or under my direction and complies with the regulations for "MINOR LAND PARTITION"

Verlyn Thomas
SURVEYOR



NOTE: This property, at the time of final map recording, was not shown to be suitable for development and will require, at a minimum, the provision of a possible water supply prior to the issuance of building or mobile home set-up permits by the Jackson County Department of Planning and Development.

The above statement placed upon this plat as a condition of approval by the Jackson County Department of Planning and Development.



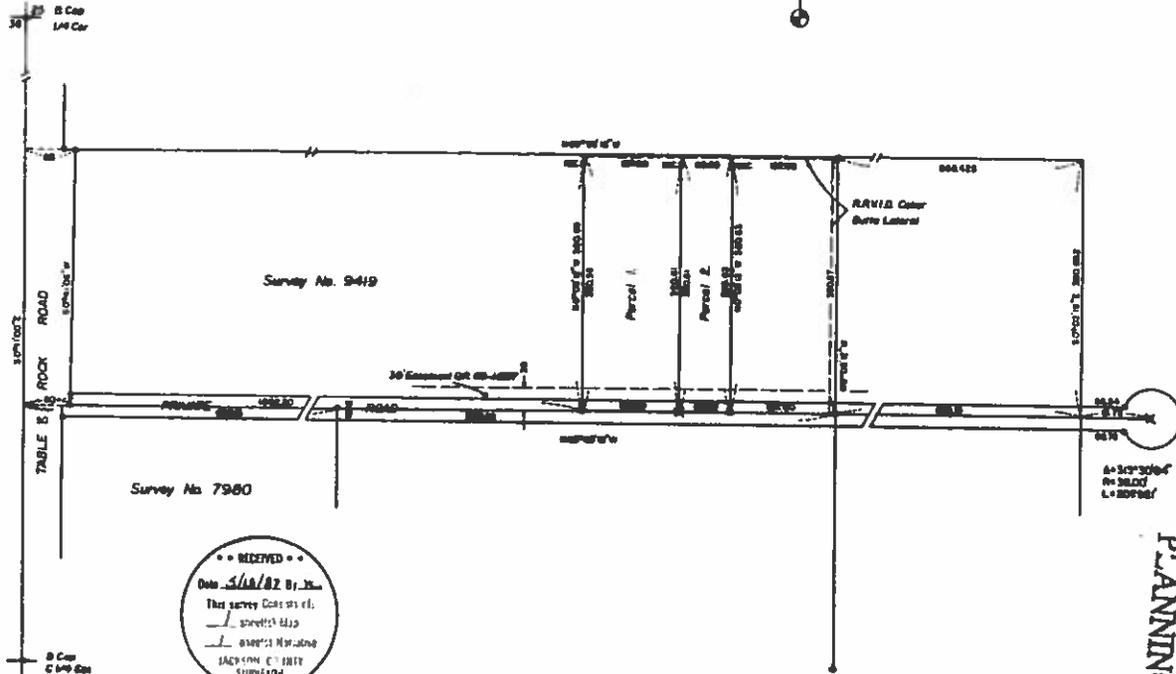
LEGEND

- Set 5/8" x 2" iron pin/plastic cap stamped L.S. 508
- ✕ Railroad spike/punch
- Found monument of record

BASIS OF BEARINGS: Survey No. 7270

APPROVED by the Jackson County Planning and Development Department.

By: *[Signature]* Date: *April 27, 1987*



RECORDING CERTIFICATE

Filed for record this 22 day of May, 1987, in 22-0633 Volume 2, and recorded in Volume 7, of page 22 of Jackson County Assessor's Office, Jackson County, Oregon.

[Signature] COUNTY CLERK



Verlyn Thomas

PLANNING DEPT.

APR 01 1987

RECEIVED

SURVEY NARRATIVE TO COMPLY WITH O.R.S. 209.250

FOR: John Davis
5610 Table Rock Road
Central Point, Oregon

PURPOSE: To monument and plat a Minor Land Partition of Parcel 2 of that certain previous Minor Land Partition filed as Survey No. 9419, and to monument a private road as presently located and constructed.

PROCEDURE: Recovered monuments previously established by this office for said Survey No. 9419; Monumented new division line and private road as shown on the accompanying plat.

36-2W-36A T. L. 508

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Verlyn D. Thomas
OREGON
MAY 13, 1960
VEREYN D. THOMAS
503

•• RECEIVED ••
Date 5/13/87 By SK
This survey consists of:
1 sheet(s) Map
1 page(s) Narrative
JACKSON COUNTY
SURVEYOR

STARK AND HAMMACK, P.C.

ATTORNEYS AT LAW
100 E. MAIN STREET, SUITE B
MEDFORD, OREGON 97501

RICHARD A. STARK
LARRY C. HAMMACK
ERIC R. STARK

(541) 773-2213
(541) 779-2133
FAX (541) 773-2084
ras@starkhammack.com

July 1, 2016

RECEIVED

JUL 01 2016

Medford Site Plan and Architectural Commission
City of Medford
200 S. Ivy Street
Medford, OR 97501

PLANNING DEPT.

Dear Medford Site Plan and Architectural Commission,

Please find the attached supplemental evidence concerning Dolan objections to the improvements requested by the Public Works Department. The Applicant has earlier tendered a compromise to resolve these issues and we sincerely hope the Commission approves the exception subject to the Irrevocable Covenant proposed by the Applicant.

If, however, the exception is denied, I have a duty to my client to assure there is evidence in the record that supports our legal position that the requested improvements and dedications exceed the City's authority under Dolan. Any challenge to exactions under Dolan in the courts requires the resolution of all local appeals procedures. Thus, a denial of the exception would require the Applicant to appeal the matter to the City Council. The City Council appeal procedures are on the record, so this evidence must be submitted now in front of SPAC. That is the purpose of the attached evidence.

As we stated previously, we sincerely hope the submittal of this supplemental evidence is only academic. We believe the Commission can and should approve the exception as requested, subject to the Irrevocable Covenant offered by the Applicant, and request the Commission do so.

Very Truly Yours,

Stark and Hammack PC



Richard A. Stark

- If the required improvements resulted in a direct public street connection to Table Rock Road according to a pre-determined timeframe, then such improvements would have some positive value implications that could be reflected in the market. These improvements would have the potential to offset the direct negative value impacts discussed below. However, because there is no definitive plan to improve the private road all the way to Table Rock Road within a specified time, the commercial real estate market would not ascribe any value benefits from the requested public improvements.
- The right-of-way dedication value impacts are significant. Using the County assessor RMV of \$1.08 per square foot, the actual value of the land itself is approximately \$3,000. However, the bigger impact is to the site circulation and utility of the existing building. The existing configuration allows parking and circulation in front of the building and room for loading in front of the roll-up door on the front. This would all be impaired by the additional right-of-way and would be expected to decrease the value of the property by \$10,000 to \$20,000 in an open market transaction. Adding to this, the relocation of the existing fence in good condition would likely add an additional \$3,000 to \$6,000 in value impacts.
- The value impacts of the construction, if built immediately, represent a dollar-for-dollar impact that is properly estimated by a civil engineer.
- With respect the Deferred Improvement Agreement option, the financial deposit represents a dollar-for-dollar value impact and in my understanding is that amount would be approximately \$29,000. However, the value impacts are not limited to this amount. The Deferred Improvement Agreement will require additional proportional contribution if a project is ever undertaken and exceeds the amount of the deposit. This translates to an indeterminate liability going forward which could reasonably be expected to reduce values on the order of an additional \$8,000 to \$20,000 in an open market transaction.

In total, the value impacts of the requested dedication and execution of a Deferred Improvement Agreement would be expected to be in the range of \$53,000 to \$78,000. This situation can be thought of as a point-in-time value impact that assumes the requested land use approvals are obtained and then exposed to the market as an approved but unbuilt project.

Thank you,



Scott King
Owner/Principal Broker