

CITY COUNCIL MEETING AGENDA



October 19, 2023

6:00 P.M.

Medford City Hall, Council Chambers

411 W. 8th Street, Medford, Oregon

www.medfordoregon.gov

The public may view live and recorded City Council meetings through our website [HERE](#).

10. Roll Call

20. Recognitions, Community Group Reports

20.1 Employee Recognition

30. Oral Requests and Communications from the Audience

The City Council sets aside 30 minutes for in-person public comments. Comments are limited to two minutes per individual, group or organization. **Please complete a public comment form before speaking.**

The City Council encourages written comments. Please submit your comments by regular mail to City Council, 411 W. 8th Street or by email to PublicComments@cityofmedford.org. Comments must be received by noon on the date of the meeting to be noted in the record. Please include the date of the Council meeting with your comments.

40. Approval or Correction of the Minutes of the October 5, 2023 Regular Meeting

50. Consent Calendar

50.1 COUNCIL BILL 2023-140

AN ORDINANCE approving and authorizing execution of an Intergovernmental Agreement (IGA) with the Oregon Department of Transportation (ODOT) for the ARTS Crater Lake Avenue Signals and Crosswalks Project.

50.2 COUNCIL BILL 2023-141

AN ORDINANCE approving and authorizing execution of a two-year contract with B&B Fire Suppression in the amount of \$427,500 for vegetation management and blackberry removal on City-owned parkland.

50.3 COUNCIL BILL 2023-142

AN ORDINANCE approving and authorizing execution of a contract with Vision Building Rentals, Inc. in the amount of \$260,620 for the purchase of fully insulated Urban

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

Campground structures to be installed at the new Urban Campground (The Crossings), prior to December 31, 2023.

60. Items Removed from the Consent Calendar

70. Ordinances and Resolutions

70.1 COUNCIL BILL 2023-143

AN ORDINANCE authorizing execution of a contract with S&B James Construction Management Company for \$1,147,247 for construction of an emergency homeless campground/shelter known as the Crossings.

80. Public Hearings

The City Council encourages written comments instead of testifying in person. Please send written comments to the email in the agenda item or by regular mail to the City Manager's Office at 411 W. 8th Street, by noon on the date of the meeting to be noted in the record. Please include the hearing topic and date of City Council meeting with your comments. If you submit written comments prior to the meeting, you do not need to speak during the hearing to have standing to appeal.

For land use matters and other quasi-judicial appeals: Comments are limited to a total of 30 minutes for applicants and/or their representatives. They may request a 5-minute rebuttal time. Appellants and/or their representatives are limited to a total of 30 minutes and if the applicant is not the appellant they will also be allowed a total of 30 minutes. All other participants are limited to 4 minutes.

For matters that are legislative or administrative and are not quasi-judicial: Comments are limited to 4 minutes per individual, group or organization.

Please complete a public comment form before speaking.

80.1 COUNCIL BILL 2023-144

AN ORDINANCE approving a minor amendment to the General Land Use Plan (GLUP) Map of the *Medford Comprehensive Plan* by changing the land use designation of a single parcel totaling approximately 0.97 acres (1.04 gross acres) located on the north side of E Barnett Road approximately 310 feet west of Black Oak Drive (2549 E Barnett Road, 371W29DD TL 4300). (File No. GLUP-23-202)

(Land Use, Quasi-Judicial Hearing - Email comments to planning@cityofmedford.org)

80.2 COUNCIL BILL 2023-145

AN ORDINANCE amending Ordinance 2006-264 and repealing Ordinance 2011-122 pertaining to a conditional minor amendment of the *Medford Comprehensive Plan*. (GLUP-23-242)

(Land Use, Quasi-Judicial Hearing - Email comments to planning@cityofmedford.org)

80.3 COUNCIL BILL 2023-146

AN ORDINANCE amending sections 10.110, 10.124, and 10.220 of the Medford Municipal Code (MMC), as it pertains to land use noticing requirements. (DCA-23-262)
(Land Use, Legislative Hearing - Email comments to planning@cityofmedford.org)

90. Council Business

90.1 Proclamations Issued

Cybersecurity Awareness Month
Red Ribbon Week

90.2 Committee Reports and Communications

- a. Council Officers Update**
- b. Committee Reports**

100. City Manager and Staff Reports

110. Adjournment



AGENDA ITEM COMMENTARY

DEPARTMENT: Public Works

PHONE: (541) 774-2100

STAFF CONTACT: John Vial, Public Works Director

Karl MacNair, Public Works Transportation Manager

AGENDA SECTION: Consent Calendar

MEETING DATE: October 19, 2023

COUNCIL BILL 2023-140

AN ORDINANCE approving and authorizing execution of an Intergovernmental Agreement (IGA) with the Oregon Department of Transportation (ODOT) for the ARTS Crater Lake Avenue Signals and Crosswalks Project.

SUMMARY AND BACKGROUND

Council is requested to consider approval of an ordinance entering into an Intergovernmental Agreement (IGA) with the Oregon Department of Transportation (ODOT) for the ARTS Crater Lake Avenue Signals and Crosswalks Project. The project will address safety concerns at traffic signals and crosswalks on Crater Lake Avenue between East Main Street and Delta Waters Road.

PREVIOUS COUNCIL ACTIONS

On December 6, 2018, Council Bill 2018-126 was approved, adopting the 2018-2038 Transportation System Plan, which includes Goal 1 – Safety and Public Health. Objective 1 under Goal 1 reads, “Transportation improvement projects and transportation management decisions shall be evaluated to reduce risk to the travelling public, and improvement projects and management decisions shall strive to enhance safety for the travelling public.”

ANALYSIS

The Oregon Department of Transportation (ODOT) administers the federal All Roads Traffic Safety (ARTS) grant program to address safety issues on state and local roads throughout Oregon. This grant is a data driven program, meaning that crash history is analyzed, and high-crash locations are improved using proven safety countermeasures. Projects are selected based on benefit/cost ratio by calculating the anticipated societal cost of avoided crashes (the benefit) divided by the cost of the project.

The ARTS Crater Lake Avenue Signals and Crosswalks project includes installing safety upgrades at eight (8) signalized intersections and three (3) pedestrian crossing locations. The scope of work is detailed below:

- **Install retroreflective backing plates** on all signal heads at Delta Waters Road, Roberts Road, Brookhurst Street, McAndrews Road, Spring Street, Stevens Street, Jackson Street, and Main Street. This feature increases the visibility of the signal heads.
- **Replace “doghouse” heads with Flashing Yellow Arrows (FYA)** at Roberts Road.
- **Replace traffic signal, install east/west left turn pockets, and FYA** at Brookhurst Street.
- **Construct HAWK** (High-intensity Activated Crosswalk beacon) **or RRFB** (Rectangular Rapid Flashing Beacon) at Minnesota Avenue, Grand Avenue, and between Skypark Drive and Bradbury Street.



AGENDA ITEM COMMENTARY

During the grant application analysis period (2011 to 2015) for the 2018 round of ARTS funding, the segment of Crater Lake Avenue included in the project experienced 290 total crashes, including a fatality and several injuries.

The fatal crash occurred at Brookhurst Street in 2014 and involved a pedestrian hit in the crosswalk by a turning vehicle. The signal at Brookhurst Street is a primary access to North Medford High School where students who are young drivers are mixing with heavy pedestrian traffic. All left turn movements are “permissive” lefts, which go on a green ball at the same time as a walk signal when they see a gap in oncoming traffic. The signal is very old and cannot be modified to a safer configuration without full reconstruction. The most recent crash data available shows a continued pattern of pedestrian involved crashes at this intersection.

This project’s Benefit/Cost Analysis Worksheet is attached as Exhibit 2. It should be noted that the estimated cost was significantly lower when the application was submitted. The City anticipated that the City would deliver the project when the application was submitted. City staff subsequently found out that ODOT would not allow the City of Medford to deliver the project due to changes in the State Funded Local Projects (SFLP) program. These changes to the SFLP program impacted two of the City’s three ARTS projects that were selected in the 2018 cycle, resulting in significant cost increases. The other project was for design and construction of a bike facility behind the existing curb line (a “cycle track”) on McAndrews Road between Biddle Road and Crater Lake Avenue. ODOT allowed the City to reduce the scope of the McAndrews Road Cycle Track project to a planning and preliminary design phase only and move the cost savings to the Crater Lake Avenue Signals and Crosswalks project. The Benefit/Cost Analysis was not required to be recalculated because the project selections had already been made.

The project will be delivered by ODOT for the City because the City is not certified to deliver federally funded projects at this time. ODOT shall consult the City on project decisions that impact scope, schedule, or budget and obtain the City’s concurrence on project plans.

COUNCIL GOALS

Council Goal and Objective: Public Infrastructure

Strategy: 20.3 Initiate or complete Transportation Capital Improvement Projects in an effort to meet existing and future transportation system needs.

Deliverable: Complete the programed projects.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

\$363,276.40 is budgeted in Fund 530, Gas Tax Fund.

The total project cost is estimated at \$3,632,764.00. Federal grant funds for this Project are limited to \$3,269,487.60. The City’s match is 10% of the project cost up to \$363,276.40, and 100% of any additional costs. \$363,276.40 is budgeted in the Public Works contingency and will be accounted for



AGENDA ITEM COMMENTARY

in the next supplemental budget. The City's match can include staff time, materials, real property, or payment of funds.

TIMING ISSUES

Work on the project will not start until the IGA is fully executed. The IGA will terminate upon completion of the project and final payment or ten (10) calendar years following the date all required signatures are obtained.

COUNCIL OPTIONS

Approve the ordinance as presented.

Modify the ordinance as presented.

Deny the ordinance as presented and provide direction to staff.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to approve the ordinance as presented.

EXHIBITS

Ordinance

Exhibit 1 – Overall Project Map

Exhibit 2 – Benefit/Cost Analysis Worksheet

Exhibit 3 – Crater Lake Ave Crash Heat Map

ORDINANCE NO. 2023-140

AN ORDINANCE approving and authorizing execution of an Intergovernmental Agreement (IGA) with the Oregon Department of Transportation (ODOT) for the ARTS Crater Lake Avenue Signals and Crosswalks Project.

WHEREAS, on December 6, 2018, Council Bill 2018-126 was approved, adopting the 2018-2038 Transportation System Plan, which includes Goal 1 – Safety and Public Health;

WHEREAS, the Oregon Department of Transportation administers the federal All Roads Traffic Safety (ARTS) grant program to address safety issues on state and local roads throughout Oregon. The ARTS Crater Lake Avenue Signals and Crosswalks project includes installing safety upgrades at eight (8) signalized intersections and three (3) pedestrian crossing locations within the City of Medford; and

WHEREAS, the project will be delivered by ODOT for the City because the City is not certified to deliver federally funded projects at this time. ODOT shall consult the City on project decisions that impact scope, schedule, or budget and obtain the City's concurrence on project plans; now, therefore

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

The City Council hereby approves and authorizes execution of an Intergovernmental Agreement with the Oregon Department of Transportation for the ARTS Crater Lake Avenue Signals and Crosswalks Project. The IGA is on file in the City Recorder's Office.

PASSED by the Council and signed by me in authentication of its passage this 19th day of October, 2023.

ATTEST: _____
City Recorder

Mayor Randy Sparacino

APPROVED: October 19, 2023

Mayor Randy Sparacino

EXHIBIT 1 – Project Location Map

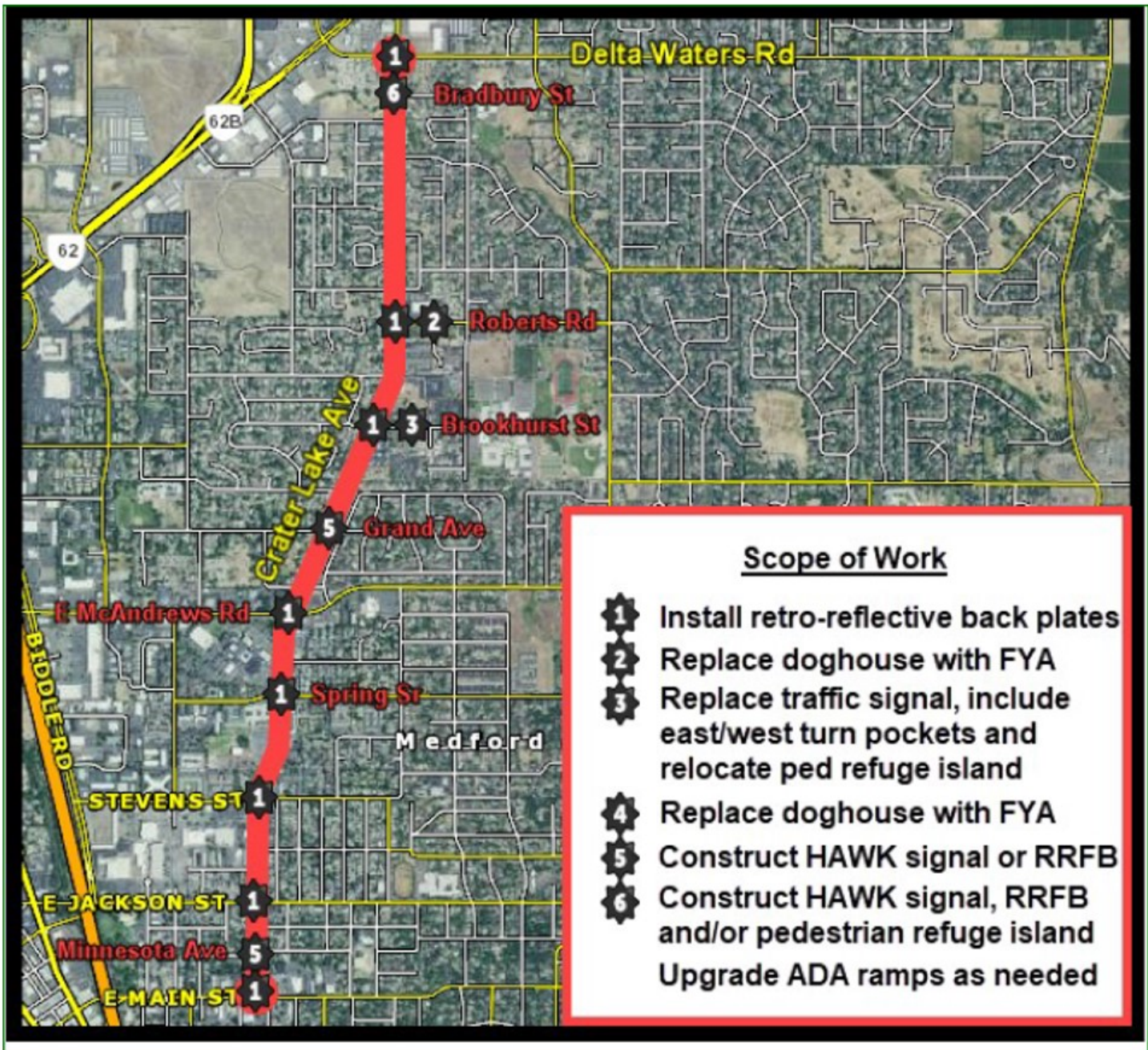


Exhibit 1



OREGON DEPARTMENT OF TRANSPORTATION
HIGHWAY SAFETY PROJECTS
BENEFIT/COST ANALYSIS WORKSHEET

Project Name:Crater Lake Ave

ODOT Region:3

Date:5/15/2018

Project on Local Agency Facility

Street Name:Crater Lake Ave

MP Range:

Cross Street:Main St to Delta Waters Rd

Project on State Highway

Route Number:

Hwy Number:

Hwy Name:

MP From:

To:

Road Character:Urban

Facility Type:Off System

County:

City:

Crash Data From:1/1/2011

To:12/31/2015

Project Description:Install and upgrade various improvements to increase safety for motorists, pedestrians and bicyclists

Prepared By:Karl MacNair

Title:Transportation Manager

Proposed Improvements	Target Crash Type	Target Crash Severity	Crash Reduction Factor (CRF)			Service Life (Years)
			F & A	B & C	PDO	
Countermeasure 1* I2: Improve Signal Hardware: Lenses, Reflectorized Back plates, Size, and Number (5-6 Countermeasures)	All	All	30%	30%	30%	20
Countermeasure 2* I3: Replace Doghouse with Flashing Yellow Arrow Signal Heads	Left Turning	All	25%	25%	25%	20
Countermeasure 3* H20: Install Urban Traffic Signal (Rear End)	Rear End	All	-143%	-143%	-143%	20
Countermeasure 4* BP15: Install Pedestrian Hybrid Beacon	P & B	All	55%	55%	55%	20

Target Crash Type	Number of Observed Crashes	Number of Preventable Crashes	Economic Value per Crash	Total Economic Value
All				
Fatal & Injury A Crashes	7	2.1	\$940,000	\$ 1,974,000
Injury B & C Crashes	179	53.7	\$76,300	\$ 4,097,000
PDO Crashes	104	31.2	\$20,400	\$ 636,000
Left Turning				
Fatal & Injury A Crashes	3	0.8	\$940,000	\$ 705,000
Injury B & C Crashes	20	5.0	\$76,300	\$ 382,000
PDO Crashes	14	3.5	\$20,400	\$ 71,000
Rear End				
Fatal & Injury A Crashes	2	-2.9	\$940,000	\$ (2,688,000)
Injury B & C Crashes	9	-12.9	\$76,300	\$ (982,000)
PDO Crashes	7	-10.0	\$20,400	\$ (204,000)
P & B				
Fatal & Injury A Crashes	1	0.6	\$940,000	\$ 517,000
Injury B & C Crashes	5	2.8	\$76,300	\$ 210,000
PDO Crashes	1	0.6	\$20,400	\$ 11,000

Comprehensive Economic Value per Crash ^{2,3}		
Highway Type	Urban	Rural
PDO		
All facilities	\$20,400	\$20,400
Moderate (Injury B) and Minor (Injury C) Injury		
Interstate	\$72,400	\$83,800
Other State Highway	\$74,600	\$85,800
Off System	\$76,300	\$87,700
Fatal and Severe (Injury A) Injury		
Interstate	\$1,140,000	\$2,010,000
Other State Highway	\$1,210,000	\$1,850,000
Off System	\$940,000	\$1,870,000

Total Crash Value for60Months= \$4,729,000

Annual Benefits= \$946,000

Total Project Cost ⁴= \$1,864,100

Annual Maintenance and Operation Cost ⁵=

Total Cost (Present Value)= \$1,864,000

B/C Ratio=6.32

Notes

1. If a CRF Value is shown as #, check the ODOT CRF List and enter the CRF value manually in Column V of the appropriate countermeasure in "Fields" Worksheet.

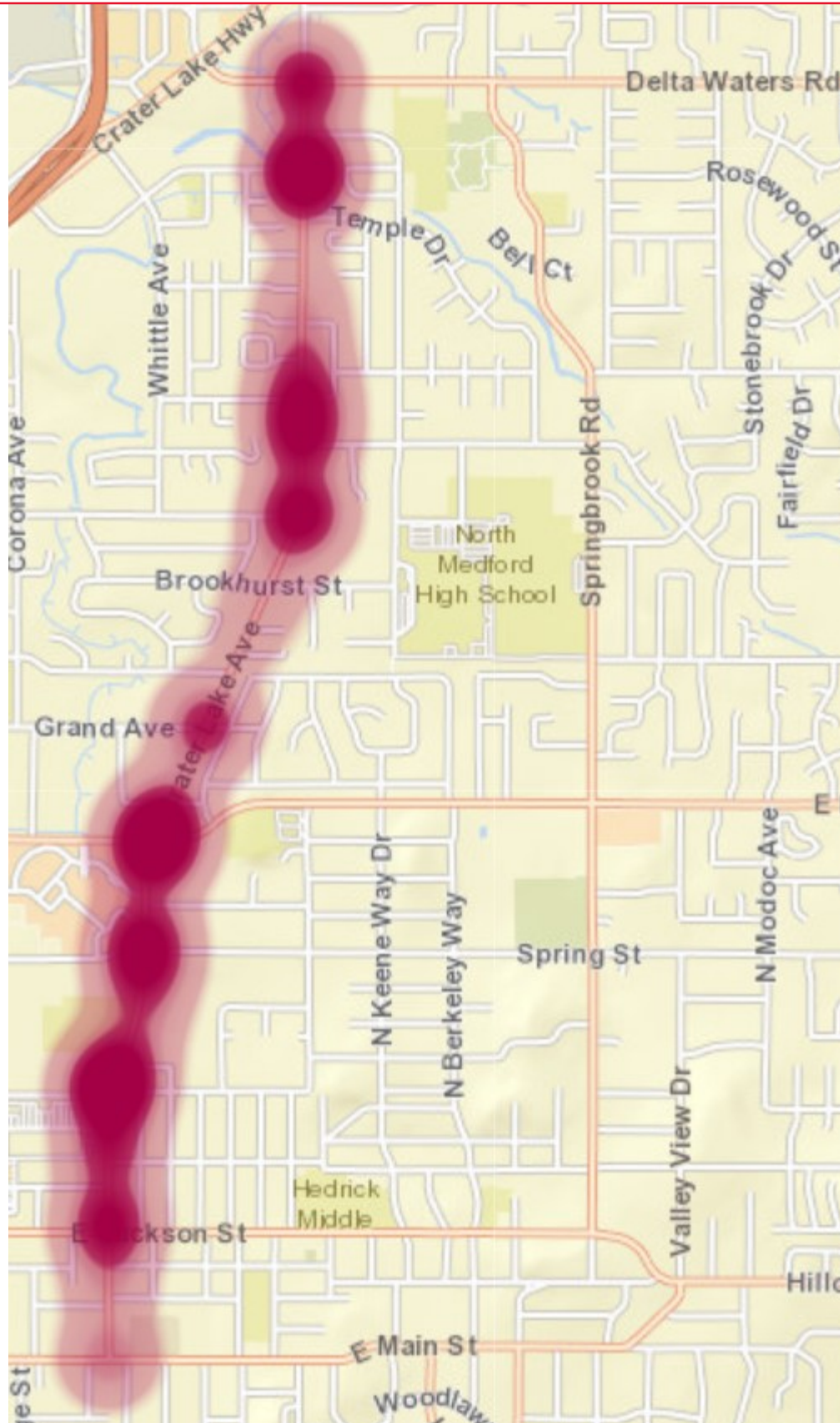
2. Economic costs per crash are calculated using cost source and procedures shown in Appendix 4A of the Highway Safety Manual, updated to 2016 dollars.

3. PDO value is adjusted with an under reporting factor of 2.0.

4. Use Cost Estimation Worksheet. Includes contingency.

5. Includes utility cost, if applicable.

Exhibit 3 - 2017 to 2021 Crash Heat Map Crater Lake Avenue





AGENDA ITEM COMMENTARY

DEPARTMENT: Parks, Recreation, Facilities

PHONE: (541) 774-2689

STAFF CONTACT: Tim Stevens, Parks and Open Space Manager

AGENDA SECTION: Consent Calendar

MEETING DATE: October 19, 2023

COUNCIL BILL 2023-141

AN ORDINANCE approving and authorizing execution of a two-year contract with B&B Fire Suppression in the amount of \$427,500 for vegetation management and blackberry removal on City-owned parkland.

SUMMARY AND BACKGROUND

Council is requested to approve a contract with B&B Fire Suppression in the amount of \$427,500 for vegetation management and blackberry removal on City-owned parkland.

PREVIOUS COUNCIL ACTIONS

On June 17, 2021, City Council approved Council Bill 2021-58, a Resolution authorizing allocation of Council Vision Funds, in the amount of \$747,500 for various community projects and programs.

On June 1, 2023, City Council approved Council Bill 2023-68, adopting the 2023-25 biennial budget and making appropriations thereunder, including funds for vegetation management on City owned property.

ANALYSIS

The Department maintains over 2,500 acres of civic parkland and right-of-ways, and coordinates vegetation management such as blackberry removal and riparian restoration throughout the City.

Staff recently completed a competitive procurement process seeking qualified vegetation management contractors for brushing, thinning, piling, and disposal services. B&B Fire Suppression, a Rogue Valley company with several years of experience working for the cities of Medford, Central Point and Gold Hill, was the only company that met the defined proposal criteria.

The proposed two-year contract for \$427,500 will result in the abatement of noxious and flammable vegetation along the Bear Creek Greenway and connecting Larson, Lazy, Crooked, and Lone Pine Creek riparian corridors. The ultimate goals are to lower fire risk, to improve sight lines, and to restore natural landscapes in riparian areas.

This contract will be funded through Council Community Vision Funds as well as an Oregon State Fire Marshall grant awarded to the City in May 2023.

COUNCIL GOALS

Council Goal and Objective: Health & Safety



AGENDA ITEM COMMENTARY

Strategy: Continue to prioritize community emergency preparedness by strengthening operational readiness through planning, training, and outreach.

Deliverable: N/A

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

\$200,000 is budgeted for Greenway Vegetation Management in Fund 420, Council Community Initiative Fund, and \$227,500 is budgeted Community Wildfire Risk Reduction in Fund 100, General Fund.

TIMING ISSUES

Timely approval is necessary to begin abatement projects scheduled for this fall.

COUNCIL OPTIONS

Approve the ordinance as presented.

Modify the ordinance as presented.

Deny the ordinance as presented and provide direction to staff.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to approve the ordinance as presented.

EXHIBITS

Ordinance

ORDINANCE NO. 2023-141

AN ORDINANCE approving and authorizing execution of a two-year contract with B&B Fire Suppression in the amount of \$427,500 for vegetation management and blackberry removal on City-owned parkland.

WHEREAS, the Parks, Recreation, Facilities Department maintains over 2,500 acres of civic parkland and right-of-ways, and it coordinates vegetation management such as blackberry removal and riparian restoration throughout the City;

WHEREAS, the proposed contract will result in the abatement of noxious and flammable vegetation along the Bear Creek Greenway and connecting Larson, Lazy, Crooked, and Lone Pine Creek riparian corridors. The goals are to lower fire risk, to improve sight lines, and to restore natural landscapes in riparian areas; and

WHEREAS, staff completed a competitive procurement process seeking qualified vegetation management contractors for brushing, thinning, piling, and disposal services. B&B Fire Suppression, a Rogue Valley company with several years of experience working for the cities of Medford, Central Point and Gold Hill, was the only company that met the defined proposal criteria; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

The City Council hereby approves and authorizes execution of a two-year contract with B&B Fire Suppression in the amount of \$427,500 for vegetation management and blackberry removal on City-owned parkland. The contract documents are on file in the City Recorder's office.

PASSED by the Council and signed by me in authentication of its passage this 19th day of October, 2023.

ATTEST: _____
City Recorder

Mayor Randy Sparacino

APPROVED October 19, 2023

Mayor Randy Sparacino



AGENDA ITEM COMMENTARY

DEPARTMENT: City Manager's Office
PHONE: (541) 774-2000
STAFF CONTACT: Kelly Madding, Deputy City Manger

AGENDA SECTION: Consent Calendar
MEETING DATE: October 19, 2023

COUNCIL BILL 2023-142

AN ORDINANCE approving and authorizing execution of a contract with Vision Building Rentals, Inc. in the amount of \$260,620 for the purchase of fully insulated Urban Campground structures to be installed at the new Urban Campground (The Crossings), prior to December 31, 2023.

SUMMARY AND BACKGROUND

Council is requested to consider an ordinance approving a contract with Vision Building Rentals, Inc. for \$260,620 for the purchase of a 40'W x 30'L fully insulated Urban Campground Structure to be installed at the new Urban Campground (The Crossings) prior to December 31, 2023.

PREVIOUS COUNCIL ACTIONS

On June 3, 2021, Council Bill 2021-49 was approved, adopting the 2021-23 Biennial Budget for the City of Medford, and making appropriations thereunder.

On June 16, 2022, Council Bill 2022-56 was approved, ratifying a Real Estate Purchase Agreement for the new location of the Urban Campground located at 842-860 West McAndrews Road.

On July 6, 2023, Council Bill 2023-33 was approved, approving the application of the emergency provisions of the City's purchasing code, MMC 2.565, for construction contracts and other procurement funded via Governor Kotek's executive order declaring a state of emergency due to homelessness.

On July 20, 2023, Council Bill 2023-97 was approved authorizing the City of Medford to enter into a contract with ACCESS to receive \$2,248,285 in State Executive Order 23-02 funding for the creation of 60 new emergency shelter beds and the construction of the Crossings a new homeless campground located at 848 W. McAndrews.

ANALYSIS

On June 16, 2022, the City acquired land that will serve as a permanent location of the Crossings at 842-860 West McAndrews Road. The City is currently working on building the Crossings which will be an emergency shelter for approximately 118 residents. The Crossings will include bathrooms, showers, laundry, a food truck for meal distribution, and an additional 60 new emergency shelter structures with hard walls, locking doors, with heating and air conditioning. Prior to the City receiving the quote from S&B James it was not known whether there would be enough funds to procure the community building. S&B James' bid came in at an amount that the community building is now feasible.



AGENDA ITEM COMMENTARY

Vision Building Systems is the leader in high quality temporary building solutions. They provide efficient, cost-effective structures for a diverse client base. All Vision Structures are built with steel framework, anti-corrosion barriers and roofs that meet NFPA-701 (National Fire Protection) Requirements. Every structure is also engineered to meet the City's building code requirements. This structure would be a valuable amenity for the Crossings and is a qualifying use of the applicable funds. The City is seeking to acquire a 40'W x 30'L Structure at a cost of \$260,620.

COUNCIL GOALS

Council Goal and Objective: Housing

Strategy: Homeless System Action Plan

Deliverable: Facilitate the siting and development of a permanent urban campground

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

\$260,620 will be paid out of Fund 100, General Fund, and applied to the City's Executive Order 23-02 grant from the State of Oregon, passed through ACCESS. The grant revenue and expense will be recognized at the December 2023 supplemental budget.

TIMING ISSUES

The contract must be approved to ensure delivery of the structure by December 31, 2023.

COUNCIL OPTIONS

Approve the ordinance as presented.

Modify the ordinance as presented.

Deny the ordinance as presented and provide direction to staff.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to approve the ordinance as presented.

EXHIBITS

Ordinance

Agreement is on file in the City Recorder's Office

Purchase Proposal

ORDINANCE NO. 2023-142

AN ORDINANCE approving and authorizing execution of a contract with Vision Building Rentals, Inc. in the amount of \$260,620 for the purchase of fully insulated Urban Campground structures to be installed at the new Urban Campground (The Crossings), prior to December 31, 2023.

WHEREAS, on June 16, 2022, Council Bill 2022-56 was approved, ratifying a Real Estate Purchase Agreement for the new location of the Urban Campground located at 842-860 West McAndrews Road;

WHEREAS, on July 6, 2023, Council Bill 2023-33 was approved, approving the application of the emergency provisions of the City's purchasing code, MMC 2.565, for construction contracts and other procurement funded via Governor Kotek's executive order declaring a state of emergency due to homelessness;

WHEREAS, on July 20, 2023, Council Bill 2023-97 was approved authorizing the City of Medford to enter into a contract with ACCESS to receive \$2,248,285 in State Executive Order 2302 funding for the creation of 60 new emergency shelter beds and the construction of the Crossings a new homeless campground located at 848 W. McAndrews;

WHEREAS, the City is currently working on building the Crossings which will be an emergency shelter for approximately 118 residents. The Crossings will include bathrooms, showers, laundry, a food truck for meal distribution, and an additional 60 new emergency shelter structures with hard walls, locking doors, with heating and air conditioning; and

WHEREAS, Vision Building Systems, Inc. is a leader in high quality temporary building solutions. All structures are built with steel framework, anti-corrosion barriers and roofs that meet NFPA-701 (National Fire Protection) requirements. Every structure is also engineered to meet the City's building code requirements; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

The City Council hereby approves and authorizes execution of a contract with Vision Building Rentals, Inc. in the amount of \$260,620 for the purchase of fully insulated Urban Campground structures to be installed at the new Urban Campground (The Crossings), prior to December 31, 2023. The contract documents are on file in the City Recorder's office.

PASSED by the Council and signed by me in authentication of its passage this 19th day of October, 2023.

ATTEST: _____
City Recorder

Mayor Randy Sparacino

APPROVED October 19, 2023

Mayor Randy Sparacino



VISION BUILDING RENTALS, INC.

Date: August 2, 2023

**Name: City of Medford
Address: Medford, OR**

**Contact Person: Ken Parducci
Phone Number: (541) 774-2123
Email: ken.parducci@cityofmedford.org**

Features: 40'W x 30'L (1,200 sq. ft.) Urban Campground Structure

- Structural and foundation engineering, site specific, wet-stamped by a licensed engineer
- NFPA 701 approved fabric cover including tie down and tensioning systems
- Foundation anchorage to attach to Owner's provided level surface
- (2) End walls: weather tight enclosure with end steep supports and end panels
- (2) Commercial code double man-entrance doors and frame-outs
- R-30 Insulation system with interior liner
- 10 Ton HVAC, skid mounted with exterior ducting and grill dampers
- Interlocking, load bearing floor through interior
- Basic warehouse lighting package to connect to Owner's provided power source
- Fabric termination materials

**Total Material Supply Cost: \$188,440.00 + tax
(applicable taxes are not included)**

***Please note: Shipping and Handling of materials to site is not included and will be invoiced separately and prior to transporting materials to site. Estimated Cost: (2) Trucks at \$6,840.00/Truck + tax**

Installation Services \$58,500.00

- Full installation services by a certified install crew, including all labor costs, associated expenses, specialty hand tools and rental equipment required to perform the installation.
- Stand-By Cost: VBS Crew's stand-by rate including all associated expenses and rental equipment coverage ***Please note: Should crew's stand-by be required due to weather and/or Covid-19 restrictions, the Owner will be notified immediately for authorization and sign off.**

**To Be Determined;
Upon Occurrence**

Initials_____

**VISION BUILDING RENTALS, INC
PURCHASE CONTRACT**



VISION BUILDING RENTALS, INC.

PURCHASE PROPOSAL

Payment Terms:

- 50% Deposit of Total Contract (\$123,470.00; Does not include any approved Options/Extras) will be due and owing upon the return of the signed contract
- Shipping and Handling will be invoiced separately and prior to transporting materials to site
- 35% Progress Payment of Total Contract (\$86,429.00; Does not include any approved Options/Extras) will be due and owing upon materials arrival to site
- 15% Final Payment of Total Contract (\$37,041.00; Does not include any approved Options/Extras) will be due and owing upon substantial completion

Customer Obligations

- a) Customer is responsible for all permits and/or licenses that may be required and renewal thereof (if not specified in proposal)
- b) Customer must clearly identify the location of all underground facilities at the Project site
- c) Customer is responsible for garbage, debris, and restroom units for the duration of the installation
- d) Customer is responsible to provide a power source for the duration of the installation
- e) Customer is responsible to pay the wage differential between Prevailing and/or Union Wages if required by law and the schedule of wages (if applicable)
- f) Customer is responsible to pay for any third-party special inspections (if applicable)
- g) Customer must insure 20 ft. clearance access on all sides of structure. If access to work is less than 20 ft. clear on all sides of building, additional installation charges may apply
- h) Customer is responsible for fire suppression system (if not specified in proposal)

_____(Purchaser)

Vision Building Rentals, Inc.

Signature:_____

Signature:_____

By: _____

By: Darcy Dahlem

Title: _____

Title: General Manager

Date: _____

Date: _____

THANK YOU FOR CHOOSING VISION BUILDING RENTALS!
Quote is Valid for 30 Days

Initials_____

VISION BUILDING RENTALS, INC
PURCHASE CONTRACT



PURCHASE PROPOSAL

CONDITONS OF SUPPLY VISION BUILDING COMPANIES

1. **TITLE:** Title, ownership and right to possession of the building materials shall not pass to Purchaser until all monies due and owing under this contract are fully paid.
2. **WARRANTIES:** The building materials are covered by warranties supplied by the manufacturer. There are no other warranties, guarantees or representations, express or implied, with respect to the building materials and none are offered by the Dealer. To the extent there are any express or implied warranties, liability for the same shall not exceed the dollar value of this contract.
3. **PERSONAL PROPERTY, NOT REAL PROPERTY:** The Purchaser represents and warrants that he/she is the owner of or the person entitled to possession of the real property upon which the building materials are being or will be installed and that notwithstanding any law to the contrary the building materials shall remain the personal property of the Dealer and shall not form part of the real property until payment in full by Purchaser.
4. **LICENSE TO ENTER UPON LANDS:** In the event the purchaser is in default or arrears of any payment obligation here under, the Purchaser hereby grants to the Dealer or his duly authorized representatives or agents the right and license to enter upon the real property upon which the building materials are located and to dismantle and remove the same from said real property.
5. **COMPLIANCE WITH LAWS:** Purchaser shall obtain all necessary permits required by any governmental agency or other entity necessary to ensure that the building to be erected complies with all applicable laws, codes and regulations. Purchaser represents that the intended project site location has been approved by all utility companies or any other person or entity having easements or any other rights of access or use to the site location.
6. **TIME:** Time shall be of the essence of this Contract.
7. **FORCE MAJEURE:** Dealer shall not be liable for any installation delays and consequential damages whatsoever if such installation delays are caused by Acts of God, delays due to weather conditions, acts of war or terrorism, insurrection, strikes, or any other cause beyond Dealer's control. It is acknowledged by the parties that wind conditions may constitute a Force Majeure with respect to the installation of the fabric onto the tents and structures.

MISCELLANEOUS:

8. All orders, unless otherwise agreed upon in writing, are for unrestricted shipment at the Dealer's convenience. It is expressly understood that the Purchaser shall not be entitled to issue instructions to delay or reschedule the manufacture and/or shipment of the building materials.
9. At the Dealer's option, shipments and deliveries may be subject to credit approval by the Dealer. The Dealer shall not be responsible for delays in deliveries or manufacturing for any cause whatsoever.
10. **INSTALLATION: PURCHASER CAUSED DELAY:** Purchaser shall be liable to Dealer for damages caused by Purchaser's delays, acts or omissions. Purchaser caused delays may include, but are not limited to: failure to obtain any and all applicable permits; failure to ensure timely availability of owner furnished equipment; failure to provide required drawings and/or site plans in a timely manner; and failure to complete site preparation before installation. Actual damages to Dealer may include, but are not limited to: labor, equipment rental, fines or penalties, mobilization and re-mobilization, suspension of work costs and extended overhead or general conditions. In the event of a Purchaser caused delay Dealer may cease delivery and installation of building materials until an appropriate change order for the additional costs and damages has been approved and executed by Purchaser.
11. Any dispute about quality, condition or workmanship of the building materials or any other dispute in connection with the terms of this contract shall not entitle the Purchaser to reject the building materials. In the case of a dispute the Purchaser shall take delivery of the building materials, pay for the same, and as Purchaser's sole remedy make a claim regarding the dispute pursuant to the manufacturer's warranty.

Initials_____

VISION BUILDING RENTALS, INC
PURCHASE CONTRACT



PURCHASE PROPOSAL

VISION BUILDING RENTALS, INC.

12. The Dealer's responsibility for shortages in the said building materials shall terminate after ten days have passed from time of delivery to the Purchaser. In no event shall the Dealer's liability exceed the selling price of the said shortage.

13. Building size is approximate and intended to identify standard sizes sold by the Dealer. No expressed or implied warranty or representation is made by the Dealer as to the exact dimensions of the building, as the building may vary depending upon the placement of the foundation base. Steel gauges are subject to standard of the industry variations and are intended only to identify general gauge designations as used by steel fabricators.

14. This contract embodies all prior oral and written understandings and agreements made between the parties. The Dealer shall not be bound by any condition, representation or warranty other than as expressly set forth herein. This contract may only be modified in writing.

15. Late payments shall be assessed interest at the highest legal rate as set for the State of Nevada.

16. Dealer shall be entitled to request all payment to be in certified funds or bank drafts.

17. This Contract shall be interpreted in accordance with the laws of the State of Nevada.

18. Dealer has the right to affix in a conspicuous place on the exterior of the structure its company name and phone number.

19. In the event of litigation or legal proceedings between the parties, all attorney's fees and costs shall be awarded to the prevailing party. All disputes shall be settled through arbitration conducted under the laws of the State of Nevada.

Purchaser's Signature:

Date: _____

Initials _____

*VISION BUILDING RENTALS, INC
PURCHASE CONTRACT*



AGENDA ITEM COMMENTARY

DEPARTMENT:	City Manager's Office	AGENDA SECTION:	Ordinances and Resolutions
PHONE:	(541) 774-2000	MEETING DATE:	October 19, 2023
STAFF CONTACT:	Kelly Madding, Deputy City Manager		

COUNCIL BILL 2023-143

AN ORDINANCE authorizing execution of a contract with S&B James Construction Management Company for \$1,147,247 for construction of an emergency homeless campground/shelter known as the Crossings.

SUMMARY AND BACKGROUND

Council is requested to consider an ordinance approving a contract with S&B James Construction Management Company for \$1,147,247.00 for construction of an emergency homeless campground/shelter known as the Crossings.

PREVIOUS COUNCIL ACTIONS

On June 3, 2021, Council Bill 2021-49 was approved, adopting the 2021-23 Biennial Budget for the City of Medford, and making appropriations thereunder.

On June 16, 2022, Council Bill 2022-56 was approved, ratifying a Real Estate Purchase Agreement for the new location of the Urban Campground located at 842-860 West McAndrews Road.

On July 6, 2023, Council Bill 2023-33 was approved, approving the application of the emergency provisions of the City's purchasing code, MMC 2.565, for construction contracts and other procurement funded via Governor Kotek's executive order declaring a state of emergency due to homelessness.

On July 20, 2023, Council Bill 2023-97 was approved authorizing the City of Medford to enter into a contract with ACCESS to receive \$2,248,285 in State Executive Order 23-02 funding for the creation of 60 new emergency shelter beds and the construction of the Crossings a new homeless campground located at 848 W. McAndrews.

ANALYSIS

On June 16, 2022, the City acquired land that will serve as a permanent location of the Crossings at 842-860 West McAndrews Road. The City is currently working on building the Crossings which will be an emergency shelter for approximately 118 residents. The Crossings will include bathrooms, showers, laundry, a food truck for meal distribution, and an additional 60 new emergency shelter structures with hard walls, locking doors, with heating and air conditioning.

On August 14, 2023, the City executed a contract with S&B James Construction Management Company for the site design of the Urban Campground. In anticipation of the pace that this project would maintain to successfully carry out construction by December 1, 2023, the Council approved a resolution allowing all purchasing related to this project to be exempt from the City's standard



AGENDA ITEM COMMENTARY

procurement process. S&B James is experienced in the type of construction necessary to successfully bring this project to fruition and within before mentioned deadline.

Below is an accounting summary of the project:

Revenue	
Governor's Executive Order Funds	\$2,248,285
City ARPA	\$215,350
Total	\$2,463,635
Expenses	
Foldums – Tiny house structures (60)	(\$611,350)
Bathroom/Shower Laundry Facilities (2)	(\$277,287)
Community Structure	(\$260,620)
Crossings' Design – S&B James	(\$79,090)
Crossings' Construction – S&B James	(\$1,147,247)
Total	(\$2,375,594)
Difference	\$88,041

COUNCIL GOALS

Council Goal and Objective: Housing

Strategy: Homeless System Action Plan

Deliverable: Facilitate the siting and development of a permanent urban campground

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

\$1,147,247.00 will be paid out of Fund 100, General Fund, and applied to the City's Executive Order 23-02 grant from the State of Oregon, passed through ACCESS. The grant revenue and expense will be recognized through the next supplemental budget on December 7, 2023.

TIMING ISSUES

The contract must be approved to ensure the completion of the campground by December 1, 2023.

COUNCIL OPTIONS

Approve the ordinance as presented.

Modify the ordinance as presented.

Deny the ordinance as presented and provide direction to staff.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.



AGENDA ITEM COMMENTARY

SUGGESTED MOTION

I move to approve the ordinance as presented.

EXHIBITS

Ordinance

Design-Build Agreement

ORDINANCE NO. 2023-143

AN ORDINANCE authorizing execution of a contract with S&B James Construction Management Company for \$1,147,247 for construction of an emergency homeless campground/shelter known as the Crossings.

WHEREAS, on June 16, 2022, Council Bill 2022-56 was approved, ratifying a Real Estate Purchase Agreement for the new location of the Urban Campground located at 842-860 West McAndrews Road;

WHEREAS, on July 6, 2023, Council Bill 2023-33 was approved, approving the application of the emergency provisions of the City's purchasing code, MMC 2.565, for construction contracts and other procurement funded via Governor Kotek's executive order declaring a state of emergency due to homelessness;

WHEREAS, on July 20, 2023, Council Bill 2023-97 was approved authorizing the City of Medford to enter into a contract with ACCESS to receive \$2,248,285 in State Executive Order 23-02 funding for the creation of 60 new emergency shelter beds and the construction of the Crossings a new homeless campground located at 848 W. McAndrews; and

WHEREAS, on August 14, 2023, the City executed a contract with S&B James Construction Management Company for the site design of the Urban Campground. City Council previously approved a resolution allowing all purchasing related to this project to be exempt from the City's standard procurement process, due to the construction deadline of December 1, 2023; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

The City Council hereby authorizes execution of a contract with S&B James Construction Management Company for \$1,147,247 for construction of an emergency homeless campground/shelter known as the Crossings. The contract documents are on file in the City Recorder's office.

PASSED by the Council and signed by me in authentication of its passage this 19th day of October, 2023.

ATTEST: _____
City Recorder

Mayor Randy Sparacino

APPROVED October 19, 2023

Mayor Randy Sparacino



AGENDA ITEM COMMENTARY

DEPARTMENT: Planning
PHONE: (541) 774-2380
STAFF CONTACT: Matt Brinkley, AICP, Planning Director

AGENDA SECTION: Public Hearings
MEETING DATE: October 19, 2023

COUNCIL BILL 2023-144

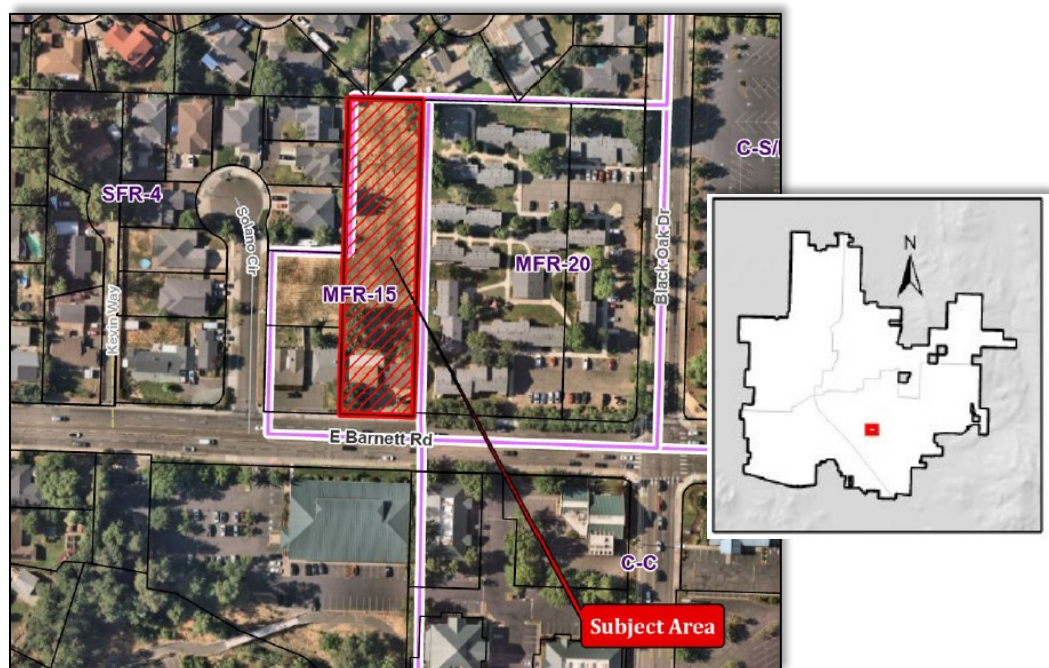
AN ORDINANCE approving a minor amendment to the General Land Use Plan (GLUP) Map of the Medford Comprehensive Plan by changing the land use designation of a single parcel totaling approximately 0.97 acres (1.04 gross acres) located on the north side of E Barnett Road approximately 310 feet west of Black Oak Drive (2549 E Barnett Road, 371W29DD TL 4300). (File No. GLUP-23-202)

SUMMARY AND BACKGROUND

Council is requested to consider an amendment to the General Land Use Plan Map designation from UM (Urban Medium Density Residential) to UH (Urban High Density Residential) on a single parcel totaling approximately 0.97 acres (1.04 gross acres) located on the north side of E Barnett Road approximately 310 feet west of Black Oak Drive (2549 E Barnett Road, 371W29DD TL 4300). (File No. GLUP-23-202)

The Planning Commission held a public hearing on this matter and the related zone change on September 14, 2023, forwarding a favorable recommendation to Council. The zone change was approved pending the approval of this application.

Vicinity Map



PREVIOUS COUNCIL ACTIONS



AGENDA ITEM COMMENTARY

On August 21, 2008, Council Bill 2008-171 was approved, adopting a minor amendment to the GLUP Map designation from Urban High Density Residential (UH) to Urban Medium Density Residential (UM).

ANALYSIS

The subject site is currently developed with two single family residences. The applicant is requesting the change to the GLUP Map designation from UM to UH to accommodate the development of 24 multi-family units. The applicant has submitted concurrent applications for a zone change from MFR-15 to MFR-30 (ZC-23-201) and site plan review for the 24 dwelling units (AC-23-203). Both applications have been conditionally approved pending the decision on this matter.

The fixed goalpost rule applies in this case. ORS 227.178(3)(a) states that, "... approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted." The subject application was submitted on June 23, 2023. On July 6, 2023, the City Council adopted the Housing Capacity Analysis (HCA), which demonstrates a surplus of UH designated land and deficit of UM designated land. Since the application was submitted prior to the adoption of the HCA, it is subject to the Housing Element adopted in 2010, which demonstrates a deficit of both UM and UH lands.

The Planning Commission adopted the findings as recommended in the Council Report. The findings have been determined to adequately address the applicable Comprehensive Plan Amendment criteria, listed in the "Review and Amendments" chapter of the Comprehensive Plan, as well as the Statewide Planning Goals.

COUNCIL GOALS

Council Goal and Objective: Housing

Strategy: None.

Deliverable: None.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None.

TIMING ISSUES

None.

COUNCIL OPTIONS

Approve the ordinance as presented.

Modify the ordinance as presented.

Deny the ordinance as presented and provide direction to staff.

STAFF RECOMMENDATION

The Planning Commission and staff recommend approval of the ordinance.



SUGGESTED MOTION

I move to approve the ordinance as presented.

EXHIBITS

Ordinance

Council Report dated October 12, 2023, including Exhibits A through K

ORDINANCE NO. 2023-144

AN ORDINANCE approving a minor amendment to the General Land Use Plan (GLUP) Map of the *Medford Comprehensive Plan* by changing the land use designation of a single parcel totaling approximately 0.97 acres (1.04 gross acres) located on the north side of E Barnett Road approximately 310 feet west of Black Oak Drive (2549 E Barnett Road, 371W29DD TL 4300). (File No. GLUP-23-202)

WHEREAS, on June 23, 2023, an application to change the General Land Use Plan Map designation from Urban Medium Density Residential (UM) to Urban High Density Residential (UH) was received for the single parcel located at 2549 E Barnett Road (371W29DD TL 4300);

WHEREAS, on September 14, 2023, at a duly noticed public hearing, the Planning Commission considered the application and recommended City Council approval of the application;

WHEREAS, a public hearing was appropriately noticed and duly held before the City Council in accordance with City notice requirements for Comprehensive Plan amendments on October 19, 2023; and

WHEREAS, the City Council has determined that the proposed General Land Use Plan Map amendment from Urban Medium Density Residential (UM) to Urban High Density Residential (UH) satisfies the applicable criteria as demonstrated by the Findings and Conclusions included in the Council Report dated October 12, 2023, on file in the Planning Department; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. That a minor amendment to the GLUP Map of the *Medford Comprehensive Plan* changing the land use designation of a single parcel totaling approximately 0.97 acres located on the north side of E Barnett Road approximately 310 feet west of Black Oak Drive from Urban High Density Residential (UH) to Urban High Density Residential (UH), is hereby approved.

Section 2. The approval is based upon the Findings of Fact and Conclusions of Law included in the Council Report dated October 12, 2023.

PASSED by the Council and signed by me in authentication of its passage this 19th day of October 2023.

ATTEST: _____
City Recorder

Mayor Randy Sparacino

APPROVED: October 19, 2023

Mayor Randy Sparacino



COUNCIL REPORT

for Type-IV quasi-judicial decision: **GLUP Map Amendment**

Project Real Wise GLUP Map Amendment

Applicant: Real Wise, LLC; Agent: Oregon Architecture, Inc.

File no. GLUP-23-202

To City Council

for October 19, 2023, hearing

From Kelly Akin, Assistant Planning Director

Date October 12, 2023

BACKGROUND

Proposal & Vicinity Map

Consideration of a request to amend the General Land Use Plan Map designation from UM (Urban Medium Density Residential) to UH (Urban High Density Residential) on a single parcel totaling approximately 0.97 acres (1.04 gross acres) located on the north side of E Barnett Road approximately 310 feet west of Black Oak Drive (2549 E Barnett Road, 371W29DD TL 4300).



Subject Site Characteristics

Zoning: MFR-15 (MFR-30 conditionally approved pending Council decision)
GLUP: UM (Urban Medium Density Residential)
Overlay(s): FTC (Frequent Transit Corridor)
Use(s): Two single family residential dwellings

Surrounding Site Characteristics

North Zone: SFR-4 (Single Family Residential, 2.5-4 dwelling units per gross acre)
Use(s): Single-family residences (Greenbrook Subdivision), built to density

South Zone: SFR-4
Use(s): Superior Athletic Club

East Zone: MFR-20 (Multiple Family Residential, 15-20 dwelling units per gross acre)
Use(s): 50-unit Glenridge Terrace apartment complex

West Zone: SFR-4 and MFR-15
Use(s): Single-family residences (Barnett Meadows Subdivision), vacant land

Related Projects

PLA-22-057 (lot consolidation)
CP-08-051 (UH to UM)
ZC-08-153 (SFR-4 to MFR-15)
PA-23-101 & AC-23-203 (24 dwelling units)
ZC-23-201 (MFR-15 to MFR-30)

Applicable Criteria

MLDC 10.222(2): Minor Comprehensive Plan Amendment

For the applicable criteria, the Medford Municipal Code Section 10.222(2) redirects to the criteria in the “Review and Amendments” chapter of the Comprehensive Plan. The applicable criteria in this action are those for map amendments, and are based on the following:

1. *A significant change in one or more Goal, Policy, or Implementation Strategy.*

2. *Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.*
3. *The orderly and economic provision of key public facilities.*
4. *Maximum efficiency of land uses within the current urbanizable area.*
5. *Environmental, energy, economic, and social consequences.*
6. *Compatibility of the proposed change with other elements of the City Comprehensive Plan.*
7. *All applicable Statewide Planning Goals.*

Approval Authority

GLUP-23-202

The General Land Use Plan Map is part of the adopted Comprehensive Plan. The Planning Commission is authorized to act as an advisory agency for Type-IV quasi-judicial Comprehensive Plan Amendments, forwarding a recommendation to City Council for proposed amendments to the Comprehensive Plan under Medford Municipal Code Sections 10.102–122, 10.165, and 10.185. City Council has final decision-making authority for Type-IV procedures. The subject request is scheduled to be heard before City Council on September 21, 2023.

ISSUES AND ANALYSIS

On September 13, 2023, staff received a letter from Amy Smith, a neighbor of the subject property (Exhibit K). Ms. Smith objected to the proposal, citing traffic concerns, school capacity, and property values. The Planning Commission considered the testimony and voted to approve the zone change and forward a favorable recommendation to the City Council on the proposed GLUP Map amendment.

On August 24, 2023, staff received an email requesting that the public hearing before the Planning Commission be continued as the rules allow. Staff communicated with the person requesting the continuance and advised them of the Commission's decision to continue the matter to the hearing on September 14, 2023.

Project Summary

Current Site Conditions

The subject site consists of a single parcel totaling approximately 0.97 acres. The property is located on the north side of E Barnett Road west of Black Oak Drive. The

two existing residences will be removed prior to redevelopment of the site. Barnett Road is classified as a Major Arterial Street.

No environmental constraints, such as riparian corridors, wetlands, floodplain, etc., have been identified on the site.

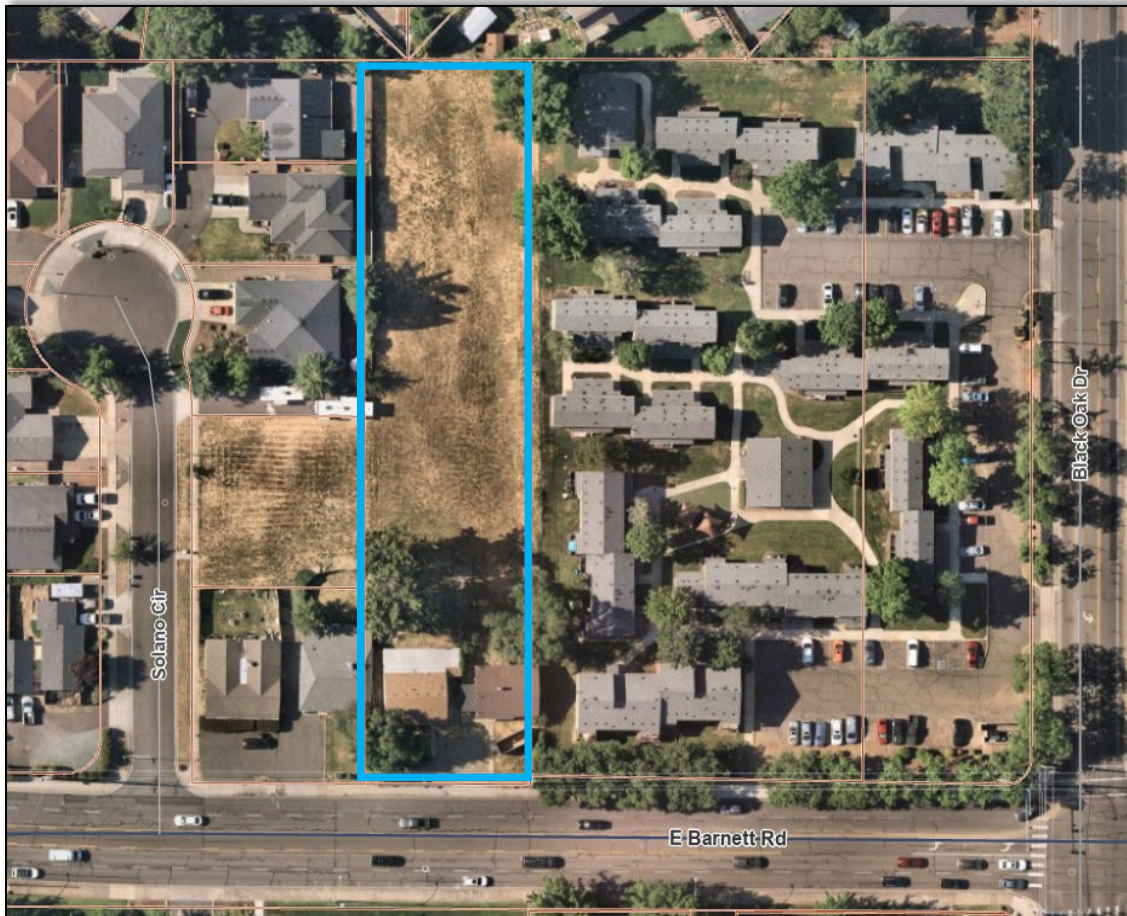


Figure 1 – Aerial Photo (Source: City of Medford June 2022)

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Proposal

With the subject requests, the applicant is requesting to change the site's GLUP designation from UM to UH, as well as change the zoning classification from MFR-15 to MFR-30, to accommodate plans for the development of the site with 24 dwelling units. The applicant has submitted a concurrent application for the development of the site, administratively approved October 5, 2023.

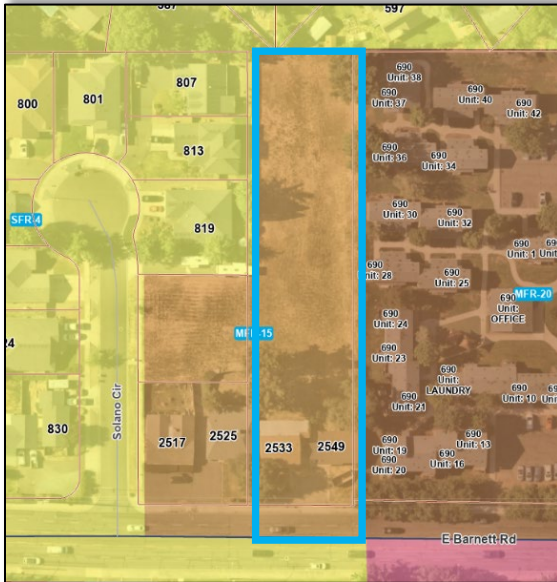


Figure 3 – Zoning Map

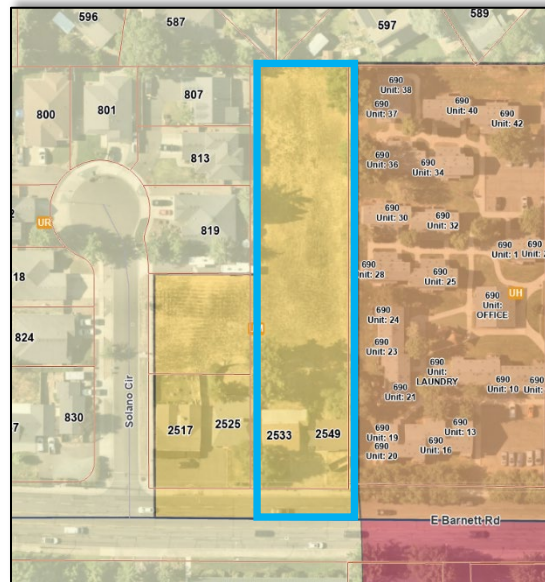


Figure 2 – GLUP Map

GLUP Map Amendment

The subject site is currently designated as UM (Urban Medium Density Residential). The applicant is proposing to amend the GLUP Map designation to UH (Urban High Density Residential) to allow the proposed residential development at a higher density (Exhibit C).

For the applicable criteria for GLUP change, MLDC 10.222(2) redirects to the criteria in the "Review and Amendments" chapter of the Comprehensive Plan. It is staff's view that the applicant's submitted findings adequately address the applicable criteria (as supplemented by staff), and that the approval of the proposed Comprehensive Plan amendment is consistent with the Statewide Planning Goals. It is further staff's view that the approval can be made in keeping with the intent and purpose of the Comprehensive Plan in its goal in striking a balance between the desire for maintaining a dynamic and locally responsive plan and the need to provide a reasonable degree of certainty and stability in the rules and processes governing land use.

Staff forwarded the application to the Department of Land Conservation & Development (DLCD). At the time of this writing, staff has received no comments from DLCD.

Facility Adequacy

Per the agency comments submitted to staff (Exhibits D through G), it can be found that there are adequate facilities to serve the future development of the site. The proposed application did not meet the standard requiring additional traffic analysis.

Neighbor Comments

Neighbor comments are included in Exhibits J and K.

Committee Comments

No comments were received from a committee, such as the Active Transportation Advisory Committee.

FINDINGS AND CONCLUSIONS

Staff has reviewed the applicant's findings and conclusions (Exhibits A and B) and recommends the Commission adopt the findings with the following additions:

Comprehensive Plan Amendment

- 1. A significant change in one or more Goal, Policy, or Implementation Strategy.*

Findings

The City has completed an Urban Growth Boundary amendment to accommodate future land need, an amendment which has been formally adopted by the State, and the analysis done through that process has provided information demonstrating the need for employment and residential lands.

Conclusions

The proposed change is consistent with pertinent Comprehensive Plan policies and implementation strategies that seek to provide an adequate supply of high density residential land.

- 2. Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.*

Findings

The 2010 Housing Element identifies the need for 4,586 multi-units and 204 acres of multi-unit land. While changing the GLUP Map from UM to UH does not change the

number of multi-unit acres, it does increase the number of dwelling units that can be constructed. In this case, the allowed density increases from 16 dwelling units to 32 dwelling units.

On July 6, 2023, the Medford City Council adopted the Housing Capacity Analysis (HCA, Resolution 2023-88). The HCA describes the housing needs of current and future residents of Medford based on some demographic and socioeconomic characteristics, such as age and income. One of the conclusions in the HCA is that Medford has sufficient land to support development over the next 20 years but may need to identify opportunities for development of denser multifamily housing.

Conclusions

The proposed change responds to a demonstrated need for an adequate supply of higher density multi-family land and for adequate housing opportunities.

3. The orderly and economic provision of key public facilities.

Findings

Per the agency comments submitted to staff, it can be found that adequate facilities are available to serve the site.

Conclusions

Sufficient facilities exist to accommodate the proposed classification change.

4. Maximum efficiency of land uses within the current urbanizable area.

Findings

A designation change to the UH from UM will allow the land to continue to be used for a multi-family residential use but at higher densities. There is currently adequate infrastructure available to support the proposed density.

Conclusions

The proposed UH GLUP Map designation change would allow the land to be used for the highest residential density allowed, which is a more efficient use of land than the mid-level (10-15 units per gross acre) density permitted under the current UM designation.

5. Environmental, energy, economic, and social consequences.

Findings

Environmental: The subject area is already within the UGB, and thus has already met tests concerning environmental impacts; a change of designation does not affect suitability for urbanization.

Energy: A designation change to UH would not pose any discernable energy consequences, as the site is located within the UGB, and thus has already met tests

concerning environmental impacts; a change of designation does not affect suitability for urbanization.

Economic: The City has completed an Urban Growth Boundary amendment to accommodate future land need, which has been formally adopted by the State, and the analysis done through that process identified a deficit in high density residential land.

Social: The surrounding area of the subject site is a mix of residential and commercial uses. The proposed change to the subject site is not anticipated to have a negative social consequence as the surrounding area is already a mix of commercial and residential uses.

Conclusions

Environmental: No discernable environmental consequences would result with the proposed change of designation.

Energy: No discernable energy consequences would result with the proposed change of designation.

Economic: The proposed change of designation would reduce the deficit of high density residential land within the UGB, thereby providing additional housing opportunities.

Social: No discernable social consequences would result with the proposed change of designation.

6. Compatibility of the proposed change with other elements of the City Comprehensive Plan.

Findings

Housing Element

The City's Comprehensive Plan is a high-level, dynamic community planning instrument that provides a broad foundation for implementing policy and regulations. It is not static and changes of a relatively minor nature can be presumed to be reasonable and beneficial because human habitation itself is not static. Incremental change and refinement is an unavoidable activity and local communities should be afforded the flexibility to make such adjustments relatively easily.

The City of Medford last adopted its Comprehensive Plan Housing Element in 2010. This document, which has a 20-year planning horizon, did identify needed housing by category pursuant to ORS 197.296(3)(b) as well as estimated land needed for residential development within its three residential General Land Use Plan map (or GLUP) designations. The Housing Element concludes that there is a deficit of approximately 50 acres of UH land, and a deficit of approximately 40 acres of UM land. The proposed Comprehensive Plan amendment would result in a loss of 1.04 gross acres of UM land and an equivalent gain of UH land, representing a loss of

0.04% of total needed UM land and 0.02% gain of needed UH land. The proposed amendment and subsequent request for zone change are nominal relative to the total area designated by the Comprehensive Plan for residential development as well as the total areas designated by the Comprehensive Plan for each residential GLUP designation. Such a minor change to the Comprehensive Plan designation and zoning for the subject property does not warrant extensive Goal 10 analysis, because a change at such a small scale does not appreciably affect the City's overall inventory of residential land and its capacity to accommodate residential development at various levels of household income and development densities.

Conclusions

This proposed change does not significantly affect the supply of Medium Density designated land but does provide land for development at higher densities.

7. All applicable Statewide Planning Goals.

Goal 1 – Citizen Involvement

Findings

Goal 1 requires the City to have a citizen involvement program that sets the procedures by which affected citizens will be involved in the land use decision process, including participation in the quasi-judicial revision of the Comprehensive Plan. The City of Medford has an established citizen-involvement program consistent with Goal 1 that includes public review of proposed Comprehensive Plan amendments by the Planning Commission and City Council.

Conclusions

By following the standard notification and comment procedure, the City provided adequate opportunities for citizen input.

Goal 2 – Land Use Planning

Findings

The City has a land use planning process and policy framework in the form of a Comprehensive Plan and development regulations in Chapter 10 of the Municipal Code that comply with Goal 2. These are the bases for decisions and actions.

Conclusions

There is an adequate factual basis for the proposed designation change.

Goal 3 – Agricultural Lands

Not Applicable.

Goal 4 – Forest Lands

Not Applicable.

Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces

Not Applicable.

Goal 6 – Air, Water and Land Resources Quality

Findings

There are no streams on the property that would be impacted. The land in question is not classified as a resource in terms of agriculture because it is classified as urbanizable.

Conclusion

The proposed change will have no discernable effect on the production of pollutants. There are no identified water or land resource quality impacts.

Goal 7 – Areas Subject to Natural Hazards

Not Applicable.

Goal 8 – Recreation

Not Applicable.

Goal 9 – Economic Development

Findings

Not applicable.

Goal 10 – Housing

Findings

Goal 10 requires that *“plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density.”*

The proposal aligns with Housing Element Policy 3:

In planning for needed housing, the City of Medford shall strive to provide a compact urban form that allows efficient use of public facilities and protects adjacent resource lands.

Implementation 3-A: Assess policies, regulations, and standards affecting residential development and pursue amendments as needed to meet Policy 3. Consider such actions as:

- a) Upzoning buildable land to medium and high density residential.*

A designation change to UH would allow for the land to be developed at higher residential densities. While there is an identified deficit in UM lands, the trade-off for the opportunity to double the density of the 1.04 acres.

Conclusion

The proposed designation change will preserve the compact urban form and increase the allowable density.

Goal 11 – Public Facilities and Services

Findings

Refer to findings under Criterion 3 above.

Conclusion

Refer to conclusions under Criterion 3 above.

Goal 12 – Transportation

Findings

The *Transportation Planning Rule* (OAR 660-012) requires cities to have plans to accommodate anticipated transportation system needs. A traffic impact analysis was not required for the subject site as part of the zone change procedure.

Conclusion

The increased number of anticipated average daily vehicle trips is less than 250. A traffic impact analysis was not required under MLDC 10.461. Based on the Code standard, the proposed zone change will not have an adverse impact on the transportation system.

Goal 13 – Energy Conservation

Not Applicable.

Goal 14 – Urbanization

Not Applicable.

Goals 15 - 19 are not applicable.

RECOMMENDED ACTION

The Planning Commission and staff recommend adoption of the ordinance approving GLUP-23-202 based on the analysis, findings, and conclusions per the Council Report dated October 12, 2023, including:

- Exhibits A through K.

EXHIBITS

Applicant Submittals

- A Applicant's GLUP Amendment Findings, received June 23, 2023.
 - B Applicant's Zone Change Findings, received June 23, 2023.
-

- C SPAC site plan, received June 23, 2023.
- D GLUP Map excerpt, received June 23, 2023
- E Jackson County Assessor's Map, received June 23, 2023

Agency Reports

- F Public Works report (GLUP), dated August 9, 2023.
- G Public Works report (ZC), dated August 9, 2023.
- H Medford Water Commission report, dated August 1, 2023.
- I Fire Department report, received August 1, 2023.
- J Email from Amy Smith, received August 24, 2023.
- K Letter from Amy Smith, received September 13, 2023.
Vicinity map

CITY COUNCIL AGENDA:

OCTOBER 19, 2023



(541) 772-4372

132 WEST MAIN STREET, SUITE 101

MEDFORD, OREGON 97501

www.oregonarchitecture.biz

June 21, 2023

GLUP MAP CHANGE FOR 24 MULTI-FAMILY RESIDENTIAL UNITS ON A SINGLE LOT LOCATED AT 2549 EAST BARNETT ROAD

BRIEF PROJECT NARRATIVE

The Lot in question, 37 2W 35AB, Tax Lot 2500 is located on the North side of East Barnett Road, approximately 385 feet west of Black Oak Drive. The lot is currently vacant and is Zoned MFR-15, with a GLUP of UM- Medium Density residential. The owner is proposing three Planning Actions: a GLUP Map amendment from UM to UH, a re-zone from MFR-15 to MFR-30 and a phased Site Plan approval for 24 multi-family housing units. This application focuses on the GLUP Map Amendment.

GENERAL LAND USE PLAN MAP AMENDMENT

BRIEF PROJECT NARRATIVE

The site is roughly 1AC in size. The site fronts East Barnett Road, with no access to a lower order street. The City is not requiring any additional right-of-way, but does want a 7-foot curb tight sidewalk along its frontage. The existing GLUP designation is UH- Urban High Density Residential. The existing UM GLUP designation is not compatible with MFR-30 zoning, which is what the owner is also requesting through another application.

The abutting property to the east is UH. The abutting properties to the north and west are UR. The property to the south across East Barnett has a GLUP of UR, but that property is occupied by the Superior Athletic Club, which is clearly not a low-density residential use. A residential property with its only access from a major road is a suitable candidate for higher density use. And this property will serve as a buffer to the lower density uses to the north and west.

There are no locational or size criteria for UH properties, and this property is well-suited for a denser multi-family development. Thus, a GLUP change is most appropriate.

APPROVAL CRITERIA

A. Major Type IV Amendment

This GLUP Amendment does not rise to the level of a Major Type IV Amendment, so the Major Amendment Approval Criteria do not apply.

B. Minor Type IV Amendments



- a. **Minor Type IV Amendment Approval Criteria.** For minor amendments to the Comprehensive Plan, General Land Use Plan Map, or Urban Growth Boundary refer to the Review and Amendment section of the Comprehensive Plan. For Transportation Facility Development approval criteria refer to Section 10.226 (B). For the approval criteria for Vacation of Public Right-of-Way refer to Section 10.228 (D)

C. Minor Comprehensive Plan Application Form

- a. **Vicinity map drawn at a scale of 1" = 1,000' identifying the proposed area to be changed on the General Land Use Map.**
See attached.
- b. **Written findings which address the following.**
 - i. **Consistency with applicable Statewide Planning Goals.**

Goal 1 - Citizen Involvement: This change is proposed through citizen involvement in the land use process. This goal is met.

Goal 2 - Land Use Planning: This change is to the most appropriate use for this site. The site already carries a GLUP designation of UM, so a change to UH, which is the designation of the major development to the east is a reasonable and appropriate step. This goal is met.

Goal 3 - Agricultural Lands: Not applicable.

Goal 4 - Forest Lands: Not applicable

Goal 5 - Natural Resources, Scenic and Historic Areas, and Open Spaces: This GLUP change increases the density of the City, thus reducing the development pressure on other, more scenic parcels of land. This goal is met.

Goal 6 - Air, Water and Land Resources Quality: This GLUP change has the potential to increase the number of living units from 15 to 30 in an area that is within walking distance to one of the largest employers in the Rogue Valley and an important contributor to the local economy. Having additional quality housing units available so close to an employer offering high paying jobs will improve overall air, water and land resources quality. Further, the site is located on one of the busier transit corridors within the City, so residents can take advantage of excellent local transit to reduce the impact of automobile pressure on the environment. This goal is met.

Goal 7 - Areas Subject to Natural Hazards: Not applicable.

Goal 8 - Recreational Needs: Not applicable.

Goal 9 - Economic Development: This change will increase housing opportunities within walking distance of one of the largest employers in the

Rogue Valley. It is also close to a major shopping district at the south end of the City. This goal is met.

Goal 10 – Housing: This GLUP change will increase much needed housing opportunities in a part of the City that is continuing to focus on medical practices. This goal is met.

Goal 11 - Public Facilities and Services: This change will provide greater utilization of scarce resources that are already in place, adequately sized and in good condition. It will maximize the efficiencies of existing public facilities. This goal is met.

Goal 12 – Transportation: This site is already served by existing major roadways and public transportation. This goal is met.

Goal 13 - Energy Conservation: Utilizing existing vacant land within the developed limits of the City conserves energy in construction and in transportation to and from the site. The buildings will be constructed to meet the current Oregon Energy Codes, so there will be efficiency in the buildings' day-to-day operations as well. This goal is met.

Goal 14 – Urbanization: The proposed GLUP Map change is a more intensive use than is currently programmed for the site, thereby increasing urbanization. This goal is met.

Goal 15 - Willamette River Greenway: Not applicable.

Goal 16 - Estuarine Resources: Not applicable.

Goal 17 - Coastal Shorelands: Not applicable.

Goal 18 - Beaches and Dunes: Not applicable.

Goal 19 - Ocean Resources: Not applicable.

ii. Consistency with the goals and policies of the Comprehensive Plan.

The goals and policies of the Comprehensive Plan in general are designed to provide for a livable and flexible community that provides options to live, work and play within a walkable neighborhood. The proposed GLUP Map change allows this site more to be more efficiently utilized for much-needed housing in an area of town with an expanding array of employment, shopping and educational opportunities.

iii. Consistency with the applicable provisions of the Land Development Code.

The proposed GLUP change and subsequent zone change and proposed development will meet all the applicable provisions of the Land development Code.



(541) 772-4372

132 WEST MAIN STREET, SUITE 101

MEDFORD, OREGON 97501

www.oregonarchitecture.biz

June 21, 2023

ZONE CHANGE FOR 24 MULTI-FAMILY RESIDENTIAL UNITS ON A SINGLE LOT LOCATED AT 2549 EAST BARNETT ROAD

BRIEF PROJECT NARRATIVE

The Lot in question, 37 2W 35AB, Tax Lot 2500 is located on the North side of East Barnett Road, approximately 385 feet west of Black Oak Drive. The lot is currently vacant and is Zoned MFR-15, with a GLUP of UM- Medium Density residential. The owner is proposing three Planning Actions: a GLUP Map amendment from UM to UH, a re-zone from MFR-15 to MFR-30 and a phased Site Plan approval for 24 multi-family housing units. This application focuses on the Zone Change.

ZONE CHANGE

BRIEF PROJECT NARRATIVE

The site approximately 1AC in size and is currently vacant, although it recently held two single family residential buildings. The lot is currently zoned MFR-15, but the Owner believes the proper zone for a property in this location should be MFR-30. There are no size or locational criteria for the MFR-30 zone, but this site's location directly on a major thoroughfare through the City of Medford makes it an ideal candidate for this increased use. MFR-30 does mean additional traffic over MFR-15, but that traffic will be connecting directly to a major roadway and not disturbing other less intense uses to get to a major roadway.

The site has existing and adequate public facilities, and is located within walking distance of many employment, shopping, educational and recreational opportunities, so the location is unique in that regard. It is also located on a main public transit line. With so many opportunities within walking distance to take advantage of, the is likely to impact City traffic overall much less than a similarly-sized development in the outer fringes of town.

APPROVAL CRITERIA

- A. The proposed zone is consistent with the Transportation System Plan (TSP) and the General Land Use Plan Map designation. A demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule**

We are requesting a GLUP Map change concurrently with this Zone Change, which will make the site zoning and GLUP compatible. We believe a GLUP designation of UH and a corresponding zone change to MFR-30 are more appropriate for this parcel than UM (Urban



Page 1

Medium Density Residential). A Traffic Study was not required for this minor up-zoning. The Zone Change is consistent with the Transportation System Plan.

- B. Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections (2)(a), (2)(b), (2)(c), or (2)(d). Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria below**

There are no additional locational or other standards applicable to a zone change to MFR-30 for this particular parcel.

- C. It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below**

- a. Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.**

The site is served by Medford Water and City of Medford Sewer. There is adequate capacity in the water main in East Barnett to service this site, and the City of Medford sewer main to service this site and the proposed development. Storm Sewer service is provided by RVSS, and there is adequate capacity in their storm line to service the proposed development.

- b. Adequate streets and street capacity must be provided in accordance with Oregon Administrative Rule 660-012-0060, commonly referred to as the Transportation Planning Rule**

East Barnett Road has adequate capacity to handle the additional traffic this site will generate.

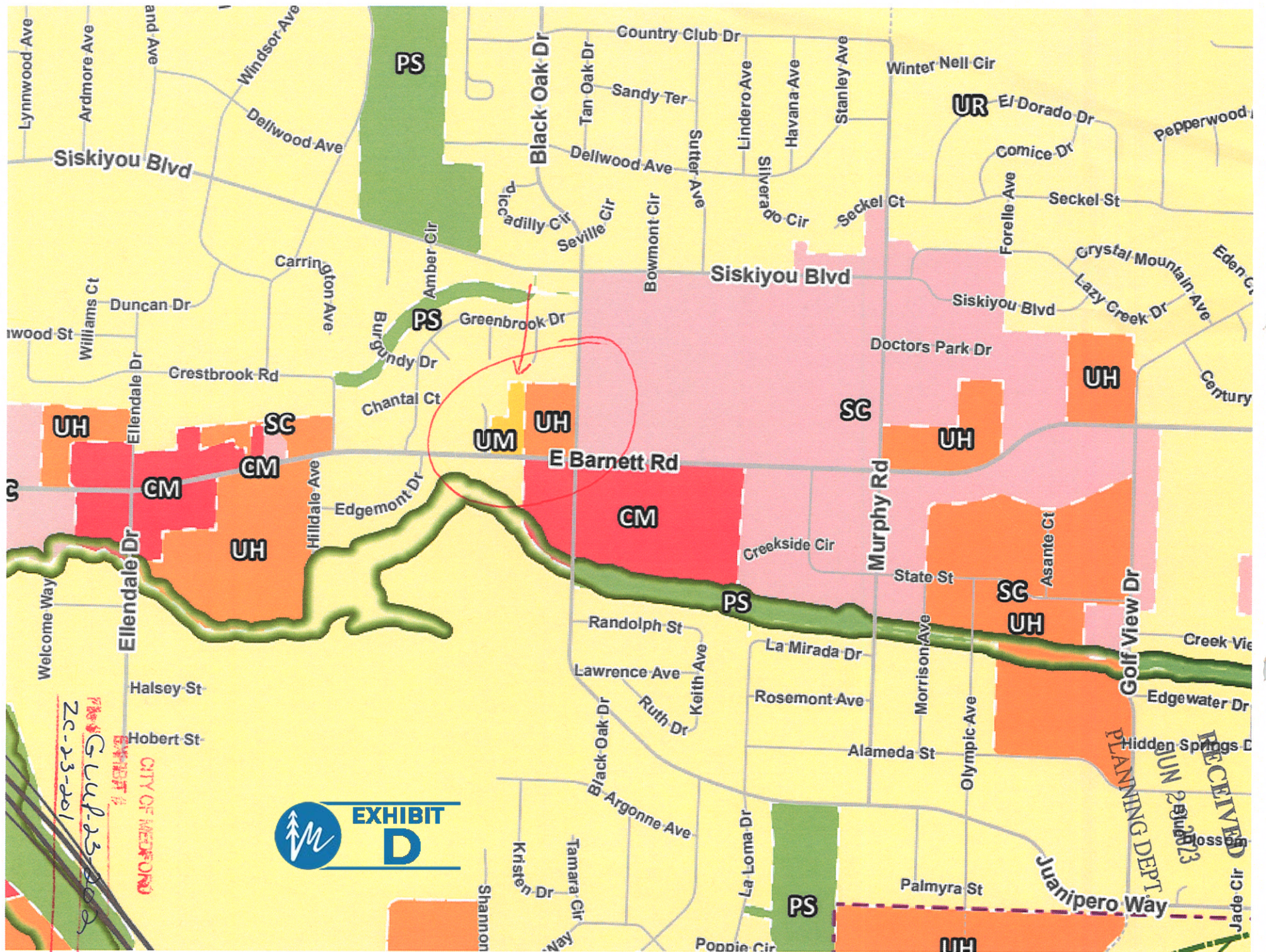
- c. In determining the adequacy of Category A facilities, the Planning Commission may mitigate potential impacts through the imposition of special development conditions, stipulations, or restrictions attached to the zone change. Such special development conditions shall include, but are not limited to the following**

i. Restricted Zoning

ii. Mixed-use, pedestrian-friendly design

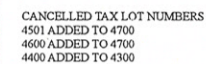
iii. Transportation Demand Management (TDM) measures

There are no restrictions required to mitigate any potential impacts generated by the future development of this parcel.



2







PUBLIC WORKS DEPARTMENT STAFF REPORT

2549 East Barnet Road (TL 4300) GLUP Change UM to UH (Real Wise, LLC)

Project: Consideration of a request to amend the General Land Use Plan Map designation from UM (Urban Medium Density Residential) to UH (Urban High Density Residential), and a zone change from MFR-15 (Multiple Family Residential 10 to 15 dwelling units per gross acre) to MFR-30 (Multiple Family Residential 20 to 30 dwelling units per gross acre) on a single parcel totaling approximately 0.97 acres (1.04 gross acres).

Location: The parcel is located on the north side of E Barnett Road approximately 310 feet west of Black Oak Drive (2549 E Barnett Road) (371W29DD TL 4300).

Applicant: Applicant: Real Wise, LLC; Agent: Oregon Architecture, Inc.; Planner: Kelly Akin.

I. Sanitary Sewer Facilities

The Medford sanitary sewer system can serve the proposed General Land Use Plan change.

II. Storm Drainage Facilities

Future development of this property will require stormwater detention, retention, and stormwater quality facilities, which shall comply with Medford Land Development Code (MLDC) Sections 10.486 and 10.729 and the Rogue Valley Stormwater Quality Design Manual.

III. Transportation System

No traffic impact analysis (TIA) will be required for this General Land Use Plan change. The proposed application doesn't meet the requirements for a TIA, per Medford Municipal



Code (MMC), Section 10.461 (3). The gross acreage is 1.04 ac. The UM GLUP only allows MFR-15 zoning. The maximum potential of the UH GLUP is MFR-30 zoning. 16 units would be allowed under MFR-15 or 31 units under MFR-30. MFR-15 trip potential is 108 Average Daily Trips (ADT). MFR-30 potential is 141. The difference is 33 ADT, which is less than 250 ADT, the code standard at which a TIA is required.

No conditions pertaining to streets, street capacity, or access are requested by Public Works at this time.

Prepared by: Jodi K Cope

Reviewed by: Doug Burroughs

The above report is based on the information provided with the GLUP Change Application submittal and is subject to change based on actual conditions, revised plans and documents or other conditions. A full report with additional 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 shall be provided with a Development Permit Application.



PUBLIC WORKS DEPARTMENT STAFF REPORT

2549 East Barnett Road (TL 4300)

Zone Change MFR-15 to MFR-30 (Real Wise, LLC)

Project: Consideration of a request to amend the General Land Use Plan Map designation from UM (Urban Medium Density Residential) to UH (Urban High Density Residential), and a zone change from MFR-15 (Multiple Family Residential 10 to 15 dwelling units per gross acre) to MFR-30 (Multiple Family Residential 20 to 30 dwelling units per gross acre) on a single parcel totaling approximately 0.97 acres (1.04 gross acres).

Location: The parcel is located on the north side of E Barnett Road approximately 310 feet west of Black Oak Drive (2549 E Barnett Road) (371W29DD TL 4300).

Applicant: Applicant: Real Wise, LLC; Agent: Oregon Architecture, Inc.; Planner: Kelly Akin.

The Medford Land Development Code (MLDC), Section 10.227 (2) requires a zone change application demonstrate Category 'A' urban services and facilities are available or can and will be provided to adequately serve the subject property. The Public Works Department reviews zone change applications to assure the services and facilities under its jurisdiction meet those requirements. The services and facilities that Public Works Department manages are sanitary sewers within the City's service boundary, storm drains, and the transportation system.

I. Sanitary Sewer Facilities

The Medford sanitary sewer system can serve the proposed zone change.

II. Storm Drainage Facilities

Future development of this property will require stormwater detention, retention, and stormwater quality facilities, which shall comply with Medford Land Development Code



(MLDC) Sections 10.486 and 10.729 and the Rogue Valley Stormwater Quality Design Manual.

Note: The zone change does not impact the amount of stormwater runoff from the site. However, future development will connect storm drain infrastructure to the public storm drain on Solano Circle where there are current capacity constraints as outlined in the 2022 Stormwater Master Plan. The current Rogue Valley Stormwater Quality Design Manual requires detention to the predevelopment condition, which is defined as the site condition at the time of planning action. But in this case, due to the fact that there is a known capacity constraint downstream, the development will need to provide detention to a predevelopment condition prior to any development occurring at the site (commonly referred to as the “Lewis and Clark” predevelopment condition), in accordance with section 2.5 of the Rogue Valley Stormwater Quality Design Manual.

III. Transportation System

No traffic impact analysis (TIA) will be required for this zone change. The proposed application doesn't meet the requirements for a TIA, per Medford Municipal Code (MMC), Section 10.461 (3). The gross acreage is 1.04 ac, which would allow 16 units under MFR-15 or 31 units under MFR-30. MFR-15 trip potential is 108 Average Daily Trips (ADT). MFR-30 potential is 141. The difference is 33 ADT, which is less than 250 ADT, the code standard at which a TIA is required.

No conditions pertaining to streets, street capacity, or access are requested by Public Works at this time.

Prepared by: Jodi K Cope

Reviewed by: Doug Burroughs

The above report is based on the information provided with the Zone Change Application submittal and is subject to change based on actual conditions, revised plans and documents or other conditions. A full report with additional 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 shall be provided with a Development Permit Application.



TO: Planning Department, City of Medford

FROM: Wendy Williams, P.E., Staff Engineer (wendy.williams@medfordwater.org)

SUBJECT: AC-23-203 / GLUP-23-202 / ZC-23-201; Real Wise Multi-Family Development

PARCEL ID: 371W29DD4300; 2549 E Barnett Rd

PROJECT: **AC-23-203:** Consideration of a proposal to develop 24 multi-family dwelling units in six, four-unit buildings on a single parcel totaling approximately 0.97 acres (1.04 gross acres) located on the north side of E Barnett Road approximately 310 feet west of Black Oak Drive. The property is zoned MFR-15 (Multi-Family Residential, 10-15 dwelling units per gross acre).

GLUP-23-202 / ZC-23-201: Consideration of a request to amend the General Land Use Plan Map designation from UM (Urban Medium Density Residential) to UH (Urban High Density Residential), and a zone change from MFR-15 (Multi-Family Residential 10 to 15 dwelling units per gross acre) to MFR-30 (Multi-Family Residential 20 to 30 dwelling units per gross acre) on a single parcel totaling approximately 0.97 acres (1.04 gross acres) located on the north side of E Barnett Road approximately 310 feet west of Black Oak Drive.

Agent contact: Mark McKechnie; (Mark@OregonArchitecture.biz)

City Planner: Kelly Akin

Associated Files: PLA-22-057, CP-08-051, ZC-08-153, PA-23-101

MEMO DATE: 8/1/2023

LAND DEVELOPMENT COMMITTEE DATE: 8/2/2023

I have reviewed the above project application as requested. Conditions and Comments are as follows:

COMMENTS

1. Medford Water Commission (MWC) has no objection to the requested zone change.
2. Please keep the following requirements and information in mind that all requirements listed in the LDC memo for PA-23-101 dated April 25, 2023 (attached hereto for reference) still apply.





TO: Planning Department, City of Medford

FROM: Wendy Williams, P.E., Staff Engineer (wendy.williams@medfordwater.org)

SUBJECT: PA-23-101, Real Wise LLC Multi-family Pre-App

PARCEL ID: 371W29DD4300, 2549 E Barnett Road

PROJECT: Pre-application to discuss a proposal to develop 24 multi-family dwelling units in six, four-unit buildings on a single parcel totaling approximately 0.97 acres (1.04 gross acres) located on the north side of E Barnett Road approximately 310 feet west of Black Oak Drive. The property is zoned MFR-15 (Multi-family residential, 10-15 dwelling units per gross acre).

Agent contact: Mark McKechnie (mark@oregonarchitecture.biz)

City Planner: Kelly Akin

Associated Files: PLA-22-057, CP-08-051, ZC-08-153

MEMO DATE: 4/25/2023

LAND DEVELOPMENT COMMITTEE DATE: 4/26/2023

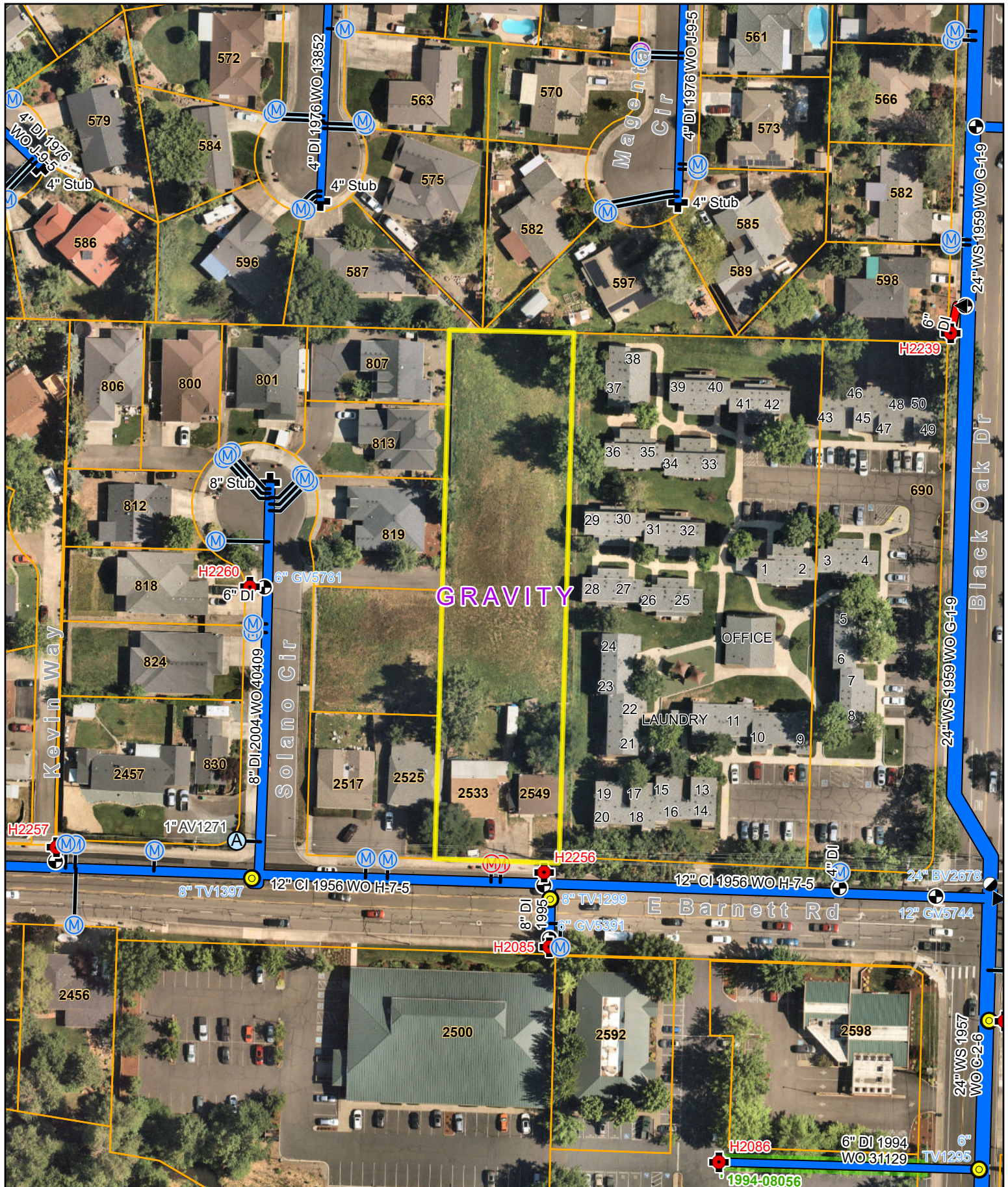
I have reviewed the above project application as requested. Comments are as follows:

COMMENTS

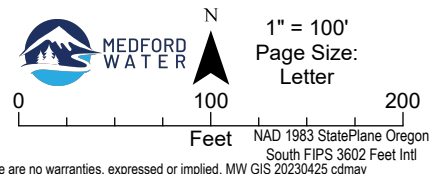
1. There is an existing 12" main within E Barnett Road and two existing but currently unused services. Existing service(s) that will not be used for this project must be abandoned during construction. Water meters may not be located within driveways including flares. If an existing meter is shown in an existing or proposed driveway, it must be abandoned during construction and may be re-tapped in an appropriate location if it is to be used for the project.
2. The water facility planning/design/construction process will be done in accordance with the current Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards for Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
3. Applicant's plans, easement documents and other relevant documents shall be submitted directly to MWC for review at EngineeringReview@MedfordWater.org. For the best possible coordination, it is suggested that submittal to MWC occur concurrently with submittal of the utility site plans to the City of Medford.
4. The applicant's Civil Engineer shall coordinate with MWC Engineering staff for approval of water facility plans. Expect additional comments once water construction plans are submitted. The project may be further "Conditioned" at time of future development applications.
5. Applicant's Civil Engineer shall coordinate with MWC Engineering staff for size and location of the water meter(s) and payment of any installation and SDC fees. Please carefully consider the

proposed locations for water services to ensure that adequate separation will be provided between the proposed trees and existing and proposed water facilities. Water meters may not be located within driveways, including flares.

6. Appropriate easements must be dedicated over public water main facilities (including fire services, fire hydrants, ARVs and water services/meters) which cross through or lie within private property.
7. Water services (including irrigation services) may not be “shared” across property lines; each lot must have its own water service(s). Each building shall have no more than one domestic service per building. Multiple buildings may utilize one service if all buildings are retained under one ownership on one lot.
8. Hydrant locations required for firefighting will be determined by the Medford Fire Department (MFD). MWC may define additional hydrant locations required for the overall water system.
9. The project is within MWC’s Gravity Pressure Zone.
10. When static water pressure exceeds 80 psi, the installation of Pressure Reducing Valves (PRV) is required per Uniform Plumbing Code. Pressure Reducing Valves, if necessary, shall be installed on the “private” side of the water meter as close as possible to the water meter. Please note on the plan sets the location(s) of existing or proposed PRVs.
11. Installation of an Oregon Health Authority approved backflow device is required for all commercial, industrial, municipal, and multi-family developments for all water services (domestic, irrigation, fire) and when additional or secondary water sources exist on a parcel (such as a well). Appropriate backflow prevention devices will be verified on all new and existing services during plan review. New backflow prevention devices shall be tested by an Oregon-certified backflow assembly tester. See the Oregon Health Authority’s website for list of certified testers at the following web link:
<https://www.oregon.gov/oha/PH/healthyenvironments/drinkingwater/crossconnection/pages/publiclist.aspx>.



Medford Water Facilities
371W29DD4300





Medford Fire Department Land Development Report

Review/Project Information

Reviewed By: Fairrington, Tanner

Review Date: 08/01/2023

Meeting Date: 08/09/2023

LD File #: ZC23-
00201
GLUP23-
00202

Associated File AC23-
#1: 00203

Associated File PLA-22-
#2: 057, CP-08-
051, ZC-08-
153, PA-23-
101

Planner: Kelly Akin

Applicant: Real Wise, LLC; Agent: Mark McKechnie, Oregon Architecture mark@oregonarchitecture.biz

Site Name: Real Wise Multi-Family Development

Project Location: North side of E Barnett Road approximately 310 feet west of Black Oak Drive (2549 E Barnett Road) (371W29DD TL4300)

ProjectDescription: Consideration of a request to amend the General Land Use Plan Map designation from UM (Urban Medium Density Residential) to UH (Urban High Density Residential), and a zone change from MFR-15 (Multiple Family Residential 10 to 15 dwelling units per gross acre) to MFR-30 (Multiple Family Residential 20 to 30 dwelling units per gross acre) on a single parcel totaling approximately 0.97 acres (1.04 gross acres) located on the north side of E Barnett Road approximately 310 feet west of Black Oak Drive (2549 E Barnett Road) (371W29DD TL 4300).

Specific Development Requirements for Access & Water Supply

Conditions

Reference	Comments	Description
Approved	Based on the information provided, which may be preliminary or limited, no additional conditions or requirements are noted at this time. As the site is developed, additional conditions may be required.	Approved as submitted with no additional conditions or requirements.

Construction General Information/Requirements

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

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

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

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

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



Re: File NO: AC-23-203 & ZC-23-201

Amy Smith <amysmith97504@gmail.com>

Thu 8/24/2023 11:02 AM

To: Kelly A. Akin <KAAkin@cityofmedford.org>

Thank you for your call this morning.

It was helpful to know that this is the initial hearing for File NO: AC-23-203 & ZC -23 - 201.

I would like to officially on the record ask for this matter to be continued at a later date.

Please let me know what additionally I need to do for my request to be acknowledged.

Respectfully,

Amy Smith

541-890-7902

On Thu, Aug 24, 2023 at 10:30 AM Amy Smith <amysmith97504@gmail.com> wrote:

Good Morning, Kelly,

I left you a voice mail this morning, but also wanted to follow up with and email.

Can you tell me if tonight is the initial hearing for this case on Barnett Road?

File NO: AC-23-203 & ZC-23-201

Respectfully,

Amy Smith

541-890-7902

Amy Smith

Sent from my iPhone



September 12, 2023

Dear Council and City Planners,

I am writing to express my strong opposition to File No: ZC-23-201 / GLUP-23-202 / AC-23-203, the proposed rezoning and multi-family development at 2549 E. Barnett Rd. – Medford, OR 97504. Many residents in the neighboring neighborhoods are completely opposed to the addition of a new multi-family housing development that will cause traffic and safety problems, create challenges with schools that are already full, and lower the property values of the existing neighborhoods.

The Site plan is .97 acres which is not meaningful and locationally beneficial for 6 multifamily dwellings totaling 24-30 units, all being 2 stories tall. The comprehensive plan steps up too much from low to high density. Math says we have a land use challenge here, with green space needed. MFR 15 says we have green space available. MFR 20-30 says we don't have any green space. MFR 15 has a max efficiency at medium density criteria.

In 2008 the neighborhood had concerns when the zoning was changed to MFR 15. Now the proposed is to double that amount. The existing zoning says 15 single story homes, which is still extremely tight. How are the findings different now than they were previously, now that our population and the traffic has increased substantially in Medford?

The design of the 24 units are 2 story, with 1.5 parking spots, per apartment, totaling 36 parking spots. I object and oppose the design proposed as it does not have sufficient buffers around the property. The parking spaces do not meet the city specs.

Traffic and safety of pedestrians are major areas of concern. Barnett Road and Black Oak Drive are tightly congested from 7am – 7pm daily. The addition of 30+ cars at peak times, *traffic will disproportionately surge during morning and evening rush hours, causing traffic issues during critical times.*

Property values are likely to go down in the area with additional multi-family apartments being built. Multifamily dwellings are inconsistent with the neighborhood's planned development.

Those of us who have homes that back up to or border this property are not in favor of this multifamily development. We would appreciate you keeping it a single level home development at MFR 15.

The Council should not approve this multi-family dwelling project that will create or exacerbate ongoing City of Medford challenges.

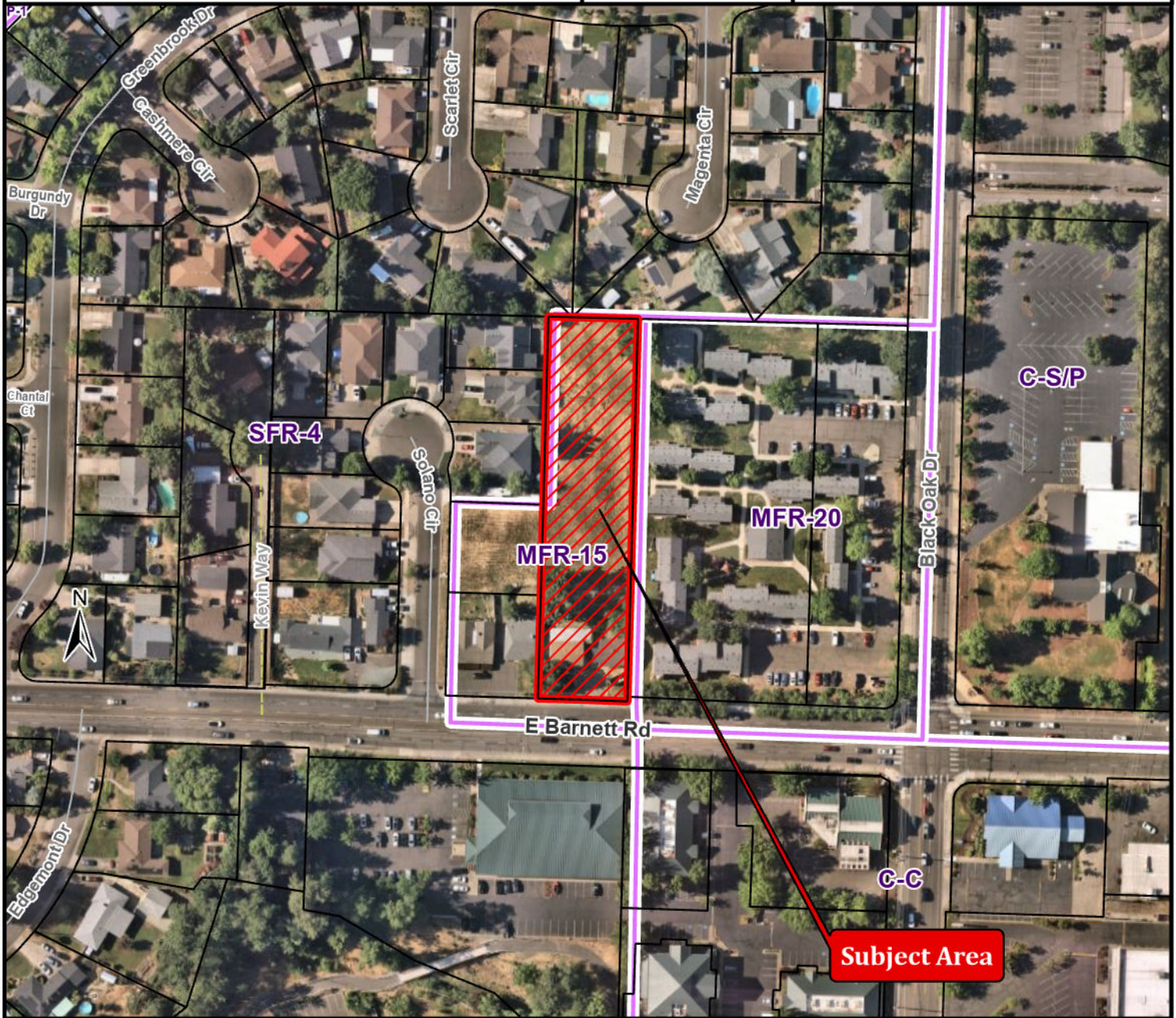
I urge you to disapprove the proposed rezoning, based on the recent discussions with my neighbors, I know my opinions are shared by many who have not managed to attend meetings or write letters and emails. I do have signatures of 7 families, who's homes will be impacted by this development.

Thank you for your continued service and support of our community.
Best regards,



Amy Smith
575 Scarlet Circle
Medford, OR 97504








Project Name:

Real Wise LCC East Barnett UM to UH GLUP Change

Map/Taxlot:

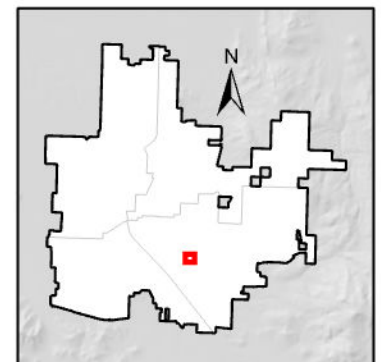
371W29DD TL 4300

Legend

-  Subject Area
-  Tax Lots
-  Zoning Districts

0 125 250
Feet

Date: 7/18/2023





AGENDA ITEM COMMENTARY

DEPARTMENT: Planning
PHONE: (541) 774-2380
STAFF CONTACT: Matt Brinkley, AICP, Planning Director

AGENDA SECTION: Public Hearings
MEETING DATE: October 19, 2023

COUNCIL BILL 2023-145

AN ORDINANCE amending Ordinance 2006-264 and repealing Ordinance 2011-122 pertaining to a conditional minor amendment of the Medford Comprehensive Plan. (GLUP-23-242)

SUMMARY AND BACKGROUND

Council is requested to consider a minor General Land Use Plan (GLUP) Map to modify certain conditions of approval that are binding on the subject properties. The subject site is generally located west of N Central Avenue, north of Rossanley Drive, and east of the Central Oregon & Pacific Railroad tracks. The site is approximately 22.85 acres in size and is within the I-L (Light Industrial) and I-G (General Industrial) zoning districts with an RZ (Restricted Zoning) Overlay (372W24-500 & 600). (File No. GLUP-23-242)

The Planning Commission held a public hearing on this matter and the related zone change on September 14, 2023, forwarding a favorable recommendation to Council. The zone change was conditionally approved pending the approval of this application.

Vicinity Map





AGENDA ITEM COMMENTARY

PREVIOUS COUNCIL ACTIONS

On December 21, 2006, Council Bill 2006-264 was approved, conditionally approving CP-06-065, a GLUP Map Amendment application for Northgate Centre, the proposed commercial, office, and business park development on approximately 84 acres generally located north of W McAndrews Road, east of the Central Oregon & Pacific Railroad, and west of N Riverside Avenue/Highway 99. Council Bill 2006-296 was also approved, affirming the Planning Commission decision to approve the companion zone change application ZC-06-066. These actions followed Council's November 16, 2006, public hearing and December 7, 2006, deliberation.

On November 6, 2008, Council Bill 2008-225 was approved, authorizing execution of a Disposition and Development Agreement (DDA) between the City, Northgate LLC, and Alba Village LLC addressing off-site infrastructure improvement requirements and establishing processes for master plan and final site plan approvals.

On July 7, 2011, Council Bill 2011-122 was approved, authorizing an amendment to the conditions of approval for CP-06-065.

On August 18, 2011, Council Bill 2011-163 was approved, amending the DDA to reflect the amended conditions of approval contained within Council Bill 2011-122.

On May 7, 2015, Council Bill 2015-45 was approved, authorizing a second amendment to the DDA to correct language in Recitals C and H, and to remove language regarding specific access points.

On June 17, 2021, Council Bill 2021-64 was approved, amending the GLUP Map designations for approximately 14.8 acres bounded by Highway 238, N Central Avenue, and Highway 99.

ANALYSIS

The goal of this application is to modify and clean up the record by amending Ordinance 2011-122 which includes the conditions of approval associated with the original GLUP amendment for the Northgate development (CP-06-065). The request is in four parts:

1. Remove the existing conditions, as amended, from the General Land Use Plan Map and apply them to the zone change only.

When the development was initially approved in 2006, staff recommended that all conditions of approval be applied to both the GLUP Map and zone change applications. The conditions related to transportation, water, sanitary sewer, and storm drain facilities are tests that apply to zoning and not the GLUP Map and should be removed. Conditions that were applicable to the GLUP Map, like the requirement for the DDA, have been satisfied and should also be removed. All remaining conditions have been applied to the zone change by the Planning Commission (ZC-23-243). Properties with conditional zone changes are identified on the zoning map with the Restricted Zoning (RZ) Overlay.



AGENDA ITEM COMMENTARY

2. Remove the Industrial Park properties (22.85 acres) from the Northgate Centre development.

The Northgate Centre plan identified the subject area as an Industrial Park. The applicant is a new owner and desires to develop the property in a way other than that required by the Northgate Centre Master Plan. The effect will be to remove the conditions of approval that do not apply to this portion of Northgate, remove the conditions that have been satisfied, and distribute the trip cap, discussed next.

3. Divide the existing trip cap between the Northgate Centre development and the properties to be removed.

The applicant proposes to divide the existing trip cap between the Northgate development and the subject properties. The current limitation for all of Northgate is 1,882 p.m. peak hour trips. The proposed 242 peak hour trip allocation for the subject properties is the number of trips these properties generate as identified in the original Transportation Impact Analysis. The balance of Northgate will retain the remaining 1,640 trips. The applicant continues to work with ODOT on satisfying its conditions.

4. Council is asked to adopt an ordinance that will amend Ordinance 2006-264 and repeal Ordinance 2011-122 to transfer the remaining conditions, as amended, to ZC-23-243, only.

This action will clean up the record and clarify the remaining conditions. Conditions that are satisfied will be removed and the remaining conditions will be appropriately applied to the zone change. No conditions on the GLUP Map will remain.

COUNCIL GOALS

Council Goal and Objective: None.

Strategy: None.

Deliverable: None.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None.

TIMING ISSUES

None.



COUNCIL OPTIONS

Approve the ordinance as presented.

Modify the ordinance as presented.

Deny the ordinance as presented and provide direction to staff.

STAFF RECOMMENDATION

The Planning Commission and staff recommend approval of the ordinance.

SUGGESTED MOTION

I move to approve the ordinance as presented.

EXHIBITS

Ordinance

Council Report dated October 12, 2023, including Exhibits A-1 through E

ORDINANCE NO. 2023-145

AN ORDINANCE amending Ordinance 2006-264 and repealing Ordinance 2011-122 pertaining to a conditional minor amendment of the Medford Comprehensive Plan.

WHEREAS, on December 21, 2006, the City Council adopted Ordinance 2006-264 approving, with conditions, a minor amendment of the Medford Comprehensive Plan changing the General Land Use Plan (GLUP) Map designations from Heavy Industrial, General Industrial, and Commercial to Heavy Industrial, General Industrial, Commercial, and Service Commercial on 84 acres located generally north of West McAndrews Road, east of the Central Oregon & Pacific Railroad tracks, and west of North Pacific Highway;

WHEREAS, Section 2 of Ordinance 2006-264 included conditions of approval which were necessary to meet the criteria for approving the minor amendment to the Medford Comprehensive Plan, and to which the property owner agreed;

WHEREAS, on July 7, 2011, the City Council adopted Ordinance 2011-122 changing the conditions of approval associated with Medford General Land Use Plan Map Amendment CP-06-065;

WHEREAS, on September 14, 2023, at a duly noticed public hearing, the Planning Commission considered the application and recommended City Council approval of the application;

WHEREAS, a public hearing was appropriately noticed and duly held before the City Council in accordance with City notice requirements for Comprehensive Plan amendments on October 19, 2023;

WHEREAS, the City Council has determined that the proposed General Land Use Plan Map amendment to remove the conditions from the GLUP Map and attach them to the Restrictive Zoning overlay satisfies the applicable criteria as demonstrated by the Findings and Conclusions included in the Council Report dated October 12, 2023, on file in the Planning Department; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. That an amendment to Ordinance 2006-264 by repealing Section 2 is hereby approved.

Section 2. That repealing Ordinance 2011-122 in its entirety is hereby approved.

Section 3. The approval is based upon the Findings of Fact and Conclusions of Law included in the Council Report dated October 12, 2023.

PASSED by the Council and signed by me in authentication of its passage this 19th day of October 2023.

ATTEST: _____
City Recorder

Mayor Randy Sparacino

APPROVED: October 19, 2023

Mayor Randy Sparacino



COUNCIL REPORT

for a Type-IV quasi-judicial decision: **GLUP Map Amendment**

Project Northgate GLUP Amendment
Applicant: Northgate Center LLC; Agent: O'Connor Law, LLC.

File no. GLUP-23-242

To City Council *for October 19, 2023, hearing*

From Steffen Roennfeldt, Planner III

Reviewer Kelly Akin, Assistant Planning Director

Date October 12, 2023

BACKGROUND

Proposal & Vicinity Map

Consideration of a request to amend the General Land Use Plan Map and the Zoning Map to modify the Restricted Zoning on the subject properties and to modify certain conditions of approval that are binding on the subject properties. The subject site is generally located west of N Central Avenue, north of Rossanley Drive, and east of the Central Oregon & Pacific Railroad tracks. The site is approximately 22.85 acres in size and is within the I-L (Light Industrial) and I-G (General Industrial) zoning districts with an RZ (Restricted Zoning) Overlay.



Subject Site Characteristics

Zoning: I-L (Light Industrial) & I-G (General Industrial)
GLUP: GI (General Industrial)
Overlay(s): RZ (Restrictive Zoning Overlay)
Use(s): Vacant

Surrounding Site Characteristics

North Zone: C-H (Heavy Commercial) & Jackson County GI (General Industrial)
Use(s): Commercial & Forest Products

South Zone: I-G
Use(s): Various Industrial Uses

East Zone: C-C (Community Commercial)
Use(s): Commercial Uses

West Zone: GI
Use(s): Vacant

Related Projects

General Land Use Plan Map Amendments CP-06-065 and CP-11-041
Zone Change ZC-11-042

Applicable Criteria

MLDC 10.222(2): Minor Comprehensive Plan Amendment

For the applicable criteria, the Medford Municipal Code Section 10.222(2) redirects to the criteria in the “Review and Amendments” chapter of the Comprehensive Plan. The applicable criteria in this action are those for map amendments, and are based on the following:

1. *A significant change in one or more Goal, Policy, or Implementation Strategy.*
2. *Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.*
3. *The orderly and economic provision of key public facilities.*
4. *Maximum efficiency of land uses within the current urbanizable area.*
5. *Environmental, energy, economic, and social consequences.*

6. Compatibility of the proposed change with other elements of the City Comprehensive Plan.

7. All applicable Statewide Planning Goals.

Approval Authority

The General Land Use Plan Map is part of the adopted Comprehensive Plan. The Planning Commission is authorized to act as an advisory agency for Type-IV quasi-judicial Comprehensive Plan Amendments, forwarding a recommendation to City Council for proposed amendments to the Comprehensive Plan under Medford Municipal Code Sections 10.102–122, 10.165, and 10.185. City Council has final decision-making authority for Type-IV procedures.

At the public hearing held on September 14, 2023, the Planning Commission forwarded a favorable recommendation to City Council for the proposed GLUP Map Amendment. Additionally, the Planning Commission voted to conditionally approve ZC-23-243, which added the existing conditions (as modified) to the existing Restricted Zoning Overlay.

ISSUES AND ANALYSIS

Removal/Change of Conditions of Approval

Since the Northgate Development was first established in 2006, the City has generally moved away from conditional General Land Use Plan applications and focused on implementing conditions of approval that limit/restrict development via zone changes and the RZ (Restrictive Zoning) Overlays.

After discussion with the applicant, it is the applicant's and staff's view that all conditions which were originally implemented with Ordinance 2006-264 (and amended with Ordinance 2011-122) should be attached to the subject Zone Change application only. To do so, all conditions that are still applicable were transferred to the attached Exhibit A. If the Commission issues a favorable recommendation to City Council, the Council will then have to adopt an ordinance to revoke Ordinances 2006-264 and 2011-122 to transfer the remaining conditions to ZC-23-243, only.

Project Summary

The subject site has been part of the Northgate "Business Park" (aka "Industrial Park", see map above) since the inauguration of the Northgate development in 2006 (blue outlined on map below). The subject properties (outlined in red) are split-zoned Light Industrial and General Industrial and are approximately 22.85 acres in size. The properties are located along North Central Avenue to the east and Rossanley Drive

(OR 238) to the south. The Central Oregon & Pacific Railroad tracks border the properties to the west.

Lot	Zoning	Acreage	Total Size
500	I-L	7.54	8.51
500	I-G	0.97	
600	I-L	1.64	14.34
600	I-G	12.70	
Total			22.82

The applicant no longer has plans to develop the subject properties and, as a result, desires to remove the subject properties from the remainder of the Northgate development.

The remaining total area within the Northgate development will be approximately 58.80 acres of which 39.76 acres are within the “Retail Center” part of the development and 19.04 acres are within the “Office Park”.

The goal of this application is to modify and clean up the record by amending City of Medford Ordinance 2011-122 which includes the condition of approval associated with the original GLUP amendment for the Northgate development (CP-06-065).



Figure 1 - Northgate development (blue/solid) - subject properties (red - dashed)

Proposed Amendments to the Existing Conditions (starting page 5 of Exhibit B)

As stated above, the applicant proposes to sever the subject properties from the Northgate development. The applicant further proposes that two new ordinances be issued, one amending Ordinance 2011-122 and Ordinance 2006-264 in order to change some of the conditions affecting the Northgate development. In addition, the applicant proposes a second ordinance to be created and approved imposing separate conditions of approval on the subject properties.

The applicant spells out the proposed changes to the conditions in detail starting on page 5 of the Findings of Fact (Exhibit B). The following list provides a short summary of the existing conditions per the two existing Ordinances and the proposed changes. A full list of all applicable conditions of approval is, as always, shown in Exhibit A.

1. Trip Cap

A trip cap is hereby applied that limits vehicular trip generation by development on the subject site to no more than 18,509 ADT and 1,882 P.M. peak hour trips as a mitigation to ensure that impacts will not reduce transportation facility adequacy below LOS 'D'. A 2% trip reduction for the internal trip capture that is likely to result from the project design and up to an additional 5% deduction for the TDM measures shall be available. To receive more than the 2%, the TDM measures must include trolley service serving all project quadrants with 10 minute headways and capable of capturing 360 passengers per hour. The trolley shall operate in perpetuity, at least Monday through Friday from 7:00 A.M. to 6:00 P.M. The applicant is responsible for monitoring ADT generation by proposed development projects (per the most current edition of the ITE Trip Generation Manual) and reporting to the City of Medford in conjunction with applications. The compliance monitoring system shall be developed as part of the Developer Agreement.

Applicant proposes to divide existing trip cap between the Northgate development and the subject properties. The current limitation for all properties is 1,882 P.M. peak hour trips. The proposed allocation (which was confirmed by Public Works in Exhibits C and D) will shift 242 trips to the subject properties and 1,640 trips will remain with the Northgate development.

2. Transportation Improvements

The City of Medford Public Works Department memo dated October 25, 2006, (Exhibit K-3) and the Oregon Department of Transportation letters dated October 18 and October 25, 2006 (Exhibits V-1A and V-2B) herein establish the required transportation improvements and conditions. Exhibit F, Applicants' Phasing Plan, establishes the timing for installation of all off-site improvements. Applicants shall install all identified off-site improvements in Exhibit F per the Phasing Plan, or provide adequate financial assurance of such construction pursuant to MLDC 10.667. Applicant is to provide evidence of compliance with transportation improvement requirements.

Smaller development will leave off-site improvements untriggered. Applicant proposes to pay ODOT in lieu of constructing remaining off-site improvements.

3. Transportation Demand Management Plan

- (A) **Transit Pass for Employees** An employee transit pass subsidy shall be provided for at least 5 years for fixed-route transit district passes at no cost to all employees on the subject site who wish to use transit, beginning within two years from the date that the first Certificate of Occupancy is approved by the City for the subject site. After such beginning date, verification of compliance shall be provided to the Planning Director on a yearly basis for five years.
- (B) **Trolley Service** If the additional 5% trip reduction is taken for a trolley, the privately funded fare-free trolley(s) shall service the three quadrants of the subject site beginning within two years from the date that the first Certificate of Occupancy is approved by the City for the building square footage for which the reduction is taken. At a minimum, trolley service shall operate with 10 minute headways and be capable of capturing 360 passengers per hour, at least Monday through Friday from 7 00 A M to 6 00 P M. Trolley service to connect to the Rogue Valley Mall is subject to the permission of the Rogue Valley Mall owners. Applicant shall construct the Exclusive Transit Crossing which traverses North Central Avenue between the Office and Business Parks if the same is approved by the City of Medford.
- (C) **Off-Street Vehicular Parking Space Reduction/Cap** A parking space reduction is hereby approved for the subject site which reduces the required number of off-street vehicular parking spaces by five percent. The reduction distribution shall be approved through the Site Plan Architectural Commission Master Plan approval. This reduction does not reduce the bicycle parking space requirement, which shall be based on the number of parking spaces normally required by the *Medford Land Development Code*. No more than 120% of the number of off-street vehicular parking spaces normally required shall be supplied.
- (D) **McAndrews Multi-Use Path** A concrete multi-use path at least 10 feet in width shall be constructed behind the planter strip along the frontage of McAndrews Road connecting between Court Street and Central Avenue in lieu of the sidewalk. Specific design and location of such path is subject to specifications of the City of Medford Engineering Division and the Site Plan Architectural Commission Master Plan Approval process.
- (E) **Transit/Carpool Facilities** Transit and carpool facility improvements in conformance with *Medford Land Development Code* sections 10 807 and 10 808, 10 809 shall be determined through the Site Plan Architecture Commission Master Plan approval and code required subsequent Site Plan and Architectural Review approvals.
- (F) **Transportation Management Association** Businesses in Northgate Centre with 50 or more employees shall join a Transportation Management Association if one exists for the Medford area.

Applicant proposes conditions to remain in force separately for both the subject properties and the remaining Northgate development with two changes: (a) to eliminate the Trolley service, and (b) improvements on McAndrews Road have been satisfied.

4. Compatibility Restrictive Covenant

Compatibility Restrictive Covenant A restrictive covenant which restricts property owners and lessees on the subject site from remonstrating with respect to the common and customary industrial manufacturing practices which occur on nearby lands devoted to industry shall be incorporated as deed restrictions on the subject site and as provisions in the leases for future tenants of the subject site. A sample of the language for such a covenant is provided in Exhibit F-F. The Planning Commission voted to recommend including the following changes to Exhibit "F-F" pp 5-6

Third line begins ' *Timber Products Corporation and/or SierraPine Corporation* , delete the words *as forest products businesses*" and insert, " *and any successor industrial users of those sites and/or adjacent industrial property owned by those businesses*" Line 8, which begins " *businesses to any federal, state or local agency so long as the businesses operate in conformance with* , delete *conformance* and change to "*material compliance*" Line 10 begins ' *of the businesses* ' Add "*Violation of a single day threshold reported in compliance with industry standard practice shall not constitute material non-compliance*"

This condition of approval has been satisfied but can continue to apply to both the subject properties and the Northgate development separately.

5. Northgate Center Master Plan

Condition 5. Northgate Center Master Plan:

The Master Plan is intended to provide the overall design, architectural theme, landscape plan and layout of the project and consistency between the three (3) quadrants of the project (Industrial, Office/Business Park, Retail Center). The Master Plan may be approved at one time for the entire project, or may be approved in three (3) parts for each of the three components of the project.

1. A Northgate Center Master Plan shall be adopted via Site Plan and Architectural Review (SPAC) pursuant to a Class "C" procedure of the Medford Land Development Code. The Master Plan shall be approved through such review prior to any further SPAC applications for individual sites within the project or quadrant boundary. The Master Plan and subsequent applications shall be in substantial conformance with the following elements of CP-06-065 and ZC-06-066, as amended herein:
 - a. The uses shall be consistent with the approved zoning/comprehensive plan designations;
 - b. The Master Plan shall include the number and approximate locations of vehicular access points indicated on the Conceptual Plan and Revised Conceptual Plan (Retail Center only);
 - c. The Master Plan shall include pedestrian access from each of the vehicular access points to the project; and
 - d. All buildings or structures in excess of 50,000 square feet shall be in compliance with MLDC 10.722 through 10.725.

2. The following elements, among others, shall be considered during Site Plan and Architectural Review for inclusion in the Master Plan:
 - a. In the event the Master Plan is separately reviewed for each quadrant, the architecture and landscape/pedestrian design of each subsequent component shall be in substantial conformance with the architecture and landscape design for any previously approved component(s);
 - b. Interconnections between the three quadrants of the project to the extent possible under ODOT regulations and restrictions prevailing on the piece of property shall be provided;
 - c. Decorative and functional pavement treatments for internal pedestrian access;
 - d. A consistent architectural/landscape theme for the project and each of its components;
 - e. Treatment of public plazas, building facades, etc in compliance with MLDC 10.722 through 10.725;
 - f. Lighting
 - i. A conceptual lighting plan , which in commercial areas is to be less than 25 feet in height;
 - ii. Conventional style lighting to be restricted in the industrial areas so that no more than thirty percent (30%) of the total illumination may come from conventional commercial/industrial lighting. The balance to be less than 25 feet in height and of a design similar to that shown in the conceptual lighting plan.
 - g. Landscaping
 - i. Landscape plan to include landscaped buffer between Sierra Pine and the Northgate Center of a design similar to that shown in the original conceptual buffer detail
 - ii. Landscape plans to include street trees, landscaping and appropriate irrigation install in the public right-of-way planter strips. If and where planter strips are not required, street trees and appropriate irrigation to be included abutting public right-of-way sidewalks.
 - h. Master Signage Plan
A master signage plan, including project entry and directional signs.
 - j. The following exceptions are noted:
 - i. The configuration of the Business Park (Exhibit C, pg. 11 CP-06- 065/ZC-06-066) may change to accommodate the specific requirements of potential industrial/business tenants or future owners. Such changes may be approved by SPAC as part of its approval of the Master Site Plan for the project component. Additional changes to configuration of the project component may also be approved by SPAC as part of its Final Site Plan Review without the need to amend the Master Plan of the project component so long as the design and theme of the Final Site Plan remain consistent with the Master Plan, or by the Planning Director as further defined in the Disposition and Development Agreement as a Stage Three review.
 - ii. The configuration of the Retail Center may change to accommodate the specific requirements of potential commercial tenants or future owners. Such changes may be approved by SPAC as part of its Final Site Plan Review without the need to amend the Master Plan so long as the design and theme of the Final Site Plan remain consistent with the Master Plan or by the Planning Director as further defined in the Disposition and Development Agreement as a Stage Three review.
 - k. Development phasing plan shall be proposed and approved.

Remove condition for the subject properties. If the subject properties are developed, the future developer will still need to follow the Medford Land Development Code.

6. Beall/Highway 99 Improvement

Beall/Highway 99 Improvement Applicant agrees to stipulate to its proportional share of the cost to improve the intersection of Beall Lane and Highway 99, excluding rail crossing improvements, at such time that the City of Central Point has identified the needed improvements and ascertained the costs. Proportionality shall be determined as a proportion of the amount of traffic projected to pass through this intersection which is related to Northgate Centre in comparison to all other intersection traffic.

Applicant proposes to delete this condition and will be paying a sum to ODOT to satisfy this condition.

7. McAndrews Sidewalk

McAndrews Sidewalk Applicant agrees to stipulate to a 100% share of the cost to install a sidewalk beneath the McAndrews Road viaduct and easterly along the southeasterly side of McAndrews Road to its intersection with Court Street provided that the said improvement, including right-of-way acquisition (if needed) can be obtained by the City of Medford.

This condition has been satisfied and should be removed.

8. Wetlands/Hopkins Canal

Wetlands, Hopkins Canal Applicant agrees to work cooperatively with the Rogue Valley Irrigation District to accommodate any reasonable concerns or requests made by the district.

This condition should apply to both the subject properties and the Northgate development.

9. Sanitary Sewer, Domestic Water, Storm Drainage

Sanitary Sewer, Domestic Water, Storm Drainage Facilities Applicant agrees to extend, and construct all needed sanitary sewer, domestic water and storm drainage facilities in accordance with the most current adopted facility plans of the City (or other facility providers) and the same will be based upon engineering construction plans prepared by a qualified civil engineer registered in Oregon and approved by the City (or other facility providers). Public facility construction will incorporate the recommendations contained in Appendix E-2 as approved by the City.

This condition should apply to both the subject properties and the Northgate development.

10. Storm Water

Storm Water Applicant agrees to incorporate stormwater system design considerations into final engineering for the proposed stormwater facility improvements and carry out these in accordance with the Appendix E-2 analysis, standards and regulations of the City and generally accepted engineering practices

This condition should apply to both the subject properties and the Northgate development.

11. Street Vacation

Street Vacation Pursuant to Oregon Revised Statutes (“ORS”) 271.130, applicant agrees to take steps to vacate the city streets shown in Appendix F-3

This condition has been satisfied and should be removed.

12. Consolidation of Existing Parcels

Consolidation of Existing Parcels Applicant agrees to consolidate or adjust as appropriate existing tax lots in Northgate Centre to conform to the approved plans for Northgate Centre and the requirements of the MLDC, and the same will be accomplished before issuance of any Certificate of Occupancy for buildings in Northgate Centre

This condition has been satisfied and should be removed.

13. Delivery of Rail Service

Delivery of Rail Service Applicant agrees to continue reasonable efforts to acquire and supply commuter rail service as anticipated in these land use applications

This condition is no longer feasible and should be eliminated.

14. Waste Management

Waste Management Applicant agrees to establish a comprehensive waste management operations plan in cooperation with Rogue Disposal and Recycling, Inc

This condition has been satisfied and should be removed.

15. Berm and Tree Buffer

Berm and Tree Buffer Applicant agrees to construct and install the berm and landscaping to buffer Sierra Pine from Northgate Centre generally as shown on Exhibit C, pp 2 and 12 and as approved by the Site Plan and Architectural Commission per condition 5 (B)(6) a)

A berm has been completed and, as a condition of sale for the property, the new buyer will be required to construct an additional berm between the property and the Northgate development prior to any additional development. This condition has been satisfied and should be removed.

ODOT

Ordinance 2011-122 refers to a Cooperative Improvement Agreement (CIA), which is an agreement between the landowners and the Oregon Department of Transportation. The CIA imposes parallel conditions on the subject properties and the Northgate development related to traffic. Per the applicant, *the applicant has entered into negotiations with ODOT to simultaneously amend the CIA.*

Staff received an email from ODOT with comments on September 13, 2023 (Exhibit E).

GLUP Map Amendment (GLUP-23-242)

The proposed amendment focuses on removing the existing conditions of approval that were part of previous GLUP Map amendments and transferring them to the Restrictive Zoning Overlay. This application will not trigger a change to the GLUP Map.

For the applicable criteria for GLUP change, MLDC 10.222(2) redirects to the criteria in the "Review and Amendments" chapter of the Comprehensive Plan. It is staff's view that the applicant's submitted findings adequately address the applicable criteria (as supplemented by staff), and that the approval of the proposed Comprehensive Plan amendment is consistent with the Statewide Planning Goals. It is further staff's view that the approval can be made in keeping with the intent and purpose of the Comprehensive Plan in its goal in striking a balance between the desire for maintaining a dynamic and locally responsive plan and the need to provide a reasonable degree of certainty and stability in the rules and processes governing land use.

Zone Change (ZC-23-243)

The Zone Change application is based on MLDC 10.204(3) – Removal of Special Development Conditions and General Land Use Plan (GLUP) Map Amendments. A Type III minor zone change procedure is required to remove or change a development condition. It is staff's view that the applicant's submitted findings adequately address all applicable criteria (as supplemented by staff), and that the approval of the

proposed Zone Change amendment is consistent with all applicable conditions of the MLDC.

Facility Adequacy

Per the agency comments submitted to staff (Exhibits C and D), it can be found that, with the imposition of conditions of approval included in Exhibit A, there are adequate facilities to serve the future development of the site. The proposed application did not meet the standard to require additional traffic analysis.

Neighbor Comments

None.

Committee Comments

No comments were received from a committee, such as the Active Transportation Advisory Committee.

RECOMMENDED ACTION

The Planning Commission recommends adopting the ordinance approving GLUP-23-242 based on the analysis, findings, and conclusions per the City Council Report dated October 12, 2023, including:

- Exhibits A-1 through E.

EXHIBITS

- A-1 Revised Conditions of Approval, dated September 14, 2023
Applicant Submittals
- B Applicant's GLUP Amendment and Zone Change Amendment Findings and Exhibits, received July 24, 2023.
Agency Reports
- C Public Works report (GLUP), dated August 23, 2023.
- D Public Works report (ZC), dated August 23, 2023.
- E Letter from ODOT, received September 13, 2023
Vicinity map

CITY COUNCIL AGENDA:

OCTOBER 19, 2023

EXHIBIT A-1

Northgate
GLUP-23-242 & ZC-243
Conditions of Approval
September 14, 2023

All Conditions of Approval that were implemented on the Northgate Development via Ordinance 2006-264 and Ordinance 2011-122 are hereby transferred to ZC-23-243 as amended below and will amend the existing RZ (Restrictive Zoning) Overlay for the remaining Northgate Center properties and the subject properties to be removed from the Northgate development.

The zone change will become effective upon the City Council approval of GLUP-23-242

DISCRETIONARY CONDITIONS

Northgate Development

1. Comply with all conditions of the Public Works Department Report (Exhibit C and D), including:
 - a. The subject "Business Park" parcels shall be limited to a maximum vehicular trip generation of 2,585 Average Daily Trips (ADT) or 242 PM peak hour trip.
 - b. The remainder of the Northgate Development shall be limited to a maximum vehicular trip generation of 15,924 ADT or 1,640 PM peak hour trips.
 - c. All future developments within any of the above referenced areas shall submit a trip accounting to Public Work. Any development generating more trips than the above caps shall be required to submit an additional Transportation Impact Analysis.
2. Transportation Improvements - Applicant shall pay the Oregon Department of Transportation a sum (amount to be determined) to satisfy the remaining improvements of original Condition No. 2 of Ord. 2011-122 that would have been triggered by future build-out. Once the payment is issued the condition of approval will no longer apply.
3. Transportation Demand Management Plan
 - a. Transit Pass for Employees. An employee transit pass subsidy shall be provided for at least 5 years for fixed-route transit district passes at no cost to all employees on the subject site who wish to use transit, beginning within two years from the date the first Certificate of Occupancy is approved by the City for the subject site. After such date, verification of compliance shall be provided to the Planning Director on a yearly basis for five years.
 - b. Off-Street Vehicular Parking Space Reduction/Cap. A parking space reduction

is hereby approved for the subject site which reduces the required number of off-street vehicular parking spaces by five percent. The reduction distribution shall be approved through the Site Plan Architectural Commission Master Plan approval. This reduction does not reduce the bicycle parking space requirement, which shall be based on the number of parking spaces normally required by the Medford Land Development Code. No more than 120% of the number of off-street vehicular parking spaces normally required shall be supplied.

- c. Transit/Carpool Facilities. Transit and carpool facility improvements in conformance with Medford Land Development Code section 10.807 and 10.808 shall be determined through the Site Plan Architecture Commission Master Plan approval and code required subsequent Site Plan and Architectural Review approvals.
 - d. Transportation Management Association. Businesses in Northgate Center with 50 or more employees shall join a Transportation Management Association if one exists for the Medford area.
- 4. Compatibility Restrictive Covenant – See Condition 4 of Ordinance 2006-264
 - 5. Northgate Center Master Plan - See Condition No. 5 Northgate Center Master Plan in Ordinance 2011-122.
 - 6. Beal/Highway 99 Improvements – Applicant shall pay the Oregon Department of Transportation a sum (amount to be determined) to support the Beall Lane/Highway 99 railroad crossing in the City of Central Point.
 - 7. Wetlands/Hopkins Canal – Applicant agrees to work cooperatively with the Rogue Valley Irrigation District to accommodate any reasonable concerns or request made by the district.
 - 8. Sanitary Sewer, Domestic Water, Storm Drainage – Applicant agrees to extend and construct all needed sanitary sewer, domestic water and storm drainage facilities in accordance with the most current adopted facility plans of the City (or other facility providers) and the same will be based upon engineering construction plans prepared by a qualified civil engineer registered in Oregon and approved by the City (or other facility providers). Public facility construction will incorporate the recommendations contained in Appendix E-2 as approved by the City.
 - 9. Storm Water – Applicant agrees to incorporate stormwater design consideration into final engineering for the proposed stormwater facility improvements and carry out these in accordance with the Appendix E-2 analysis, standards and regulations of the City and generally accepted engineering practices.

Subject Properties (to be removed from Northgate Development)

- 10. Comply with all conditions of the Public Works Department Report (Exhibit C and D), including:
 - a. The subject “Business Park” parcels shall be limited to a maximum vehicular trip generation of 2,585 Average Daily Trips (ADT) or 242 PM peak hour trip.

- b. The remainder of the Northgate Development shall be limited to a maximum vehicular trip generation of 15,924 ADT or 1,640 PM peak hour trips.
 - c. All future developments within any of the above referenced areas shall submit a trip accounting to Public Work. Any development generating more trips than the above caps shall be required to submit an additional Transportation Impact Analysis.
- 11. Transportation Improvements - Applicant shall pay the Oregon Department of Transportation a sum (amount to be determined) to satisfy the remaining improvements of original Condition No. 2 of Ord. 2011-122 that would have been triggered by future build-out. Once the payment is issued the condition of approval will no longer apply.
- 12. Transportation Demand Management Plan
 - a. Transit Pass for Employees. An employee transit pass subsidy shall be provided for at least 5 years for fixed-route transit district passes at no cost to all employees on the subject site who wish to use transit, beginning within two years from the date the first Certificate of Occupancy is approved by the City for the subject site. After such date, verification of compliance shall be provided to the Planning Director on a yearly basis for five years.
 - b. Off-Street Vehicular Parking Space Reduction/Cap. A parking space reduction is hereby approved for the subject site which reduces the required number of off-street vehicular parking spaces by five percent. The reduction distribution shall be approved through the Site Plan Architectural Commission Master Plan approval. This reduction does not reduce the bicycle parking space requirement, which shall be based on the number of parking spaces normally required by the Medford Land Development Code. No more than 120% of the number of off-street vehicular parking spaces normally required shall be supplied.
 - c. Transit/Carpool Facilities. Transit and carpool facility improvements in conformance with Medford Land Development Code section 10.807 and 10.808 shall be determined through the Site Plan Architecture Commission Master Plan approval and code required subsequent Site Plan and Architectural Review approvals.
 - d. Transportation Management Association. Businesses in Northgate Center with 50 or more employees shall join a Transportation Management Association if one exists for the Medford area.
- 13. Compatibility Restrictive Covenant – See Condition 4 of Ordinance 2006-264
- 14. Beal/Highway 99 Improvements – Applicant shall pay the Oregon Department of Transportation a sum (amount to be determined) to support the Beall Lane/Highway 99 railroad crossing in the City of Central Point.
- 15. Wetlands/Hopkins Canal – Applicant agrees to work cooperatively with the Rogue Valley Irrigation District to accommodate any reasonable concerns or request made by the district.
- 16. Sanitary Sewer, Domestic Water, Storm Drainage – Applicant agrees to extend and

construct all needed sanitary sewer, domestic water and storm drainage facilities in accordance with the most current adopted facility plans of the City (or other facility providers) and the same will be based upon engineering construction plans prepared by a qualified civil engineer registered in Oregon and approved by the City (or other facility providers). Public facility construction will incorporate the recommendations contained in Appendix E-2 as approved by the City.

17. Storm Water – Applicant agrees to incorporate stormwater design consideration into final engineering for the proposed stormwater facility improvements and carry out these in accordance with the Appendix E-2 analysis, standards and regulations of the City and generally accepted engineering practices.

Northgate Development & subject properties

18. **All requirements for installation of outstanding transportation improvements and all terms of the existing Cooperative Improvement Agreement remain until such time that a new agreement is reached, and the Cooperative Improvement Agreement is superseded or terminated (Exhibit E).**

EXHIBIT “A”
COMBINED FINDINGS OF FACT
Application for Type IV quasi-judicial Minor Zone Change
and Application for Type IV Minor GLUP Map Amendment
37-2W-24 TAX LOTS 500 & 600

A. Introduction

Northgate Center, LLC, an Oregon limited liability company (the “Applicant” and “Northgate”), is the owner of certain real property located in the City of Medford and commonly known as Township 37 South, Range 2 West, Section 24, Tax Lot 500 and Tax Lot 600 (collectively the “subject properties”).

The subject properties are split-zoned Light Industrial (I-L) / Restricted Zoning (RZ) and General Industrial (I-G) / Restricted Zoning (RZ). The zoning does not align with the property boundaries. A map of the zoning is provided in **Exhibit “E”**.

The subject properties have been part of the greater Northgate development, which includes three elements: a “Retail Center”, an “Office Park”, and a “Business Park”. The “Retail Center” that has been developed with stores including Trader Joe’s, Dick’s Sporting Goods, and Marshalls, etc. The “Office Park” that has been developed with a Chik-fil-A, Five Guy’s, Starbucks, and Chipotle, etc. (office uses for the park are currently in development).

The subject properties themselves were originally proposed as the “Business Park”. However, the Applicant no longer has plans to develop the subject properties. As a result, the Applicant desires to sever the subject properties from the remainder of the Northgate development—thereby necessitating these proposed amendments.

The purpose of the Applications is to amend the General Land Use Planning (“GLUP”) Map and the City of Medford Zoning Map. Specifically, Northgate proposes to modify the Restricted Zoning (RZ) on the subject properties and to modify certain conditions of approval that are binding on the subject properties.

It is necessary to modify the existing conditions of approval because some are no longer relevant or beneficial for the public. Further, severing the subject properties from the Northgate development will increase the probability of development, which will in turn increase the number of jobs available for the community.

Approval of the subject applications will require a legislative amendment to City of Medford Ordinance No. 2011-122 (which itself had previously amended Ordinance No. 2006-264).

That Ordinance refers to a Cooperate Improvement Agreement (“CIA”), which is an agreement between the landowners and the Oregon Department of Transportation (“ODOT”). A copy is attached hereto as **Exhibit “H”**. The CIA imposes parallel conditions on the subject properties and the Northgate development related to traffic. The City does not have any authority over the CIA. However, the City should provide notice of the applications to and solicit comments from ODOT. The Applicant has entered into negotiations with ODOT to simultaneously amend the CIA to conform to these applications.

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C. Schedule of Exhibits

The following exhibits have been submitted in support of these applications and are incorporated herein:

EXHIBIT “A”	Application Findings
EXHIBIT “B”	Vicinity Map (drawn to scale of 1” = 1000’)
EXHIBIT “C”	Assessors Map
EXHIBIT “D”	General Land Use Plan (GLUP) Map
EXHIBIT “E”	Zoning Map
EXHIBIT “F”	Ordinance 2006-264
EXHIBIT “G”	Ordinance 2011-122
EXHIBIT “H”	Cooperate Improvement Agreement (CIA)
EXHIBIT “I”	Legal Description
EXHIBIT “J”	Mailing Labels (within 200’ with tax lots)

D. Background

The subject properties are split-zoned Light Industrial (I-L) / Restricted Zoning (RZ) and General Industrial (I-G) / Restricted Zoning (RZ). A map of the zoning is provided in **Exhibit “E”**.

Tax Lot 500 is approximately 8.51 acres in size. Tax Lot 600 is approximately 14.34 acres in size. As a result, collectively the subject properties are 22.85 acres in size. All 22.85 acres have the Restricted Zoning (RZ) designation.

There are a total of approximately 9.18 acres zoned I-L. There are a total of approximately 13.67 acres zoned I-G. The breakdown of the various acreage is as follows.

//

Northgate Development Category	Owner	Lots	Zoning	Zoning Acreage (est.)	Tax Lot Total Acreage
Business Park	Applicant	Tax Lot 500	I-L	7.54	= 8.51
			I-G	0.97	
			RZ	All	
		Tax Lot 600	I-L	1.64	= 14.34
			I-G	12.70	
			RZ	All	
Total:					= 22.85

The subject properties front North Central Avenue to the east. They are bound by Rossanley Drive / Highway 238 to the south and Gore Avenue & Lynn Street to the northeast. To the west are the Central Oregon & Pacific Railroad tracks. To the north and northwest are properties owned by Roseburg Forest Products.

No portion of the subject properties are located within a designated Special Flood Hazard Area (SFHA) overlay. There are no mapped streams or wetlands located on the subject properties, although an underground canal, Hopkins Canal, borders Tax Lot 500 to the north and partially bisects Tax Lot 600 near the northern border.

The subject properties are within the Airport Overlay, Horizontal Surface (plane). They also contain Vernal Pools: Developed and are within the Air Quality Maintenance Area ("AQMA").

Further information on the other Northgate development lots (Retail Center and Office Park) is as follows:

[see next page]
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The Northgate Development					
Northgate Development Category	Owner	Lots	Zoning	Zoning Acreage (est.)	Acreage
Retail Center	Northgate Medford Apartments, LLC	37-2W-24-801	C-R	6.8	6.8
		37-2W-24-800	C-R	7.44	7.44
	Alba Village Phase II, LLC	37-2W-24-700	C-R	17.81	17.81
	Alba Village Regency, LLC	7-2W-24AB-1400	C-R	7.71	7.71
Subtotal:					39.76
Office Park	Applicant	37-2W-24-400	C-C	9.97	9.97
	Chick-fil-A Inc.	37-2W-24-401	C-C	0.6	0.6
		37-2W-24-105	C-S/P	0.83	1.16
			I-L	0.33	
	Cooper Dennis K Trustee et al.	37-2W-24-101	C-S/P	1.74	2.11
			I-L	0.37	
	Northgate Op E, LLC	37-2W-24-104	C-C	0.8	0.8
	Northgate Op D, LLC	37-2W-24-103	C-C	1.64	1.64
	Smith Family Investment Properties, LLC	37-2W-24-102	C-S/P	1.0	1.0
	Northgate Op B, LLC	37-2W-13DC-4300	C-C	0.98	0.98
	Northgate Op A, LLC	37-2W-13DC-4600	C-C	0.78	0.78
Subtotal:					19.04
TOTAL:					58.80

E. Proposed Amendments to Existing Conditions

In 2006, the Medford City Council approved with conditions Comprehensive Plan File No. CP-06-065, changing the General Land Use Plan (“GLUP”) Map designations of the subject properties and the Northgate development. A copy of Ordinance 2006-264 is attached as **Exhibit “F”**. It includes various conditions of approval numbered 1 through 15. Ordinance 2006-264 also required the execution of a Disposition and Development Agreement (“DDA”), which was so executed.

In 2011, the Medford City Council approved application CP-11-041 amending the existing conditions of approval associated with Ordinance 2006-264. A copy of

Ordinance 2011-122 is attached hereto as **Exhibit “G”**. Concurrently, the Medford Planning Commission approved zone change application ZC-11-042, altering the zoning of the subject properties and the Northgate development.

Ordinance 2011-122 altered Condition 2 and Condition 5 of Ordinance 2006-264, which respectively relate to Transportation Improvements and the Northgate development’s Master Plan. Simultaneously, the City and the landowner amended the DDA to conform to the changes. The DDA has since expired and is no longer binding.

The Applicant proposes to sever the subject properties from the Northgate development. The Applicant proposes that two new ordinances be issued, one amending Ordinance 2011-122 and Ordinance 2006-264 to change some of the conditions effecting the Northgate development. Further, a second ordinance should be approved imposing separate conditions of approval on the subject properties. The proposed changes are as follows:

Condition 1: Trip Cap

The Trip Cap in Ordinance 2006-264 imposed a collective limit on vehicular trip generation on the subject properties and the Northgate development of 18,509 Average Daily Trips (“ADT”) and 1,882 P.M. peak hour trips. Additional trip reductions were available subject to the creation of a trolley service (with limitations set forth in Condition 3).

	ADT	P.M. peak hour trips
Current Limits for all properties	18,509	1,882

Proposed Changes and Allocations.

The Applicant proposes to divide the ADT and P.M. peak hour trips as follows:

Proposed Allocations	ADT	P.M. peak hour trips
To Subject Properties	2,585	242
To Northgate development	15,924	1,640
Total:	18,509	1,882

These allocations do not consider the various trip reductions available during future developments pursuant to the Institute of Transportation Engineers (“ITE”) 11th Edition Trip Generation Manual.

The Applicant has not elected to take an additional 5% trip reduction by installing a perpetual trolley service. Furthermore, the proposed trolley service was never feasible and therefore references to the trolley should be removed as a condition.

Condition 2: Transportation Improvements

This Condition was amended by Ordinance 2011-122. It required the developer to install various transportation improvements as conditions of approval. The improvements are listed in the CIA, attached hereto as **Exhibit “H”**, and shown below as **Figure “_”**. The requirement that a particular improvement be installed is triggered when the Northgate development hits a certain square footage threshold.

Figure “_”

Location	Description	Square Feet when Triggered
Biddle Rd @ McAndrews Rd *	Turn lane improvement	1
Highway 238 @ Ross Lane	Construct a signal	1
Highway 238 @ Sage Rd NB (Timber Products Frontage) *	Add a NB to EB exclusive right turn lane and half street improvements for future 5 lane section on Sage Rd	1
South side of McAndrews Rd between Central and Court * (on-site improvement)	Add sidewalk along south side of McAndrews Rd between Central Ave and Court St where it does not currently exist	1
NB Central @ Highway 99 *	Add a right turn lane NB Central to EB/SB Highway 99	300,000
I-5 South @ Highway 62	Add a right turn lane from I-5 SB off-ramp to WB Highway 62	475,000
Highway 62 @ Highway 99 (Big X)	Add a 2 nd WB to NB exclusive right turn lane	675,000
Highway 99 @ Lynn St	Contribute \$300,000 to ODOT for future signal	725,000
Highway 62	Contribute to Highway 62 Access Management Improvements	775,000
	Contribute to flyover	823,800
Highway 238 @ Sage Rd SB **	Add a SB to WB exclusive right turn lane pending future traffic analysis	Deferred for future analysis

The Northgate retail center (the “Alba Village”) was originally proposed with up to 417,500 square feet, the Office Park up to 219,300 square feet, and the Business Park up to 180,000 square feet. See the CIA at page 27 attached hereto as **Exhibit “H”**.

Below is a chart containing the proposed square footage of the development from Ordinance 2011-122 along with the as-built numbers or the projects that are currently in development. Note that the developed or proposed-to-be developed square footage only reaches 718,835 square feet. Note also that the Business Park is not proposed to be developed at this time.

	Proposed (sq. ft.)	As built (sq. ft.)
Retail Center	41,7500	
Shopping Center as built		245,991
Supermarket as built		13,106
Multi Family (in development)		372,000
Office Park	219,300	
Office Park as built		87,737
Car Wash (in development)		1
Business Park	176,000	
Business Park as built		0
TOTAL:	812,800	718,835

If the Business Park were ever built out to the maximum extent, it would result in a square footage of 894,835. As it currently stands, the development will reach only 718,835 square feet. That will leave the final four off-site improvements untriggered.

Proposed Changes and Allocations.

The Applicant will be paying a sum to ODOT to satisfy the remaining improvements that would have been triggered by future build-out. Once that payment is issued, this condition of approval will no longer apply.

Condition 3: Transportation Demand Management Plan

This condition was divided into six subparts: (A) Transit Passes for Employees, (B) Trolley Service, (C) Off-Street Vehicular Parking Space Reduction / Cap, (D) McAndrews Multi-Use Path, (E) Transit / Carpool Facilities, and (F) Transportation Management Association.

Proposed Changes and Allocations.

Applicant proposes that Condition 3 remain in force separately for both the subject properties and the remaining Northgate development with the following changes:

Condition 3(B) relating to Trolley service should be eliminated entirely. As explained above, the Applicant has not elected to take an additional 5% trip reduction by installing a perpetual trolley service. As a result, the references to the trolley should be removed as a condition.

Condition 3(D) relating to improvements on McAndrews Road has been satisfied and should be removed.

Condition 4: Compatibility Restrictive Covenant

This condition imposed a restrictive covenant on the subject properties and the Northgate development relating to nearby industrial manufacturing practices. This condition of approval has been satisfied. To the extent necessary, it can continue to apply to both the subject properties and the Northgate development separately.

Condition 5: Northgate Center Master Plan

This condition relates to the development of master plans for the subject properties and Northgate development.

Proposed Changes and Allocations.

The Applicant proposes that this condition of approval no longer apply to the subject properties. This condition was imposed when all the properties were being developed in concert with each other. As that will no longer be the case for the subject properties, it makes sense to sever them entirely from the requirements set forth therein. If the subject properties are developed, the future developer will still need to go through the Site Plan and Architectural Review process as outlined in the Medford Land Development Code.

Condition 6: Beall/Highway 99 Improvement

This Condition relates to the Applicant agreeing to support the improvement of the Beall Lane and Highway 99 railroad crossing in the City of Central Point.

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Proposed Changes and Allocations.

Applicant proposes that this condition of approval be removed entirely. The Applicant will be paying a sum to ODOT to satisfy this condition of approval. Once that payment is satisfied, this condition of approval should no longer apply.

Condition 7: McAndrews Sidewalk

This condition relates to installing a sidewalk beneath the McAndrews Road viaduct.

Proposed Changes and Allocations.

This condition has been satisfied and should be removed.

Condition 8: Wetlands; Hopkins Canal

This condition relates to working cooperatively with the Rogue Valley Irrigation District concerning reasonable requests by the district.

Proposed Changes and Allocations.

This condition should continue to apply separately to both the subject properties and the Northgate development.

Condition 9: Sanitary Sewer, Domestic Water, Storm Drainage

This condition concerns the construction of needed facilities.

Proposed Changes and Allocations.

This condition should continue to apply separately to both the subject properties and the Northgate development.

Condition 10: Storm Water

This condition relates to incorporating stormwater system designs into stormwater facility improvements.

Proposed Changes and Allocations.

This condition should continue to apply separately to both the subject properties and the Northgate development.

Condition 11: Street Vacation

This condition has been satisfied and so should be removed entirely.

Condition 12: Consolidation of Existing Parcels

This condition has been satisfied and so should be removed entirely.

Condition 13: Delivery of Rail Service

This condition related to the applicant attempting to acquire and supply commuter rail service. This condition is no longer feasible and should be eliminated.

Condition 14: Waste Management

This condition relates to the Applicant establishing a comprehensive waste management operations plan with Rogue Disposal and Recycling, Inc. This condition has been satisfied and so should be removed entirely.

Condition 15: Berm and Tree Buffer

This condition of approval required a berm to be constructed on the subject properties to buffer Roseburg Forest Products from the Northgate development. A berm has been completed and, as a condition of sale for the property, the new buyer will be required to construct an additional berm between the property and the Northgate Development prior to any additional development. This condition has therefore been satisfied and so should be removed.

F. Minor GLUP Amendment: Relevant Criteria

The standards and criteria applicable to a General Land Use Plan Map amendment are set forth in Medford Land Development Code (MLDC) Sections 10.222 (Type IV Land Use Actions) and the Review and Amendment section of the Comprehensive Plan. Findings addressing the applicable standards and criteria are set forth as follows:

1. MLDC 10.222(1). Minor Type IV Amendments

“(1) Minor Type IV Amendments typically focus on specific individual properties and are therefore considered quasi-judicial. Minor Type IV Amendments include:

“(a) Minor Comprehensive Plan Amendment;

“(b) Minor General Land Use Plan Map Amendment;

“(c) Minor Urban Growth Boundary Amendment;

“(d) Transportation Facility Development; or

“(e) Vacation of Public Right-of-Way.” [MLDC 10.222(1)]

Applicant’s Findings: Applicants are proposing a minor General Land Use Plan Map amendment for the subject properties.

The proposed amendments to the GLUP Map focus on the subject properties and will not have a significant effect beyond the immediate area of the Northgate development.

Specifically, the General Land Use Plan (“GLUP”) states:

“Planning is a process; it is naïve to assume that a single document can answer all the questions or resolve all the problems for all times. Conditions change, resources are shifted, and community goals are revised.

“In addition to these state-administered programs, a well-defined local process to review and revise the Comprehensive Plan is essential. The local Plan amendment process should reflect a balance between the desire for maintaining a dynamic and locally responsive plan and the need to provide a reasonable degree of certainty and stability in the rules and processes governing land use. Such a plan amendment process is presented below.

* * *

“Minor Amendments are those land use changes that do not have significant effect beyond the immediate area of the change and should be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change should be established.” [GLUP, Review and Amendments, Pg. 1-2.]

Therefore, the proposed amendment constitutes a minor amendment.

“(2) Minor Type IV Amendment Approval Criteria. For minor amendments to the Comprehensive Plan, General Land Use Plan Map, or Urban Growth Boundary refer to the Review and Amendment section of the Comprehensive Plan. For Transportation Facility Development approval criteria refer to Section 10.226(2). For the approval criteria for Vacation of Public Right-of-Way refer to Section 10.228(4).” [MLDC 10.222(2)]

Applicant’s Findings: Applicants address the applicable criteria from the Review and Amendment section of the Comprehensive Plan herein.

2. Criteria for Plan Amendments

“Because of the important functional differences among the various Plan components, no common set of criteria can be used to assess all proposed Plan amendments. Below are listed the criteria which must be considered when evaluating proposed amendments to each of the specified Plan components. While all of the criteria may not apply to each proposed amendment, all must be considered when developing substantive findings supporting final action on the amendment, and those criteria which are applicable must be identified and distinguished from those which are not.” [GLUP; Review and Amendments, Pg. 3] (emphasis added).

Applicant’s Findings: Applicants address the applicable criteria from the Review and Amendment section of the Comprehensive Plan herein. Importantly, not all criteria outlined below need be satisfied—merely considered.

GLUP. Map Designation Amendments. Amendments shall be based on the following:

“1. A significant change in one or more Goal, Policy, or Implementation strategy.” [GLUP; Review and Amendments, Pg. 4]

Applicant’s Findings: There has not been a significant change in one or more Goal, Policy, or Implementation strategy. As a result, this provision is not applicable.

“2. Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.” [GLUP; Review and Amendments, Pg. 4]

Applicant's Findings: The change is not needed to accommodate unpredicted population trends or to satisfy urban housing needs. However, the change is needed to assure development of the properties. Separating the subject properties from the Northgate development will increase its development potential and therefore ensure adequate employment opportunities for the community. The proposed amendment will clarify the conditions of approval. Therefore, this criterion is satisfied.

“3. The orderly and economic provision of key public facilities.”
[GLUP; Review and Amendments, Pg. 4]

Applicant's Findings: The change is not needed to ensure orderly and economic provision of key public facilities. However, the change will properly allocate the responsibility for creating key public transit facilities between the subject properties and the Northgate development. Therefore, this standard is satisfied.

“4. Maximum efficiency of land uses within the current urbanizable area.” [GLUP; Review and Amendments, Pg. 4]

Applicant's Findings: The change is necessary to ensure the maximum efficiency of land uses within the current urbanizable area in that it will properly allocate responsibilities for the conditions of approval between the various properties. This will encourage development and ensure adequate employment opportunities. Therefore, this criterion is satisfied.

“5. Environmental, energy, economic and social consequences.”
[GLUP; Review and Amendments, Pg. 4]

Applicant's Findings: The change does not impact environmental or social consequences. However, it will provide positive energy and economic consequences. The trip cap conserves energy by limiting the type/size of developments on the subject properties and the Northgate development so that the intensity of the uses stays within normal parameters, thereby conserving energy. The adjustment to the conditions of approval and the restricted zoning will increase the probability of the subject properties being developed, thereby providing jobs, and ensuring a positive economic consequence for the area.

“6. Compatibility of the proposed change with other elements of the City Comprehensive Plan.” [GLUP; Review and Amendments, Pg. 4]

Applicant's Findings: The proposed change is compatible with the other elements of the City's Comprehensive Plan.

“7. All applicable Statewide Planning Goals.” [GLUP; Review and Amendments, Pg. 4]

Applicant’s Findings: The proposed amendment is compatible the State’s Planning Goals:

Goal 1 Citizen Involvement

Applicant’s Findings: There will be sufficient citizen involvement for this application. The City of Medford’ Committee for Citizen Involvement will comment on the application, and citizen recommendations and communications will be solicited via questionnaires and public notices. The proposed GLUP map amendment is being processed consistent with the procedures in place regarding citizen involvement.

Goal 2 Land Use Planning

Applicant’s Findings: The City of Medford has adopted a long-range Comprehensive Plan and implementation strategy (the Medford Land Development Code) that is consistent with the requirements of Statewide Goal 2. The policy and framework for land use decisions in Medford must comply with the Comprehensive Plan. The City, in reviewing this application under the provisions of the Criteria and Plan Amendments in the Goals, Policies, and Implementation element of the Comprehensive Plan, demonstrate compliance with Goal 2.

Goal 3 Agricultural Lands

Applicant’s Findings: Not applicable. The subject properties are urbanizable land within the city limits and is not agricultural land.

Goal 4 Forest Lands

Applicant’s Findings: Not applicable. The subject properties are urbanizable land within the city limits and are not forest land.

Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces

Applicant’s Findings: Not applicable. The subject properties are urbanizable land within the city limits and not open space, scenic or historic or resource areas, and they are not identified as either a natural resource or an area contributing to natural resource protection. The

proposed adjustment to the Restricted Zoning (RZ) conditions for the subject properties will have no effect on open space, scenic and historic areas, or natural resources.

Goal 6 Air, Water and Land Resources Quality

Applicant's Findings: The purpose of this goal is to maintain and improve the quality of the state's air, water, and land resources. All development within the City of Medford is required to provide stormwater detention and water quality controls. The subject properties will be required to adhere to the applicable drainage and water quality controls at the time of development. The subject properties, when developed, will be subject to criteria in the Comprehensive Plan and Land Development Code that are designed to provide for adequate levels of service and to protect air, water, and land resource quality.

Goal 7 Areas Subject to Natural Hazards

Applicant's Findings: Not applicable. The subject properties do not have any increased risk of flooding, mudslide, landslide, wildfire, or any other natural hazard. The subject properties are not in any floodplain, mudslide, landslide, wildfire, or other natural hazard area.

Goal 8 Recreational Needs

Applicant's Findings: Not applicable. Parks, Recreation, and Leisure Services are included in the Public Facilities Element of the Medford Comprehensive Plan. The most current planning document for Medford's parks and recreation system was published in 2019. The plan describes and maps the various recreational areas and facilities that are available or can be made available for the recreational needs of the people and visitors to the City. This site is not identified as either an existing or future park site and there are no additional park land needs identified near these properties.

Goal 9 Economic Development

Applicant's Findings: Not applicable. The City of Medford's Economic Element is intended to implement Goal 9. The City is required to accommodate employment growth over the next 20 years. The proposed amendment will have no effect on the available employment land supply.

Goal 10 Housing

Applicant's Findings: The City of Medford's Housing Element is intended to implement Goal 10. Although the proposed amendment will not directly affect housing, it will support the region's growing population by ensuring there is adequate land for employment opportunities.

Goal 11 Public Facilities and Services

Applicant's Findings: The purpose of Goal 11 is to plan a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. There is an existing sanitary sewer service provided by Rogue Valley Sewer Services. Water service is provided by the Medford Water Commission.

Future development of the subject properties will require an integrated storm drain system in accordance with the City of Medford's requirements. The proposed change in GLUP map designation will have a low impact on the availability of storm water facilities in the vicinity.

Goal 12 Transportation

Applicant's Findings: Goal 12 requires cities, counties, and the state to create a transportation system plan (TSP) that considers all modes of travel. The Transportation Planning Rule (TPR) implements Goal 12 and specifies what should be included and addressed in a TSP. The City of Medford (TSP) requires an evaluation of transportation facilities for land use actions under existing and future conditions to comply with the TPR.

The Medford Land Development Code Sections 10.460 and 10.461 identify when a traffic impact analysis is required and what it should include. An analysis is required when the proposed zoning on property has the potential to generate more than 250 net ADT. Development is limited based on a trip cap stipulation that was conditioned as part of the Northgate Centre zone change (ZC-06-066 & ZC-11-042).

The proposed change does not change that trip cap limitation, but merely allocates those caps to the various properties so that they can be developed separately.

Goal 13 Energy Conservation

Applicant's Findings: The trip cap conserves energy by limiting the type/size of developments on the subject properties and the Northgate development so that the intensity of the uses stays within normal parameters, thereby conserving energy.

Goal 14 Urbanization

Applicant's Findings: The purpose of Goal 14 is to provide for an orderly and efficient transition from rural to urban land use. The subject properties are already within the city limits and so this is not applicable.

Goal 15 Willamette River Greenway

Applicant's Findings: Not applicable.

Goal 16 Estuarine Resources

Applicant's Findings: Not applicable.

Goal 17 Coastal Shorelands

Applicant's Findings: Not applicable.

Goal 18 Beaches and Dunes

Applicant's Findings: Not applicable.

Goal 19 Ocean Resources

Applicant's Findings: Not applicable.

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G. Zone Change: Relevant Criteria

The standards and criteria applicable to a zone change are set forth in Medford Land Development Code (MLDC) Section 10.182 (Type III Land Use Actions) and 10.204 (Zone Change). Findings addressing the applicable standards and criteria are set forth as follows:

1. MLDC 10.182(1). Type III Land Use Actions

As set forth below, although the Type III procedures would normally apply to a zone change application, Type IV procedures apply to this application pursuant to MLDC 10.204(3) (set forth below) because it is best characterized as the removal and alteration of special development conditions on zone changes and a GLUP Map Amendment.

“(1) Type III actions comprise the following land use reviews:

**Land Use Action
Conditional Use Permit
Cottage Cluster, Type III
Exception
Historic Review
Park Development Review
Preliminary PUD Plan
Site Plan and Architectural Commission (SPAC) Review
Subdivision Tentative Plat
Zone Change**

“(2) Type III Action and Decision Time.

(a) The approving authority shall take final action within 120 days after the application is deemed complete.

(b) An applicant may make a written request to extend the 120-day period for a specified period of time. In no case may the total extensions exceed 245 days.

“(3) Resubmission of Type III Application. After 60 working days of the final determination denying a Type III action, the applicant may make appropriate alterations to a proposal and resubmit along with the payment of any additional fees as required by Section 10.070.”
[MLDC 10.182]

Applicant's Findings: The Applicant acknowledges this section. Pursuant to MLDC Section 10.204(3)(c), set forth below, the Type IV zone change procedures apply because it is for the removal and alteration of special development conditions on zone changes and a GLUP Map Amendment.

2. MLDC 10.204(1). Zone Change Initiation

“A zoning district boundary change may be initiated by the Planning Commission either on its own motion or at the request of the City Council, or by application of the property owner(s) in the area subject to the zone change.” [MLDC 10.204(A)]

Applicant's Findings: The proposed zone change has been initiated by the property owner.

3. MLDC 10.204(2). Zone Change Approval Criteria

“The Planning Commission shall approve a quasi-judicial, minor zone change if it finds that the zone change complies with subsections (a) through (c) below:

“(a) The proposed zone is consistent with the Transportation System Plan (TSP) and the General Land Use Plan Map designation. A demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule.” [MLDC 10.204(2)(a)]

Applicant's Findings: The proposed zone change is consistent with the City of Medford's Transportation System Plan (“TSP”). The TSP requires an evaluation of transportation facilities for land use actions under existing and future conditions to comply with the Transportation Planning Rule (“TPR”). The Medford Land Development Code Sections 10.460 and 10.461 identify when a traffic impact analysis is required and what it should include. An analysis is required when the proposed zoning on property has the potential to generate more than 250 net ADT. Current zoning on the subject properties is Light Industrial (I-L) / Restricted Zoning (RZ) and General Industrial (I-G) / Restricted Zoning (RZ).

This application does not propose any development. Future development of the subject properties is currently limited based on a trip cap stipulation that was conditioned as part of the Northgate Office Park zone changes (CP-06-065; ZC-06-066; CP-11-041; ZC-11-042). That condition of approval ties the subject properties to the Northgate development as a whole and imposes a general trip cap on the entire Northgate development. The purpose of this application is to sever the connection

between the subject properties and the remainder of the Northgate development and to allocate developmental responsibilities and conditions to the subject properties independent of the Northgate development.

Because the underlying zoning is not changing and no development is proposed, there could not be any significant impacts. Further, the net increase in vehicular trips to the transportation system with the approval of this application is zero. As a result, the proposed amendment will be consistent with both the TSP and the GLUP Map designation.

“(b) Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections (b)(i), (b)(ii), (b)(iii), or (b)(iv). Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria below.” [MLDC 10.204(2)(b)]

Applicant’s Findings: Applicants address the applicable criteria of MLDC 10.204(2)(b) subsection (iv) below, which relates to industrial zoning districts. MLDC 10.204(2)(b) subsections (b)(i), (b)(ii), and (b)(iii) are not applicable because they relate to the Single Family Residential (“SFR”) and commercial zoning districts.

“(iv) For zone changes to any industrial zoning district, the following criteria shall be met for the applicable zoning sought:

“(A) The I-L zone may abut residential and commercial zones, and the General Industrial (I-G) zone. The I-L zone is ordinarily considered to be unsuitable when abutting the Heavy Industrial (I-H) zone, unless the applicant can show it would be suitable pursuant to (b)(v) below.

“(B) The I-G zone may abut the Heavy Commercial (C-H), Light Industrial (I-L), and the Heavy Industrial (I-H) zones. The I-G zone is ordinarily considered to be unsuitable when abutting the other commercial and residential zones, unless the applicant can show it would be suitable pursuant to (b)(v) below.” [MLDC 10.204(2)(b)(iv)]

Applicant’s Findings: The Applicant does not propose to change the applicable zoning districts for the subject properties, which are I-L and I-G. Instead, the Applicant

merely proposes to alter the existing conditions of approval. The I-L zone abuts the I-G zone to the west, and commercial zones to the north, east, and southeast, all of which is permitted by subsection (b)(iv)(A). The I-G zone also abuts C-H to the northeast, satisfying subsection (b)(iv)(B), and additional I-G lands to the south. Lastly, the I-G zone abuts County lands zoned General Industrial (GI) to the north and west. As a result, the locational standards set forth in these provisions are met.

* * *

“(v) For purposes of (b)(iii) and (b)(iv) above, a zone change may be found to be suitable where compliance is demonstrated with one or more of the following criteria:

“(A) The subject property has been sited on the General Land Use Plan Map with a GLUP Map designation that allows only one zone;

“(B) At least 50% of the subject property’s boundaries abut zones that are expressly allowed under the criteria in (b)(iii) or (b)(iv) above;

“(C) At least 50% of the subject property’s boundaries abut properties that contain one or more existing use(s) which are permitted or conditional use(s) in the zone sought by the applicant, regardless of whether the abutting properties are actually zoned for such existing use(s); or

“(D) Notwithstanding the definition of “abutting” in Section 10.012 and for purposes of determining suitability under Subsection (b) (v), the subject property is separated from the “unsuitable” zone by a public right-of-way of at least 60 feet in width.”
[MLDC 10.204(2)(b)(v)]

Applicant’s Findings: The Applicant acknowledges this section. No actual change in zoning is requested, merely an alteration of the conditions of approval.

“(vi) For zone changes to apply or to remove an overlay zone (Limited Industrial, Exclusive Agricultural, Freeway, Southeast, Historic) the criteria can be found in the applicable overlay section (Sections 10.345 through 10.413).” [MLDC 10.204(2)(b)(vi)]

Applicant's Findings: The Applicant acknowledges this section. This application is to amend the administrative mapping overlay zone Restricted Zoning ("RZ"). MLCD 10.413, which may apply because it concerns the Restricted Zoning overlay, is detailed below.

“(c) It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (iii) below. The minimum standards for Category A services and facilities are contained in Section 10.462 as well as the Public Facilities Element and Transportation System Plan in the Comprehensive Plan.

“(i) Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.

Applicant's Findings: Importantly, no new zoning is proposed, just a revision to the restricted zoning conditions. Existing Condition 9 concerns Sanitary Sewer, Domestic Water, Storm Drainage Facilities. Existing Condition 10 concerns Storm Water facilities. Both conditions should continue to apply separately to both the subject properties and the Northgate development. The Storm drainage already exists on N. Central Avenue adjacent to the subject properties. There are two RVSS sanitary sewer lines on and adjacent to the subject properties. Further, there are adequate water facilities near the subject properties that can be used at the time of development in the future.

“(ii) Adequate streets and street capacity must be provided in accordance with Oregon Administrative Rule 660-012-0060, commonly referred to as the Transportation Planning Rule (TPR); approval under subsection (9) of the TPR is not allowed. The Public Works Department may require that planned improvements be constructed prior to issuance of building permits for reasons of public safety and, when possible, shall base findings for the required improvements on the safety review required by the Transportation Impact Analysis (TIA), see Section 10.461(5)(r). When a roadway's Average Daily Trip (ADT) values are shown to exceed the street functional classification as identified in the TSP, per Section 10.461

Transportation Impact Analysis (TIA), a Comprehensive Plan Amendment may be required.

Applicant's Findings: There are adequate streets and street capacity for the properties. The purpose of this application is to properly allocate average daily trip values and responsibilities for required improvements to the subject properties.

“(iii) In determining the adequacy of Category A facilities, the Planning Commission may mitigate potential impacts through the imposition of special development conditions, stipulations, or restrictions attached to the zone change. Special development conditions, stipulations, or restrictions shall be established by deed restriction or covenant, and must be recorded at the Jackson County Recorder’s office with proof of recordation returned to the Planning Department. Such special development conditions shall include, but are not limited to the following:

“(A) Restricted Zoning is a restriction of uses by type or intensity. In cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development on the subject property or adjacent parcels. In no case shall residential densities be approved that do not meet minimum density standards;

Applicant's Findings: The Applicant proposes to alter the Restricted Zoning (RZ) on the subject properties and to modify certain conditions of approval that are binding on the subject properties. The Applicant stipulates that this proposal will not preclude future development, or intensification of development on the subject property or adjacent parcels. No residential densities are proposed.

“(B) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule;

Applicant's Findings: The Applicant acknowledges this provision.

“(C) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools, mandatory car-sharing programs, alternative work

schedules, employer provided transit passes or other measures that incentivize transportation options other than single-occupancy vehicles.” [MLDC 10.204(2)(c)]

Applicant’s Findings: The Applicant acknowledges this provision.

“(3) Removal of Special Development Conditions on Zone Changes and General Land Use Plan (GLUP) Map Amendments. Deed restrictions, covenants, or conditions of approval on zone changes established in order to comply with Section 10.204, or General Land Use Plan (GLUP) Map amendments established in order to comply with Section 10.220, shall only be removed by the following actions:

“(a) If an improvement is made to any facility that was lacking adequacy, or if a level of service standard is changed so that the facility is now determined to be adequate, the property owner(s) may submit a letter to the Planning Department requesting that development conditions be removed. If the Planning Director agrees that the facility is adequate and the condition(s) is no longer necessary, the special development condition can be removed. The letter signed by the Planning Director, shall be appended to the original approval resolution or ordinance. In making the determination of facility adequacy, the Planning Director may ask the property owner(s) for information to demonstrate facility adequacy.” [MLDC 10.204(3)]

“(b) For Zone Change: If the development condition is not removed through the method described in (a) above, the condition may be removed pursuant to a Type III minor zone change procedure.” [MLDC 10.204(3)]

Applicant’s Findings: The Applicant acknowledges this provision. The Applicant proposes to remove and amend the relevant conditions of approval through the Type IV procedure as set forth below in MLDC 10.204(3) subsection (c)

“(c) For GLUP Map Amendments: If the development condition is not removed through the method described in (a) above, the condition may be removed pursuant to a Type IV Comprehensive Plan Map Amendment procedure.” [MLDC 10.204(3)]

Applicant's Findings: Because this application is for both a zone change and a GLUP map amendment, the Type IV procedures are the appropriate method of amending the special development conditions / conditions of approval.

“(5) Zone Change Application Form. A zone change application shall contain the following items:

“(a) Vicinity map drawn at a scale of 1" = 1,000' identifying the proposed area of change.

“(b) Assessor's map with proposed zone change area identified.

“(c) Legal description of area to be changed. Legal description shall be prepared by a licensed surveyor or title company.

“(d) Property owner's names, addresses, and map and tax lot numbers within 200 feet of the subject site, typed on mailing labels.

“(e) Findings prepared by the applicant or his representative addressing the criteria for zone changes as per Section 10.204(2) Zone Change Criteria.” [MLDC 10.204(5)]

Applicant's Findings: The Applicant acknowledges this section. The vicinity map is enclosed as **Exhibit “B”**. The Assessor's map is enclosed as **Exhibit “C”**. The legal description is enclosed as **Exhibit “I”**. The mailing labels are attached as **Exhibit “J”**. The findings concerning MLDC Section 10.204(2) are set forth above.

4. MLDC 10.413. Restricted Zoning Administrative Mapping, R-Z

“(1) Purpose: For tracking and mapping of parcels that have received a zone change with conditions of approval or stipulations as set forth in Section 10.204(2)(c)(iii) or a General Land Use Plan (GLUP) Map amendment with conditions of approval or stipulations. The applicable conditions or stipulations are recorded by deed restriction or covenant, and may also be viewed at the Medford Planning Department.

(2) Removal: Upon satisfaction of the conditions of approval or stipulations per Section 10.204(3).” [MLDC 10.413]

Applicant's Findings: The Applicant acknowledges this section.

H. Conclusion

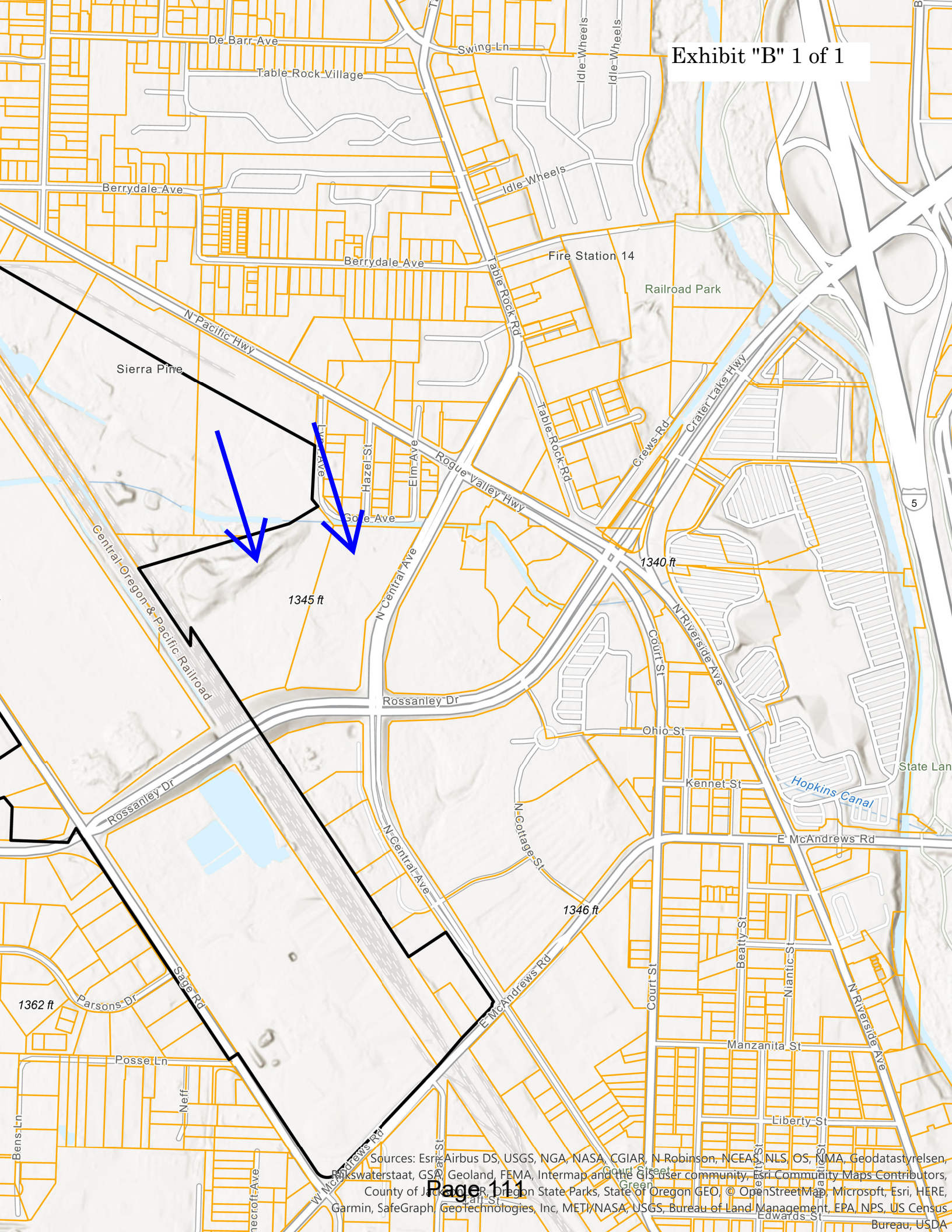
In conclusion, this application satisfies all relevant standards.

Submitted by:

O'CONNOR LAW, LLC

/s/ Garrett West

Garrett K. West, OSB No. 174890
west@PacificLand.law



SECTION 24 T.37S. R.2W. W.M.
JACKSON COUNTY
1" = 400'

CANCELLED TAX LOT NUMBERS
900 REMAPPED TO 371W24AB

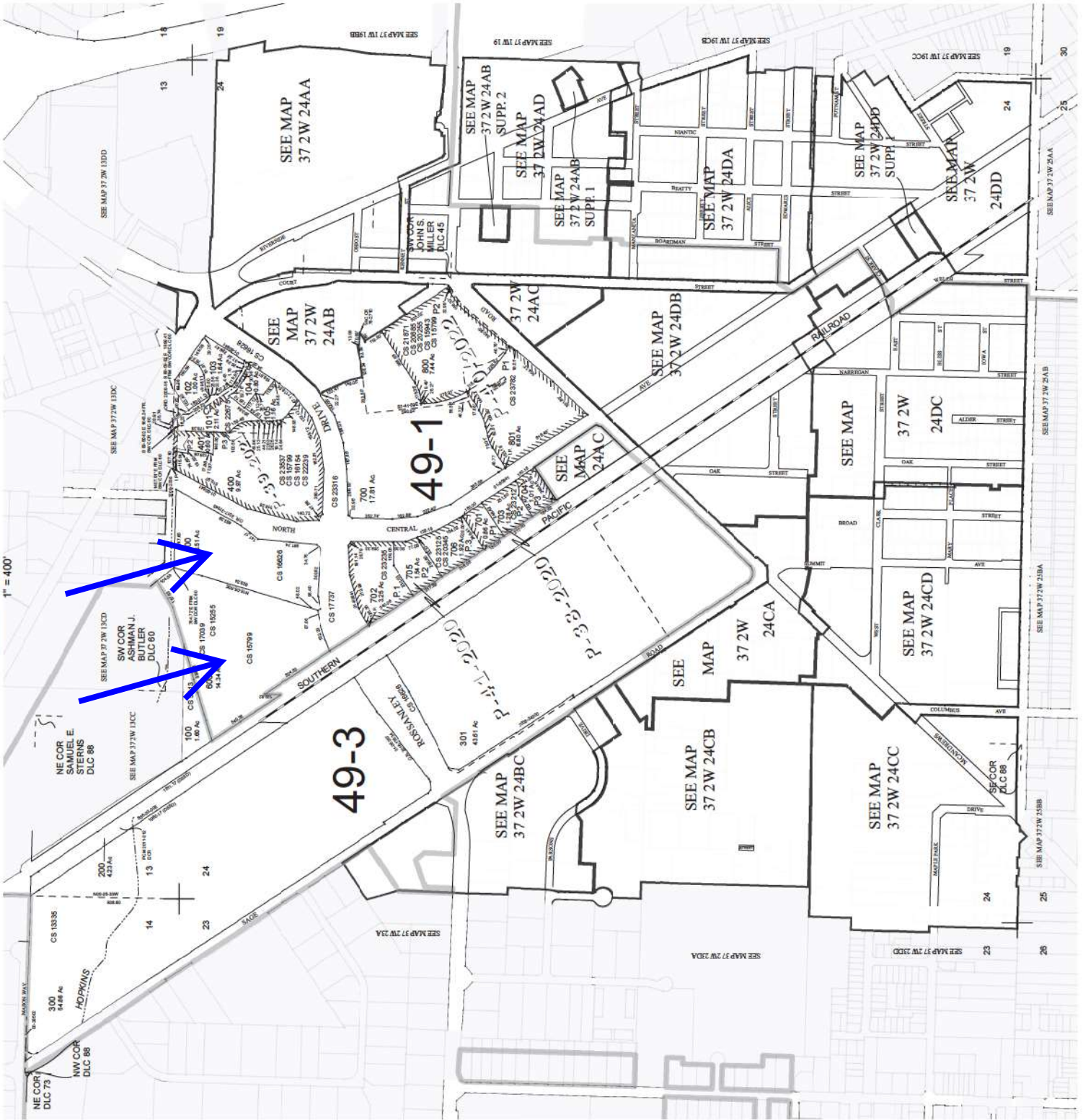
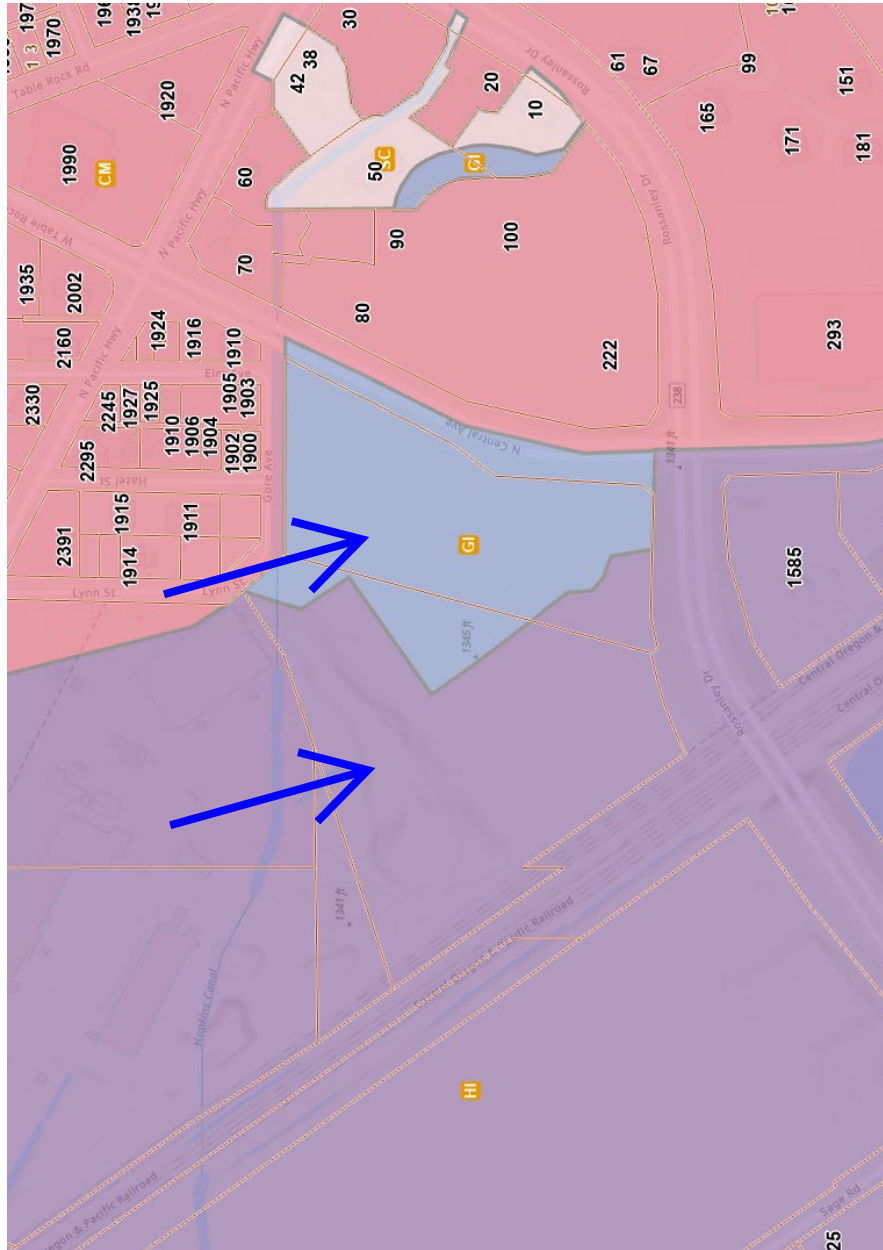


Exhibit “D”



ORDINANCE NO 2006-264

AN ORDINANCE approving, with conditions, a minor amendment of the Medford *Comprehensive Plan* changing the General Land Use Plan (GLUP) Map land use designations from Heavy Industrial, General Industrial, and Commercial to Heavy Industrial, General Industrial, Commercial, and Service Commercial on 84 acres located generally north of West McAndrews Road, east of the Central Oregon & Pacific Railroad tracks, and west of North Pacific Highway (CP-06-065)

THE CITY COUNCIL OF THE CITY OF MEDFORD, OREGON, ORDAINS AS FOLLOWS

Section 1 The minor amendment of the Medford *Comprehensive Plan* changing the General Land Use Plan (GLUP) Map land use designations from Heavy Industrial, General Industrial, and Commercial to Heavy Industrial, General Industrial, Commercial, and Service Commercial on 84 acres located generally north of West McAndrews Road, east of the Central Oregon & Pacific Railroad tracks, and west of North Pacific Highway is approved

Section 2 This minor amendment to the Medford *Comprehensive Plan* is supported by the Findings of Fact and Conclusions of Law included in the Revised City Council Staff Report and exhibits dated November 6, 2006, as updated December 11, 2006, with the Findings of Fact and Conclusions of Law and Supplemental Findings of Fact dated on file in the Planning Department and incorporated herein by reference, and the following conditions of approval which are necessary to meet the criteria for approving this minor amendment to the Medford *Comprehensive Plan*, and to which the property owner has agreed

Conditions of Approval for CP-06-065

Within 30 days of the effective date of the Ordinance adopting the GLUP Map amendment, the property owner shall, prior to recording, submit for approval by the Planning Director after review by the City Attorney, a covenant or covenants to be recorded on the subject properties containing the following stipulations to the Planning Department for review. Upon approval, the property owner shall immediately record the covenant(s) with Jackson County

A copy of this Ordinance shall be an exhibit recorded with each covenant

The conditions of approval set forth in this ordinance can only be changed through a minor comprehensive plan amendment process, now existing or as subsequently enacted

Management details regarding the following conditions of approval shall be administered through an executed Developer's Agreement with the City of Medford. The timing of compliance with the following conditions shall be established as part of the Developer's Agreement which shall be adopted through a land use decision per ORS 94 508

1 Trip Cap

A trip cap is hereby applied that limits vehicular trip generation by development on the subject site to no more than 18,509 ADT and 1,882 P M peak hour trips as a mitigation to ensure that impacts will not reduce transportation facility adequacy below LOS 'D'. A 2% trip reduction for the internal trip capture that is likely to result from the project design and up to an additional 5% deduction for the TDM measures shall be available. To receive more than the 2%, the TDM measures must include trolley service serving all project quadrants with 10 minute headways and capable of capturing 360 passengers per hour. The trolley shall operate in perpetuity, at least Monday through Friday from 7 00 A M to 6 00 P M. The applicant is responsible for monitoring ADT generation by proposed development projects (per the most current edition of the ITE Trip Generation Manual) and reporting to the City of Medford in conjunction with applications. The compliance monitoring system shall be developed as part of the Developer Agreement.

2 Transportation Improvements

The City of Medford Public Works Department memo dated October 25, 2006 (Exhibit K-3) and the Oregon Department of Transportation letters dated October 18 and October 25, 2006 (Exhibits V-1A and V-1B) herein establish the required transportation improvements and conditions. Applicant to provide evidence of compliance with transportation improvement requirements.

3 Transportation Demand Management Plan

(A) Transit Pass for Employees An employee transit pass subsidy shall be provided for at least 5 years for fixed-route transit district passes at no cost to all employees on the subject site who wish to use transit, beginning within two years from the date that the first Certificate of Occupancy is approved by the City for the subject site. After such beginning date, verification of compliance shall be provided to the Planning Director on a yearly basis for five years.

(B) Trolley Service If the additional 5% trip reduction is taken for a trolley, the privately funded fare-free trolley(s) shall service the three quadrants of the subject site beginning within two years from the date that the first Certificate of Occupancy is approved by the City for the building square footage for which the reduction is taken. At a minimum, trolley service shall operate with 10 minute headways and be capable of capturing 360 passengers per hour, at least Monday through Friday from 7 00 A M to 6 00 P M. Trolley service to connect to the Rogue Valley Mall is subject to the permission of the Rogue Valley Mall owners. Applicant shall construct the Exclusive Transit Crossing which traverses North Central Avenue between the Office and Business Parks if the same is approved by the City of Medford.

(C) Off-Street Vehicular Parking Space Reduction/Cap A parking space reduction is hereby approved for the subject site which reduces the required number of off-street vehicular parking spaces by five percent. The reduction distribution shall be approved through the Site Plan Architectural Commission Master Plan approval. This reduction

does not reduce the bicycle parking space requirement, which shall be based on the number of parking spaces normally required by the *Medford Land Development Code*. No more than 120% of the number of off-street vehicular parking spaces normally required shall be supplied.

(D) **McAndrews Multi-Use Path** A concrete multi-use path at least 10 feet in width shall be constructed behind the planter strip along the frontage of McAndrews Road connecting between Court Street and Central Avenue in lieu of the sidewalk. Specific design and location of such path is subject to specifications of the City of Medford Engineering Division and the Site Plan Architectural Commission Master Plan Approval process.

(E) **Transit/Carpool Facilities** Transit and carpool facility improvements in conformance with *Medford Land Development Code* sections 10 807 and 10 808, 10 809 shall be determined through the Site Plan Architecture Commission Master Plan approval and code required subsequent Site Plan and Architectural Review approvals.

(F) **Transportation Management Association** Businesses in Northgate Centre with 50 or more employees shall join a Transportation Management Association if one exists for the Medford area.

- 4 **Compatibility Restrictive Covenant** A restrictive covenant which restricts property owners and lessees on the subject site from remonstrating with respect to the common and customary industrial manufacturing practices which occur on nearby lands devoted to industry shall be incorporated as deed restrictions on the subject site and as provisions in the leases for future tenants of the subject site. A sample of the language for such a covenant is provided in Exhibit F-F. The Planning Commission voted to recommend including the following changes to Exhibit "F-F" pp 5-6

Third line begins ' *Timber Products Corporation and/or SierraPine Corporation* , delete the words " *as forest products businesses*" and insert, " *and any successor industrial users of those sites and/or adjacent industrial property owned by those businesses*" Line 8, which begins " *businesses to any federal, state or local agency so long as the businesses operate in conformance with* , delete *conformance* and change to "*material compliance*" Line 10 begins " *of the businesses* " Add "*Violation of a single day threshold reported in compliance with industry standard practice shall not constitute material non-compliance*"

- 5 **Northgate Centre Master Plan**
Zoning shall be in effect that permits the land use types indicated in the Master Plan prior to further Master Plan review.
(A) A Northgate Centre Master Plan shall be adopted via Site Plan and Architectural Review pursuant to Class "C" procedures of the *Medford Land Development Code*. The Master Plan shall be approved through such review prior to any further SPAC applications for individual sites or projects within the project boundary. The Master Plan and subsequent

applications shall be in substantial conformance with the Northgate Centre application materials submitted as part of CP-06-065 and ZC-06-066

(B) The following elements, among others, shall be considered during the Site Plan and Architectural Review for inclusion in the Master Plan

- (1) Pedestrian elements to include benches dispersed throughout the site, areas that integrate outdoor commerce and eating with pedestrian space, trolley stops and decorative and functional pavement treatments at key locations of vehicle/pedestrian interaction. Interconnections between the three quadrants of the project shall also be considered to the extent possible under ODOT regulations and restrictions prevailing on the piece of property
- (2) A building façade that contains a public entrance to include the following architectural elements
 - a) A cupola or tower feature on a building corner common to the building façade wall with the public entrance or cupola or tower integrated into the entrance itself
 - b) A minimum percentage of the façade to include masonry work depending upon land use type
 - c) A minimum percentage of the building façade wall having transparent or translucent windows and awnings depending upon land use type
- (3) Methods to address issues covered by the City of Medford proposed "big box Ordinance" for those structures to which the Ordinance would apply
- (4) Exterior Site Lighting
 - a) Lighting in commercial areas to be less than 25 feet in height and of a design similar to that shown in the conceptual lighting plan (Exhibit C, p 13)
 - b) Conventional style lighting to be restricted in industrial areas so that no more than 30 percent of the total illumination may come from conventional commercial/industrial lighting. The balance to be less than 25 feet in height and of a design similar to that shown in the conceptual lighting plan (Exhibit C, p 13)
- (5) Water Features

At least one significant water feature to be included in the Lifestyle Center and Office Park of a design similar to that shown in the conceptual landscape plan details (Exhibit C, p 14)
- (6) Landscaping
 - a) Landscape plans to include landscaped buffer between SierraPine and the Northgate Centre of a design similar to that shown in the conceptual buffer detail plan (Exhibit C, p 12)
 - b) Landscape plans to include street trees, landscaping, and appropriate irrigation installed in the public right-of-way planter strips. If and where planter strips are not required, street trees and appropriate irrigation to be included abutting public right-of-way sidewalks
- (7) Master Signage Plan

A master signage plan, including project entry and directional signs

(8) The following exceptions are noted

- a) The configuration of the Business Park (Exhibit C, p 11) may change to accommodate the specific requirements of potential industrial/business tenants or future owners
- b) The applicant cannot guarantee rail service as contemplated in the Northgate Centre proposal (Exhibit C, p 11) and future plans for Northgate Centre are not required to provide rail service

(C) Development Phasing Plan shall be proposed and approved

The following stipulations of the applicant are accepted and applied as conditions

- 6 **Beall/Highway 99 Improvement** Applicant agrees to stipulate to its proportional share of the cost to improve the intersection of Beall Lane and Highway 99, excluding rail crossing improvements, at such time that the City of Central Point has identified the needed improvements and ascertained the costs. Proportionality shall be determined as a proportion of the amount of traffic projected to pass through this intersection which is related to Northgate Centre in comparison to all other intersection traffic
- 7 **Mc Andrews Sidewalk** Applicant agrees to stipulate to a 100% share of the cost to install a sidewalk beneath the McAndrews Road viaduct and easterly along the southeasterly side of McAndrews Road to its intersection with Court Street provided that the said improvement, including right-of-way acquisition (if needed) can be obtained by the City of Medford
- 8 **Wetlands, Hopkins Canal** Applicant agrees to work cooperatively with the Rogue Valley Irrigation District to accommodate any reasonable concerns or requests made by the district
- 9 **Sanitary Sewer, Domestic Water, Storm Drainage Facilities** Applicant agrees to extend, and construct all needed sanitary sewer, domestic water and storm drainage facilities in accordance with the most current adopted facility plans of the City (or other facility providers) and the same will be based upon engineering construction plans prepared by a qualified civil engineer registered in Oregon and approved by the City (or other facility providers). Public facility construction will incorporate the recommendations contained in Appendix E-2 as approved by the City
- 10 **Storm Water** Applicant agrees to incorporate stormwater system design considerations into final engineering for the proposed stormwater facility improvements and carry out these in accordance with the Appendix E-2 analysis, standards and regulations of the City and generally accepted engineering practices
- 11 **Street Vacation** Pursuant to Oregon Revised Statutes ("ORS") 271.130, applicant agrees to take steps to vacate the city streets shown in Appendix F-3
- 12 **Consolidation of Existing Parcels** Applicant agrees to consolidate or adjust as appropriate existing tax lots in Northgate Centre to conform to the approved plans for Northgate Centre

-5-Ordinance No. 2006-264

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and the requirements of the MLDC, and the same will be accomplished before issuance of any Certificate of Occupancy for buildings in Northgate Centre

- 13 **Delivery of Rail Service** Applicant agrees to continue reasonable efforts to acquire and supply commuter rail service as anticipated in these land use applications
- 14 **Waste Management** Applicant agrees to establish a comprehensive waste management operations plan in cooperation with Rogue Disposal and Recycling, Inc
- 15 **Berm and Tree Buffer** Applicant agrees to construct and install the berm and landscaping to buffer Sierra Pinc from Northgate Centre generally as shown on Exhibit C, pp 2 and 12 and as approved by the Site Plan and Architectural Commission per condition 5 (B)(6) a)

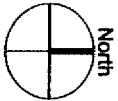
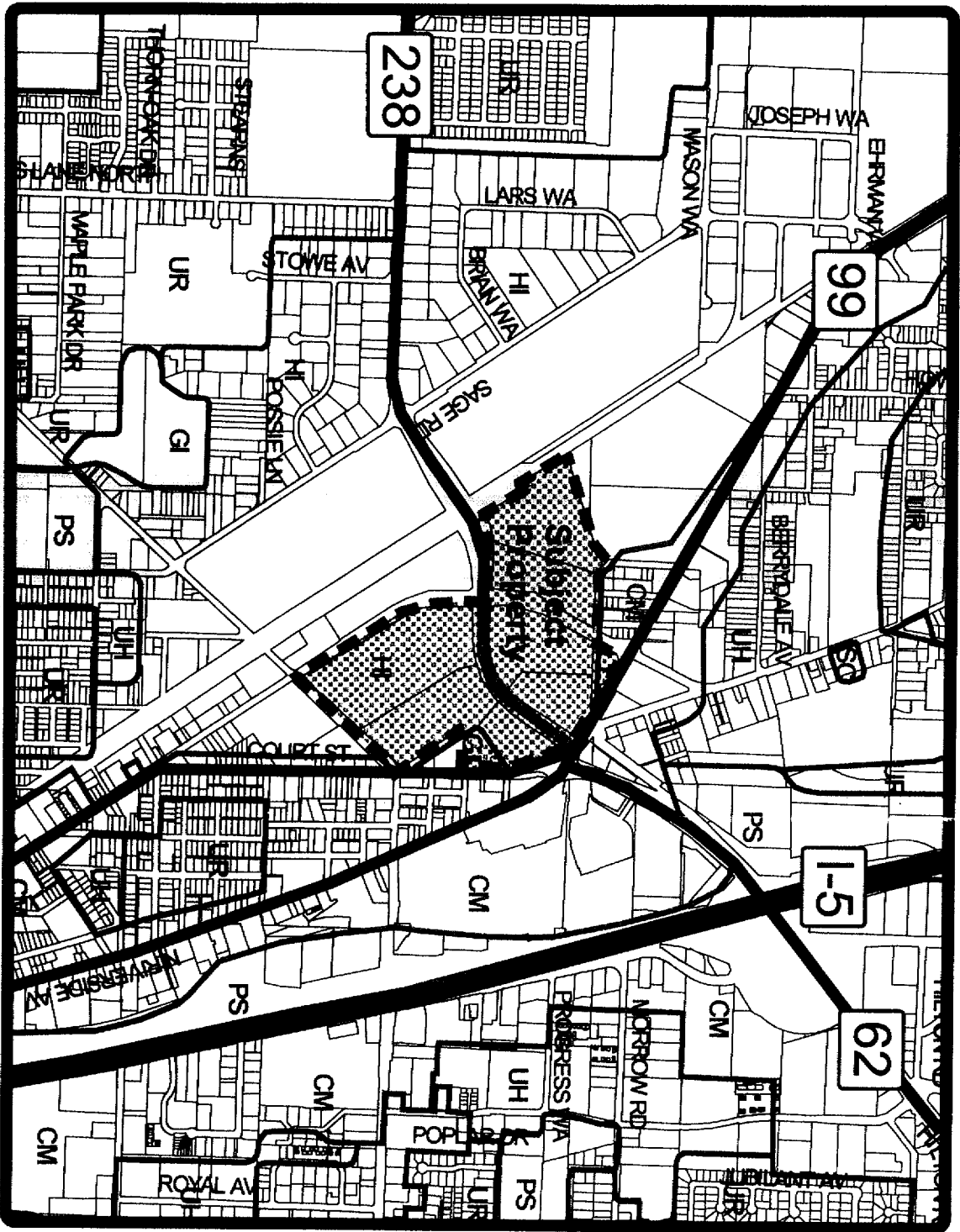
PASSED by the Council and signed by me in authentication of its passage this 21 day of December, 2006

ATTEST

Glenda Owens
City Recorder

APPROVED December 21, 2006

Allen White
Mayor
Allen White
Mayor



MEDFORD, OREGON
NORTHGATE CENTER, LLC

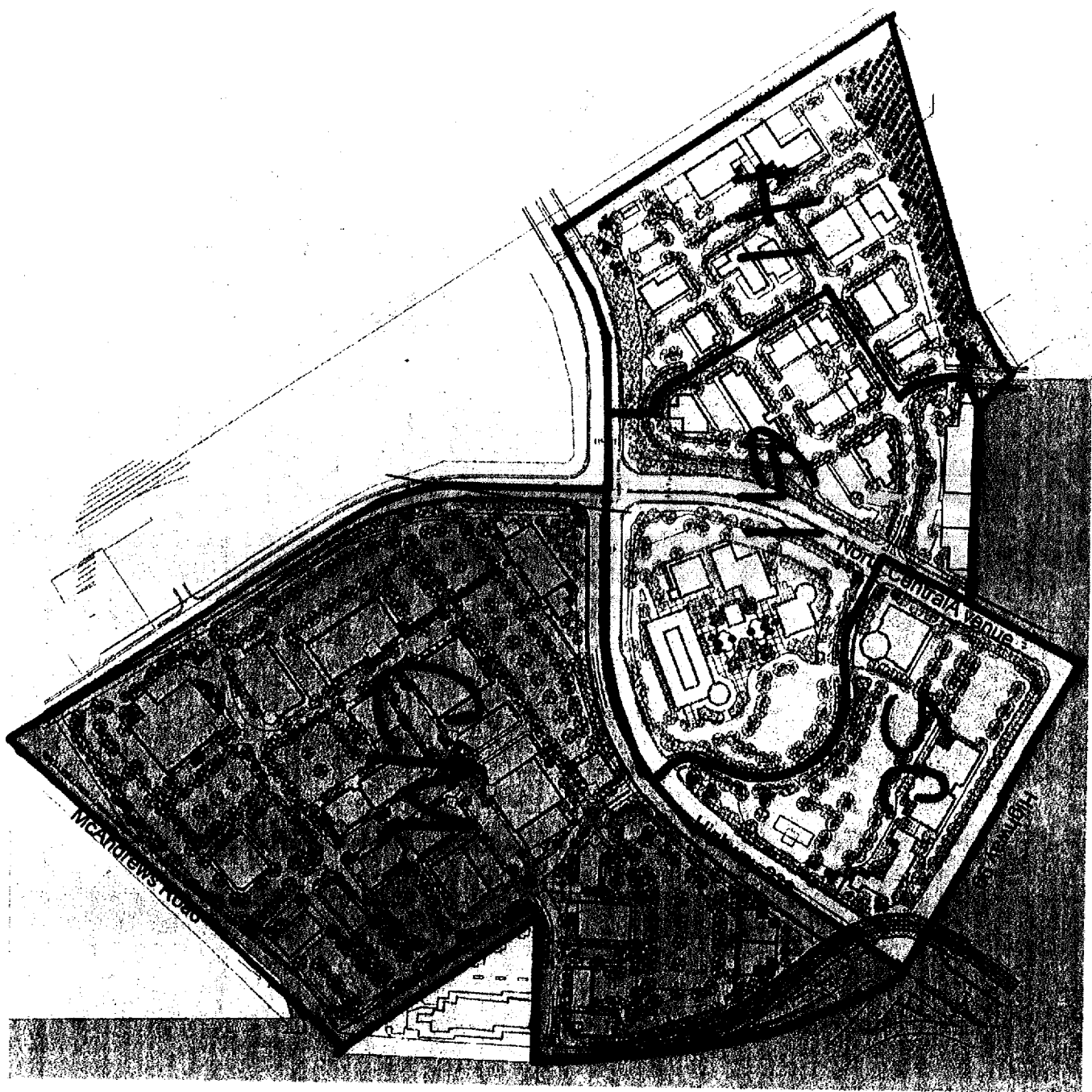
NORTHGATE CENTRE

EXISTING GLUP MAP

Craig A. Stone &
Associates Ltd.

FEBRUARY 2006

Appendix A-1



Service Commercial
SC
Commercial
CM
General Industrial
GI
Heavy Industrial
HI



MEDFORD, OREGON
NORTHGATE CENTER, LLC

NORTHGATE CENTRE

PROPOSED GLUP MAP
(Overlaid on Site Plan)

Craig A. Stone &
Associates Ltd.

ORDINANCE NO. 2011-122

AN ORDINANCE amending Ordinance No. 2006-264 changing the conditions of approval associated with Medford General Land Use Plan Map Amendment CP-06-065.

WHEREAS, Ordinance No. 2006-264 was adopted on December 21, 2006; and

WHEREAS, the applicants have submitted development applications (CP-11-041, ZC-11-042) on March 15, 2011, to amend the existing conditions of approval associated with the 2006 approval of the Northgate General Land Use Plan Map Amendment and Zoning Amendment applications (CP-06-065 & ZC-06-066 respectively); now, therefore,

THE CITY COUNCIL OF THE CITY OF MEDFORD, OREGON, ORDAINS AS FOLLOWS:

Section 1. An amendment to Ordinance No. 2006-264 changing the conditions of approval associated with Medford General Land Use Plan Map Amendment CP-06-065 is hereby approved as follows:

(1) allow for the off-site traffic mitigation improvements to be phased in conjunction with the built-out square footage of the development;

(2) remove requirements for specific design and architectural features and theme as a condition of the City Council approved Conceptual Master Plan; and

(3) allow for flexibility for future project design revisions to be brought forward as design review applications to the Site Plan and Architectural Commission (SPAC) rather than through an amendment to the original Comprehensive Plan Amendment (CP-06-065).

Section 2. Conditions 1, 3, 4, 5 and 6 through 15 contained in Ordinance No. 2006-264 shall remain in full force and effect. Condition 2 and Condition 5 are hereby amended as modified below:

Modified Conditions: (all references to the following exhibits are contained in the Planning Staff Report dated June 28, 2011, on file in the Planning Department)

Condition 2. Transportation Improvements

The City of Medford Public Works Department memo dated October 25, 2006, (Exhibit K-3) and the Oregon Department of Transportation letters dated October 18 and October 25, 2006 (Exhibits V-1A and V-2B) herein establish the required transportation improvements and conditions. Exhibit F, Applicants' Phasing Plan, establishes the timing for installation of all off-site improvements. Applicants shall install all identified off-site improvements in Exhibit F per the Phasing Plan, or provide adequate financial assurance of such construction pursuant to MLDC 10.667. Applicant is to provide evidence of compliance with transportation improvement requirements.

Condition 5. Northgate Center Master Plan:

The Master Plan is intended to provide the overall design, architectural theme, landscape plan and layout of the project and consistency between the three (3) quadrants of the project (Industrial, Office/Business Park, Retail Center). The Master Plan may be approved at one time for the entire project, or may be approved in three (3) parts for each of the three components of the project.

1. A Northgate Center Master Plan shall be adopted via Site Plan and Architectural Review (SPAC) pursuant to a Class "C" procedure of the Medford Land Development Code. The Master Plan shall be approved through such review prior to any further SPAC applications for individual sites within the project or quadrant boundary. The Master Plan and subsequent applications shall be in substantial conformance with the following elements of CP-06-065 and ZC-06-066, as amended herein:
 - a. The uses shall be consistent with the approved zoning/comprehensive plan designations;
 - b. The Master Plan shall include the number and approximate locations of vehicular access points indicated on the Conceptual Plan and Revised Conceptual Plan (Retail Center only);
 - c. The Master Plan shall include pedestrian access from each of the vehicular access points to the project; and
 - d. All buildings or structures in excess of 50,000 square feet shall be in compliance with MLDC 10.722 through 10.725.
2. The following elements, among others, shall be considered during Site Plan and Architectural Review for inclusion in the Master Plan:
 - a. In the event the Master Plan is separately reviewed for each quadrant, the architecture and landscape/pedestrian design of each subsequent component shall be in substantial conformance with the architecture and landscape design for any previously approved component(s);
 - b. Interconnections between the three quadrants of the project to the extent possible under ODOT regulations and restrictions prevailing on the piece of property shall be provided;
 - c. Decorative and functional pavement treatments for internal pedestrian access;
 - d. A consistent architectural/landscape theme for the project and each of its components;
 - e. Treatment of public plazas, building facades, etc in compliance with MLDC 10.722 through 10.725;
 - f. Lighting
 - i. A conceptual lighting plan , which in commercial areas is to be less than 25 feet in height;
 - ii. Conventional style lighting to be restricted in the industrial areas so that no more than thirty percent (30%) of the total illumination may come from conventional commercial/industrial lighting. The balance to be less than 25 feet in height and of a design similar to that shown in the conceptual lighting plan.
 - g. Landscaping
 - i. Landscape plan to include landscaped buffer between Sierra Pine and the Northgate Center of a design similar to that shown in the original conceptual buffer detail

- ii. Landscape plans to include street trees, landscaping and appropriate irrigation install in the public right-of-way planter strips. If and where planter strips are not required, street trees and appropriate irrigation to be included abutting public right-of-way sidewalks.
- h. Master Signage Plan
 - A master signage plan, including project entry and directional signs.
- j. The following exceptions are noted:
 - i. The configuration of the Business Park (Exhibit C, pg. 11 CP-06- 065/ZC-06-066) may change to accommodate the specific requirements of potential industrial/business tenants or future owners. Such changes may be approved by SPAC as part of its approval of the Master Site Plan for the project component. Additional changes to configuration of the project component may also be approved by SPAC as part of its Final Site Plan Review without the need to amend the Master Plan of the project component so long as the design and theme of the Final Site Plan remain consistent with the Master Plan, or by the Planning Director as further defined in the Disposition and Development Agreement as a Stage Three review.
 - ii. The configuration of the Retail Center may change to accommodate the specific requirements of potential commercial tenants or future owners. Such changes may be approved by SPAC as part of its Final Site Plan Review without the need to amend the Master Plan so long as the design and theme of the Final Site Plan remain consistent with the Master Plan or by the Planning Director as further defined in the Disposition and Development Agreement as a Stage Three review.
- k. Development phasing plan shall be proposed and approved.

Section 3. This amendment to the conditions of approval contained by Ordinance No. 2006-264 is supported by the Findings of Fact and Conclusions of Law included in the City Council Staff Report, dated June 28, 2011, including exhibits A through G, on File in the Planning Department (Application CP-11-041) and incorporated herein by reference, subject to modified conditions of approval number 2 and 5, to which the property owner has agreed.

PASSED by the Council and signed by me in authentication of its passage this 7 day of July, 2011.

ATTEST: Glenda Wilson
City Recorder

APPROVED July 7, 2011.

[Signature]
Mayor
[Signature]
Mayor

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New Agreement number is 29468

**COOPERATIVE IMPROVEMENT AGREEMENT
NORTHGATE CENTER DEVELOPMENT
Alba Village Regency/Northgate Center/Alba Village**

THIS AGREEMENT is made and entered into by and between the **STATE OF OREGON**, acting by and through its Department of Transportation, hereinafter referred to as "State;" and **Alba Village Regency LLC, Northgate Center LLC, and Alba Village LLC**, acting by and through company officials, hereinafter referred to as "Developers¹," collectively hereinafter referred to as the "Parties."

RECITALS

1. Oregon Route 238 (OR 238), Oregon Route 99 (OR 99) and Oregon Route 62 (OR 62) are a part of the state highway system under the jurisdiction and control of the Oregon Transportation Commission (OTC). Biddle Road, McAndrews Road, Ross Lane, Central Avenue, Ohio Street and Sage Road are a part of the city street system under the jurisdiction and control of the City of Medford.
2. By the authority granted in ORS 190.110, 366.572 and 366.576, State may enter into cooperative agreements with counties, cities and units of local governments for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties.
3. By the authority granted in ORS 810.210, State is authorized to determine the character or type of traffic control devices to be used, and to place or erect them upon state highways at places where State deems necessary for the safe and expeditious control of traffic. No traffic control devices shall be erected, maintained, or operated upon any state highway by any authority other than State, except with its written approval. Traffic signal work on this Project will conform to the current State standards and specifications.
4. By the authority granted in ORS 366.425, State may accept deposits of money or an irrevocable letter of credit from any county, city, road district, person, firm, or corporation for the performance of work on any public highway within the State. When said money or a letter of credit is deposited, State shall proceed with the Project. Money so deposited shall be disbursed for the purpose for which it was deposited.
5. The Oregon Transportation Commission adopted the Oregon Highway Plan (OHP) in 1999 which includes polices for development and funding of highway improvements. OHP Action 2A.4 provides that State may consult with local

¹ The term "Developers" includes Developers' Successors if the property interests described in Exhibit C are transferred or otherwise relinquished.

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government agencies for contribution of funds for modernization projects considered for inclusion in the Statewide Transportation Improvement Program (STIP). OHP Action 2A.7 provides for State to negotiate with the private sector to leverage funds, right of way contributions, or off-system improvements when major highway improvements benefit specific properties planned for development, where changes are proposed or have occurred to the relevant comprehensive plan or development has occurred or will occur that necessitate major highway improvements.

6. The City of Medford and State approved Developers' Traffic Impact Analysis for the Northgate Center Project in July 2006, and provided conditions of approval relating to traffic mitigation for Developers. This Agreement is intended to implement Developers' obligations for the traffic mitigation identified in the conditions of approval in City of Medford Ordinance 2006-064 And as amended in 2011 by the City of Medford, in Ordinance 2011-122. Developers' conditions of approval run with the land and it is the intent of the parties to record this Agreement with the tax maps and property descriptions to ensure that these obligations also run with the land. A tax map and property description is found at Exhibit C, attached hereto and by this reference made a part of this Agreement.

NOW THEREFORE, the premises being in general as stated in the foregoing recitals, it is agreed by and between the Parties hereto as follows:

TERMS OF AGREEMENT

1. State and Developers agree that Developers shall provide transportation improvements for traffic mitigation related to the Northgate Center development. This Agreement implements the February 12, 2008 Oregon Department of Transportation (ODOT) Conditions of Approval for Northgate Center as amended by City of Medford Ordinance No. 2011-122. Ordinance 2011-122 is shown on Exhibit B, attached hereto and by this reference made a part hereof.
2. The improvements shall include the following, which Developers shall fund, design and construct: **a) turn lane improvements on Biddle Road at McAndrews Road; b) a traffic signal at the OR 238 at Ross Lane intersection; c) a northbound exclusive right-turn lane and half street improvements on Sage Road at OR 238; d) a sidewalk on south side of McAndrews Road between Central Avenue and Court Street; e) a northbound right-turn lane on Central Avenue to southbound OR 99; f) a right turn lane from the I-5 southbound off-ramp to westbound OR 62; g) a second westbound to northbound exclusive right turn lane on OR 62 at OR 99**, hereinafter referred to as "Project." The improvements, locations and associated square footage triggers are shown on Exhibit A, attached hereto and by this reference made a part hereof.
3. State and Developers agree as to the order in which the improvements shall be constructed. The order of the improvements is as shown on Exhibit A. Developers shall be responsible for the improvements and payments that correspond with the

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square footage constructed and timing as part of each of the construction phases for the Project, as shown on Exhibit A.

4. The Project will be financed at an estimated cost of \$5,560,000 in Developers' funds. The estimate for the total Project cost is subject to change. Developers shall be responsible for any Project costs beyond the estimate.
5. As part of the Highway 238-Jackson Street, Unit 1 project during the 1990's, State installed conduits at the intersection of Highway 238 and Ross Lane for the purpose of future signalization. The intent of the conduits was to allow a signal to be installed without needing to open-cut the asphalt or disrupt traffic with conduit installation of any kind. Developers shall not be responsible for any costs incurred if the conduits are found to be damaged, missing, or otherwise unusable. State shall be responsible for replacing or repairing conduits. State and Developer shall explore the possibility of using Developers' contractor(s) for such work.
6. The improvements shall be designed and constructed in phases by Developers. The phasing and timing of the improvements shall be determined as follows:
 - a. Per the State-approved Traffic Impact Analysis (TIA), the Northgate Center is expected to generate a total of 1,882 new trips from 823,800 square feet of new building development. Broken into the various uses, the retail portion is expected to generate 1,320 new trips from 417,500 square feet of building development; the office park portion is expected to generate 335 new trips from 219,300 square feet of building development; and the business park portion is expected to generate 227 new trips from 187,000 square feet of building development.
 - b. The proposed square footage of development in each phase is mathematically related to the expected trip generation, as provided in the attached Exhibit "A."
7. Phase I shall include all improvements that support the traffic requirements for on-site square footage up to 300,000 square feet. Subsequent phases of the Project shall include construction of square footage from 300,000 sq. feet to 823,800 sq. feet (full build-out). At full build-out there will be further analysis by Developers of the need for a southbound right turn lane on OR 238 at Sage Road, based on traffic counts resulting from previous phases (See Exhibit A).
8. As the percentage of improvements is determined for each phase, as described in Paragraph 6 above and Exhibit A herein, the percentage is multiplied by the total value of the improvements. The result is a dollar value of improvements proportional to the amount of traffic being generated by each phase. Developers shall be responsible for designing and constructing those improvements that are as closely equal to the proportional dollar value as possible, recognizing that fractions of improvements cannot be realistically constructed.

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9. State and Developers shall review and discuss the improvements that shall be constructed as the Developers bring forth each phase of the project, and agree that the Parties may deviate from the order of improvements as shown in Exhibit A, subject to the requisite approvals by the City of Medford.
10. All improvements to State highways shall be inspected and approved by State and constructed to State standards.
11. The Parties agree that this agreement shall be recorded with the tax maps and property description shown at Exhibit C.
12. The term of this Agreement shall begin on the date all required signatures are obtained and shall terminate after fifteen (15) calendar years following the date all required signatures are obtained. This Agreement may be modified by mutual consent of both Parties and upon execution of amendments to this Agreement stating said modifications.

DEVELOPERS' OBLIGATIONS

1. Developers shall be responsible for transportation improvements on the State Highway system as a part of this Project. Developers' responsibilities of this Agreement, if met, shall satisfy State's conditions of approval for the Northgate Center Project, dated February 12, 2008, as amended by Ordinance No. 2011-122, or as otherwise approved and amended by the City of Medford and State..
2. Developers shall, upon receipt of a fully executed copy of this Agreement and a cost estimate of State's participation in the Project, and upon a subsequent letter of request from State, forward to State an advance deposit in the amount of \$25,000 for the Project, said amount being equal to the estimated total cost for the work performed by State at Developers' request under State Obligations, Paragraph 2. All funds transferred to State shall be directed to State's project manager.
3. Upon completion of the Project and receipt from State of an itemized statement of the actual total cost of State's participation for the Project, Developers shall pay any amount which, when added to Developers' advance deposit, will equal 100 percent of actual total State costs for the Project under State Obligations, Paragraph 2. Any portion of said advance deposit which is in excess of the State's total costs will be refunded or released to Developers.
4. Developers shall coordinate all lane, sidewalk and signal design with State and the City of Medford and obtain State and City of Medford approval and necessary permits before construction commences.

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5. At the time of development of Phase III of the Northgate Center Project, Developers shall provide additional traffic analysis to the City of Medford and State to determine the need for a southbound right-turn lane on Sage Road at OR 238. If the traffic analysis supports the need for the southbound right-turn lane, Developers shall fund, design and construct said improvement. If the analysis shows that there is no need for a southbound right-turn lane, Developers shall provide \$100,000 to State for future intersection improvements on Sage Road at OR 238.
6. Developers shall coordinate with State to design and construct a right-turn lane at the North Medford Interchange southbound off-ramp. If Developers and State determine that said right-turn lane is not feasible or viable, Developers shall provide State \$1,280,000 for State's application to other traffic mitigations, unless other acceptable traffic mitigation is agreed upon by the parties.
7. Developers shall contribute a combined total of \$725,000 to the OR 62/OR 238/OR 99 flyover as their proportionate share funding contribution toward the flyover construction and associated OR 62 access management improvements. Developers shall fund the \$725,000 to State upon full build-out. Upon payment, Developers will have met their requirement for proportionate share funding and shall have no further obligations to ODOT for the flyover or access management improvements. If the flyover construction and access management improvements are not completed within 15 years from the date of Developer's payment of the \$725,000, ODOT shall refund said \$725,000 to Developers.
8. Developers shall contribute \$300,000 to State for the OR 99 at Lynn Street intersection area improvements to meet State and City standards. Said payment shall occur upon obtaining a building permit from the City of Medford, for construction that exceeds an aggregate square footage of 725,000 square feet within Northgate Center, and is part of development of the Business Portion portion of Northgate Center, as provided in Exhibit A herein.
9. Developers shall design and construct off-site improvements for each phase such that the traffic mitigation is completed in parallel with construction of on-site development or funding. Developers shall ensure to the satisfaction of State prior to the corresponding on-site development for such improvements on the first day of occupancy by bond, letter of credit or other acceptable financial security.
10. This Agreement is conditioned upon Developers obtaining a "Permit to Occupy or Perform Operations upon a State Highway" from State's District 8 office, as well as but not limited to, land use permits, building permits, and engineering design review approval from the State. Developers agree to comply with all provisions of said permits, and shall require its contractors, subcontractors, or consultants performing such work to comply with said permits and provisions.
11. Developers shall apply for and obtain a valid ODOT Utilities Permit for work affecting or within State's highway right of way.

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12. Developers shall conduct the necessary field surveys, environmental studies, traffic investigations, preliminary engineering and design work required to produce and provide final plans, specifications and cost estimates for the highway Project; identify and obtain all required permits; perform all construction engineering, including all required materials testing and quality documentation; prepare all bid and contract documents; advertise for construction bid proposals; award all contracts; pay all contractor costs, provide technical inspection (*other than inspections provided by State under State Obligations*), project management services and other necessary functions for sole administration of the construction contract entered into for this Project.
13. Developers shall design and construct the Project in conformance with the current edition of the *ODOT Highway Design Manual* and the *Oregon Standard Specifications for Construction Manual*. Developers understand the Project shall be designed and constructed to State standards and approved by State prior to advertisement for bid, or construction of Project by Developers.
14. All employers, including Developers, that employ subject workers who work under this Agreement in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage unless such employers are exempt under ORS 656.126. Employers Liability insurance with coverage limits of not less than \$500,000 must be included. Developers shall ensure that each of its subcontractors complies with these requirements.
15. Developers shall perform the service under this Agreement as independent contractors and shall be exclusively responsible for all costs and expenses related to employment of individuals to perform the work under this Agreement including, but not limited to, retirement contributions, workers' compensation, unemployment taxes, and state and federal income tax withholdings.
16. Developers acknowledge and agree that State, the Oregon Secretary of State's Office, the federal government, and their duly authorized representatives shall have access to the books, documents, papers, and records of Developers which are directly pertinent to the specific Agreement for the purpose of making audit, examination, excerpts, and transcripts for a period of six (6) years after final payment (or completion of Project – if applicable.) Copies of applicable records shall be made available upon request.
17. Developers shall, to the extent permitted by the Oregon Constitution and the Oregon Tort Claims Act, indemnify, defend, save, and hold harmless the State of Oregon, Oregon Transportation Commission and its members, Department of Transportation, its officers and employees from any and all claims, suits, and liabilities which may occur in the performance of this Project by Developers, its employees, agents, or contractors. Developers' duty to indemnify shall exclude all claims, losses and liabilities which are caused by State's, its employees, agents, or contractors', negligence or reckless conduct.

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18. Notwithstanding the foregoing defense obligations under the paragraph above, neither Developers nor any attorney engaged by Developers shall defend any claim in the name of the State of Oregon or any agency of the State of Oregon, nor purport to act as legal representative of the State of Oregon or any of its agencies, without the prior written consent of the Oregon Attorney General. The State of Oregon may, at anytime at its election assume its own defense and settlement in the event that it determines that Developers are prohibited from defending the State of Oregon, or that Developers are not adequately defending the State of Oregon's interests, or that an important governmental principle is at issue or that it is in the best interests of the State of Oregon to do so. The State of Oregon reserves all rights to pursue any claims it may have against Developers if the State of Oregon elects to assume its own defense.
19. Developers shall comply with all federal, state, and local laws, regulations, executive orders and ordinances applicable to the work under this Agreement, including, without limitation, the provisions of ORS 279A, 279B and 279C incorporated herein by reference and made a part hereof. Without limiting the generality of the foregoing, Developers expressly agree to comply with (i) Title VI of Civil Rights Act of 1964; (ii) Title V and Section 504 of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS 659A.142; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and State civil rights and rehabilitation statutes, rules and regulations.
20. Developers are required to pay, on behalf of State, any applicable fee due because of this Project, pursuant to ORS 279C.825, to the Bureau of Labor and Industries. In the event Developers do not pay such fee, and State is required to do so, Developers shall reimburse State such amount, within three (3) business days, upon its request. In addition, Developers agree to indemnify, hold harmless and reimburse State and its officers, employees and agents for any liability, cost, expense, fine, fee or penalty payable to a private party or governmental entity, including another agency of the State of Oregon resulting from or arising out of this Project, including but not limited to expenses incurred to comply with, to obtain a determination under, or in any other way related to the Prevailing Wage Rate Laws set forth in ORS 279C.800 to 279C.870.
21. Developers shall construct the Project in accordance with the requirements of ORS 276.071 including the public contracting laws within ORS Chapters 279A, 279B and 279C.
22. If Developers choose to assign contracting responsibilities to a contractor, Developers shall inform the contractor of the requirements of ORS 276.071 to ensure that the public contracting laws within ORS 279A, 279B, and 279C are followed.
23. If Developers enter into a construction contract for performance of work on the Project, Developers shall require contractors to provide the following, and in the event

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Developers provide construction activities for the Project itself, Developers are required to provide the following as well:

- a. Contractor shall indemnify, defend and hold harmless Developers and State against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature whatsoever resulting from, arising out of, or relating to the activities of Contractor or its officers, employees, sub-contractors, or agents under the resulting contract.
- b. Contractor shall name State and Developers as third party beneficiaries of the resulting contract.
- c. **Commercial General Liability.** Contractor shall obtain, at Contractor's expense, and keep in effect during the term of the Contract, Commercial General Liability Insurance covering bodily injury and property damage in a form and with coverages that are satisfactory to State and Developers. This insurance shall include personal and advertising injury liability, products and completed operations. Coverage may be written in combination with Automobile Liability Insurance (with separate limits). Coverage shall be written on an occurrence basis. If written in conjunction with Automobile Liability the combined single limit per occurrence shall not be less than \$1,000,000 for each job site or location. Each annual aggregate limit shall not be less than \$2,000,000.
- d. **Automobile Liability.** Contractor shall obtain, at Contractor's expense, and keep in effect during the term of the contract, Commercial Business Automobile Liability Insurance covering all owned, non-owned, or hired vehicles. This coverage may be written in combination with the Commercial General Liability Insurance (with separate limits). Combined single limit per occurrence shall not be less than \$1,000,000.
- e. **Additional Insured.** The liability insurance coverage, except Professional Liability, Errors and Omissions, or Workers' Compensation, if included, required for performance of the Contract shall include State and Developers and their divisions, officers and employees as "Additional Insured" but only with respect to the Contractor's activities to be performed under the resulting contract. Coverage shall be primary and non-contributory with any other insurance and self-insurance.
- f. **Notice of Cancellation or Change.** There shall be no cancellation, material change, potential exhaustion of aggregate limits or non-renewal of insurance coverage(s) without thirty (30) days written notice from the Contractor or its insurer(s) to State and Developers. Any failure to comply with the reporting provisions of this clause shall constitute a material breach of contract and shall be grounds for immediate termination of the resulting contract and this Agreement.

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24. Pursuant to the statutory requirements of ORS 279C.380, Developers shall require contractors to submit a performance bond to Developers for an amount equal to or greater than the estimated cost of the Project.
25. Developers shall, within ninety (90) calendar days of completion of each improvement upon the state highway, or termination without completion of the Project, provide to State permanent mylar "as constructed" plans for work on state highways. If Developers or consultants redraft the plans, done in Computer Aided Design and Drafting (CADD) or Microstation, to get the "as constructed" set, and they follow the most current version of the "Contract Plans Development Guide, Volume 1 Chapter 16" <http://egov.oregon.gov/ODOT/HWY/ENGSERVICES/cpdg.shtml>, Developers shall provide to State a Portable Document Format (PDF) file and a paper copy of the plan set.
26. Developers shall, pursuant to OAR Chapter 734, Division 10, ensure that its contractor has been prequalified and registered with the Construction Contractor's Board, to function as the general contractor for the performance of this work. All obligations of the Developers stated in this Agreement shall remain the responsibility of the Developers regardless of whether a contractor performs the work. It is the Developers' responsibility to inform any such contractor of its obligations.
27. Developers shall, prior to advertisement for construction bid proposals, provide the Project preliminary and final plans and specifications to State's District 8 Office for review and written concurrence. The plans and specifications must be approved by Office of the State Traffic Engineer. All signal equipment must be inspected and tested by State's Traffic Systems Services Unit. Any video detection equipment to be used with the traffic signal, will need to be reviewed and approved by the State Traffic Engineer to ensure proper location and usage. State's District 8 office shall coordinate all such reviews.
28. Developers, or their contractors, shall follow the Oregon Locate Laws (ORS 757 and OAR 952).
29. For all work being performed on State facilities, Developers shall cause the Project to be designed and constructed in accordance with State standards and shall, upon completion of the Project, release ownership of all traffic signal equipment to State.
30. Developers, or their contractor's electrical inspectors shall possess a current State Certified Traffic Signal Inspector certificate, in order to inspect electrical installations on State highways. The State District 8 Permitting Office shall verify compliance with this requirement prior to construction. Said inspectors must coordinate their traffic inspections with State District 8 and Electrical inspectors during the course of the Project.
31. Developers are responsible for and ensure that all survey monuments recorded with a county and within or adjacent to the highway right of way shall be preserved in

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accordance with ORS 209.140 and 209.150. Any such monumentation that is damaged or removed during the course of the Project must be replaced in compliance with ORS Chapter 209 stipulations, the State Right of Way Monumentation Policy, and at Developers' own expense. Developers are also responsible, at their own expense, for replacement of any additional State survey marks or other monumentation not recorded with a county that are damaged or removed during the course of the Project. In the event of such replacement, Developers shall contact State's Geometronics Unit for replacement procedures.

32. If additional right of way is acquired for State highway right of way purposes as a result of the Project, then a right of way monumentation survey is required as defined in ORS 209.150 and 209.155. Developers agree to provide such a survey, at its own expense, following ORS Chapter 209 stipulations, State Right of Way Monumentation Policy, and State's Geometronics Unit review and approval, and to file the legal survey with the appropriate county Surveyor's office as required.
33. Developers shall notify State in writing of any transfer of interest or ownership of the Northgate Center Development.
34. Developers shall record this Agreement with the tax maps and property descriptions identified in Exhibit C with Jackson County.
35. Developers certify and represent that the individuals signing this Agreement have been authorized to enter into and execute this Agreement on behalf of Developers, under the direction or approval of its company officers, and to legally bind Developers.
36. Developers' Project Managers for this Project are Steve Morgan, Northgate Center LLC, (541) 601-9996; Craig Ramey, Alba Village Regency, LLC, (503) 603-4700; and Mark Linehan, Alba Village LLC, (805) 967-6040; *or assigned designee upon individual's absence*. Developer shall notify the other Party in writing of any contact information changes during the term of this Agreement.

STATE OBLIGATIONS

1. State shall be responsible for and pay to the power company 100 percent of the power costs for any of the traffic signals related to the project. The power company shall send power bills directly to State.
2. State shall, upon execution of this Agreement, forward to Agency a letter of request for an advance deposit or irrevocable letter of credit in the amount of \$25,000 for payment of State's design and signal review. Requests for additional deposits shall be accompanied by an itemized statement of expenditures and an estimated cost to complete Project.
3. Within 45-days of execution of this Agreement, State shall provide a cost estimate to Developers for State's participation in the Project.

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4. State shall accept Developers' funds paid pursuant to this Agreement and shall apply such funding to future roadway improvements, signal inspection and State inspection of Developers' improvements, as specified in the terms of this Agreement.
5. State shall be responsible for illumination, signing, inspection, turn-on and signal timing. State shall, upon signal turn on and proper operation, perform all necessary maintenance of said traffic signals, control the timing established for operation of the traffic signals and pay for maintenance and electrical energy costs for the traffic signals.
6. State grants authority to Developers to enter upon State right of way for the construction of this Project as provided for in miscellaneous permits to be issued by State's District 8 Office.
7. State is responsible for acquiring right of way if additional right of way is necessary for State highway right-of-way purposes as a result of the Project. State right of way staff and Developers' engineer shall coordinate to determine the extent of acquisition needs. State shall take all steps to negotiate and procure the right of way from property owners at State's cost and expense.
8. State shall review all right of way activities to assure compliance with applicable laws and regulations. State agrees that right of way activities shall be in accord with the Uniform Relocation Assistance & Real Property Acquisition Policies Act of 1970, as amended, ORS Chapter 35, FHWA Federal-Aid Policy Guide, State's Right of Way Manual and the Code of Federal Regulations, Title 23, Part 710 and Title 49, Part 24.
9. State shall issue a letter to Developers and City of Medford when all obligations of this Agreement have been satisfied. That letter is intended to be filed with the tax maps and property descriptions for the property described at Exhibit C.
10. State's Project Manager for this Project is Jerry Marmon, ODOT Region 3 District 8 Manager, 100 W. Antelope Road, White City, OR 97503; (541) 774-6355; jerry.marmon@odot.state.or.us; *or assigned designee upon individual's absence.*

GENERAL PROVISIONS

1. This Agreement may be terminated by mutual written consent of both Parties. The Parties shall notify the City of Medford of any such termination.
2. State may terminate this Agreement effective upon delivery of written notice to Developers, or at such later date as may be established by State, under any of the following conditions:

Misc. Contracts & Agreements
No. 25003

- a. If Developers fail to provide services called for by this Agreement within the time specified herein or any extension thereof.
 - b. If Developers fail to perform any of the other provisions of this Agreement, or so fail to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from State fail to correct such failures within ten (10) days or such longer period as State may authorize.
 - c. If Developers fail to provide payment of their share of the cost of the Project.
 - d. If State fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow State, in the exercise of its reasonable administrative discretion, to continue to make payments for performance of this Agreement.
 - e. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or State is prohibited from paying for such work from the planned funding source.
3. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the Parties prior to termination.
 4. As this Agreement is intended to implement the conditions of approval associated with City of Medford Ordinance 2006-064, as amended in 2011 by the City of Medford in Ordinance 2011-122, termination of the Agreement for reasons stated in (a) (b) or (c) above may affect those approvals. State shall notify the City of Medford of termination.
 5. This Agreement may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.
 6. This Agreement and attached exhibits constitute the entire agreement between the Parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either party unless in writing and signed by both Parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of State to enforce any provision of this Agreement shall not constitute a waiver by State of that or any other provision.

Misc. Contracts & Agreements
No. 25003

IN WITNESS WHEREOF, the Parties hereto have set their hands as of the day and year hereinafter written.

Alba Village Regency LLC, by and through
its company officials

By [Signature]

Date 5-15-12

Notarized

By

Date 5-15-12



[Signature: Kim A. Magruder]

Northgate Center LLC, by and through its
company officials

By _____

Date _____

Notarized

By _____

Date _____

Alba Village LLC, by and through its
company officials

By _____

Date _____

Notarized

By _____

Date _____

Developers' Contacts:

Alba Village, LLC
Mark D. Linenan
5330 Debbie Road, Suite 100

STATE OF OREGON, by and through
its Department of Transportation

By [Signature]

Region Manager

Date 5-17-12

APPROVAL RECOMMENDED

By [Signature]

District Manager

Date 5-16-12

APPROVED AS TO LEGAL
SUFFICIENCY

By _____

Assistant Attorney General

Date: _____

State Contact:

Jerry Marmion
ODOT Region 3, District 8 Manager
100 Antelope Road
White City, OR 97503
(541) 774-6355
Jerry.marmion@odot.state.or.us

Misc. Contracts & Agreements
No. 25003

IN WITNESS WHEREOF, the Parties hereto have set their hands as of the day and year hereinafter written.

Alba Village Regency LLC, by and through
its company officials

By _____

Date _____

Notarized

By _____

Date _____

Northgate Center LLC, by and through its
company officials

By *[Signature]*

Date 5-10-12

Notarized

By *[Signature]*

Date 5-10-12

Alba Village LLC, by and through its
company officials

By _____

Date _____

Notarized

By _____

Date _____

Developers' Contacts:

Alba Village, LLC
Mark D. Linehan
5330 Debbie Road, Suite 100

STATE OF OREGON, by and through
its Department of Transportation

By _____
Region Manager

Date _____

APPROVAL RECOMMENDED

By _____
District Manager

Date _____

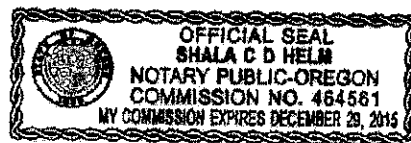
**APPROVED AS TO LEGAL
SUFFICIENCY**

By *[Signature]*
Assistant Attorney General

Date: 5/18/2012

State Contact:

Jerry Marmon
ODOT Region 3, District 8 Manager
100 Antelope Road
White City, OR 97503
(541) 774-6355
Jerry.marmon@odot.state.or.us



Misc. Contracts & Agreements
No. 25003

IN WITNESS WHEREOF, the Parties hereto have set their hands as of the day and year hereinafter written.

Alba Village Regency LLC, by and through
its company officials

By _____

Date _____

Notarized

By _____

Date _____

Northgate Center LLC, by and through its
company officials

By _____

Date _____

Notarized

By _____

Date _____

Alba Village LLC, by and through its
company officials

By [Signature]

Date 5/9/12

Notarized Deborah A. Consoli

By [Signature]

Date 5/9/12

Developers' Contacts:

Alba Village, LLC
Mark D. Linehan
5330 Debbie Road, Suite 100
Santa Barbara, CA 93111

STATE OF OREGON, by and through
its Department of Transportation

By _____
Region Manager

Date _____

APPROVAL RECOMMENDED

By _____
District Manager

Date _____

**APPROVED AS TO LEGAL
SUFFICIENCY**

By _____
Assistant Attorney General

Date: _____

State Contact:

Jerry Marmon
ODOT Region 3, District 8 Manager
100 Antelope Road
White City, OR 97503
(541) 774-6355
Jerry.marmon@odot.state.or.us

Misc. Contracts & Agreements
No. 25003

Santa Barbara, CA 93111
805-967-6040
805-967-7089 (fax)

Northgate, LLC
Steve Morgan
711 Medford Center, Suite 413
Medford, OR 97504
541-601-9996
541-734-3888 (fax)

Alba Village Regency, LLC
Craig Ramey
5335 Meadows Road, Suite 295
Lake Oswego, OR 97035
503-603-4700
503-624-0336 (fax)

Misc. Contracts & Agreements
No. 25003

EXHIBIT A

Off-site Improvement Timing
Plan

The Developers shall, at their sole expense, cause to be constructed the following off-site transportation improvements. The Developers shall provide evidence of compliance with these transportation improvement requirements.

Location	Description	Square Feet when Triggered
Biddle Rd @ McAndrews Rd *	Turn lane improvement	1
Highway 238 @ Ross Lane	Construct a signal	1
Highway 238 @ Sage Rd NB (Timber Products Frontage) *	Add a NB to EB exclusive right turn lane and half street improvements for future 5 lane section on Sage Rd	1
South side of McAndrews Rd between Central and Court * (on-site improvement)	Add sidewalk along south side of McAndrews Rd between Central Ave and Court St where it does not currently exist	1
NB Central @ Highway 99 *	Add a right turn lane NB Central to EB/SB Highway 99	300,000
I-5 South @ Highway 62	Add a right turn lane from I-5 SB off-ramp to WB Highway 62	475,000
Highway 62 @ Highway 99 (Big X)	Add a 2 nd WB to NB exclusive right turn lane	675,000
Highway 99 @ Lynn St	Contribute \$300,000 to ODOT for future signal	725,000
Highway 62	Contribute to Highway 62 Access Management Improvements	775,000
	Contribute to flyover	823,800
Highway 238 @ Sage Rd SB **	Add a SB to WB exclusive right turn lane pending future traffic analysis	Deferred for future analysis

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No. 25003

***Qualifies for Street System Development Credits**

****Developers shall provide additional traffic analysis to the City of Medford and State at the time of development of Phase III (Business Park) of Northgate Center. The additional analysis will evaluate the need for the SB right turn lane based on traffic counts that are the result of Phases I and II of Northgate Center being in place and functioning. If the additional analysis continues to support the need for the SB right turn lane, Developers shall be responsible for the design and construction of the improvement prior to or in conjunction with the issuance of development permits for Phase III. If the additional analysis shows the SB right turn lane is not needed, the City of Medford will release Developers from this condition.**

Misc. Contracts & Agreements
No. 25003

EXHIBIT B

ORDINANCE NO.
2011 1

AN ORDINANCE amending Ordinance No. 2006-264 changing the conditions of approval associated with Medford General Land Use Plan Map Amendment CP-06-065.

WHEREAS, Ordinance No. 2006-264 was adopted on December 21, 2006; and

WHEREAS, the applicants have submitted development applications (CP-11-041, ZC-11-042) on March 15, 2011, to amend the existing conditions of approval associated with the 2006 approval of the Northgate General Land Use Plan Map Amendment and Zoning Amendment applications (CP-06-065 & ZC-06-066 respectively); now, therefore,

THE CITY COUNCIL OF THE CITY OF MEDFORD, OREGON, ORDAINS
AS FOLLOWS:

Section 1. An amendment to Ordinance No. 2006-264 changing the conditions of approval associated with Medford General Land Use Plan Map Amendment CP-06-065 is hereby approved as follows:

(1) allow for the off-site traffic mitigation improvements to be phased in conjunction with the built-out square footage of the development;

(2) remove requirements for specific design and architectural features and theme as a condition of the City Council approved Conceptual Master Plan; and

(3) allow for flexibility for future project design revisions to be brought forward as design review applications to the Site Plan and Architectural Commission (SPAC) rather than through an amendment to the original Comprehensive Plan Amendment (CP-06-065).

Section 2. Conditions 1, 3, 4, 5 and 6 through 15 contained in Ordinance No. 2006-264 shall remain in full force and effect. Condition 2 and Condition 5 are hereby amended as modified below:

Modified
Conditions:

P:\JMP\ORDS\CP-11-041

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Condition 2. Transportation Improvements

The City of Medford Public Works Department memo dated October 25, 2006, (Exhibit K-3) and the Oregon Department of Transportation letters dated October 18 and October 25, 2006 (Exhibits V-1A and V-2B) herein establish the required transportation improvements and conditions. Exhibit F, Applicants' Phasing Plan, establishes the timing for installation of all off-site improvements. Applicants shall install all identified off-site improvements in Exhibit F per the Phasing Plan, or provide adequate financial assurance of such construction pursuant to MLDC 10.667. Applicant is to provide evidence of compliance with transportation improvement requirements.

-I-Ordinance No. 2011-122

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Condition 5. Northgate Center Master Plan:

The Master Plan is intended to provide the overall design, architectural theme, landscape plan and layout of the project and consistency between the three (3) quadrants of the project (Industrial, Office/Business Park, Retail Center). The Master Plan may be approved at one time for the entire project, or may be approved in three (3) parts for each of the three components of the project

1. A Northgate Center Master Plan shall be adopted via Site Plan and Architectural Review (SPAC) pursuant to a Class "C" procedure of the Medford Land Development Code. The Master Plan shall be approved through such review prior to any further SPAC applications for individual sites within the project or quadrant boundary. The Master Plan and subsequent applications shall be in substantial conformance with the following elements of CP-06-065 and ZC-06-066, as amended herein:
 - a. The uses shall be consistent with the approved zoning/comprehensive plan designations;
 - b. The Master Plan shall include the number and approximate locations of vehicular access points indicated on the Conceptual Plan and Revised Conceptual Plan (Retail Center only);
 - c. The Master Plan shall include pedestrian access from each of the vehicular access points to the project; and
 - d. All buildings or structures in excess of 50,000 square feet shall be in compliance with MLDC 10.722 through 10.725.
2. The following elements, among others, shall be considered during Site Plan and Architectural Review for inclusion in the Master Plan:
 - a. In the event the Master Plan is separately reviewed for each quadrant, the architecture and landscape/pedestrian design of each subsequent component shall be in substantial conformance with the architecture and landscape design for any previously approved component(s);
 - b. Interconnections between the three quadrants of the project to the extent possible under ODOT regulations and restrictions prevailing on the piece of property shall be provided;
 - c. Decorative and functional pavement treatments for internal pedestrian access;
 - d. A consistent architectural/landscape theme for the project and each of its components;
 - e. Treatment of public plazas, building facades, etc in compliance with MLDC 10.722 through 10.725;
 - f. Lighting
 - i. A conceptual lighting plan, which in commercial areas is to be less than 25 feet in height;
 - ii. Conventional style lighting to be restricted in the industrial areas so that no more than thirty percent (30%) of the total illumination may come from conventional commercial/industrial lighting. The balance to be less than 25 feet in height and of a design similar to that shown in the conceptual lighting plan.
 - Landscaping
 - i. Landscape plan to include landscaped buffer between Sierra Pine and the Northgate Center of a design similar to that shown in the original conceptual buffer detail plan (CP-06-065/ ZC-06-066 Exhibit C, p.12);

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ii. Landscape plans to include street trees, landscaping and appropriate irrigation install in the public right-of-way planter strips. If and where planter strips are not required, street trees and appropriate irrigation to be included abutting public right-of-way sidewalks.

h. Master Signage Plan

A master signage plan, including project entry and directional

signs. J. The following exceptions are noted:

i. The configuration of the Business Park (Exhibit C, pg. 11 CP-06- 065/ZC-06-066)

may change to accommodate the specific requirements of potential industrial/business tenants or future owners. Such changes may be approved by SPAC as part of its approval of the Master Site Plan for the project component. Additional changes to configuration of the project component may also be approved by SPAC as part of its Final Site Plan Review without the need to amend the Master Plan of the project component so long as the design and theme of the Final Site Plan remain consistent with the Master Plan, or by the Planning Director as further defined in the Disposition and Development Agreement as a Stage Three review.

ii. The configuration of the Retail Center may change to accommodate the specific requirements of potential commercial tenants or future owners. Such changes may be approved by SPAC as part of its Final Site Plan Review without the need to amend the Master Plan so long as the design and theme of the Final Site Plan remain consistent with the Master Plan or by the Planning Director as further defined in the Disposition and Development Agreement as a Stage Three review.

k. Development phasing plan shall be proposed and approved.

Section 3. This amendment to the conditions of approval contained by Ordinance No. 2006-

264 is supported by the Findings of Fact and Conclusions of Law included in the City Council Staff Report, dated June 28, 2011, including exhibits A through G, on File in the Planning Department (Application CP-11-041) and incorporated herein by reference, subject to modified conditions of approval number 2 and 5, to which the property owner has agreed.

PASSED by the Council and signed by me in authentication of passage this 7 day of 2011. July,

Misc. Contracts & Agreements
No. 25003

ATTEST /s/Glenda Wilson
City Recorder

/s/Gary Wheeler
H. Mayor

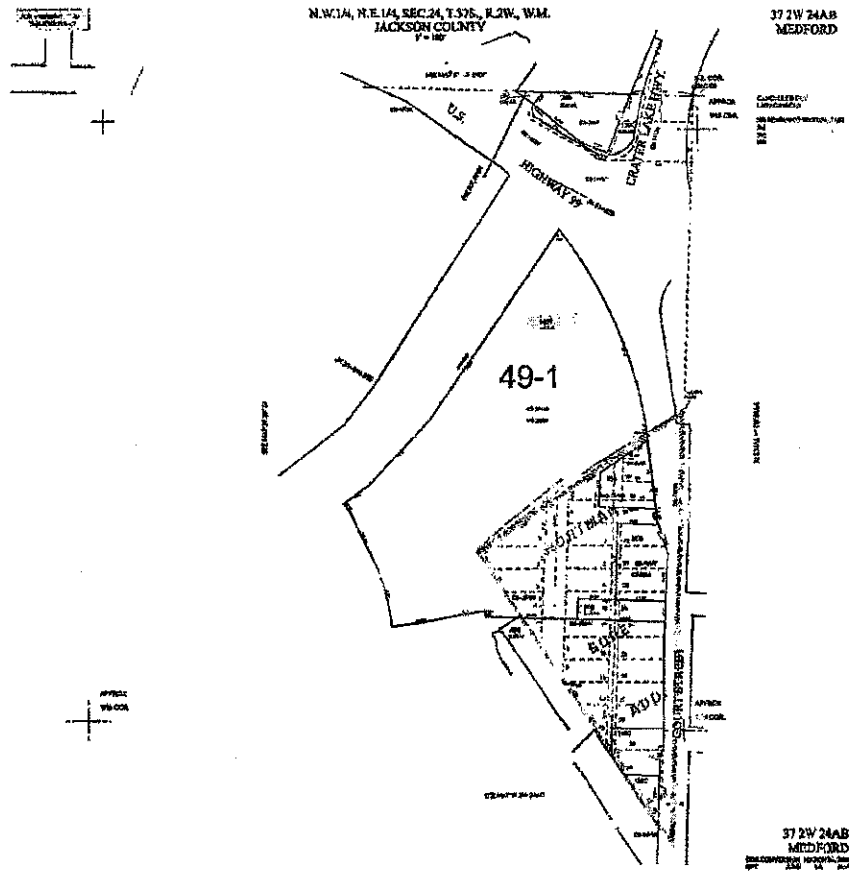
APPROVED July 1, 20

/s/Gary H. Wheeler
Mayor

-3-Ordinance No. 2011-122

P:\JMP\ORDS\CP-11-041

Misc. Contracts and Agreements
No. 25003



03 09760

112737

EXHIBIT A

TRACT A: Commencing at the southwest corner of Donation Land Claim (DLC) No. 60 in Township 37 South, Range 2 West, Willamette Meridian, in Jackson County, Oregon; thence along the south boundary of said DLC No. 60, South 89°59'48" East 764.72 feet to the True Point of Beginning; thence continue along said south boundary, South 89°59'48" East 517.65 feet to the westerly right of way line of that land acquired for the State of Oregon by and through its Department of Transportation by Circuit Court Final Judgment, Case No. 994180E2; thence along said westerly right of way, South 27°17'01" West 483.39 feet; thence South 36°41'52" West 141.17 feet; thence South 02°54'38" West 381.74 feet; thence South 40°52'20" West 34.75 feet; thence North 88°31'53" West 302.82 feet; thence South 77°26'32" West 96.40 feet; thence, leaving said State of Oregon right of way, North 12°33'28" West 68.02 feet to the southeast corner of that tract of land described in No. 99-21518, Official Records; thence along the easterly boundary of said tract, North 15°05'50" East 929.24 feet to the True Point of Beginning.

(Code 49-01, Account #1-042914-3, Map #372W24, Tax Lot #500)

TRACT B: Commencing at the southwest corner of Donation Land Claim (DLC) No. 60 in Township 37 South, Range 2 West, Willamette Meridian, in Jackson County, Oregon; thence along the south line of said DLC No. 60, South 89°59'48" East 764.72 feet to the northeast corner of that tract of land described in No. 99-21518, Official Records for the True Point of Beginning; thence along the easterly boundary of said tract, South 15°05'50" West 929.24 feet to the southeast corner thereof; thence South 12°33'28" East 68.02 feet to the northerly right of way line of that tract of land acquired by the State of Oregon, by and through its Department of Transportation by Circuit Court Final Judgment, Case No. 994180E2; thence along said right of way line, South 77°26'32" West 87.66 feet; thence South 65°09'13" West 162.23 feet; thence South 51°20'56" West 4.54 feet to the easterly right of way line of the Central Oregon and Pacific Railroad Company; thence leaving said State of Oregon right of way and along the railroad right of way, North 35°08'29" West 524.83 feet; thence South 00°23'36" East 120.82 feet; thence North 35°15'10" West 540.38 feet to the most westerly corner of that tract of land described in No. 98-41740, Official Records; thence along the northerly boundary of said tract, North 71°51'56" East 889.01 feet (record North 71°52'33" East 889.08 feet) to a 5/8" iron pin; thence North 57°20'50" East 187.63 feet (record North 57°18'23" East 187.56 feet) to the westerly right of way line of Lynn Road; thence along said right of way line, South 44°58'35" East 104.55 feet to the point of beginning.

(Code 49-01, Account #1-038559-1, Map #372W24, Tax Lot #600)

Jackson County, Oregon
Recorded
OFFICIAL RECORDS

FEB 19 2003
9:57 AM
[Signature]
COUNTY CLERK

3

372W13CC 200 / 372W13CD 4800 /
372W24 100
Roseburg Forest Products Co 3660
Gateway ST A
Springfield, OR 97477

372W24 401
Chick-Fil-A Inc
Real Estate Dept FSU Division
5200 Buffington Rd
Atlanta, GA 30349

372W13CD 2600
Kanouse Eddie
2065 Huntington Dr
San Marino, CA 91108

372W24 500 / 600
Northgate Center LLC
Pamela J Farthing
PO Box 85489
Tucson, AZ 85754

372W13CD 2700 / 2800 / 2900
Klingerman Knute W
1900 Hazel Ave
Medford, OR 97501

372W24702
Black Silver LLC
PO Box 4460
Medford, OR 97501

372W13CD 3700 / 372W13CD 4000 /
4100 / 4200
Jackson County
PO Box 1569
Medford, OR 97501

372W13CD4300
Lavia James Duane
PO Box 5539
Central Point, OR 97502

372W13CD4800
National Adv Co DbA CBS Outdo
c/o CBS Outdoor Inc Fairfield
PO Box 404
Broadway, NJ 8808

372W13DC4600
Northgate OP A LLC
PO Box 1006
Fort Collins, CO 80522

372W13DC5900
Etzel Properties LLC
2516 Avon DR
Mound, MN 55364

372W24200
Central Oreg/Pacific RR Inc
c/o Rail America Tax Dept
5300 Broken Sound Blvd NW
Boca Raton, FL 33487

372W24300
Timber Products Co Limited PA
PO Box 1669
Medford, OR 97501

LIMITED APPOINTMENT OF MANAGER


THIS LIMITED APPOINTMENT OF MANAGER (the "Limited Appointment") is executed by Pamela Farthing as the Manager of NORTHGATE CENTER, LLC, an Oregon limited liability company (the "Company"); Pamela Farthing as the Trustee of FARTHING FAMILY IRREVOCABLE TRUST UTD FEBRUARY 16, 2007, being a member of the Company; and Pamela Farthing as the President of QUARTERPENNY CORP., a California corporation, also being a member of the Company, effective the date(s) set forth below and for the purposes set forth herein.

Pursuant to Oregon Revised Statute 63.130(2)(c), the Members hereby appoint DANIEL B. O'CONNOR ("O'Connor") as a Manager of the Company on a limited basis to have sole authority and power to execute documents on behalf of the Company in order to complete the final plat process pursuant to that certain subdivision approval issued by the City of Medford (File No. LDS-22-032) ("the Subdivision Approval"), including land use / governmental applications, utility easements, bonding documents, and final plat documents for recording, including the execution of mylars, for that certain real property located in Jackson County (City of Medford), Oregon, and commonly known as Township 37 South, Range 2 West, Section 24, Tax Lot 400.


O'Connor is empowered and authorized as a Manager to take all steps reasonably necessary to consummate the final plat process in accordance with the Subdivision Approval, including but not limited to executing land use / governmental applications, utility easements, bonding documents, and final plat documents for recording with the County Clerk, including the execution of mylars, on behalf of the Company. O'Connor will only have the powers and authority as Manager as specified herein.

The Manager and Members have signed this Limited Appointment this 29 day of June 2023.

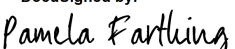
NORTHGATE CENTER, LLC:

DocuSigned by:

 By: Pamela Farthing
 Its: Manager

QUARTERPENNY CORP.:

DocuSigned by:

 By: Pamela Farthing
 Its: President

FARTHING FAMILY IRREVOCABLE TRUST
 UTD FEBRUARY 16, 2007:

DocuSigned by:

 By: Pamela Farthing
 As: Trustee

LIMITED APPOINTMENT OF MANAGER
 PHASE II - FINAL PLAT
 NORTHGATE CENTER, LLC

LD DATE: 8/23/2023

File Number: GLUP-23-242

Reference File Numbers: CP-06-065, CP-11-041, ZC-11-042

PUBLIC WORKS DEPARTMENT STAFF REPORT

North Central Avenue @ Rossanley Drive (TLs 500 & 600) Amend GLUP Map (Northgate Center, LLC)

Project: Consideration of a request to amend the General Land Use Plan Map and the Zoning Map to modify the Restricted Zoning on the subject properties and to modify certain conditions of approval that are binding on the subject properties.

Location: The subject site is generally located west of N Central Avenue, north of Rossanley Drive, and east of the Central Oregon & Pacific Railroad tracks. The site is approximately 22.85 acres in size and is within the I-L (Light Industrial) and I-G (General Industrial) zoning districts with an RZ (Restricted Zoning) Overlay.

Applicant: Applicant: Northgate Center LLC; Agent: O'Connor Law, LLC.; Planner: Steffen Roennfeldt.

I. Sanitary Sewer Facilities

This site lies within the Rogue Valley Sewer Service (RVSS) area. The Applicant shall contact RVSS to see if sanitary sewer services and facilities are available and have capacity to serve this property under the proposed Zone Change.

II. Storm Drainage Facilities

Future development of this property will require stormwater detention, retention, and water quality facilities, which shall comply with Medford Land Development Code (MLDC) Sections 10.486 and 10.729 and the Rogue Valley Stormwater Quality Design Manual.

III. Transportation System

No traffic impact analysis (TIA) will be required for this GLUP change. The application proposes to retain the collective trip cap on the properties that were part of the original Northgate development and, therefore, does not meet the requirements for a TIA, per Medford Municipal Code (MMC), Section 10.461 (3).

The following conditions of approval shall apply:

1. The subject "Business Park" parcels shall be limited to a maximum vehicular trip generation of 2,585 Average Daily Trips (ADT) or 242 PM peak hour trips.
2. The remainder of the Northgate Development shall be limited to a maximum vehicular trip generation of 15,924 ADT or 1,640 PM peak hour trips.
3. All future developments within any of the above referenced areas shall submit a trip accounting to Public Works. Any development generating more trips than the above caps shall be required to submit an additional Transportation Impact Analysis.

Prepared by: Jodi K Cope

Reviewed by: Doug Burroughs

The above report is based on the information provided with the GLUP Change Application submittal and is subject to change based on actual conditions, revised plans and documents or other conditions. A full report with additional 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 shall be provided with a Development Permit Application.



LD DATE: 8/23/2023

File Number: ZC-23-243

Reference File Numbers: CP-06-065, CP-11-041, ZC-11-042

PUBLIC WORKS DEPARTMENT STAFF REPORT

North Central Avenue @ Rossanley Drive (TLs 500 & 600) Modify Restricted Zoning (Northgate Center, LLC)

Project: Consideration of a request to amend the General Land Use Plan Map and the Zoning Map to modify the Restricted Zoning on the subject properties and to modify certain conditions of approval that are binding on the subject properties.

Location: The subject site is generally located west of N Central Avenue, north of Rossanley Drive, and east of the Central Oregon & Pacific Railroad tracks. The site is approximately 22.85 acres in size and is within the I-L (Light Industrial) and I-G (General Industrial) zoning districts with an RZ (Restricted Zoning) Overlay.

Applicant: Applicant: Northgate Center LLC; Agent: O'Connor Law, LLC.; Planner: Steffen Roennfeldt.

The Medford Land Development Code (MLDC), Section 10.227 (2) requires a zone change application demonstrate Category 'A' urban services and facilities are available or can and will be provided to adequately serve the subject property. The Public Works Department reviews zone change applications to assure the services and facilities under its jurisdiction meet those requirements. The services and facilities that the Public Works Department manages are sanitary sewers within the City's service boundary, storm drains, and the transportation system.

I. Sanitary Sewer Facilities

This site lies within the Rogue Valley Sewer Service (RVSS) area. The Applicant shall contact RVSS to see if sanitary sewer services and facilities are available and have capacity to serve this property under the proposed Zone Change.



II. Storm Drainage Facilities

Future development of this property will require stormwater detention, retention, and water quality facilities, which shall comply with Medford Land Development Code (MLDC) Sections 10.486 and 10.729 and the Rogue Valley Stormwater Quality Design Manual.

III. Transportation System

No traffic impact analysis (TIA) will be required for this zone change. The application proposes to retain the collective trip cap on the properties that were part of the original Northgate development and, therefore, does not meet the requirements for a TIA, per Medford Municipal Code (MMC), Section 10.461 (3).

The following conditions of approval shall apply:

1. The subject "Business Park" parcels shall be limited to a maximum vehicular trip generation of 2,585 Average Daily Trips (ADT) or 242 PM peak hour trips.
2. The remainder of the Northgate Development shall be limited to a maximum vehicular trip generation of 15,924 ADT or 1,640 PM peak hour trips.
3. All future developments within any of the above referenced areas shall submit a trip accounting to Public Works. Any development generating more trips than the above caps shall be required to submit an additional Transportation Impact Analysis.

Prepared by: Jodi K Cope

Reviewed by: Doug Burroughs

The above report is based on the information provided with the Zone Change Application submittal and is subject to change based on actual conditions, revised plans and documents or other conditions. A full report with additional 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 shall be provided with a Development Permit Application.



Oregon

Tina Kotek, Governor

Department of Transportation
Region 3 Planning and Programming
100 Antelope Drive
White City, Oregon 97503
Phone: (541) 774-6299

September 13, 2023

Mr. Steffen Roennfeldt
Planner III
City of Medford
200 S. Ivy St.
Medford, OR 97501

Re: GLUP-23-242 and ZC-23-243, Northgate Center

Dear Mr. Roennfeldt,

Thank you for providing the Oregon Department of Transportation (“ODOT”) with the opportunity to provide comments on the proposed plan amendment and zone change. ODOT understands the applicant proposed to separate the 22.85ac Industrial Park from the remainder of the Northgate property and overlay a trip cap assigning 242 PM peak hour trips from the 1882 PM peak hour trips assigned to the greater Northgate site.

The greater Northgate site was entitled with several transportation improvements and timing of installation of off-site improvements which are outlined in a 2012 Cooperative Improvement Agreement (Contract 25003, Exhibit A) between ODOT and the Northgate Center. ODOT and the applicant are engaged in discussions to renegotiate contract and those discussions are ongoing. ODOT supports the trip cap proposal with the condition that all requirements for installation of outstanding transportation improvements and all terms of the existing Cooperative Improvement Agreement remain until such time that a new agreement is reached, and the Cooperative Improvement Agreement is superseded or terminated.

Please feel free to me at Micah.HOROWITZ@odot.state.or.us or 541-603-8431 should you have any questions or concerns.

Sincerely,

Micah Horowitz
Region 3 Development Review Planner






Project Name:

Northgate Center - N. Central Ave. and Rossanley Dr. (Hwy 238) - Remove Conditions

Map/Taxlot:

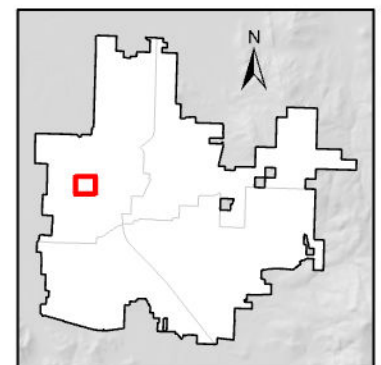
372W24 TL 500, 600

Legend

-  Subject Area
-  Tax Lots
-  Zoning Districts

0 250 500
Feet

Date: 8/7/2023





AGENDA ITEM COMMENTARY

DEPARTMENT: Planning Department
PHONE: (541) 774-2380
STAFF CONTACT: Matt Brinkley, AICP, Planning Director
Carla Angeli Paladino, Principal Planner

AGENDA SECTION: Public Hearings
MEETING DATE: October 19, 2023

COUNCIL BILL 2023-146

AN ORDINANCE amending sections 10.110, 10.124, and 10.220 of the Medford Municipal Code (MMC), as it pertains to land use noticing requirements. (DCA-23-262)

SUMMARY AND BACKGROUND

Council is requested to consider a legislative code amendment to Chapter 10 of the Municipal Code related to land use noticing requirements.

The Planning Commission voted 6-0 to forward a favorable recommendation to City Council at their September 28, 2023, hearing. (File No. DCA-23-262)

PREVIOUS COUNCIL ACTIONS

On January 24 and 26, 2023, Council Briefings were held to discuss potential changes to land use notice requirements, hearing signs, and website updates to better inform and engage residents related to land use actions.

On March 16, 2023, Planning and Communication staff presented the Council with an update regarding the January briefing discussion, items accomplished, and next steps.

ANALYSIS

Earlier this year, the Communication Division within the City Manager's Office and Planning staff brought forward information to the Council regarding the state and local regulations associated with providing land use notices to surrounding property owners, analysis and cost estimates of enlarging existing notice boundaries, and potential alternatives to inform property owners and community members of land use applications in their neighborhoods and throughout the city. An evaluation of the public notice policy related to land development and planning matters was outlined as a deliverable in the 2021-2023 Council Biennial goals.

Currently, the City exceeds the State's noticing requirement for the majority of land use actions with the exception of expedited land divisions which mirror the state requirement. Most of the City's land use actions require either a 200- or 300-foot notice area, a sign(s) posted on the property, and/or notice in the newspaper. Staff identified 12 different projects in each of the four wards and analyzed how many more notices would be required by increasing the land use notice area by 400- and 500-feet. In the examples provided, the change resulted in either a doubling or tripling of the number of notices that would need to be mailed. Looking at the same 12 applications, staff also identified the number of citizens who participated in those land use actions. Half of the projects had zero participants, five had six or fewer, and only one stood out with 30 participants. The one with 30



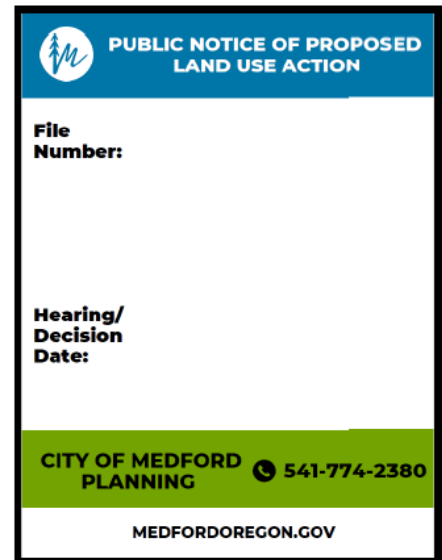
AGENDA ITEM COMMENTARY

participants was the gas station and car wash application at the corner of McAndrews and Springbrook and the impetus for the discussion.

Direction from Council led to the following actions:

- 1) Revising the design and layout of the public signs posted on properties pending a land use application,
- 2) Updating the City's website with better access to public notices and land use project information, and
- 3) Expanding the notice boundary specifically for Minor and Major General Land Use Plan (GLUP) applications.

Communication and Planning staff worked together to redesign the public notice signs to be more visible through bolding text, simplifying, and highlighting contact information, and using printed text which is mounted to the sign, to outline the application details versus handwritten text. The signs have been ordered and are in use.



The next step is to provide a landing page on the home page of the City's website that will identify all the public notices for projects. It is envisioned customers will have easy access to the types of projects occurring and be able to see project information regarding a particular project. A follow-up to this would be to create individual project pages or a centralized location to access more information about a particular project. Communication staff is working on developing the notice tab on the home page and Planning staff needs to identify how more information can be provided for each project.

The proposed code amendment relates directly to item three above and includes revisions to Sections 10.110, 10.124, and 10.220 of the Municipal Code. The following summarizes the substantial changes:

- Adding an on-site Public Notice Sign requirement for Type II applications (such as partitions),
- Reducing the property owner notice boundary area for all Type II applications from 300 feet to 200 feet,
- Increasing the property owner notice boundary area to 400 feet for Minor General Land Use Plan (GLUP) map amendment applications,
- Adding a property owner notice boundary area of 400 feet for Major GLUP map amendments, and
- Adding the ability to establish and charge a re-notice fee when appropriate.

The first two bullets were a request from current Planning staff and will assist in making the noticing requirements for Type II and Type III consistent and reduce potential errors. The Minor General



AGENDA ITEM COMMENTARY

Land Use Plan (GLUP) map amendment projects are increased from 200 feet to 400 feet to inform a wider population about the proposal which may have a significant impact on allowable future uses on the property. Major GLUP map amendments are typically a city-initiated project, and a larger property owner notice area will benefit from understanding the changes being proposed on one or more properties. The last change is to help recuperate costs associated with having to re-notice an application if it is continued for an unspecified amount of time. This situation does not occur frequently, but will assist with paying for staff time, postage, and materials that are not built into the original application fee.

COUNCIL GOALS

Council Goal and Objective: Community Engagement

Strategy: None.

Deliverable: None.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

The proposed code amendment includes establishing a re-notice fee that would be applicable when a land use application is continued indefinitely, and staff must re-notice the hearing for a new date. The estimated cost is \$200 and will be proposed as part of the comprehensive fee schedule updates.

TIMING ISSUES

None.

COUNCIL OPTIONS

Approve the ordinance as presented.

Modify the ordinance as presented.

Decline to approve the ordinance as presented and provide direction to staff.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to approve the ordinance as presented.

EXHIBITS

Ordinance

Council Report, including Exhibits A through D

ORDINANCE NO. 2023-146

AN ORDINANCE amending sections 10.110, 10.124, and 10.220 of the Medford Municipal Code (MMC), as it pertains to land use noticing requirements.

WHEREAS, Medford Municipal Code Section 10.214 designates the City Council as the approving authority for Development Code amendments;

WHEREAS, on September 28, 2023, the Medford Planning Commission held a public hearing, to consider the code changes, initiated the amendment, and made a motion to forward a favorable recommendation to the City Council;

WHEREAS, a public hearing was appropriately noticed and duly held before the City Council on October 19, 2023, in accordance with City notice requirements for code amendments; and

WHEREAS, the City Council has determined the proposed Development Code Amendment can satisfy the applicable criteria as demonstrated by the Findings and Conclusions included in the Council Report dated October 12, 2023, on file in the Planning Department, now therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. Section 10.110 (Designation and Duties of Approving Authorities) of the Medford Municipal Code is hereby amended as follows (language in **bold** font is new; language in ~~striketrough~~ font is existing law to be repealed; and three asterisks (***) indicate existing language which remains unchanged by this ordinance but was omitted for the sake of brevity):

10.110 Site Plan and Architectural Commission, Membership.

* * *

(g) Quorum. A quorum of the Site Plan and Architectural Commission shall consist of ~~five or more members~~ a majority of the current membership of the Commission.

Section 2. Section 10.124 (Due Process Element) of the Medford Municipal Code is hereby amended as follows (language in **bold** font is new; language in ~~striketrough~~ font is existing law to be repealed; and three asterisks (***) indicate existing language which remains unchanged by this ordinance but was omitted for the sake of brevity):

10.124 Due Process Element.

* * *

(2) ~~Public Hearing~~ **Notice Signs**. On-Site Posting. Public **notice** ~~hearing~~ signs shall be posted on the project site for any proposed **Type II**, Type III or IV (minor) land use actions according to the following:

(a) *Contents of sign*. Public ~~hearing~~ **notice** signs shall include a description of the proposed land use action, the date of the public hearing **or decision date**, and the City of Medford file number for the proposed land use action.

(b) *Location and number of signs*. A posted **public** notice sign must be placed on each existing street frontage of the project site. If a frontage is over 600 feet long, a **public** notice sign is required for each 600 feet, or fraction thereof. **Public** ~~notice~~ signs must be posted within 10 feet of a street lot line and must be visible to pedestrians and motorists. **Public** ~~notice~~ signs may not be posted in a public right-of-way, unless the land use action specifically pertains to a public right-of-way. If posting must occur in the right-of-way, care should be taken to comply with Section 10.735, Clear View of Intersecting Streets.

(3) Notification, Affected Property Owners.

(a) *Notice of Type II Land Use Action*. In the case of Type II land use actions where there is no public hearing, notification shall be mailed to the applicant and all affected property owners within 14 calendar days of deeming an application complete pursuant to Section 10.122.

(i) *Notice of Public Comment Period, Type II*. The Planning Director shall provide a 14-day period for submission of written comments prior to making a decision on any application requiring a Type II land use action.

(ii) *Notice Area, Type II*. The Planning Director shall mail notice of the public comment period to the following:

(A) The applicant.

(B) Property owners within ~~2300~~ 200 feet (or 100 feet for expedited land division and middle housing land division reviews) of the entire contiguous site for which the application is made. This list shall be compiled from the most recent property tax assessment roll.

* * *

(iv) *On-Site Posting, ~~Site Plan and Architectural Review~~ Type II*. On-site, **public** notice ~~of decision date~~ signs shall be posted for **Type II** ~~this type of~~ land use actions according to the following:

(A) *Contents of sign*. On-site **public** notice ~~of decision date~~ signs shall include a description of the proposed land use action, the date the decision will be rendered and the City of Medford file number for the proposed land use action.

(B) *Location and number of signs*. A posted **public** notice sign must be placed on each existing street frontage of the project site. If a frontage is over 600 feet long, a **public**

notice sign is required for each 600 feet, or fraction thereof. **Public** Notice signs must be posted within 10 feet of a street lot line and must be visible to pedestrians and motorists. **Public** Notice signs may not be posted in a public right-of-way, unless the land use action specifically pertains to a public right-of-way. If posting must occur in the right-of-way, care should be taken to comply with Section 10.735, Clear View of Intersecting Streets.

* * *

(4) *Publication*. Unless otherwise indicated, public hearing notices for all proposed land use actions shall be published in a newspaper of general circulation prior to the scheduled public hearing date before the approving authority. The schedule of publication for each procedure type shall be as specified in Table 10.124-1.

Table 10.124-1. Notice of Public Hearing Schedule by Procedure Type

Procedure Type	Newspaper Publication	On-Site Public Hearing Notice Sign	Affected Property Owners Notice
***	***	***	***
Type II	None	None A sign shall be placed on the subject property 14 days prior to the decision date	Within 14 calendar days of deeming an application complete, notice will be sent to all property owners within 2300 300 feet of the project boundaries. For an expedited land use review, including middle housing land division (10.173), notice shall be sent to all property owners within 100 feet of the project boundaries.
Type II: Site Plan and Architectural Review – Type II	None	A sign shall be placed on the subject property 14 days prior to the decision date	Within 14 calendar days of deeming an application complete, notice will be sent to all property owners within 2300 300 feet of the

			project boundaries.
***	***	***	***
Type IV: Minor Comprehensive Plan Amendment, Minor General Land Use Plan Map Amendment, Transportation Facility Development	<p>Notice shall be published no later than 10 days prior to the public hearing date before the Planning Commission (the advisory body)</p> <p>AND</p> <p>No later than 10 days prior to the public hearing date before City Council (the approving authority).</p>	A sign shall be placed on the subject property 21 days prior to the first public hearing date.	21 days prior to each public hearing date notice will be sent to all property owners within the project boundaries plus all property owners within 200 feet (400 feet for Minor GLUP Map Amendment) of the project boundaries.

Type IV: Major General Land Use Plan Map Amendment	<p>Notice shall be published no later than 10 days prior to the public hearing date before the Planning Commission (the advisory body)</p> <p>AND</p> <p>No later than 10 days prior to the public hearing date before City Council (the approving authority).</p>	None	21 days prior to the public hearing date notice will be sent to all property owners within the project boundaries plus all property owners within 400 feet of the project boundaries.
***	***	***	***

(5) Re-Notice Fee. The Planning Department may establish and charge a re-notice fee if an application must be noticed again due to a continuance that is not to a date certain.

Section 3. Section 10.220 (Major Type IV Amendments) of the Medford Municipal Code is hereby amended as follows (language in **bold** font is new; language in ~~striketrough~~ font is existing law to be repealed; and three asterisks (***) indicate existing language which remains unchanged by this ordinance but was omitted for the sake of brevity):

10.220 Major Type IV Amendments.

(1) Major Type IV Amendments are those land use changes that have widespread and significant impact beyond the immediate area, such as changes capable of producing large volumes of traffic, changes to the character of the land use itself, or changes that affect large areas or involve many different ownerships. Major Type IV Amendments include:

(b) Major General Land Use Plan Map **Amendment**;

PASSED by the Council and signed by me in authentication of its passage this 19th day of October 2023.

ATTEST: _____
City Recorder

Mayor Randy Sparacino

APPROVED October 19, 2023

Mayor Randy Sparacino

COUNCIL REPORT

for a Type IV Legislative Land Use decision: **Development Code Amendment**

Project Land Use Notice Code Amendment
File no. DCA-23-262
To Mayor and City Council *for 10/19/2023 hearing*
From Carla Angeli Paladino, Principal Planner
Date October 12, 2023

BACKGROUND

Proposal

A legislative code amendment to revise the provisions in Chapter 10 related to land use noticing requirements. (**See Exhibit A**).

History

Medford is a growing city with development occurring in all wards. Development includes a wide range of land use actions such as legislative, quasi-judicial, and limited land use decisions. Oregon Revised Statutes (ORS) describe noticing requirements for local jurisdictions (cities and counties) based on the type of land use action, who needs to be noticed, and the distance the notice must be provided to surrounding properties. ORS 197.195 (limited land use), 197.365 (expedited land division), 197.797 (quasi-judicial hearings), and 227.175 (permit for zone change) each outlines a 100-foot notice buffer from the subject property if the site is located partially or wholly within an urban growth boundary. This is the base noticing standard the City of Medford needs to follow.

Currently, the City exceeds the State's noticing requirement for the majority of land use actions with the exception of expedited land divisions which mirrors the state requirement. The majority of the City's land use actions require either a 200- or 300-foot notice area, a sign(s) posted on the property, and/or notice in the newspaper. Please see the table below for examples of land use actions and the existing notice requirements:

Procedure Type/Approval Authority	Example Projects	Newspaper Publication Yes/No	On-Site Public Hearing Sign Required Yes/No	Property Owner Notice Boundary
Type II (Director)	Partitions	No	No	300 feet
Type II (SPAR)(Director)	Multiple Family Residential < 3 net acres	No	Yes	300 feet
Type III (SPAC)	Commercial/Industrial Developments	No	Yes	200 feet
Type III (PC)	CUPs, Zone Changes, Exceptions, Land Divisions	Yes	Yes	200 feet
Type IV (CC)	Comprehensive Plan Amendments, General Land Use Plan (GLUP) Amendments	Yes	Yes	200 feet

SPAR: Site Plan and Architectural Review

SPAC: Site Plan and Architectural Commission

PC: Planning Commission

CC: City Council (some include PC recommendations)

An evaluation of the public notice policy related to land development and planning matters was outlined as a deliverable in the 2021-2023 Council Biennial goals. In January 2023, a discussion began among the Council members, planning, and communication staff to investigate the topic and understand interest in making changes to existing noticing requirements for land use applications.

During the Council Briefing, three options were discussed as opportunities to better inform residents of planning projects/applications and potentially increase participation in the land use process:

- 1) Expand the notice boundary across the Type II, Type III, and Type IV application types to 400 or 500 feet,
- 2) Update the City's website with better access to land use project information, and
- 3) Revise the design and layout of the public signs posted on property.

Starting in reverse order with three above, planning and communication staff worked to redesign the public notice signs to be more visible, new signs (shown to the right) were ordered and are being used and posted for applicable land use applications. The text in the new signs is bold and stands out and city contact information is easier to read. The specific application information is printed and attached to the sign versus handwritten for better legibility.

Item two is still under development and the intent is to create a notice tab on the home page of the City's website which will outline pending projects and outline more details about the application. Planning staff have also discussed creating a more detailed project page that would help a resident learn more about current projects, its status, and how to participate.

To evaluate the first topic, planning staff provided Council with information about the cost of noticing and a sampling of planning projects chosen from each ward which included the number of participants and the number of property owner notices based on the required 200-foot notice boundary and increased boundaries of 300, 400, and 500 feet. Three different types of land use actions (a subdivision, site plan, and zone change) were chosen in each ward to compare the numbers.

Ward	Application Number	Citizen Participants In Land Use Action	Tax lots in 200 Foot Buffer	Tax lots in 300 Foot Buffer	Tax lots in 400 Foot Buffer	Tax lots in 500 Foot Buffer
1	AC-20-290	30	29	53	72	115
	LDS-21-129	2	79	123	156	193
	ZC-22-390	0	21	31	48	71
2	AC-21-327	1	19	36	57	77
	LDS-22-150	0	52	85	134	162
	ZC-20-377	3	51	72	96	133
3	AC-22-250	6	24	33	49	65
	LDS-21-170	0	31	49	72	115
	ZC-22-155	0	26	27	33	38
4	AC-21-412	0	44	49	69	94

	LDS-21-200	0	69	90	107	128
	ZC-20-359	0	56	72	84	125
SUM		42	501	720	977	1316

Of the 12 applications noted above, the fewest properties noticed based on the required 200-foot distance was 19 and the largest was 79. As the notice area is increased, the number of properties to receive notice increases significantly for many of the projects selected. An expanded notice area would require more staff time and resources, but it is unclear whether more notices would result in more resident participation in the process. Of the 12 projects chosen, the majority had zero participants. Council did not find it necessary to expand the notice boundary beyond the requirements already outlined in the code for most land use applications but did agree an evaluation of the notice area for General Land Use Plan (GLUP) map amendments was appropriate and for staff to pursue a code amendment.

The Planning Commission reviewed the proposed code changes at their August 28, 2023, study session.

Authority

This proposal is a Type IV legislative land use action to amend Chapter 10 of the Municipal Code. The Planning Commission is authorized to recommend, and the City Council to approve, amendments to Chapter 10 under Medford Municipal Code §§10.214 and 10.218.

ANALYSIS

The proposal includes changes to Sections 10.110, 10.124, and 10.220 of the Municipal Code. The significant changes include the following:

- Adding an On-site Public Notice Sign requirement for Type II applications (such as partitions),
- Reducing the property owner notice boundary area for all Type II applications from 300 feet to 200 feet,
- Increasing the property owner notice boundary area to 400 feet for Minor General Land Use Plan (GLUP) map amendment applications,
- Adding a property owner notice boundary area of 400 feet for Major GLUP map amendments, and
- Adding the ability to establish and charge a re-notice fee when appropriate.

The first two bullets were a request from current planning staff. These changes seek to make the notice process consistent across application types and reduce the potential for human error in the noticing process.

As further background, the 300-foot notice area for partitions was changed when Site Plan and Architectural Review (SPAR) applications were added as a Type II land use action in 2020. Originally, partitions were amended in the code to have a 200-foot notice boundary in 2018 when they were converted from a Type III land use action to a Type II. A review of partition applications submitted in 2022 shows that of the 12 applications processed, only one had public comments. This limited sample size may be too small to make a clear determination about the appropriate noticing distance for partitions so as an added measure, a public notice sign is recommended to be posted on the properties applying for this application. This provides a visual marker for people passing by the site to see a land use action is pending and to contact the office if they have questions. The combination of a property owner notice and the posting of a sign mirrors what is required with Type III applications and seems appropriate for Type II applications.

Currently, quasi-judicial General Land Use Plan (GLUP) map amendment applications have a 200-foot notice boundary requirement. These types of applications amend the land uses permitted on a property, which if approved, results in different allowable zones and uses to be built. The proposed increase in the notice area will inform more property owners about the changes being applied for and provide an opportunity for more residents to participate and ask questions about the application and what it may mean for their neighborhood.

Similarly, there are situations where the City may propose a General Land Use Plan (GLUP) map amendment for many properties in a certain part of the City or several different parts of the City. It is important not only for the property owner affected to be notified of the pending action but also those surrounding the property. Again, notices provide a direct information link to owners to be informed about proposed changes, it explains how residents may participate, and allows for questions and dialogue to happen between City staff and property owners.

The final change relates to re-noticing and staff having the ability to establish and charge a fee to applicants when necessary. Typical noticing costs are built into the application fee which includes a preliminary notice and a final decision notice. There are occasionally circumstances where a project scheduled and noticed for a certain hearing date must be continued for an undetermined amount of time to adjust data or plans, review the project further with staff, or other reasons. Once the project is ready to move forward again to hearing, a new notice must be mailed to identify the new hearing date. In these instances, staff are seeking code language that would recuperate those costs by charging the applicant a re-notice fee. The estimated cost for re-noticing is \$200.

PLANNING COMMISSION HEARING

A hearing was held by the Planning Commission on September 28, 2023. (**See Exhibit D**) The Commission voted 6-0 to forward a favorable recommendation to the City Council. There was no public comment.

FINDINGS AND CONCLUSIONS

The criteria that apply to code amendments are in Medford Municipal Code §10.184(2). The criteria are rendered in italics; findings and conclusions in roman type.

Land Development Code Amendment. The Planning Commission shall base its recommendation and the City Council its decision on the following criteria:

10.184 (2) (a). Explanation of the public benefit of the amendment.

Findings

The state land use system prioritizes citizen involvement in land use proposals and policies that are being reviewed, discussed, and decided upon. Medford has different land use applications (Type II, III, and IV) that are evaluated by either the Planning Director, Planning Commission, Site Plan and Architectural Commission, and/or the City Council. Each application type has a specific notice requirement which may include property owner mailings, public notice signs posted on the subject property, newspaper notices, or a combination thereof.

To encourage as much public engagement as possible and ensure that applications are being noticed accurately based on the code requirements, it is important to evaluate the current standards and propose changes where appropriate. The modifications seek to better align the noticing requirements for all Type II and Type III applications by requiring the same noticing boundary distance (200-feet) and a public notice sign(s) to be posted on the subject property. This streamlines many of the applications submitted, directly notifies surrounding property owners at the same distance, and requires a project sign be displayed for others in the community to be informed about a pending land use action on the site. It also helps reduce the possibility of staff errors by making the process consistent across the Type II and Type III application types.

The changes to Type IV General Land Use Plan (GLUP) map amendment projects are to inform more property owners about the proposed change, provide a greater opportunity for engagement and participation in the land use process, and open communication among staff, the applicant, and community members about what the change may mean for the neighborhood.

The amendments seek to have a direct benefit to the community by providing consistent forms of communication about land use applications and assist with enhancing opportunities for public engagement.

Conclusions

Satisfied. The proposal evaluates the current notice provisions in the code and makes adjustments that will provide benefits to both staff and the public. By making the Type II and Type III applications consistent in terms of notice boundary and public sign posting, staff error is reduced. The increase in the notice area for GLUP amendments seeks to inform more property owners about the changes being proposed and increases the opportunity for more property owners to participate and be part of the land use process. This criterion is satisfied.

10.184 (2) (b). The justification for the amendment with respect to the following factors:

- 1. Conformity with goals and policies of the Comprehensive Plan considered relevant to the decision.*

Findings

The Comprehensive Plan outlines relevant goals and policies that support the proposal which include the following:

Citizen Involvement

Goal: Maintain a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

Policy 1: The City of Medford shall ensure that all participants are informed and respectful of their duties to further citizen involvement.

Policy 2: The City of Medford shall provide the most efficient and effective means to informing citizens about the planning process.

Citizen Involvement is the State's first and arguably the most important land use goal. Community members are invited to participate in the various stages of the land use process to effect change and provide input.

Noticing property owners for land use actions is a state requirement that is defined in statute and then implemented at the local level. Citizen involvement is the first statewide planning goal and emphasizes the importance of citizen participation and inclusion in the land use process. The City of Medford

adheres to these requirements by sending property owner notices, posting public notice signs on property, and using the City's website to inform residents of hearings in which they can participate and provide comments, challenge findings, or offer support.

The proposal streamlines the requirements for Type II applications (such as partitions) to align with Type III applications which require a notice be mailed to property owners within 200-feet of the subject property and the posting of a public notice sign on the site. By making the notice requirement consistent across these land use application types submitted to the Planning Department, staff can more easily ensure adherence to the requirements and reduce chances for error that result in longer approval periods and opportunities for appeal.

Additionally, applications to modify the General Land Use Plan (GLUP) map are proposed to include property owner notices within 400 feet of the subject property boundary. Changes to the GLUP map, if approved, may intensify allowable uses on the property and potential impacts to surrounding property owners and neighborhoods. By providing notice at this stage in the land use process, owners can ask questions, learn more about proposed uses in the future, and voice their thoughts on the application.

As the Planning Department strives to better inform the public about land use actions taking place in their neighborhoods, these changes are steps forward in that attempt and are consistent with the goals and policies outlined above.

Conclusions

Satisfied. The City of Medford currently exceeds the state's 100-foot notice requirement for land use actions. By evaluating and streamlining the noticing process for Type II and Type III applications, the planning staff can more accurately perform the noticing requirements outlined in the code because the process is consistent across most of the applications processed. The chance for a noticing mistake to occur and the potential for a project to be appealed for a procedural error are reduced. Applications for changes to the General Land Use Plan (GLUP) map are incorporated into the City's notice requirements and provide residents an opportunity to engage earlier and participate in the decision making and land use process.

The proposal is found to be consistent with the goals and policies identified in the Comprehensive Plan. This criterion is satisfied.

2. *Comments from applicable referral agencies regarding applicable statutes or regulations.*

Findings

The proposal was submitted to the Department of Land Conservation and Development (DLCD) on August 17, 2023, per applicable state administrative rule (660-018-0020) requirements.

The code options were distributed to applicable referral agencies to provide comments and input for the record. A Land Development committee meeting was held Wednesday, September 13, 2023, to discuss the amendment and receive feedback. Official no comments were received from Public Works Engineering (**See Exhibit C**) and the Building Department.

Conclusions

Satisfied. Staff have informed the state and applicable referral agencies about the proposal. An email from Building Department staff and a memo from Public Works Engineering staff were received stating no comments. Other verbal no comments were noted at the Land Development committee meeting from Medford Water Commission and Legal staff. This criterion is satisfied.

3. *Public comments.*

Findings

The code amendment was emailed on September 14, 2023, to the interested parties group who represent consultants, developers, and citizens kept apprised of code changes. No comments have been received to date.

The Planning Commission held a study session on Monday, August 28, 2023, and discussed the proposed changes. Based on comments received from the six commissioners present that day, the majority favored changing the Type II partition application to a 200-foot property owner notice boundary, five commissioners agreed with changing the notice area for Minor General Land Use Plan (GLUP) amendments to 400 feet, and all commissioners in attendance agreed with adding a 400-foot property owner notice boundary for Major GLUP amendments. The minutes of the study session are attached (**See Exhibit B**). No members of the public were present at the study session.

The project was heard before the Planning Commission in September and is scheduled for review and decision by City Council in October. Additional comments may be received prior to or during the Council meeting.

Conclusions

Satisfied. The proposal has been distributed for input. A discussion about the amendment was held with the Planning Commission who provided comments and recommendations to staff. The public hearing process also provides an opportunity for public comment. This criterion is satisfied.

4. Applicable governmental agreements.

Findings

The proposal does not affect any governmental agreements and is not applicable in this instance.

Conclusions

Not Applicable. No governmental agreements are known to be impacted by the proposed changes. This criterion is not applicable.

RECOMMENDED ACTION

The Planning Commission voted in favor of the amendment based on the findings and conclusions in the Council Report dated October 12, 2023, including Exhibits A through D.

EXHIBITS

- A Proposed amendment, Draft 3, September 14, 2023
- B Planning Commission Study Session Minutes, August 28, 2023
- C Public Works Memo, dated September 13, 2023
- D Draft Planning Commission Hearing Minutes, September 28, 2023

CITY COUNCIL AGENDA: OCTOBER 19, 2023

10.110 Designation and Duties of Approving Authorities.

(1) *Approving Authorities.* This article designates the authority to act on land use reviews as follows:

- (a) The City Council
- (b) The Planning Commission
- (c) The Site Plan and Architectural Commission
- (d) The Landmarks and Historic Preservation Commission
- (e) The Planning Director

(2) *Duties of the Approving Authorities.* Under the provisions in Section 10.110, there is hereby designated to the approving authorities the power to:

- (a) Approve, conditionally approve, or disapprove applications for land use review(s);
- (b) Determine compliance or lack of compliance with the approval criteria listed under each application type.

(3) *City Council Authority.* The City Council is hereby designated as the approving authority for all the following land use reviews:

Land Use Review

Annexation

Appeals (See Section 10.140)

Comprehensive Plan Amendment (Major or Minor)

General Land Use Plan Map Amendment (Major or Minor)

Land Development Code Amendment

Transportation Facility Development

Urban Growth Boundary Amendment (Major or Minor)



Urbanization Plan

Vacation of Public Right-of-Way

Zoning Map Amendment (Major)

(4) *Planning Commission Authority.*

(a) The Planning Commission shall have all powers set forth in ORS 227.090 (Powers and Duties of Commission) except as otherwise provided by ordinance of the City Council.

(b) The Planning Commission is hereby designated as the approving authority for the following land use reviews:

Land Use Review

Appeals (See Section 10.140)

Conditional Use Permit

Exception

Park Development Review

Preliminary Planned Unit Development (PUD) Plan

Subdivision Tentative Plat

Zone Change (Minor)

(5) *Planning Commission, Other Duties.* It shall further be the responsibility of the Planning Commission to:

(a) Study and report on all proposed code amendments referred to it by the City Council. When reviewing any such proposed amendments, the Planning Commission shall submit its recommendation and findings to the City Council.

(b) Review this chapter and report on same to the City Council at least once every five years commencing on the date of enactment of this chapter. Specifically the Planning Commission shall:

(i) Analyze the extent to which development has occurred in the city as compared to the projected growth per the Comprehensive Plan.

(ii) Recommend any changes in the mapping of zoning districts as determined necessary to accommodate the expected 20-year growth as determined by the Comprehensive Plan.

(c) Serve as the Committee for Citizen Involvement (CCI) per the Comprehensive Plan.

(6) *Planning Commission, Membership.*

(a) *Number Appointed.* The Planning Commission shall consist of nine voting members appointed by the Mayor and City Council.

(b) *Length of Term.* All terms shall be for a period of four years beginning on February 1 of each year with not more than three terms expiring in the same year.

(c) *Position Appointments.* The Planning Commission members shall at a minimum comply with the requirements of Oregon Revised Statutes (ORS) 227.030 (Membership) as provided below or as amended:

(i) No more than two members of a city planning commission may be city officers, who shall serve as ex officio nonvoting members.

(ii) No more than two voting members of the commission may engage principally in the buying, selling, or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation, that engages principally in the buying, selling or developing of real estate for profit.

(iii) No more than two members shall be engaged in the same kind of occupation, business, trade or profession.

(d) *Selection Criteria.* All members of the Commission shall either be residents of the City of Medford or Medford Urban Growth Boundary. No more than two members of the Commission shall be appointed who reside outside the Medford city limits. A Commissioner who ceases to meet the residency requirement during their term of office shall forfeit the office and a new member shall be appointed to serve the unexpired portion of the term.

(e) *Removal Terms.* A member may be removed by the Mayor and City Council, after a hearing, for misconduct or nonperformance of duty.

(f) *Vacancy Replacement.* A Commissioner who ceases to meet the residency requirement during their term of office shall forfeit the office and a new member shall be appointed to serve the unexpired portion of the term. Any vacancy shall be filled by the Mayor and City Council for the unexpired term of the predecessor in the office.

(g) *Quorum.* A quorum of the Planning Commission shall consist of a majority of the current membership of the Commission.

(7) *Planning Commission Meeting Procedures.* Except as otherwise provided by law or this Code, the Planning Commission shall conduct its meetings in accordance with Robert's Rules of Order, Newly Revised, unless other rules are adopted by the Commission.

(8) *Site Plan and Architectural Commission Authority.* The Site Plan and Architectural Commission is hereby designated as the approving authority for the following land use reviews:

Land Use Review

Eligible Affordable Housing, Where Development Is Equal To or Greater Than Three Net Acres

Exception

Major Modification of Site Plan and Architectural Commission Review Approval

Site Plan and Architectural Commission Review

(9) *Site Plan and Architectural Commission, Other Duties.* The Site Plan and Architectural Commission shall have the power to adopt design guidelines. Such guidelines may be general or specific in nature and shall be in the form of suggested approaches intended to aid applicants in preparation, presentation and implementation of development proposals in compliance with the City of Medford Comprehensive Plan and implementing ordinances. Guidelines shall be advisory and shall not limit applicants to a single approach.

(10) *Site Plan and Architectural Commission, Membership.*

(a) *Number Appointed.* The Site Plan and Architectural Commission shall consist of nine voting members appointed by the Mayor and City Council.

(b) *Length of Term.* Site Plan and Architectural Commissioner terms shall be for a period of four years, with the exception of the member of the Planning Commission, whose initial term shall be for a period of two (2) years. Subsequent Planning Commissioner terms shall be for one year if reappointed. Said terms shall begin on February 1 of each year with not more than two terms expiring in the same year, exclusive of the Planning Commissioner.

(c) *Position Appointments.*

- (i) One member shall be a Planning Commissioner nominated by the Planning Commission chairperson.
- (ii) One member shall be a licensed architect.
- (iii) One member shall be a licensed professional engineer.
- (iv) One member shall be a licensed landscaping professional.
- (v) One member shall be a licensed contractor.

When selecting persons to fill the remaining four positions, preference should be given to applicants who have training or experience closely related to the licensed positions. At the Mayor and City Council's discretion, an appointment to any of the four professional/licensed positions may be an individual who, in lieu of having a valid license in the profession, possesses a comparable combination of skill, education, training and experience related to the respective professional licensing category.

(d) *Selection Criteria.* All members of the Commission shall either be residents of the City of Medford or Medford Urban Growth Boundary. No more than two members of the Commission shall be appointed who reside outside the Medford city limits. A Commissioner who ceases to meet the residency requirement during their term of office shall forfeit the office and a new member shall be appointed to serve the unexpired portion of the term.

(e) *Removal Terms.* A member may be removed by the Mayor and City Council, after a hearing, for misconduct or nonperformance of duty.

(f) *Vacancy Replacement.* A Commissioner who ceases to meet the residency requirement during their term of office shall forfeit the office and a new member shall be appointed to

serve the unexpired portion of the term. Any vacancy shall be filled by the Mayor and City Council for the unexpired term of the member being replaced.

(g) *Quorum*. A quorum of the Site Plan and Architectural Commission shall consist of ~~five or more members~~ a majority of the current membership of the Commission.

(11) *Procedure of the Site Plan and Architectural Commission Meeting Procedures*. Except as otherwise provided by law or this Code, the Site Plan and Architectural Commission shall conduct its meetings in accordance with Robert's Rules of Order, Newly Revised, unless other rules are adopted by the Commission.

(12) *The Landmarks and Historic Preservation Commission Authority*. The Landmarks and Historic Preservation Commission is hereby designated as the approving authority for the following land use reviews:

Land Use Review

Appeals (See Section 10.140)

Exceptions

Historic Review

(13) The Landmarks and Historic Preservation Commission, Other Duties

(a) To study proposed Comprehensive Plan and Land Development Code amendments relating to historic preservation, and submit recommendations regarding such proposals to the Planning Commission and City Council.

(b) To institute and support programs and projects that further the historic preservation policies of the City of Medford.

(c) To adopt approval criteria for Minor Historic Review of alterations of and/or new construction of residential fencing, roofing materials, exterior colors, signage, awnings, and non-contributing and non-historic buildings within Historic Preservation Overlay Districts. Such criteria shall be consistent with the Secretary of the Interior's Standards for the Treatment of Historic Places as applicable.

(d) To adopt design guidelines for new construction and exterior alterations within an Historic Preservation Overlay. Such guidelines may be general or specific in nature and

shall be in the form of approaches intended to aid applicants in preparation, presentation, and implementation of development proposals that comply with the Medford Comprehensive Plan and implementing ordinances. Guidelines shall be advisory and shall not limit applicants to a single approach.

(e) To adopt approval criteria and/or design guidelines for signage within the Historic Preservation Overlay. Such criteria or design guidelines may authorize signs that differ from the standards of Article VI when necessary to meet historic compatibility and preservation goals.

(f) To support the enforcement of all state laws related to historic preservation.

(g) To identify and evaluate properties in the City and maintain a Historic Resource Survey consistent with the Standards of the Oregon State Historic Preservation Office (SHPO).

(14) *Historic Review.* For the purposes of this section, the definitions, rules, and procedures of Sections 10.401 through 10.408 shall apply.

Historic Review shall include:

(a) *Historic Preservation Overlay Changes.* Review and investigation of any historic resource in the City of Medford that may have historic significance; initiation of proceedings to change the extent of the Historic Preservation Overlay; decisions on applications to change to the extent of the Historic Preservation Overlay; and preparation of findings substantiating or refuting the historic significance of the resource.

(b) *Exterior Alteration and/or New Construction Review.* Consideration of proposed exterior alteration and/or new construction within a Historic Preservation Overlay.

(c) *Demolition and/or Relocation Review.* Consideration of proposed demolition or relocation within a Historic Preservation Overlay, and authorization of either delayed or immediate issuance of a demolition or relocation permit.

(15) *Landmarks and Historic Preservation Commission, Membership.*

(a) *Number Appointed.* The Landmarks and Historic Preservation Commission shall be made up of five voting members appointed by the Mayor and City Council.

(b) *Length of Term.* All regular terms of members of the Landmarks and Historic Preservation Commission shall be for a period of four years, and shall begin on February 1, with not more than three terms expiring in the same year.

(c) *Position Appointments.* All members of the Landmarks and Historic Preservation Commission shall have demonstrated positive interest, competence, or knowledge of historic preservation. The Planning Director or designee shall serve as an ex-officio member of the Landmarks and Historic Preservation Commission.

(d) *Selection Criteria.* All members of the Commission shall either be residents of the City of Medford or Medford Urban Growth Boundary. No more than two members of the Commission shall be appointed who reside outside the Medford city limits.

(e) *Removal Criteria.* A member of the Landmarks and Historic Preservation Commission may be removed by the Mayor and City Council, after a hearing, for misconduct or nonperformance of duty. Replacements shall be appointed by the Mayor and City Council for the remainder of the unexpired term. A Commissioner who ceases to meet the residency requirement during their term of office shall forfeit the office and a new member shall be appointed to serve the unexpired portion of the term.

(f) *Quorum.* A quorum of the Landmarks and Historic Preservation Commission shall consist of a majority of the currently appointed members.

(16) *Landmarks and Historic Preservation Commission, Meeting Procedures.*

(a) Except as otherwise provided by law or this Code, the Landmarks and Historic Preservation Commission shall conduct its meetings in accordance with Robert's Rules of Order, Newly Revised, unless other rules are adopted by the Commission.

(b) The Landmarks and Historic Preservation Commission shall meet as necessary to act on Historic Reviews in a timely manner.

(c) There shall be at least one meeting of the Landmarks and Historic Preservation Commission held each year, during the month of March.

(17) *Planning Director Authority.* The Planning Director is hereby designated as the approving authority for Type I and II land use reviews as well as issuance of the development permit. This includes the following land use reviews:

Land Use Review

Cottage Cluster, Type I

De Minimis Revision(s) to Approved PUD Plan

Eligible Affordable Housing, Where Development Is Less Than Three Net Acres

Final PUD Plan

Final Plat, Expedited Land Division

Final Plat, Middle Housing Land Division

Final Plat, Pad Lot Development, Partition, and Subdivision

Manufactured Dwelling Park/Mobile Home Park – Type II

Major Modifications to Site Plan and Architectural Review

Minor Historic Review

Minor Modification to Conditional Use Permit

Minor Modification to a Park Development Review

Minor Modification to Site Plan and Architectural Review

Nonconformities

Pre-Application

Property Line Adjustment

Riparian Corridor Reduction or Deviation

Sign Permit

Site Plan and Architectural Review (SPAR) – Type II

Tentative Plat, Expedited Land Division

Tentative Plat, Middle Housing Land Division

Tentative Plat, Pad Lot Development

Tentative Plat, Partition

Wireless Communication Facilities in Public Right-of-Way

(18) *Planning Director, Other Duties.* The Planning Director shall also be responsible for the administration and enforcement of this chapter.

[Amd. Sec. 1, Ord. No. 6265, Dec. 15, 1988; Amd. Sec. 2, Ord. No. 2008-236, Nov. 20, 2008; Amd. Sec. 14, Ord. No. 2018-64, Jun. 21, 2018 (effective Jul. 23, 2018); Amd. Sec. 2, Ord. No. 2018-86, Jul. 19, 2018; Amd. Sec. 2, Ord. No. 2018-106, Sep. 6, 2018; Amd. Sec. 4, Ord. No. 2018-130, Nov. 15, 2018; Amd. Sec. 2, Ord. No. 2019-77, Aug. 1, 2019; Amd. Sec. 3, Ord. No. 2020-23, Feb. 20, 2020; Amd. Sec. 3, Ord. No. 2020-136, Nov. 5, 2020; Amd. Sec. 2, Ord. No. 2022-28, Mar. 17, 2022; Amd. Sec. 3, Ord. No. 2022-60, Jun. 16, 2022; Amd. Sec. 2, Ord. No. 2022-73, Jul. 7, 2022; Amd. Sec. 3, Ord. No. 2022-74, Jul. 7, 2022.]

The Medford Municipal Code is current through Ordinance 2023-78, passed June 15, 2023.

Disclaimer: The city attorney's office has the official version of the Medford Municipal Code. Users should contact the city attorney's office (541-774-2020) for ordinances passed subsequent to the ordinance cited above.

[City Website: www.medfordoregon.gov](http://www.medfordoregon.gov)

[Hosted by Code Publishing Company, A General Code Company.](#)

10.124 Due Process Element 2: Notification.

(1) *Content of Public Hearing Notice/Notice of Decision.* The Public Hearing/Decision notice shall:

- (a) Explain the nature of the application and the proposed use or uses which could be authorized;
- (b) List the applicable criteria from the Code and the Comprehensive Plan that apply to the application at issue;
- (c) Set forth the street address or other easily understood geographical reference to the subject property;
- (d) State the date, time and location of the hearing; or, for Type II applications, state the date the decision will be rendered;
- (e) State that failure to raise an issue in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal based on that issue;
- (f) Include the name of a local government representative to contact and the telephone number where additional information may be obtained;
- (g) State that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;
- (h) State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost; or for a Type II application the staff report will be available on the day the decision is rendered; and
- (i) Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings, when applicable.

(2) *Public ~~Hearing~~Notice Signs.* On-Site Posting. Public ~~notice~~hearing signs shall be posted on the project site for any proposed Type II, Type III or IV (minor) land use actions according to the following:

(a) *Contents of sign.* Public ~~notice~~Hearing signs shall include a description of the proposed land use action, the date of the public hearing or decision date, and the City of Medford file number for the proposed land use action.

(b) *Location and number of signs.* A posted public notice sign must be placed on each existing street frontage of the project site. If a frontage is over 600 feet long, a public notice sign is required for each 600 feet, or fraction thereof. ~~Public N~~notice signs must be posted within 10 feet of a street lot line and must be visible to pedestrians and motorists. Public ~~N~~notice signs may not be posted in a public right-of-way, unless the land use action specifically pertains to a public right-of-way. If posting must occur in the right-of-way, care should be taken to comply with Section 10.735, Clear View of Intersecting Streets.

(c) *Sign posting schedule.* The required sign(s) shall be posted as specified in Table 10.124-1. Posted signs shall be removed within 10 days following the final decision.

(3) *Notification, Affected Property Owners.*

(a) *Notice of Type II Land Use Action.* In the case of Type II land use actions where there is no public hearing, notification shall be mailed to the applicant and all affected property owners within 14 calendar days of deeming an application complete pursuant to Section 10.122.

(i) *Notice of Public Comment Period, Type II.* The Planning Director shall provide a 14-day period for submission of written comments prior to making a decision on any application requiring a Type II land use action.

(ii) *Notice Area, Type II.* The Planning Director shall mail notice of the public comment period to the following:

(A) The applicant.

(B) Property owners within ~~32~~00 feet (or 100 feet for expedited land division and middle housing land division reviews) of the entire contiguous site for which the application is made. This list shall be compiled from the most recent property tax assessment roll.

(C) Any neighborhood or community organization recognized by the City and whose boundaries include the site.

(D) Public agencies which provide transportation facilities and services, such as Jackson County and the Oregon Department of Transportation (ODOT), for all partitions which affect private access to roads.

(E) For expedited land divisions, this shall include any state agency, local government, or special district responsible for providing public facilities or services to the development.

(iii) *Notice of Comment Period Content, Type II.* The notice shall:

(A) State that issues which may provide the basis for an appeal shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue.

Note: The above language is required by ORS 197.195 for Limited Land Use Decisions, even though the procedures provide for appeal of a Type II decision to the Planning Commission, or City Council for Site Plan and Architectural Review (SPAR) – Type II, through a de novo hearing, which allows new issues to be raised and allows the introduction of new evidence. The ‘notice of comment period’ and ‘notice of decision’ language below is slightly different than the statutory language to reflect the fact this code allows for local appeal.

(B) List, by commonly used citation, the applicable criteria for the decision.

(C) Briefly summarize the local decision making process for the decision being made.

(D) Provide a project description that clearly describes the proposal and what is being requested.

(E) Identify the street address or other easily understandable geographical reference of the location of the site under review.

(F) State the place, date and time the comments are due, and the person whom the comments should be addressed.

(G) State that copies of all evidence relied upon by the applicant are available for review at no cost, and that copies can be obtained at reasonable cost from the City.

(H) Include the name of the Planning Director or designee to contact and the telephone number where additional information may be obtained regarding the application.

(I) State that any person who is adversely affected or aggrieved, anyone who is entitled to written notice in Subsection 10.124 (3)(a)(ii) above, and anyone who provides written comments during the comment period may appeal the decision by filing an appeal in accordance with this Code within 14 days of the date the written notice of decision is mailed.

(J) State the decision will not become final until the period for filing a local appeal has expired.

(K) State that a person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830.

(iv) *On-Site Posting, ~~Site Plan and Architectural Review – Type II~~*. On-site, public notice ~~of decision date~~ signs shall be posted for Type II ~~this type of~~ land use actions according to the following:

(A) *Contents of sign*. On-site public notice ~~of decision date~~ signs shall include a description of the proposed land use action, the date the decision will be rendered and the City of Medford file number for the proposed land use action.

(B) *Location and number of signs*. A posted public notice sign must be placed on each existing street frontage of the project site. If a frontage is over 600 feet long, a public notice sign is required for each 600 feet, or fraction thereof. Public ~~N~~notice signs must be posted within 10 feet of a street lot line and must be visible to pedestrians and motorists. Public ~~N~~notice signs may not be posted in a public right-of-way, unless the land use action specifically pertains to a public right-of-way. If posting must occur in the right-of-way, care should be taken to comply with Section 10.735, Clear View of Intersecting Streets.

(C) *Sign posting schedule*. The required sign(s) shall be posted as specified in Table 10.124-1. Posted signs shall be removed within 10 days following the final decision.

(b) *Notice of Type III and IV Land Use Actions*. Notification shall be mailed to the applicant and all affected property owners no later than 21 days prior to each public hearing date.

(c) All addresses for mailed notices shall be obtained from the latest property tax rolls of the Jackson County Assessor's office.

(d) Affected property owners for each procedure type shall be determined as indicated in Table 10.124-1.

(4) *Publication.* Unless otherwise indicated, public hearing notices for all proposed land use actions shall be published in a newspaper of general circulation prior to the scheduled public hearing date before the approving authority. The schedule of publication for each procedure type shall be as specified in Table 10.124-1.

Table 10.124-1. Notice of Public Hearing Schedule by Procedure Type

Procedure Type	Newspaper Publication	On-Site Public HearingNotice Sign	Affected Property Owners Notice
Type I	None	None	None
Type II	None	None A sign shall be placed on the subject property 14 days prior to the decision date.	Within 14 calendar days of deeming an application complete, notice will be sent to all property owners within 32 00 feet of the project boundaries. For an expedited land use review, including middle housing land division (10.173), notice shall be sent to all property owners within 100 feet of the project boundaries.
Type II: Site Plan and Architectural Review – Type	None	A sign shall be placed on the subject property 14 days prior	Within 14 calendar days of deeming an application complete, notice will be sent to all property owners within

Procedure Type	Newspaper Publication	On-Site Public HearingNotice Sign	Affected Property Owners Notice
II		to the decision date.	3200 feet of the project boundaries
Type III: Conditional Use Permit, Exception, Park Development Review, Preliminary PUD Plan, Zone Change	Notice shall be published no later than 10 days prior to the public hearing date before the approving authority.	A sign shall be placed on the subject property 21 days prior to the public hearing date.	<p>21 days prior to the public hearing date notice will be sent to all property owners within the project boundaries plus all property owners within 200 feet of the project boundaries.</p> <p>For Preliminary PUD Plans, Major Revision to a PUD, or neighborhood meetings, in addition to the above requirement that owners within the PUD are noticed and property owners within 200 feet of the PUD project boundary, the owners of no less than 75 tax lots shall be notified. If 75 tax lots are not located within 200 feet of the exterior boundary of the PUD, the notification area shall be extended by successive 50-foot increments, until the minimum number of lots are included in the notification area.</p>

Procedure Type	Newspaper Publication	On-Site Public <u>Hearing</u> Notice Sign	Affected Property Owners Notice
Type III: Historic Review, Site Plan and Architectural Commission Review	None	A sign shall be placed on the subject property 21 days prior to the public hearing date. AND A notice shall be posted in a public place no later than five days prior to the public hearing date.	21 days prior to the public hearing date notice will be sent to all property owners within the project boundaries plus all property owners within 200 feet of the project boundaries.
Type III: Subdivision Tentative Plat	Notice shall be published no later than 10 days prior to the public hearing date.	A sign shall be placed on the subject property 21 days prior to the public hearing date.	21 days prior to the public hearing date notice will be sent to all property owners within the project boundaries plus all property owners within 200 feet of the project boundaries.
Type IV: Minor Comprehensive Plan Amendment, <u>Minor</u> General Land Use Plan Map Amendment, Transportation Facility	Notice shall be published no later than 10 days prior to the public hearing date before the Planning Commission (the advisory body) AND No later than 10 days prior to the public	A sign shall be placed on the subject property 21 days prior to the first public hearing date.	21 days prior to each public hearing date notice will be sent to all property owners within the project boundaries plus all property owners within 200 feet (<u>400 feet for <u>Minor GLUP Map Amendment</u></u>) of the project boundaries.

Procedure Type	Newspaper Publication	On-Site Public Hearing Notice Sign	Affected Property Owners Notice
Development	hearing date before City Council (the approving authority).		
<u>Type IV: Major General Land Use Plan Map Amendment</u>	<u>Notice shall be published no later than 10 days prior to the public hearing date before the Planning Commission (the advisory body)</u> <u>AND</u> <u>No later than 10 days prior to the public hearing date before City Council (the approving authority).</u>	<u>None</u>	<u>21 days prior to the public hearing date notice will be sent to all property owners within the project boundaries plus all property owners within 400 feet of the project boundaries.</u>
Type IV: Annexation	Notice shall be published once each week for two successive weeks prior to the public hearing date.	Notice shall be posted in four public places for two successive weeks prior to the public hearing date.	21 days prior to the public hearing date notice will be sent to all property owners within the project boundaries plus all property owners within 200 feet of the project boundaries.
Type IV: Vacation of Public Right-of-Way	Not less than 14 days before the public hearing date before the approving	Within five days after publication of the first notice, and not less than 14 days before	21 days prior to the public hearing date notice will be sent to all property owners within the area of a plat

Procedure Type	Newspaper Publication	On-Site Public <u>Hearing</u> Notice Sign	Affected Property Owners Notice
	authority, notice shall be published once a week for two consecutive weeks.	the hearing, a sign shall be placed at or near each end of the proposed vacation in at least two conspicuous places in the proposed vacation area.	vacation or all abutting property and all attached real property within 200 feet laterally and 400 feet beyond the terminus of each right-of-way to be vacated.
Type IV: Land Development Code Amendment, Major Comprehensive Plan Amendment, Major Zone Change, Urbanization Plan	Notice shall be published no later than 10 days prior to the public hearing date before the Planning Commission (the advisory body), AND No later than 10 days prior to the public hearing date before the City Council (the approving authority).	None	Generally not applicable to a legislative action unless it meets ORS 227.186 criteria (i.e., the change effectively rezones property). For Urbanization Plans, the public hearing date notice will be sent to all property owners within the project boundaries plus all property owners within 200 feet of the project boundaries

(5) Re-Notice Fee. The Planning Department may establish and charge a re-notice fee if an application must be noticed again due to a continuance that is not to a date certain.

[Replaced Sec. 22, Ord. No. 2018-64, Jun. 21, 2018 (effective Jul. 23, 2018); Amd. Sec. 4, Ord. No. 2018-86, Jul. 19, 2018; Amd. Sec. 5, Ord. No. 2018-130, Nov. 15, 2018; Amd. Sec. 5, Ord. No. 2018-133, Dec. 6, 2018; Amd. Sec. 3, Ord. No. 2019-91, Aug. 1, 2019; Amd. Sec. 4, Ord. No. 2020-23, Feb. 20, 2020; Amd. Secs. 4, 5, Ord. No. 2022-74, Jul. 7, 2022.]

10.220 Major Type IV Amendments.

(1) Major Type IV Amendments are those land use changes that have widespread and significant impact beyond the immediate area, such as changes capable of producing large volumes of traffic, changes to the character of the land use itself, or changes that affect large areas or involve many different ownerships. Major Type IV Amendments include:

- (a) Major Comprehensive Plan, including separate plans adopted by reference;
- (b) Major General Land Use Plan Map Amendment;
- (c) Major Urban Growth Boundary;
- (d) Major Zoning Map Amendment;
- (e) Urban Reserves;
- (f) Urban Growth Management Agreement;
- (g) Urban Reserve Management Agreement;
- (h) Urbanization Plan

(2) *Major Type IV Amendment Approval Criteria.* Refer to the Review and Amendment section of the Comprehensive Plan, except in the case of the following four actions:

- (a) *Major Zoning Map Amendment.* Refer to the approval criteria for Land Development Code Amendments in Section 10.218.
- (b) *Urban Growth Boundary Amendment.* Refer to Urbanization Element of the Comprehensive Plan.
- (c) *Urban Reserve Adoption/Amendment.* Refer to ORS 195.137–145 and OAR 660-021.
- (d) *Urbanization Plan.* Refer to Sections 5 and 6 in the Urbanization Planning Chapter in the Neighborhood Element

(3) *Urbanization Plan Application Form.* An application for an Urbanization Plan shall contain the following items:

- (a) Written consent of owner(s) within the planning unit per the Urbanization Planning requirements in the Comprehensive Plan.
- (b) Urbanization Plan map(s) drawn to scale that includes the Plan Contents found in Section 5 in the Urbanization Planning Chapter in the Neighborhood Element (20 copies).
- (c) One reduced copy of each size plan (8.5" x 11" and 11"x 17").
- (d) Electronic files in dwg format or shapefiles.
- (e) Vicinity map including other adjacent planning units and their General Land Use Plan designations.
- (f) Property lines for the subject planning unit and adjacent properties, particularly where new streets are proposed.
- (g) Existing easements of record, irrigation canals, and structures.
- (h) Areas designated as unbuildable per the Urban Growth Boundary City Council Report dated August 18, 2016 (Map A-1), and the status of those areas, including agricultural buffers.
- (i) Written or graphical representation of compliance with the Plan Contents found in Section 5 in the Urbanization Planning Chapter in the Neighborhood Element.
- (j) Written findings showing compliance with the Regional Plan requirements
- (k) Contour lines and topography
- (l) Property owners' names, addresses, and map and tax lot numbers within 200 feet of the project boundaries, typed on mailing labels.
- (m) Documentation that a neighborhood meeting was conducted in accordance with Section 10.194.

[Amd. Sec. 29, Ord. No. 7659, Jun. 2, 1994; Amd. Sec. 11, Ord. No. 2007-100, May 17, 2007; Replaced Sec. 89, Ord. No. 2018-64, Jun. 21, 2018 (effective Jul. 23, 2018); Amd. Sec. 8, Ord. No. 2018-130, Nov. 15, 2018.]

PLANNING COMMISSION STUDY SESSION MINUTES



MEDFORD
OREGON

August 28, 2023

12:00 p.m.

Virtual via Zoom and In-Person

The regular study session of the Planning Commission was called to order at 12:00 p.m. via Zoom and an In-Person meeting on the above date with the following members and staff present:

Chair Mark McKechnie, Commissioners Rachel Bennett, Larry Beskow, Jared Pulver, John Quinn, Assistant Planning Director Kelly Akin, Deputy City Attorney Katie Zerkel, Principal Planner Carla Angeli Paladino were present. Vice Chair Culbertson, Commissioners Bill Mansfield, EJ McManus, and Jeff Thomas were absent.

20.1 DCA-23-262 Land Use Notice Amendment (see PowerPoint Presentation)

Principal Planner Carla Angeli Paladino reported that staff is seeking Planning Commission discussion and recommendations on the proposed code amendments related to updates to the noticing requirements for select project types including Type II applications and General Land Use Plan (GLUP) map amendments.

Planning and Communication staff met with City Council in January and March to discuss the existing land use notice regulations that apply to different land use applications and evaluate recommended changes. The review of the public notice policy was listed as a deliverable under the Council's 2021-2023 Community Engagement goal.

During the Council Briefing in January 2023, three options were discussed as opportunities to better inform residents of projects/applications and potentially increase participation in the land use process: 1) Expand the notice area boundary across application types to 400 or 500 feet; 2) Update the City's website with better access to project information; and 3) Revise the design and layout of the public signs posted on property.

Council was supportive of elements of all three options. Regarding the notice boundary for land use applications, it was discussed that revisions to the notice area for General Land Use Plan map amendment applications should be reviewed and evaluated through a code amendment. Revisions to the website to include a notice tab on the home page and to develop more detailed project information are still being worked on. Notice signs that are posted on properties were revised to be more visible, were ordered, and are in use.

The code amendment proposed focuses on the following changes to the notice boundary requirements: Evaluate reducing Type II notice area from 300 feet to 200 feet and require an on-site hearing sign for partitions; Increase the notice area for Minor General Land use Plan map amendments from 200 feet to 400 feet and add a property owner notice for Major General Land Use Plan map amendments; and Indicate a re-notice fee will be charged to applicants for projects that are not continued to a date certain.

Overall, the City's notice requirements exceed the State's 100-foot property owner notice from a subject property located partially or wholly within an urban growth boundary.

The proposed modification to the Type II applications was suggested by current planning staff to assist with making the noticing process consistent across the spectrum of land use applications. The 300-foot notice area was changed for partitions when Site Plan and Architectural Review (SPAR) applications were added as a Type II land use action in 2020. Originally, partitions were amended in the code to have a 200-foot notice boundary in 2018 when they were converted from a Type III land use action to a Type II. A review of partition applications from 2022 shows of the 12 applications processed only one had public comments. This small sample may suggest the notice area could be reduced because many property owners are not participating and add the installation of a public notice sign to the property to indicate an action is under review.

Council provided guidance on amending the notice boundary for General Land Use Plan (GLUP) map amendments but did not indicate by how much. Staff found that the cities of Bend, Beaverton, and Hillsboro use 500 feet as the notice area for Type IV applications while Corvallis uses 300 feet. The Planning Department is proposing to use 400 feet for such applications. This is double the current notice boundary. In addition, Major GLUP map amendments are also proposed to be noticed to surrounding property owners.

What does the Commission think about reducing the notice buffer area for Type II applications from 300 feet to 200 feet?

Does the Commission think the notice area for GLUP map amendments should be increased to 500 feet or decreased to 300 feet?

Are there other noticing changes to consider?

Commissioner Quinn would like to keep 200 feet for partitions, 300 for SPAR and Type III applications, and 400 for the GLUP map amendments.

Commissioner Beskow agrees to leaving 200 feet for partitions, 200 for SPAR and Type III applications, and 400 for the GLUP map amendments.

To Commissioner Bennett increasing the radius on Type IV applications to 400 for the GLUP map amendments is a sound idea. She would like to know what information is conveyed in the public hearing notice. Ms. Paladino responded that the information provided gives the Planner's name, project number, date, time, location of the hearing, description of the project, how citizens can participate by either in-person or in-writing (standing), they must have standing to appeal, and included is the criteria and vicinity map. Commissioner Bennett would rather see more online accessibility and not increase the radius for mailings.

Commissioner Pulver inquired about who bears the cost. Ms. Paladino reported that the existing fees encompass noticing requirements of staff time, copying, and postage that is built into the land use fees. Re-noticing would be extra if a continuance was not to a date certain.

Commissioner Pulver is in favor of noticing more people but sending notices to people that do not understand is not beneficial. Having 200 feet on Type II applications is fine. He is fine with 200 feet on Type III SPAC but for conditional use permit 300 feet. He is in favor of the 400 feet for GLUP amendments.

Chair McKechnie is in favor of 200 feet noticing for Type II applications and everything else. He can see 200 feet for a GLUP amendment change and 400 feet for a more impactful GLUP amendment. He inquired how often does an application require re-noticing? Ms. Paladino and Assistant Planning Director Kelly Akin responded that it is rare. A re-noticing fee seems fair to Chair McKechnie.

The website is an excellent priority.

Ms. Akin cautioned that noticing errors are grounds for appeals. She encouraged consistency.

This will go to the Planning Commission public hearing at the end of September.

Commissioner Bennett thinks pivoting the bulk of the content to a web interface is going to be useful both from an accessibility standpoint for the impaired and offering Information in other languages. Keep paper notices of what is statutorily required.

There being no further business, this study session adjourned at 12:34 p.m.

The City Recorder maintains a record of these proceedings with the agenda, minutes and documentation associated with this meeting.



Terri L. Richards
Recording Secretary



LD DATE: 9/13/2023
File Number: DCA-23-262

PUBLIC WORKS DEPARTMENT STAFF REPORT

Land Use Notice Updates – Code Amendment City of Medford

Project: A legislative code amendment to revise the provisions in Chapter 10 related to land use noticing requirements.

Applicant: City of Medford

Planner: Carla Paladino, Principal Planner – Long Range Division

Public Works has no comments on the proposed code amendment.

Prepared by: Jodi K Cope

Reviewed by: Doug Burroughs



PLANNING COMMISSION MEETING MINUTES



September 28, 2023

5:30 p.m.

Medford City Hall, Council Chambers

411 W. 8th Street, Medford, Oregon

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

Chair Mark McKechnie, Commissioners Rachel Bennett, Bill Mansfield, Jared Pulver, John Quinn and Jeff Thomas; Principal Planner Carla Angeli Paladino, Senior Assistant City Attorney Hannah Harding, Development Services Manager Doug Burroughs, Planner III Dustin Severs, Recording Secretary Terri L. Richards. Vice-Chair David Culbertson, Commissioners Larry Beskow, and EJ McManus were absent.

10. Roll Call

20. Consent Calendar/Written Communications

20.1 ZC-23-060 Consideration of a zone change from SFR-00 (single-family residential, one dwelling per existing lot) to C-N (Neighborhood Commercial). The site consists of a single, vacant parcel totaling approximately 0.55 acres (0.80 gross acres) located at the northwest corner of Stewart Avenue and Lozier Lane (Address: 1134 Lozier Lane) (372W35AB TL 2500). Applicant: Next Town, LLC; Agent: Oregon Architecture, Inc.; Planner: Dustin Severs.

20.2 LDS-21-170 Consideration of a request for a one-year time extension of the approval for a 6-lot residential subdivision on approximately 1.31 acres located at 2735 Merriman Road, approximately 230 feet north of Midway Road within the SFR-6 (Single Family Residential – 4 to 6 dwelling units per gross acre) zoning district (372W13BA7900). Applicant / Agent: Rogue Planning & Development Services; Planner: Steffen Roennfeldt.

Motion: Approve the consent calendar as submitted.

Moved by: Commissioner Pulver

Seconded by: Commissioner Thomas

Voice vote: Chair McKechnie, Commissioners Bennett, Mansfield, Pulver, Quinn, and Thomas voted yes.

30. Approval or Correction of the Minutes from the September 14, 2023, Meeting

The minutes will stand approved as submitted.

40. Oral Requests & Communications from the Audience

None.

Hannah Harding Senior Assistant City Attorney read the Quasi-Judicial statement.

50. Public Hearings

50.1 SN-23-226 Consideration of a request to change the name of Michael Park Drive to Rosefield Street. The subject street extends approximately 500 feet west of its intersection with Lone Oak Drive and is zoned P-1 (parks) and MFR-20 (Multiple Family Residential, 20 dwelling units per gross acre). Applicant: Michael Mahar; Agent: Neathamer Surveying, Inc; Planner: Dustin Severs.

Planner III Dustin Severs provided a staff report outlining the street name change from Michael Park Drive to Rosefield Street. (See attached PowerPoint.)

The public hearing opened.

- a. Bob Neathamer, Neathamer Surveying Inc., 3126 State Street, Suite 203, Medford, OR 97504. Mr. Neathamer gave a brief description of the project.

Mr. Neathamer reserved rebuttal time.

The public hearing closed.

Motion: Forward a favorable recommendation for approval of SN-23-226 to the City Council per the staff report dated September 21, 2023, including Exhibits A through G.

Moved by: Commissioner Pulver

Seconded by: Commissioner Thomas

Roll Call Vote: Motion passes, 6-0-0.

50.2 ZC-23-195 Consideration of a city-initiated zone change for seven properties totaling 8.5 acres, in the area of Sunset Drive and Westwood Drive from SFR-00 (Single Family Residential, one dwelling unit per existing lot) and SFR-6 (Single Family Residential – 6 dwelling units per gross acre) to MFR-15 (Multi-Family Residential – 15 dwelling units per gross acre). Planner: Sarah Sousa.

Planner III Sarah Sousa provided a staff report outlining the zone change. (See attached PowerPoint.)

The public hearing opened and there being no testimony the public hearing closed.

Motion: Adopt the findings as recommended by staff and direct staff to prepare the final order for approval of ZC-23-195, per the staff report dated September 21, 2023, including Exhibits A through F.

Moved by: Commissioner Pulver

Seconded by: Commissioner Thomas

Roll Call Vote: Motion passes, 5-1-0, with Commissioner Quinn voting no.

50.3 ZC-23-245 Consideration of a request for a change of zone of two contiguous parcels, totaling approximately 0.86 acres (0.99 gross acres). The parcels are located east of S. Pacific Highway 99 and is fronted by Charlotte Anne Road (Addresses: 321 & 365 Charlotte Anne Road). The request is to change the zoning from SFR-00 (Single-Family Residential, one dwelling unit per existing lot) to MFR-20 (Multiple Family Residential, 20 dwelling units per gross acre) (371W32C TL 1600 and 1700). Applicant: Kerry Chesnut; Agent: Richard Stevens & Associates, Inc; Planner: Dustin Severs.

Planner III Dustin Severs provided a staff report outlining the zone change. (See attached PowerPoint.)

The public hearing opened.

- a. Clark Stevens, Richard Stevens & Associates, Inc., P. O. Box 4638, Medford, Oregon 97501. Mr. Stevens gave a brief description of the project.

Mr. Stevens reserved rebuttal time.

The public hearing closed.

Motion: Adopt the findings as recommended by staff and direct staff to prepare the final order for approval of ZC-23-245, per the staff report dated September 21, 2023, including Exhibits A through I.

Moved by: Commissioner Pulver

Seconded by: Commissioner Thomas

Roll Call Vote: Motion passes, 6-0-0.

50.4 LDS-23-239 Consideration of a revised tentative plat for Clark Homes Development, a proposed 22-lot residential subdivision (8 lots proposed for attached single-family residences, 12 lots proposed for detached single-family residences, and 2 lots proposed for quadplexes), proposed in four phases. The site consists of two contiguous parcels totaling approximately 3.27 acres (4.34 gross acres); and abuts Garfield Street along its northerly boundary, Powhatan

Avenue along its westerly boundary, Kings Hwy along its easterly boundary, and is traversed east/west by the unimproved right-of-way of Prospect Street. The zoning is SFR-6 (Single-Family Residential, six dwelling units per gross acre) and SFR-10 (Single-Family Residential, ten dwelling units per gross acre). (Addresses: 1708 and 1792 Kings Hwy). (372W36DD TL 100 & 1300) Applicant: Clark Homes, LLC; Agent: Neathamer Surveying, Inc; Planner: Dustin Severs.

Planner III Dustin Severs provided a staff report outlining the zone change. (See attached PowerPoint.)

The public hearing opened.

b. Bob Neathamer, Neathamer Surveying Inc., 3126 State Street, Suite 203, Medford, OR 97504. Mr. Neathamer gave a brief description of the project.

Mr. Neathamer reserved rebuttal time.

The public hearing closed.

Motion: Adopt the findings as recommended by staff and direct staff to prepare the final order for approval of LDS-23-239, per the staff report dated September 21, 2023, including Exhibits A through J, and the granting of the maximum timetable of five years for the subdivision to be developed in phases, pursuant to MLDC 10.202(4)(b).

Moved by: Commissioner Pulver

Seconded by: Commissioner Thomas

Roll Call Vote: Motion passes, 6-0-0.

50.5 DCA-23-262 A legislative code amendment to revise the provisions in Chapter 10 related to land use noticing requirements. Planner: Carla Angeli Paladino.

Principal Planner Carla Angeli Paladino provided a staff report outlining the land use noticing requirements. (See attached PowerPoint.)

The public hearing opened and there being no testimony the public hearing closed.

Motion: Initiate the code amendment and forward a favorable recommendation for adoption of DCA-23-262 to the City Council per the staff report dated September 21, 2023, including all exhibits.

Moved by: Commissioner Pulver

Seconded by: Commissioner Thomas

Roll Call Vote: Motion passes, 6-0-0.

60. Reports

60.1 Transportation Commission

Commissioner Pulver reported the Transportation Commission met Wednesday, September 27, 2023. Much of the discussion was what the Planning Commission discussed at their Monday, September 25, 2023, study session. A Major Comprehensive Plan Amendment to revise the Transportation System Plan (TSP) related to the Oregon Department of Transportation's Exit 27 Interchange Area Management Plan (IAMP) and establishment of an Alternative Mobility Target, updates to the base layer maps within the document, and other relevant revisions.

60.2 Site Plan and Architectural Commission

Ms. Paladino reported that the Site Plan and Architectural Commission met on Friday, September 15, 2023 and the one business item was continued to October 20, 2023.

60.3 Planning Department

Ms. Paladino reported there is business scheduled for the Planning Commission on October 12, 2023, October 26, 2023, and November 9, 2023.

Last week City Council approved the Natural Hazard Mitigation Plan into the Comprehensive Plan; the GLUP Map amendment for Next Town; and the street vacation on Cherry Street and Erin Way.

Next week City Council will hear the street name change from Michael Park Drive to Rosefield Street.

70. Message and papers from the Chair

None.

80. City Attorney Remarks

None.

90. Propositions and Remarks from Commission

None.

100. Adjournment

There being no further business, this meeting adjourned at 6:38 p.m.

The City Recorder maintains a record of these proceedings with the agenda, minutes and documentation associated with this meeting.

Terri L. Richards
Recording Secretary

Mark McKechnie
Chair

PowerPoints attached:

- 50.1 SN-23-226
- 50.2 ZC-23-195
- 50.3 ZC-23-245
- 50.4 LDS-23-239
- 50.5 DCA-23-262