



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

01/27/2014

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Medford Plan Amendment
DLCD File Number 013-13

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, February 13, 2014

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Carla Angeli Paladino, City of Medford
Gordon Howard, DLCD Urban Planning Specialist
Josh LeBombard, DLCD Regional Representative

<paa> YA



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.: 013-13 (20079)
[17740]
Received: 1/23/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Medford

Local file no.: **ZC-13-117**

Date of adoption: 01/16/2014

Date sent: 1/23/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 11/7/2013

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

There were five specific changes: Four parcels were converted from GC to C-H rather than C-C. One parcel was approved as a split zone with C-H and SFR-00. The remaining recommendations were approved.

Local contact (name and title): Carla Angeli Paladino

Phone: 541-774-2395

E-mail: carla.paladino@cityofmedford.org

Street address: 200 S. Ivy Street

City: Medford

Zip: 97501-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from SR 2.5	to SFR-00 & 1 property to C-H	Acres: 70.51
Change from GC	to C-H	Acres: 41.87
Change from GC	to C-C	Acres: 36.63
Change from NC	to C-N	Acres: 0.24

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address): See attached list- Exhibit B-1 to Staff Report

List affected state or federal agencies, local governments and special districts:

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Any supplemental information that may be useful to inform DLCD or members of the public of the effect of the actual change

ORDINANCE NO. 2014-18

AN ORDINANCE authorizing a Class 'A' (major) amendment to the City of Medford Zoning Map to convert County zoning designations to City zoning designations.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. That a Class 'A' amendment to the City of Medford Zoning Map to convert County zoning designations to City zoning designations for approximately 165 properties located in the West Main area, which locations and City zoning designations are identified in the Staff Report dated December 17, 2013, attached as Exhibit A and incorporated herein, is hereby approved.

Section 2. After public hearing, the decision is based upon the Findings of Fact and Conclusions of Law which are hereby adopted as the findings and conclusion of the City Council and are included in the Staff Report dated December 17, 2013, attached as Exhibit A and incorporated herein.

PASSED by the Council and signed by me in authentication of its passage this 11th day of January, 2014.

ATTEST:

Henda Wilson
City Recorder

Dave White
Mayor



EXHIBIT A

CITY OF MEDFORD

PLANNING DEPARTMENT

CITY COUNCIL STAFF REPORT ZONING MAP AMENDMENT

Date: December 17, 2013

To: City Council for January 16, 2014 Public Hearing

From: Carla Angeli Paladino, Planner III

Reviewer: Suzanne Myers, AICP, Principal Planner

Subject: West Main Area Legislative Zone Change (ZC 13-117)

BACKGROUND

Proposal: The proposal is to amend the City of Medford *Zoning Map* for approximately 165 properties located in the West Main area of the City of Medford from County zoning to City zoning. The properties are located in the city limits of Medford in the West Main Street area generally west of Jeanette Avenue, between Stonefield Way on the north and Meadows Lane on the south. The three existing County zones include: Suburban Residential (2.5 acre minimum), General Commercial (GC), and Neighborhood Commercial (NC). The properties will be converted to one of the following equivalent City zoning designations or holding zone: Single Family Residential -00 (SFR-00), Heavy Commercial (C-H), Community Commercial (C-C), or Neighborhood Commercial (C-N). (City of Medford, Applicant)

History: In the past when properties were annexed into the City, a city zoning designation was not provided and lands taken in retained their County zoning designations. It was then the responsibility of the property owner to apply for an appropriate city zone at the time of increased intensity of development of their land. Over time this practice was found to be troublesome and annexation of property into the City is no longer handled this way. A comparable City zone or holding zone is applied at the time of annexation. In 2008-2009, the City successfully initiated and completed an even larger zone change for more than 500 properties throughout the City that had County zoning designations. The subject properties located in the West Main Street area were omitted from that earlier proposal because a different project (the West Main Transit Oriented District (TOD)) was underway at the time that was going to address zoning. To date, the West Main TOD has not moved forward so the current project proposes an appropriate city zoning designation for these remaining properties with county zoning designations.

Authority: A Major Zoning Map Amendment is a Class "A" legislative decision. The Planning Commission is authorized to recommend and the City Council to approve legislative zoning map amendments to the City of Medford *Zoning Map*.

"Working with the Community to Shape a Vibrant and Exceptional City"

Lausmann Annex • 200 South Ivy Street • Medford OR 97501
Phone (541)774-2380 • Fax (541)618-1708
www.ci.medford.or.us

Review Criteria: Medford Land Development Code 10.184(3) which refers to 10.184(2).

APPROVAL CRITERIA COMPLIANCE

10.184(3) - Class 'A' Amendment Criteria – Major Zoning Map Amendment.

The City Council shall base its decision on the following criteria:

Criterion 10.184(2)(a). Explanation of the public benefit of the amendment.

Planning Commission Findings: Satisfied. As noted previously, the subject properties were annexed into the City and still retain County zoning designations. These County zoning designations are outdated and must be administered using an obsolete County code. This causes several challenges: 1) The City staff must try to enforce and decipher an archaic County code that is no longer even applicable in the County for a select number of property owners; 2) These property owners are under the jurisdiction of the City and do not have the same rules and laws apply to them as other city property owners because their zoning is different; and 3) In some cases, property owners want to make improvements or develop their property and must first go through the re-zone process in order to move forward rather than have an appropriate zone already designated.

The City's project proposes to help remedy the situations noted above for over 150 properties. Upon approval, these properties will have a city zoning designation that can be administered through the City codes and regulations. City staff and property owners will have a better understanding of the rules that apply to the property. The old County code will no longer apply or be necessary to use. The property owners will be more appropriately represented by the City Council, their elected officials, who make and change City rules. The properties with commercial County designations will convert to a commercial City equivalent designation. Those properties with Suburban Residential 2.5 zoning will convert to Single Family Residential -00, a holding zone that permits one dwelling unit per existing lot with the exception of one parcel located on Oak Grove Rd (339 Oak Grove Road) which is proposed to be converted to Heavy Commercial (C-H). A different residential zoning designation will be needed in the future if the SFR-00 properties propose more intense development to occur on the property, otherwise the holding zone will accommodate their existing uses.

In 2008-2009, the City undertook this same type of re-zone project for over 500 properties dispersed throughout the city limits helping to convert these sites with old County zoning designations to City designations. The West Main area re-zone will accomplish the same objectives by converting these last remaining properties over to city designations.

Conclusion: There are a number of public benefits with this amendment including a better understanding of the rules and regulations that will apply to the properties for both City staff administering the rules and for property owners trying to understand their development options. These are the last remaining properties that have County zoning designations that need to be converted within the City. The current practice for new properties annexed into the city requires a city zoning designation be provided so this situation cannot be repeated in the future. Criterion 10.184(2)(a) is found to be satisfied.

Criterion 10.184(2)(b). The justification for the amendment with respect to the following factors:

Criterion 10.184(2)(b)(1). Conformity with applicable Statewide Planning Goals and Guidelines.

Planning Commission Findings: Satisfied. The following shows compliance with the applicable Statewide Planning Goals. The applicable goals addressed include Goals 1, 2, 9, 10, 11, 12, and 14. The Commission finds Goals 3-8, and 13 do not apply to this case and Goals 15-19 are not applicable to the City of Medford.

- 1. Goal 1 - Citizen Involvement: *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.***

Statewide Goal 1 requires jurisdictions to outline a citizen involvement program that provides opportunities for citizen participation in the land use process. The City's Comprehensive Plan identifies the citizen involvement program history that dates back to the 1970s. Today, the City engages direct citizen involvement with twenty-six different committees, commissions, and boards that provide direction, recommendations, and decisions on a wide variety of issues and topics affecting the City.

The City's land use process also engages the citizenry by providing opportunities to provide comments, input, and testimony regarding land use matters. In this case, property owners were sent notification and maps identifying the project and the proposed changes to the zoning map prior to and in addition to the legal notice. The information about the project is posted on the City website for public viewing and contact information is listed in order to provide feedback or ask questions. The zone change proceedings began with a public hearing before the Planning Commission who made a recommendation on the proposal. Public testimony was accepted either in person or in writing and considered as part of the amendment process. The final decision is made by the elected officials on the City Council who will also consider public testimony submitted prior to and during the hearing. The above process has been or will be adhered to with this amendment process and is in compliance with Goal 1.

- 2. Goal 2 – Land Use Planning: *To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.***

The City of Medford has an adopted Comprehensive Plan and Development Code that provide the basis for decisions and actions taken on land use matters. These documents identify compliance with the Statewide Planning Goals, factual information, and policy choices that shape and guide the City. Periodically, modifications and changes to these documents are essential in order to remain up to date on current trends, changing policy, or circumstances.

The zoning amendment will amend the zoning designations for over 150 properties that currently retain County zoning designations and provide them with an equivalent City zoning designation or holding zone. A change to the Medford Zoning Map is appropriate

and necessary in order to convert these properties to a zoning designation that is more appropriate and can be properly administered using the City regulations. The City is in compliance with statewide planning Goal 2 with this amendment.

3. Goal 9 – Economic Development: *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.*

The City has an adopted Economic Element which outlines the goals, policies, and land needs that relate to the expansion of existing and the establishment of new commercial and industrial businesses within the community. The West Main Street area provides opportunities for the retention and growth of existing businesses and the creation of new businesses based on the available land and potential for development and re-development in the area. The amendment may help promote and facilitate new business development by removing the ambiguity of having an outdated County zoning designation that is difficult to regulate. It removes an additional step in the land use process by providing property owners with a City zone that aligns with city codes and rules.

4. Goal 10 – Housing: *To provide for the housing needs of citizens of the state.*

Goal 10 has a broad reach that seeks to provide lands for residential uses in a variety of housing types and price ranges that help to accommodate the financial capacities of the State’s citizens. The proposed zone map amendment is the first step in addressing future housing needs in this area and on a small scale. The existing County designation of Suburban Residential 2.5 acre minimum is no longer appropriate in an urban environment and needs to be changed. The proposed SFR-00, holding zone will provide an opportunity to more easily regulate these residential lands through City ordinances. It provides the chance for the City or property owners to then look at the area and better identify the future housing needs that can be accommodated in this location. A more comprehensive look at the overall impacts of needed housing and associated infrastructure will be needed in the future in order to apply specific residential zoning after this initial step is taken.

5. Goal 11: Public Facilities and Services: *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

The properties under review are located near the western edge of the city limits where water and sewer facilities exist. Over time as these properties develop and re-develop the needed services will be evaluated in accordance with adopted facility plans, capital improvement plans and extensions provided by private property owners. The conversion of these lands from County zoning to City zoning will better aid in the planning of future service needs for this area.

6. Goal 12: Transportation: *To provide and encourage a safe, convenient and economic transportation system.*

The main objective of the project is to convert these remaining properties located in the city limits with County zoning to City zoning designations. The proposal seeks to change the County designations to an equivalent City zone or holding zone while not impacting the transportation facilities within the area. It is proposed that the underlying General Land Use Plan (GLUP) map will be adhered to with the changes including a proposal to change two GLUP designations (application number CP 13-118) in order to make the land use map, zoning map and existing uses compatible. The changes being recommended do not increase traffic generation as the equivalent City zone or holding zone is proposed in order to keep the transportation network working in its current capacity. The SFR-00 (Single Family Residential – one unit per existing lot) zone will function as a holding zone until facilities can be shown to be adequate to accommodate higher intensity or density zoning designations as permitted by the GLUP map designation or future changes to it.

This area was originally omitted from a similar legislative proposal to rezone from County designations to City designations in 2008-2009 because of plans for a Transit Oriented District (TOD) to be established in this West Main Street area. Efforts were made to provide for a denser, mixed use, and multi-modal area to be accomplished through a mix of zones and a new local street circulation plan. Unfortunately, the TOD has been on hold leaving these 165 parcels with County zoning designations remaining and in need of change.

The proposal is found to meet the goals of the City's Comprehensive Plan, Transportation Plan, and the applicable Transportation Planning Rule and statewide goal.

7. Goal 14: Urbanization: *To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

The properties under review are the remaining parcels located within the city limits that contain County zoning. In order for the City to adequately manage these lands, it is important that the city's regulations pertain to them and can be enforced. By converting these lands from County zoning designations to City zoning designations, the City is taking steps to more efficiently transition rural lands to urban lands. This proposal is the first step in helping to remove barriers that exist in trying to urbanize these lands.

Conclusion: The applicable Statewide Planning Goals and Guidelines specifically Goals 1, 2, 9, 10, 11, 12, and 14 are met with this amendment. Criterion 10.184(2)(b)(1) is found to be satisfied.

Criterion 10.184(2)(b)(2). Conformity with goals and policies of the Comprehensive Plan considered relevant to the decision.

Planning Commission Findings: Satisfied. The Goals, Policies, and Implementation section of the Comprehensive Plan provides the following goals and policies applicable to the proposed zone change project:

ECONOMIC ELEMENT:

Goal: To actively stimulate economic development and growth that will provide opportunities to diversify and strengthen the mix of economic activity in the City of Medford.

Policy 1-2: The City of Medford shall encourage the redevelopment of underutilized employment sites.

Policy 1-3: The City of Medford shall, as appropriate under the Goal above, support the retention and expansion of existing businesses.

Planning Commission Response: The area under review has a mix of developed, underdeveloped, and vacant lands that provide opportunities for expansion of existing businesses and the creation of new ones. The proposal to change the County zoning to City zoning may be the impetus to help spur new development and help foster a transformation in this area. The conversion of County zoned lands to City zoned lands is the first step in updating these properties and providing different opportunities for growth and expansion in this neighborhood.

HOUSING ELEMENT:

Goal: To provide for the housing needs of citizens of Medford.

Policy 2: The City of Medford shall designate areas for residential development that are or will be conveniently located close to pedestrian, bicycle, and transit or high capacity transportation routes, community facilities and services, and employment to ensure that the benefits of public investment in those facilities are available to as many households as possible.

Planning Commission Response: The proposal takes the first step in looking at future housing needs in this location by converting a low density County designation (SR 2.5) into a City holding zone designation (SFR-00). The change will make it easier to regulate these properties by only having to administer the City's regulations. As noted in the Economic Element above, the City's role in initiating the zone change proposal may help to provide an incentive for property owners to make improvements to their properties and create new businesses. This investment in the area may then lead to new residential housing construction and a chance to create a more mixed use neighborhood where housing, services, and jobs are in close proximity to one another. It is not the intent of this proposal to exam in detail the mix of residential zones or housing types for this area but rather to facilitate the change from County zoning to City zoning in a broad stroke in order to provide consistency with other lands within the city limits who have city zoning designations in place.

PUBLIC FACILITIES ELEMENT:

Goal 2: To assure that General Land Use Plan (GLUP) designations and the development approval process remain consistent with the City of Medford's ability to provide adequate levels of essential public facilities and services.

Policy 2-B: The City of Medford shall strive to ensure that new development does not create public facility demands that diminish the quality of services to current residences and businesses below established minimum levels.

Planning Commission Response: The chosen City zoning designations have been selected with the goal of being able to adequately provide public facilities and services to these parcels without causing a shortage to existing users. Like equivalents have been chosen for those lands converting from a county commercial zone to a city commercial zone, while the majority of the county residentially zoned lands will be provided a holding zone of SFR-00 in order to ensure the proper facilities are provided once a more permanent residential zone is chosen for these properties, either by the owner or the City through a separate land use process in the future.

GENERAL LAND USE PLAN ELEMENT:

Goal 2: To administer the City of Medford General Land Use Plan so as to further the purposes of the Map and the Comprehensive Plan.

Planning Commission Response: The proposal seeks to change the zoning for those remaining properties identified that retain County zoning designations. The changes have been recommended to be consistent with the General Land Use Plan (GLUP) with two properties also undergoing a GLUP map amendment (application number CP 13-118) in order for the proposed zoning and General Land Use Plan to be in sync with each other. The one Neighborhood Commercial (NC) zoned parcel will be converted to the equivalent City Neighborhood Commercial (C-N) zone. The General Commercial (GC) zoned lands are either going to be converted to Heavy Commercial (C-H) or Community Commercial (C-C). The majority of the Suburban Residential 2.5 acre minimum zoned properties are being changed to SFR-00 (Single Family Residential – one unit per existing lot) as a holding zone until all facilities can be shown to be adequate to accommodate a more dense or intense zoning designation as shown on the current GLUP map or as amended in the future. The re-zoning of these properties to a City zoning designation will make it easier to administer the *Land Development Code* and the General Land Use Plan for these properties and further the purpose of the Comprehensive Plan for the City of Medford.

Conclusion: The proposed amendment addresses the specific goals and policies relevant to furthering the Comprehensive Plan. Criterion 10.184(2)(b)(2) is found to be satisfied.

Criterion 10.184(2)(b)(3). Comments from applicable referral agencies regarding applicable statutes or regulations.

Planning Commission Findings: Satisfied. Four written responses to the proposal were received. The City of Medford Fire Department, City of Medford Public Works Department, Medford Water Commission, and the Oregon Department of Transportation provided written

feedback on the zone map amendment. City Fire indicated the proposal can be approved as submitted with no additional requirements noted. Standard development language was additionally provided in the Fire Department comments that specify the requirements to be adhered to at the time of development of these lands. See Exhibit C.

The City of Medford Public Works Department provided comments that indicate they do not anticipate any impacts with the proposed zone change. See Exhibit D.

The Medford Water Commission had no comments or conditions regarding the proposal. See Exhibit E.

The Oregon Department of Transportation reviewed the proposed amendment and finds that the proposal will not significantly affect state transportation facilities under the State Transportation Planning Rule or State Access Management Rule. No additional comments were provided. See Exhibit F.

Conclusion: The proposed amendment has been distributed to the applicable referral agencies for comments. The comments received show support for the amendment. Criterion 10.184(2)(b)(3) is found to be satisfied.

Criterion 10.184(2)(b)(4). Public comments.

Planning Commission Findings: Satisfied to date. The Planning Department was tracking phone calls and office visits regarding this project. A copy of the spreadsheet is provided. See Exhibit H. One of the calls received was from a neighbor that was notified of the proposal and voiced concerns regarding the change of SR 2.5 land to SFR-00. The caller was worried that the City was not taking a more comprehensive look at the need for multifamily zoning in this area and the proposed holding zone would restrict the ability for future multi-family. The recommendation to change the majority of the residential properties to SFR-00 is the first important step in making the change from County zoning to City zoning for these properties and does not preclude the review of multi-family residential zoning in the future.

Staff met with Russ Batzer and Jay Harland regarding two properties on Ross Lane (37S -2W-Section 26AD Tax Lots 2700 and 2800) proposed to be converted from General Commercial to Community Commercial. Concerns were raised based on the existing uses on the properties and it was discussed whether the properties could be converted to City Heavy Commercial instead. A letter dated December 2, 2013, was received from CSA Planning on behalf of the property owner noting this request. During the Planning Commission hearing, staff noted being in favor of converting these two properties from General Commercial to City Heavy Commercial as requested by the property owner and his representative. In addition, a new exhibit from Jay Harland was submitted into the record at the hearing identified as the Disposition and Development Agreement – Pioneer Market Place. See Exhibit K. This document outlines an agreement between the property owner and the City regarding future development of these and other properties owned by Southern Oregon Management, Inc. (SOMI)/Batzer.

In addition, staff spoke with Bob Longan regarding two properties on West McAndrews Road (37-2W-Section 26AA Tax Lots 3000 and 3100) also proposed to be converted from General Commercial to Community Commercial. The property owner has plans for mini storage units on the site and would prefer the Heavy Commercial designation over the Community Commercial

designation as part of the re-zone proposal. See Exhibit I for map. A letter from Mr. Longan dated December 3, 2013, and received in the office on December 6, 2013, explains the reasons for Mr. Longan's request. See Exhibit J.

The Planning Commission recommended at the hearing that the properties owned by both SOMI/Batzer and Mr. Longan be converted from General Commercial to City Heavy Commercial.

Conclusion: The code amendment was posted on the City website on November 18, 2013. The City has received a number of phone calls and inquiries regarding the proposal. Criterion 10.184(2)(b)(4) is found to be satisfied.

Criterion 10.184(2)(b)(5). Applicable governmental agreements.

Planning Commission Findings: Satisfied. The City has an Intergovernmental Agreement with Rogue Valley Sewer Service (RVSS) who provides service in this area. RVSS was provided notice of the application. Staff spoke with a representative from RVSS regarding service on Oak Grove Road. No formal written comments regarding the proposal were received from RVSS.

Conclusion: The proposed amendment is in compliance with applicable governmental agreements. Criterion 10.184(2)(b)(5) is found to be satisfied.

RECOMMENDED ACTION:

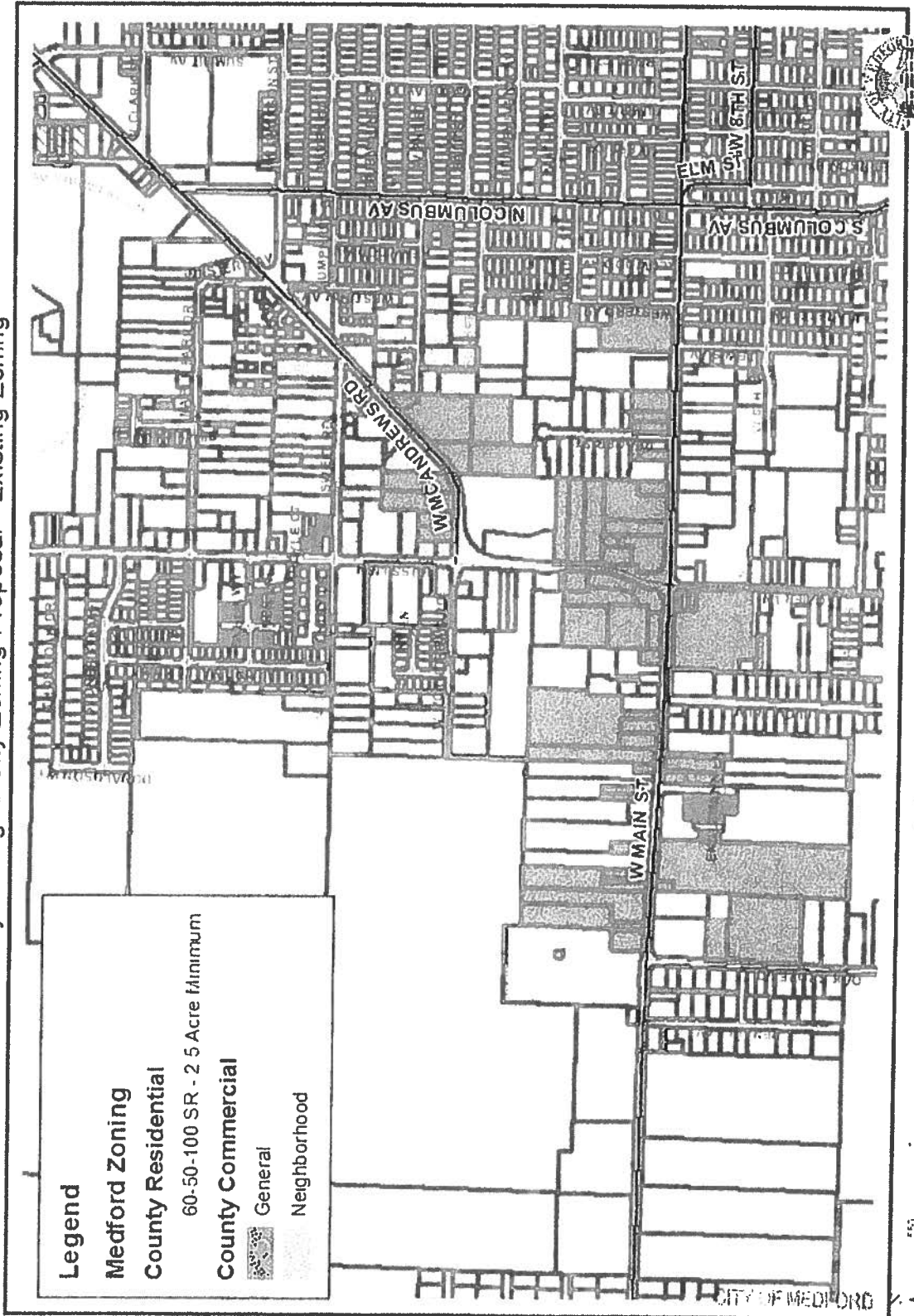
Based on the findings and conclusions that all of the approval criteria are met, the Planning Commission forwarded a favorable recommendation for adoption of ZC-13-117 to the City Council per the staff report dated December 17, 2013, including Exhibits A-L.

EXHIBITS:

- A** Existing County zoning designations
- B** Proposed City zoning designations
- B-1** Property Database
- C** Comments received from Medford Fire Department, dated November 25, 2013
- D** Comments received from Medford Public Works Department, dated November 27, 2013
- E** Comments received from Medford Water Commission, dated November 25, 2013
- F** E-mail comments received from the Oregon Department of Transportation, dated November 25, 2013
- G** Letter dated December 2, 2013, from CSA Planning, Ltd., Jay Harland
- H** Staff's spreadsheet identifying phone calls and office visits regarding the project (phone numbers have been omitted)
- I** Map identifying properties requesting Heavy Commercial zoning instead of Community Commercial
- J** Letter dated December 3, 2013, from Robert Longan
- K** Copy of Disposition and Development Agreement – Pioneer Market Place
- L** Planning Commission minutes for the December 12, 2013, meeting

CITY COUNCIL AGENDA: January 16, 2014

Project ZC 13-117
County Zoning to City Zoning Proposal - Existing Zoning



12-22-2013 10:23:45 AM



EXHIBIT A to CC report
File # ZC 13-117

West Main Zone Change (ZC-13-117)

Exhibit B -1 (Property Database)

MAPLOT	ACREAGE	CurrZone	PropZone
372W23DD1000	0.30	SR-2.5	SFR-00
372W23DD600	0.50	SR-2.5	SFR-00
372W23DD800	0.65	SR-2.5	SFR-00
372W23DD3100	0.15	SR-2.5	SFR-00
372W23DD601	1.66	SR-2.5	SFR-00
372W23DD900	1.57	SR-2.5	SFR-00
372W23DD1500	0.26	SR-2.5	SFR-00
372W23DD1400	0.26	SR-2.5	SFR-00
372W23DD1100	0.30	SR-2.5	SFR-00
372W24CC2700	0.87	SR-2.5	SFR-00
372W26CA800	1.44	SR-2.5	C-H
372W26CA300	0.20	GC	C-H
372W26CA700	5.06	GC	C-H
372W26CA900	1.71	SR-2.5	SFR-00
372W26C4701	0.39	SR-2.5	SFR-00
372W24CC2800	0.84	SR-2.5	SFR-00
372W26B1300	0.50	GC	C-H
372W26B1102	0.42	GC	C-H
372W26B1103	0.42	GC	C-H
372W26B1600	0.40	GC	C-H
372W26DB201	0.16	GC	C-C
372W26DB4401	0.50	GC	C-H
372W26DB4300	0.25	GC	C-H
372W26DB100	0.13	GC	C-C
372W26DB700	0.00	GC	C-C
372W26DB700	6.32	GC	C-C
372W26DB4201	0.86	GC	C-H
372W26B300	12.50	SR-2.5	SFR-00
372W26DB900	0.47	GC	C-C
372W26DB200	0.16	GC	C-C
372W26B600	0.71	GC	C-H
372W26B1100	1.98	GC	C-H
372W26B1000	2.51	GC	C-H
372W26B900	2.36	GC	C-H & SFR-00
372W25BB10700	0.51	SR-2.5	SFR-00
372W25BB2700	0.19	SR-2.5	SFR-00
372W25BB2600	0.28	SR-2.5	SFR-00
372W25BB2500	0.15	SR-2.5	SFR-00
372W25BB9300	0.23	SR-2.5	SFR-00
372W26AD4200	0.66	GC	C-C
372W26AD4100	0.61	GC	C-C
372W26AD4500	0.61	SR-2.5	SFR-00
372W26AD4700	0.23	SR-2.5	SFR-00
372W25BB2300	0.52	SR-2.5	SFR-00
372W26AC2800	0.00	GC	C-C
372W26AC2800	1.90	GC	C-C

South 1/3 is C-H and North 2/3 is SFR-00

CITY OF MEDFORD
 EXHIBIT # B-1 to CC report
 File # ZC-13-117

West Main Zone Change (ZC-13-117)

Exhibit B -1 (Property Database)

MAPLOT	ACREAGE	CurrZone	PropZone
372W26AC700	1.26	SR-2.5	SFR-00
372W25BB3400	0.16	SR-2.5	SFR-00
372W25BB2900	0.18	SR-2.5	SFR-00
372W25BB9000	1.00	SR-2.5	SFR-00
372W25BB2400	0.23	SR-2.5	SFR-00
372W25BB2800	0.17	SR-2.5	SFR-00
372W26AC2500	0.52	GC	C-C
372W26AC1900	0.56	GC	C-H
372W26AC1800	0.59	GC	C-H
372W26AA100	0.70	SR-2.5	SFR-00
372W25BB3000	0.67	SR-2.5	SFR-00
372W26AC1600	0.19	GC	C-H
372W26AC1400	0.40	GC	C-H
372W26AC2400	0.32	GC	C-C
372W26AC2701	0.49	GC	C-C
372W26AC2700	1.17	GC	C-C
372W26AA4200	0.34	GC	C-C
372W26AC2000	5.62	GC	C-H
372W25BB9100	0.20	SR-2.5	SFR-00
372W25BB9001	0.46	SR-2.5	SFR-00
372W26AC2600	1.81	GC	C-C
372W25BB8700	0.49	SR-2.5	SFR-00
372W25BB8800	0.97	SR-2.5	SFR-00
372W25BB8900	0.71	SR-2.5	SFR-00
372W25BB2100	1.23	SR-2.5	SFR-00
372W25BB9400	0.71	SR-2.5	SFR-00
372W26AC200	0.95	SR-2.5	SFR-00
372W26AC500	1.01	SR-2.5	SFR-00
372W26AC400	0.47	SR-2.5	SFR-00
372W26AC300	0.47	SR-2.5	SFR-00
372W26AC1700	1.97	GC	C-H
372W26AC600	0.23	SR-2.5	SFR-00
372W25BB1900	0.24	NC	C-N
372W23DD2500	0.95	SR-2.5	SFR-00
372W26AA3900	0.45	SR-2.5	SFR-00
372W25BB11000	0.14	SR-2.5	SFR-00
372W25BB10800	0.19	SR-2.5	SFR-00
372W23DD2600	1.38	SR-2.5	SFR-00
372W23DD1600	0.68	SR-2.5	SFR-00
372W23DD2201	0.66	SR-2.5	SFR-00
372W23DD2300	0.95	SR-2.5	SFR-00
372W26AA3400	0.54	GC	C-C
372W26AA3500	0.54	GC	C-C
372W26AA3600	0.32	SR-2.5	SFR-00
372W26AA3700	0.27	SR-2.5	SFR-00

West Main Zone Change (ZC-13-117)

Exhibit B -1 (Property Database)

MAPLOT	ACREAGE	CurrZone	PropZone
372W26AA3300	0.89	SR-2.5	SFR-00
372W26AA2800	0.42	SR-2.5	SFR-00
372W26AA3000	1.37	GC	C-H
372W26AA3100	1.47	GC	C-H
372W26AA2900	1.31	SR-2.5	SFR-00
372W26AA2999	0.04	SR-2.5	SFR-00
372W26AA2600	0.22	SR-2.5	SFR-00
372W26AA2500	0.17	SR-2.5	SFR-00
372W26AA3200	2.05	SR-2.5	SFR-00
372W26AA2400	0.18	SR-2.5	SFR-00
372W26AA2300	0.14	SR-2.5	SFR-00
372W26AA2200	0.21	SR-2.5	SFR-00
372W26AA2000	0.16	SR-2.5	SFR-00
372W26AA1900	1.23	SR-2.5	SFR-00
372W26AA1800	0.89	SR-2.5	SFR-00
372W26AA1700	0.45	SR-2.5	SFR-00
372W26AA700	0.33	SR-2.5	SFR-00
372W26AA400	0.66	SR-2.5	SFR-00
372W26AA300	1.21	SR-2.5	SFR-00
372W26AA1600	0.43	SR-2.5	SFR-00
372W26AA600	0.32	SR-2.5	SFR-00
372W26AA500	0.56	SR-2.5	SFR-00
372W26AA2100	0.13	SR-2.5	SFR-00
372W26AA4000	0.89	GC	C-C
372W26AA1500	0.74	SR-2.5	SFR-00
372W26AA4100	2.86	GC	C-C
372W26AD1000	0.40	GC	C-C
372W26AD1400	0.19	GC	C-C
372W26AD600	0.75	SR-2.5	SFR-00
372W26AD3600	0.57	GC	C-C
372W26AD3200	2.20	GC	C-C
372W26AD1300	0.31	GC	C-C
372W26AD3100	0.44	GC	C-C
372W26AD1100	0.39	GC	C-C
372W25BC4901	2.63	SR-2.5	SFR-00
372W25BC5000	3.34	GC	C-C
372W25BC5300	0.17	SR-2.5	SFR-00
372W26AD100	1.89	GC	C-C
372W26AD900	0.82	GC	C-C
372W26AD200	1.26	SR-2.5	SFR-00
372W25BC5100	0.64	SR-2.5	SFR-00
372W25BC5400	0.29	SR-2.5	SFR-00
372W25BC3800	0.20	SR-2.5	SFR-00
372W26AD800	0.21	SR-2.5	SFR-00
372W26AD700	0.20	SR-2.5	SFR-00

West Main Zone Change (ZC-13-117)

Exhibit B -1 (Property Database)

MAPLOT	ACREAGE	CurrZone	PropZone
372W26AD1600	0.50	SR-2.5	SFR-00
372W26AD1700	0.50	SR-2.5	SFR-00
372W23DD3800	0.38	SR-2.5	SFR-00
372W26AD2300	2.00	GC	C-C
372W26AD1800	0.50	SR-2.5	SFR-00
372W26AD2900	1.72	GC	C-C
372W26AD1900	0.50	SR-2.5	SFR-00
372W26AD2000	0.50	SR-2.5	SFR-00
372W26AD2100	0.49	SR-2.5	SFR-00
372W26AD2800	1.36	GC	C-H
372W26AD2200	0.49	SR-2.5	SFR-00
372W26AD300	1.06	SR-2.5	SFR-00
372W26AD299	0.01	SR-2.5	SFR-00
372W26AD2201	0.49	SR-2.5	SFR-00
372W25BC4400	0.27	SR-2.5	SFR-00
372W25BC4200	0.18	SR-2.5	SFR-00
372W25BC3900	0.18	SR-2.5	SFR-00
372W25BC4000	0.18	SR-2.5	SFR-00
372W25BC4100	0.18	SR-2.5	SFR-00
372W25BC4300	0.18	SR-2.5	SFR-00
372W25BC4301	0.18	SR-2.5	SFR-00
372W25BC4500	0.27	SR-2.5	SFR-00
372W26AD3300	0.97	GC	C-C
372W26AD3401	0.18	GC	C-C
372W26AD3800	1.32	GC	C-C
372W26AD2700	1.14	GC	C-H
372W26CA600	0.93	GC & C-H	C-H
372W26CA200	0.00	GC	C-H
372W26CA200	10.10	GC	C-H

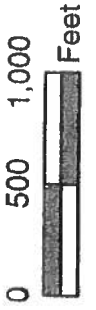
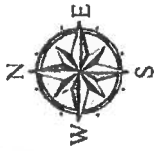
ZC-13-117

County Zoning to City Zoning - Proposed Zoning

Legend

Proposed Zoning

- C-C
- C-H
- C-N
- SFR-00



CITY OF MEDFORD
EXHIBIT # B to CC report
File # ZC-13-117



Date: 12.17.13



Medford Fire Department

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

LAND DEVELOPMENT REPORT - PLANNING

To: Jackson County

LD Meeting Date: 11/27/2013

From: Fire Marshal Kleinberg

Report Prepared: 11/25/2013

File #: ZC - 13 - 117

Site Name/Description:

Consideration of a proposed Class 'A' Major Amendment to the City of Medford Zoning Map changing the zoning of over 150 properties located in the Wst Main area of the City of Medford from County zoning to City zoning. The existing County zoning includes the following types: Suburban-2.5 acre minimum (SR 2.5); General Commercial (GC), and Neighborhood Commercial (NC). The properties will be converted to one of the following City zoning designations: Single Family Residential - One dwelling unit per acre (SFR-00), Heavy Commercial (C-H), Community Commercial (C-C), or Neighborhood Commercial (C-N). These properties are the last remaining sites within the City that retain County zoning; City of Medford, Applicant. Carla Paladino, Planner.

DESCRIPTION OF CORRECTIONS	REFERENCE
<u>Approved as Submitted</u> Meets Requirement: No Additional Requirements	

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

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

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

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

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

CITY OF MEDFORD
EXHIBIT C to CC report
File # ZC 13-117

Date: November 27, 2013
NO.: ZC 13-117/CP 13-118

PUBLIC WORKS DEPARTMENT STAFF REPORT

Project: West Main Zone Change and GLUP Amendments

1. **ZC-13-117** Consideration of a proposed Class 'A' Major Amendment to the City of *Medford Zoning Map* changing the zoning of approximately 170 properties located in the West Main area of the City of Medford from County zoning to City zoning. The existing County zoning includes the following types: Suburban-2.5 acre minimum (SR 2.5); General Commercial (GC), and Neighborhood Commercial (NC). The properties will be converted to one of the following City zoning designations: Single Family Residential – One dwelling unit per acre (SFR-00), Heavy Commercial (C-H), Community Commercial (C-C), or Neighborhood Commercial (C-N). These properties are the last remaining sites within the City that retain County zoning; City of Medford, Applicant. Carla Paladino, Planner

2. **CP-13-118** Consideration of a Class 'B' Minor Comprehensive Plan amendment to amend the General Land Use Plan (GLUP) map from Urban Residential (UR) to Commercial (CM) for two properties located at 241 and 339 Oak Grove Road. This application is filed in conjunction with ZC-13-117, a Major Amendment to re-zone over 150 properties with County zoning to City zoning; City of Medford, Applicant. Carla Paladino, Planner

Initiated by: The City of Medford

1. Sanitary Services:

Most of this area being considered lies within the Rogue Valley Sewer Service area. Contact Rogue Valley Sewer Service for sanitary sewer accessibility and capacity adequacy. The most easterly portion is within City of Medford's jurisdiction. Currently, there is capacity within Medford's system, but the City's Sanitary Sewer Master Plan indicates that future development will require that the trunk line down West Main will need some capacity enhancements.

Since the proposed zone change and GLUP Amendment will only be changing the current County zoning to like City zoning, Public Works does not anticipate any impacts as a result of the proposed zone change and GLUP Amendment.

2. Streets:

Since the proposed zone change and GLUP Amendment will only be changing the current County zoning to like City zoning that it was with County zoning, Public Works does not anticipate any impacts as a result of the proposed zone change and GLUP Amendment.

3. Drainage:

This area lies entirely within the Upton Slough Drainage Basin. Development of each parcel in this area will require storm drainage detention and water quality treatment in accordance with the MLDC, Sections 10.481, 10.486, and 10.729.

CITY OF MEDFORD
EXHIBIT D to CC report
File # ZC 13-117



BOARD OF WATER COMMISSIONERS
Staff Memo

TO: Planning Department, City of Medford

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

SUBJECT: ZC-13-117

PARCEL ID: Over 150 parcels located in West Main area of City of Medford

PROJECT: Consideration of a proposed Class 'A' Major Amendment to the City of *Medford Zoning Map* changing the zoning of over 150 properties located in the West Main area of the City of Medford from County zoning to City zoning. The existing County zoning includes the following types: Suburban-2.5 acre minimum (SR 2.5); General Commercial (GC), and Neighborhood Commercial (NC). The properties will be converted to one of the following City zoning designations: Single Family Residential – One dwelling unit per acre (SFR-00), Heavy Commercial (C-H), Community Commercial (C-C), or Neighborhood Commercial (C-N). These properties are the last remaining sites within the City that retain County zoning; City of Medford, Applicant. Carla Paladino, Planner

DATE: November 25, 2013

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

CONDITIONS

1. No conditions.

COMMENTS

1. No comments.

Carla G. Paladino

From: MOREHOUSE Donald <Donald.MOREHOUSE@odot.state.or.us>
Sent: Monday, November 25, 2013 10:47 AM
To: 'carla.paladino@cityofmedford.org'
Subject: ZC-13-117

Hello Carla,

Thank you for sending agency notice of the consideration of a proposed Class 'A' Major Amendment to the City of Medford Zoning Map changing the zoning of over 150 properties located in the West Main area of the City of Medford from County zoning to City zoning. We reviewed this and determined that it would not significantly affect state transportation facilities under the State Transportation Planning Rule (OAR 660-012-0060) or State Access Management Rule (OAR 734-051-000). We have no further comments at this time.

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

CITY OF MEDFORD
EXHIBIT # F to CC report
File # ZC 13-117



CSA Planning, Ltd
 4497 Brownridge, Suite 101
 Medford, OR 97504
 Telephone 541.779.0669
 Fax 541.779.0114
 Jay@CSAplanning.net

December 2, 2013

Medford Planning Commission
 C/O Carla Paladino, Medford Planning Department
 200 S. Ivy Street, Lausmann Annex
 Medford, Oregon 97501

RE: West Main Area Zone Change ZC-13-117

Dear Chair Zirosinski and Fellow Commissioners:

Our client, Southern Oregon Management Inc. (SOMI), owns land in west Medford that is affected by the above captioned zoning map amendments. This site has been home to the Batzer Construction headquarters for many years and long before the properties were in the City. The properties are depicted on the attached map and are located on the east side of North Ross Lane approximately mid-block between North Ross Lane's intersections with McAndrews Road and West Main. More specifically, the properties are identified as, 37S-2W-Section 26AD Tax Lots 2700 and 2800.

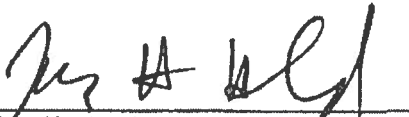
The properties are currently zoned County General Commercial. The City proposes to rezone these properties to the City Community Commercial (C-C) designation. The City is proposing to zone other properties in the area through this legislative process with a Heavy Commercial designation (C-H). Under the MLDC it is relatively clear that the existing uses would be permitted in the C-H. For this reason, the owner would prefer the C-H designation be applied to both of the above captioned properties.

By way of background, my clients own additional property to the north where the *Pioneer Marketplace* is now planned and approved. As part of this approval process, my client worked at considerable time and expense to reach a Disposition and Development Agreement (DDA) to provide for a future road connection behind the old Moose Lodge building. A portion of this future street connection would be located on the SOMI Tax Lot 2700. The DDA includes trigger mechanisms related to redevelopment of this SOMI Tax Lot. The negotiations for the DDA always contemplated that redevelopment would occur if and when Batzer Construction would *choose* to relocate. Our client respectfully requests their interests under this DDA agreement be considered in the context of the proposed zone change by the City designating the property C-H.

Thank you for your attention to this matter. I plan to be in attendance on this matter when it comes before the Commission to answer any questions the Commission may have.









Very Truly Yours,

CSA Planning, Ltd.


 Jay Harland
 Principal


CITY OF MEDFORD
 EXHIBIT # *G to CC report*
 File # *ZC-13-117*



	Subject		Medford GLUP
	Tax Lots		CM
	Medford Zoning		UH
			UM
			UR

Medford Zoning & GLUP


Southern Oregon Management



CITY OF MEDFORD

EXHIBIT # *EC(1) to CC report*

File # *EC 13-117*



1 inch = 200 feet

Dec 4, 2013 Source: CSA Planning, Ltd. Jackson County GIS Services, City of Medford GIS

Date of Call/Visit	Name	Phone Number	Address	Comments
11/15/2013	Tammy Car		169 Reager Street	No objections if it does not negatively affect her property
11/18/2013	Randy Wallin	Came into office	1075 W. McAndrews Rd.	Explained the proposal. No additional comments.
11/20/2013	Bill Robertson		144 Reager St.	Questions about what happens to existing 8 dwelling units if destroyed by calamity. Questioned why the holding zone and not the WM TOD zone
11/25/2013	Mary (ACCESS)	Phone	Surrounding Property Owner Notification	Concerns that we are not looking at changing some of the SR 2.5 to Multi-family. That this will stifle a property owner from changing from SF to MF in the future.
11/25/2013	Mark Van Moppes		1180 W. McAndrews Ave.	Inquired about proposed changed to SFR-00. I discussed with him that is a holding zone and that it will not affect the existing 10 units currently on the property. Any future development would require a change to a different residential zone
11/26/2013	Ed Colson		2305 W. Main St.	Is Drive Through restaurant a permitted in use in C-C zone proposed? Yes.
11/26/2013	Jay Harlan		Ross Ln.	Meeting with Jay and Property Owner on 11/27/2013 to discuss
12/3/2013	James Christopher		2592 W. Main St.	Property is not in the proposed re-zone. He received a 200 ft. buffer notice and wanted to know what the project was.
12/3/2013	Clark Stevens			Receiving questions from other property owners affected by re-zone proposal. I e-mailed him the existing and proposed maps.
12/3/2013	Bob Logan		1224 W McAndrews	Property is proposed to be re-zoned to C-C. He has plans for mini storage on the site so he would need C-H. I told him to submit a letter requesting the C-H zone and it would be put into the record for PC and CC consideration.





EXHIBIT H to CC report
2C-13-117

ZC-13-117
County Zoning to City Zoning - Property Owner Requests



Legend

Proposed Zoning

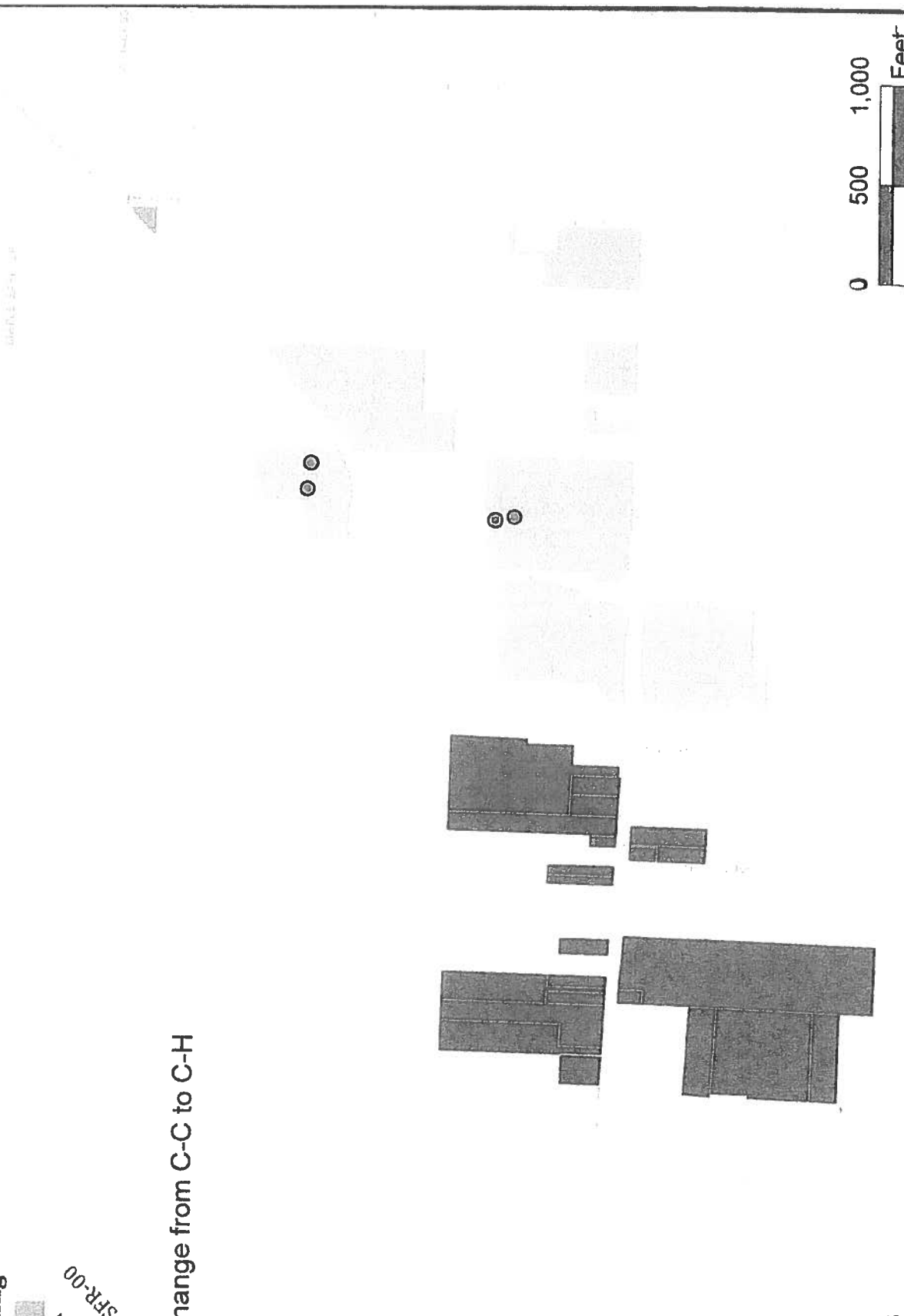
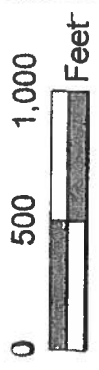
-  C-C
-  C-H
-  C-N
-  SFR-00

⊙ Request Change from C-C to C-H

CITY OF MEDFORD
EXHIBIT **I** to CC report
File # **ZC-13-117**



Date: 12.04.2013



Agenda Item 50.4

December 3, 2013

RECEIVED
DEC 06 2013
PLANNING DEPT.

To the city of Medford:
Attention Carla Paladino

This Letter is in regards to the proposed change of Zone in West Medford, From the County Zone, presently on the proposed property. To the Medford City zoning as referenced in the Project # ZC13-117

My name is Robert Longan. I am the owner of 2 parcels of property located on West McAndrews. The Map and tax lot # are 372W26AA Lots 3000 & 3100.

When the property was still in the county, we had spent a great deal of time and money having the property Zone Changed to General Commercial. Moreover, I have spent money having plans drawn for a storage facility. I do not want to loose the potential to use the property for which we have spent such great time, effort and money to attain.

Therefore I am requesting that our parcels would be Zoned C H. Which I believe is Heavy Commercial.

I Thank You So Much for you Help In this matter



Sincerely, Robert Longan

CITY OF MEDFORD
EXHIBIT J to CC report
File # ZC-13-117

KAREN C. ALLAN
JASON M. ANDERSON
ERIC R. FOSTER
STUART E. FOSTER
TIMOTHY L. JACKLE

MATTHEW A. ROWAN
CHRISTINA M. VANINETTI


FOSTER DENMAN LLP
ATTORNEYS AT LAW

3521 EAST BARNETT ROAD
P.O. BOX 1667
MEDFORD, OREGON 97501

www.fosterdenman.com
TEL: (541) 770-5466 FAX: (541) 770-6502

LEWIS W. DAHLIN
OF COUNSEL

LISA M. RAHM
TRUST AND PROBATE
ADMINISTRATOR

COPY

June 18, 2012

Russ Batzer
Batzer, Inc.
P.O. Box 4460
Medford, OR 97501

Re: Disposition and Development Agreement – Pioneer Market Place

Dear Russ:

Enclosed is the *original* Disposition and Development Agreement for Development of Pioneer Market Place signed by all parties, and the original signed Ordinance No. 2012-67 signed by Mayor Wheeler authorizing its execution. I have kept complete copies for my file and, by copy of this letter, I am sending copies to Jay Harland for his records.

Very truly yours,


Tim Jackle

TLJ:ph

Enclosures

✓ cc: Jay Harland with enclosures

CITY OF MEDFORD
EXHIBIT # K to CC report
File # ZC-13-117

COPY

**DISPOSITION AND DEVELOPMENT AGREEMENT
FOR DEVELOPMENT OF PIONEER MARKET PLACE**

THIS AGREEMENT FOR DEVELOPMENT OF PIONEER MARKET PLACE (this "Agreement") is made as of JUNE 13, 2012, by and between the CITY OF MEDFORD ("City"), an Oregon municipal corporation, REAGER STREET, LLC (REAGER), PLATA STATION, LLC (PLATA), and SOUTHERN OREGON MANAGEMENT, INC. (SOMI).

WHEREAS, REAGER, PLATA, and SOMI own real property at or near the southeast corner of the intersection of Ross Lane North and West McAndrews Road, as depicted in Exhibit A; and

WHEREAS, REAGER owns the real property described in Exhibit B, PLATA owns the real property described in Exhibit C, and SOMI owns the real property described in Exhibit D; and

WHEREAS, PLATA has received conditional approval of a development named Pioneer Market Place through AC 10-089, which occupies all the property owned by PLATA and REAGER in this Agreement, and is depicted on Exhibit E; and

WHEREAS, one of the conditions of AC 10-089 requires PLATA to reserve 35 feet of property along the southerly property lines of PLATA and REAGER for a future public local street. For the purpose of this agreement, the proposed street along the southerly property line of PLATA and REAGER, and along the northerly property line of SOMI shall be referred to as South Street; and

WHEREAS, REAGER has submitted an application (LDP 11-108) for a partition of the property owned by REAGER into three (3) Parcels as depicted on Exhibit F; and

WHEREAS, PLATA also desires to subdivide its property in the future, and SOMI plans to redevelop its property in the future; and

WHEREAS, REAGER, PLATA, and SOMI desire to place the centerline of the future South Street on the south property line of PLATA's and REAGER's property, and to limit the total right-of-way width to 47 feet, of which the northerly 23.5 feet would be on PLATA's and REAGER's property and the southerly 23.5 feet would be on SOMI's property; and

WHEREAS, the SOMI property is used for construction contracting offices, and a steel fabrication facility, together with parking areas, driveways, storage facilities and warehouses associated with the construction contracting offices and steel fabrication facility ("SOMI Businesses"); and

WHEREAS, for purposes of this Agreement, Redevelopment shall mean a change in use on the SOMI property such that the SOMI Businesses no longer utilize at least fifty percent (50%) of the SOMI property and such change in use necessitates a subdivision application, partition application, or permit for vertical construction. The utilization of the site shall be determined based on the square footage of the site used by the SOMI Businesses for its construction contracting offices, steel fabrication facility, and its parking areas, driveways, storage facilities and warehouses associated with the construction contracting offices and steel fabrication facility; and

WHEREAS, SOMI is willing to consent to the placement of the street on the SOMI property at such time SOMI Redevelops its property; and

WHEREAS, all of the conditions contained in AC 10-089, unrelated to South Street, shall apply as adopted by the Site Plan and Architectural Commission; and

WHEREAS, the City desires to work with REAGER, PLATA, and SOMI to split the dedication and improvements of the future local street;

NOW, THEREFORE, REAGER, PLATA, and SOMI agree to the following terms:

1. REAGER agrees to reserve the southerly 35 feet of their property in accordance with the adopted conditions of AC 10-089 prior to the first building permit on REAGER's property. If REAGER subdivides or partitions their property, they shall dedicate 23.5 feet along their south property line for public street right-of-way. Said dedication shall be on the final plat or by separate instrument prior to the final plat of LDP 11-108 or any other subdivision of this property. Prior to the issuance of the building permit for each Parcel within LDP 11-108, REAGER shall enter into a deferred improvement agreement, in accordance with the Medford Land Development Code (MLDC), Section 10.432, for the improvement of the street along the south property line. The required deposit for each deferred improvement agreement shall be the prorated portion of \$55,000, based on equal amounts for each parcel created (\$18,333 each for three Parcels) If SOMI Redevelops prior to any subdivision of REAGER's property, then REAGER shall dedicate the 23.5 feet of right-of-way along their southerly property line at the time of Redevelopment of SOMI's property.
2. PLATA agrees to reserve the southerly 35 feet of their property in accordance with the approved conditions of AC 10-089 prior to the first building permit on this property. If PLATA subdivides or partitions any of their property, they shall dedicate 23.5 feet along their southerly property line either prior to or on the final plat. Prior to issuance of each building permit on any lot created within the PLATA property, PLATA shall also enter into a deferred improvement agreement, in accordance with MLDC, Section 10.432 for the improvement of the street along the south property line. The required deposit for each deferred improvement agreement shall be a prorated portion of \$95,000, based on equal amounts for each Parcel or Lot created (\$23,750 each for four Parcels, doesn't include the existing building). If SOMI Redevelops prior to any subdivision of PLATA's property, then PLATA shall

dedicate the 23.5 feet of right-of-way along their southerly property line at the time of Redevelopment of SOMI's property.

3. SOMI agrees to dedicate 23.5 feet of right-of-way along the entire length of their north property line at the time of Redevelopment of SOMI's property. In addition, upon Redevelopment SOMI shall improve that portion of the street located on SOMI's property to commercial street standards necessary to create a 36 foot wide street on all the properties, measured from face of curb to face of curb, including 5 foot sidewalks adjacent to the curb on each side of the street, and street lights. The improvements shall extend the full length of SOMI's north property line, and make the connection to Ross Lane North; and
4. The Developers agree to waive the right to object to the exaction to dedicate and improve the South Street on the basis of the MLDC, Section 10.668.

NOW, THEREFORE, the City agrees to the following terms:

1. The City shall accept the 47 foot dedication of the South Street as the full and complete right-of-way dedication for this street within the boundaries of this agreement; and
2. The City shall grant REAGER and PLATA a revocable permit for the private use of the area within the 23.5 foot dedications as set forth on the City's standard form, with the stipulation that the City will require that the private use shall cease and private improvements be removed at the time SOMI redevelops.
3. The Site Plan for the REAGER and PLATA properties shall remain valid until February 18, 2022.

The Recitals set forth above and the Exhibits attached hereto are hereby incorporated into and made a part of this Agreement.

This Agreement is personal to the parties hereto. Neither City nor REAGER, PLATA, or SOMI shall assign this Agreement without the written consent of the other, which consent shall not be unreasonably withheld. The provisions of this Agreement shall be binding upon the heirs, assignees, or other successors of the parties, and shall survive the conveyance of a deed without merger therein.

The Parties intend that the rights, obligations and covenants in this Agreement shall be exclusively enforceable by the Parties. There are no third party beneficiaries to this Agreement, either express or implied.

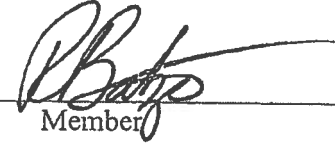
Dated: 6/13/12

CITY OF MEDFORD

By 
Mayor

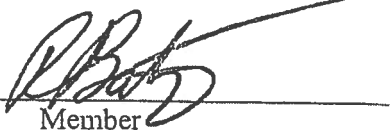
Dated: 6/8/12

REAGER STREET, LLC

By 
Member

Dated: 6/8/12

PLATA STATION, LLC

By 
Member

Dated: 6/8/12

SOUTHERN OREGON
MANAGEMENT, INC.


By 
President

EXHIBIT "B"

Commencing at the East-Southeast corner of Donation Land Claim No. 72 in Township 37 South, Range 2 West of the Willamette Meridian, Jackson County, Oregon; thence South 89° 48' 11" East 43.31 feet to the Easterly right-of-way line of Ross Lane as described in Instrument No. 80-14790 of the Official Records of Jackson County, Oregon for the **POINT OF BEGINNING**; thence along said right-of-way line, North 03° 42' 13" East 242.52 feet; thence along the arc of a 232.84 foot radius non-tangent curve to the right (the long chord to which bears North 12° 58' 23" East 103.29 feet) a distance of 104.16 feet; thence leaving said right-of-way line, North 89° 55' 08" East 146.29 feet; thence South 04° 13' 45" West 288.91 feet; thence South 18° 58' 05" East 136.74 feet; thence South 00° 08' 10" West 50.76 feet, more or less, to the South line of that tract of land described in Instrument No. 2008-008268 of the Official Records of Jackson County, Oregon; thence along said South line, WEST 210.82 feet, more or less, to the Easterly right-of-way line of the aforesaid Ross Lane; thence along said right-of-way, North 00° 04' 14" East 87.55 feet; thence South 81° 45' 00" East 2.46 feet; thence North 00° 09' 27" East 38.12 feet to the Point of Beginning.

(Reager Street, LLC)

EXHIBIT "C"

Commencing at the East-Southeast corner of Donation Land Claim No. 72 in Township 37 South, Range 2 West of the Willamette Meridian, Jackson County, Oregon; thence South 89° 48' 11" East 43.31 feet to the Easterly right-of-way line of Ross Lane as described in Instrument No. 80-14790 of the Official Records of Jackson County, Oregon; thence along said right-of-way line, North 03° 42' 13" East 242.52 feet; thence along the arc of a 232.84 foot radius curve to the right (the long chord to which bears North 12° 58' 24" East 103.30 feet) a distance of 104.16 feet to the **POINT OF BEGINNING**; thence continue along said right-of-way line, along the arc of a 232.84 foot radius non-tangent curve to the right (the long chord to which bears North 57° 59' 10" East 248.13 feet) a distance of 261.69 feet to the Southerly right-of-way line of McAndrews Road as described in the aforesaid Instrument No. 80-14790; thence along said right-of-way line, North 84° 24' 13" East 99.30 feet; thence along the arc of a 411.97 foot radius non-tangent curve to the left (the long chord to which bears North 81° 33' 44" East 123.51 feet) a distance of 123.98 feet to intersect the southerly right-of-way line of McAndrews Road as surveyed and established by Jackson County Road survey dated 1941; thence along said right-of-way, along the arc of a 316.48 foot radius non-tangent curve to the left (the long chord to which bears North 67° 26' 59" East 103.88 feet) a distance of 104.35 feet to the Northeast corner of that tract of land described in Instrument No. 2008-008268, Official Records, Jackson County, Oregon; thence along the East line of said tract, South 00° 03' 18" West (Record South 0° 10' East) 667.18 feet to the Southeast corner thereof; thence along the South line of said tract WEST 357.38 feet; thence North 00° 08' 10" East 50.76 feet; thence North 18° 58' 05" West 136.74 feet; thence North 04° 13' 45" East 288.91 feet; thence South 89° 55' 08" West 146.29 feet to the Point of Beginning.

(Plata Station, LLC)

EXHIBIT "D"

PARCEL I:

Commencing at a point 6.82 chains South and 13.00 chains East from the North Northeast corner of Donation Land Claim No. 76 in Township 37 South, Range 2 West of the Willamette Meridian in Jackson County, Oregon; thence East 4.15 chains; thence North 4.91 chains to the true point of beginning; thence West 9.15 chains; thence South 87.70 feet; thence East 9.15 chains; thence North 87.70 feet to the true point of beginning.

(Map No. 372W26AD, Tax Lot 2700.)

PARCEL II:

Commencing at a point 6.82 chains South and East 13.00 chains from the North Northeast corner of Donation Land Claim No. 76 in Township 37 South, Range 2 West of the Willamette Meridian in Jackson County, Oregon; run thence East 4.15 chains; thence North 2.00 chains to the true point of beginning; thence North 1.58 chains; thence West 9.15 chains; thence South 1.58 chains; thence East 9.15 chains to the true point of beginning.

(Map No. 372W26AD, Tax Lot 2800.)

(Southern Oregon Management, Inc.)

PLANNING DEPT

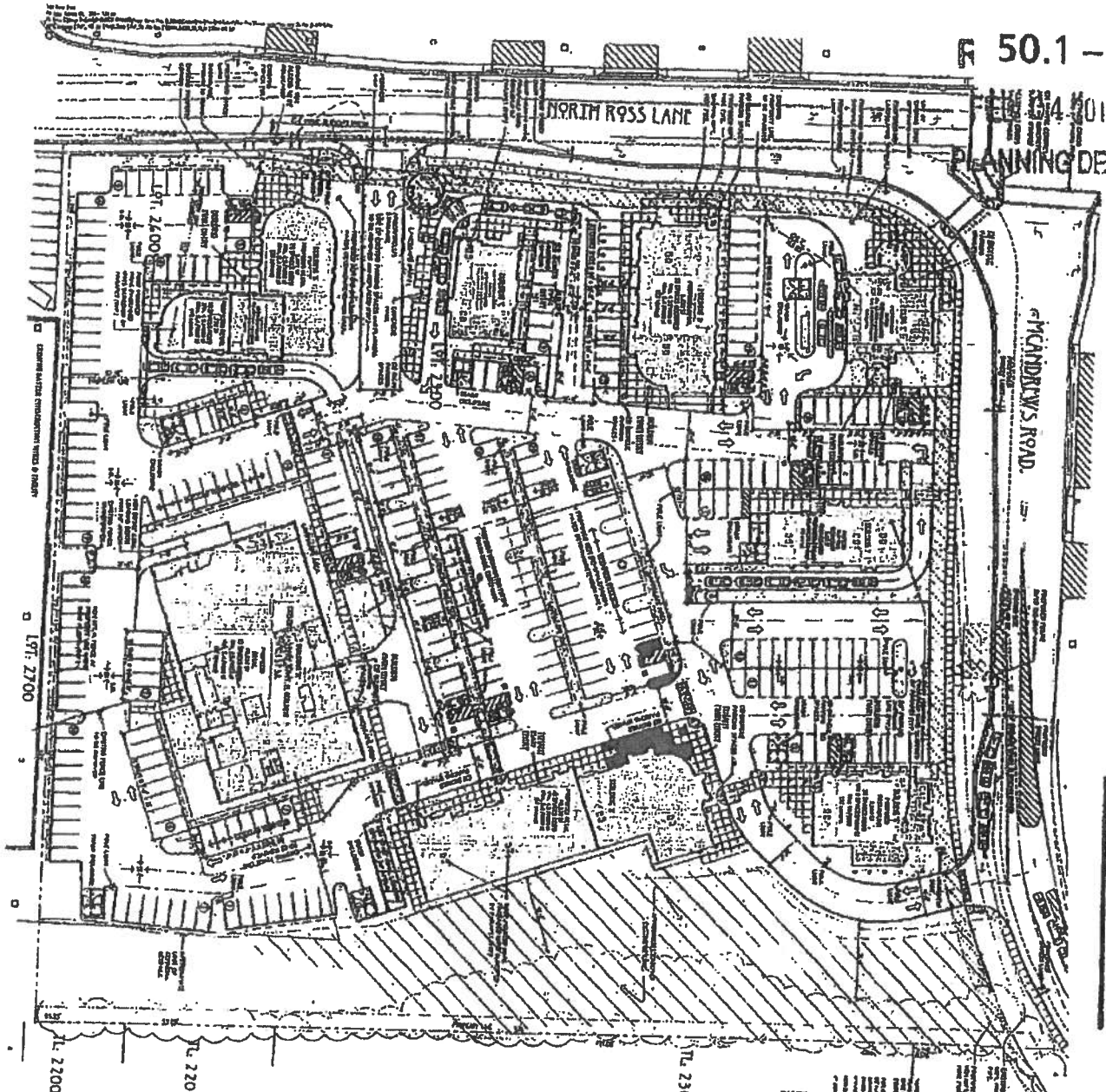


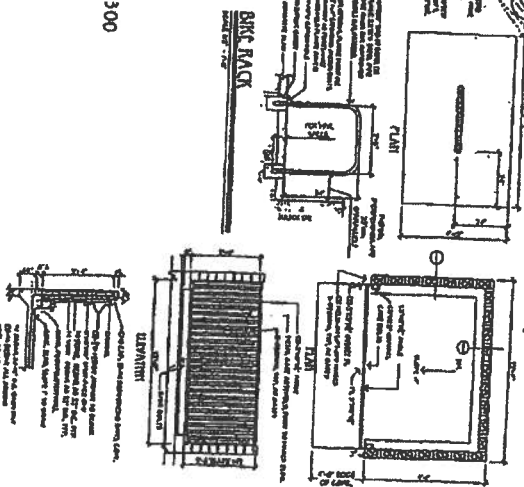
EXHIBIT 'F'

SITE DEVELOPMENT PLAN

PARKING STANDARDS

- 1. Minimum parking spaces shall be provided for each building as follows:
 - a. Office buildings: 1 space per 100 sq. ft. of office space.
 - b. Retail stores: 1 space per 100 sq. ft. of retail space.
 - c. Restaurants: 1 space per 100 sq. ft. of restaurant space.
 - d. Other commercial buildings: 1 space per 100 sq. ft. of building area.
- 2. All parking spaces shall be a minimum of 8' wide by 18' deep.
- 3. All parking spaces shall be paved with asphalt or concrete.
- 4. All parking spaces shall be marked with white lines.
- 5. All parking spaces shall be illuminated.

TRASH ENCLOSURE DETAILS



DATE	DESCRIPTION
11.1	REVISION

CITY OF MEDFORD
 EXHIBIT B
 FILE # AC-10-089

BATZER
 CONSTRUCTION INC
 P.O. BOX 4490 190 N. ROSS LANE
 MEDFORD, OR 97504 WWW.BATZERINC.COM
 PHONE: (541) 755-9452 FAX: (541) 752-4122

GARY & CATHERINE
 ARCHITECTS
 1515 BROADWAY, SUITE 100
 MEDFORD, OR 97504
 PHONE: (541) 755-9452 FAX: (541) 752-4122

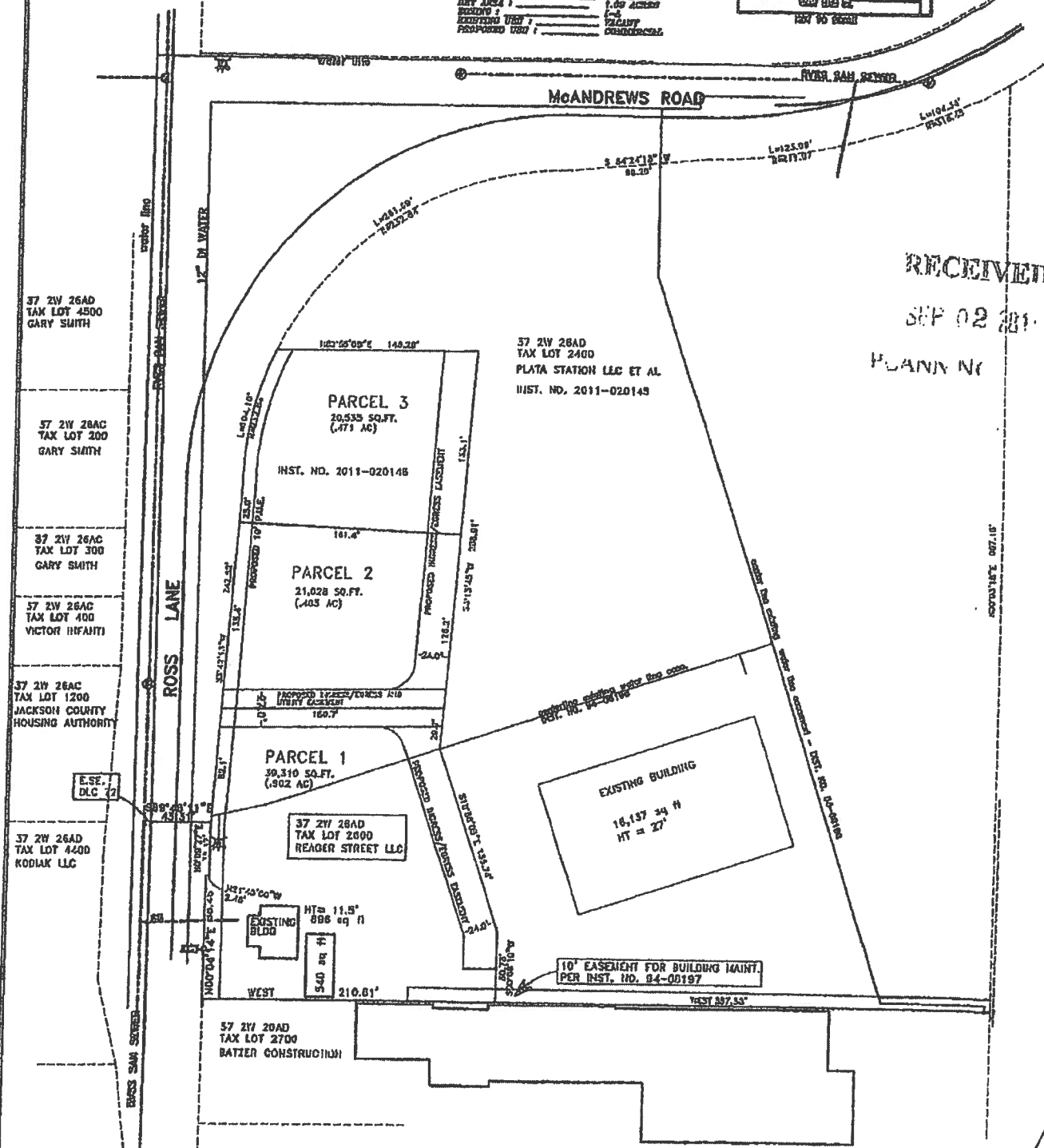
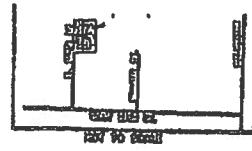
OWNER/APPLICANT
 REAGER STREET LLC
 P.O. BOX 4460
 MEDFORD, OR 97504
 (541) 773-7553

LAND PARTITION
 TENTATIVE PLAT
 For
REAGER STREET LLC
 Located in
 the Northeast 1/4 of Section 26,
 Township 37 South, Range 2 West, V.H.,
 Jackson County, Oregon

EXHIBIT 'F'

SURVEYOR
HOFFBUHR AND ASSOC., INC.
 880 GOLF VIEW DRIVE, #201
 MEDFORD, OR 97504
 (541) 779-1641

SCHOOL DISTRICT : _____ 6400
 JURISDICTION DISTRICT : _____ 400
 RATIONALE DISTRICT : _____ 8700
 ZONING AREA : _____ 1.48 ACRES
 NET AREA : _____ 1.08 ACRES
 SECTION : _____ 1-5
 EXISTING USE : _____ VACANT
 PROPOSED USE : _____ COMMERCIAL



RECEIVED
 SEP 02 2011
 PLANNING

CITY OF MEDFORD
 EXHIBIT
 FOR LDP-11-108

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR
 HOFFBUHR AND ASSOCIATES, INC.
 MEDFORD, OREGON

BY: DARRELL L. HUCK	LS 207
PROJECT: BATZER CONS	
PROJECT NO.:	10-0
DRAWING FILE NO.:	10070LLA.DWG
SCALE: 1" = 30' N.T.S.	March 21, 2011
REVISION NO.:	
REVISION DATE:	
SHEET 1 OF 1	
BASIS OF BEARING:	DEED INST. NO. 99-58048
ELEVATION DATUM:	N.T.S.
DRAWN BY:	DJH
REVIEWED BY:	DJH

COPY

ORDINANCE NO 2012-67

AN ORDINANCE authorizing execution of a Disposition and Development Agreement with Reager, LLC, for construction and dedication of a public street at Pioneer Market Place located at the intersection of Ross Lane North and West McAndrews Road

THE CITY OF MEDFORD ORDAINS AS FOLLOWS

That execution of a Disposition and Development Agreement with Reager, LLC, for future construction and dedication of a public street along the south property line of Pioneer Market Place development located at the intersection of Ross Lane North and West McAndrews Road, which agreement is on file in the City Recorder's office, is hereby authorized

PASSED by the Council and signed by me in authentication of its passage this 17 day of May, 2012

ATTEST Blenda Wilson
City Recorder

[Signature]
Mayor

APPROVED May 17, 2012

[Signature]
Mayor



MINUTES
Planning Commission Meeting
December 12, 2013

The regular meeting of the Medford Planning Commission was called to order at 5:38 p.m. in the Council Chambers on the above date with the following members and staff in attendance:

Commissioners Present

Robert Tull, Vice Chair
Bill Christie
Norman Fincher
David McFadden
Patrick Miranda
Bill Mansfield
Alec Schwimmer

Staff

Blanca Petrou, Assistant Planning Director
Suzanne Myers, Principal Planner
Kelly Akin, Principal Planner
Lori Cooper, Deputy City Attorney
Larry Beskow, City Engineer
Terri Rozzana, Recording Secretary
Desmond McGeough, Planner II
Carla Paladino, Planner III

Commissioners Absent

Michael Zarosinski, Chair, Excused Absence

10. Roll Call

20. Consent Calendar/Written Communications.

- 20.1 **CUP-13-091** Final Order for a request for a Conditional Use Permit to allow carport structures with photovoltaic energy modules over 32 existing parking spaces at Grace Christian School / First Baptist Church on two parcels totaling 9.15 acres located on the west side of Crater Lake Avenue approximately 320 feet south of Spring Street within the MFR-30 (Multiple-Family Residential – 30 units per gross acre) zoning district. First Baptist Church, (Applicant); CSA Planning, Ltd, (Agent). **WITHDRAWN**
- 20.2 **CUP-13-081/E-13-082** Final Order for a request for a Conditional Use Permit to allow for improvements to Hawthorne Park and an Exception to street standards on a 13 acre parcel located on the south side of East Jackson Street, the north side of East Main Street, the west side of Hawthorne Street, and east of Interstate 5 within a C-S/P (Commercial – Service/Professional) zoning district. City of Medford, (Applicant); CSA Planning, Ltd, (Agent).
- 20.3 **CUP-13-092** Final Order for a request for a Conditional Use Permit to allow the establishment and operation of three automobile dealerships on approximately 11.9 acres, located on the east side of Grumman Drive, approximately 1000 feet north of Coker Butte Road, within an I-L/ A-R /RZ (Light Industrial / Airport Radar Overlay / Restricted Zoning) zoning district. Adroit Construction Company, (Applicant); Maize & Associates Inc., (Agent).

Motion: Adopt the consent calendar.

Moved by: Commissioner McFadden Seconded by: Commissioner Miranda

Voice Vote: Motion passed, 7-0.

30. Minutes.

- 30.1 The minutes for November 14, 2013, were approved as submitted

CITY OF MEDFORD
EXHIBIT # 4
File# ZC-13-117

40. **Oral and Written Requests and Communications.** None.

Lori Cooper, Deputy City Attorney, read the Quasi-Judicial Statement.

50. **Public Hearing.**

Old Business

- 50.1 **LDS-13-073/E-13-100** Consideration of a request for tentative plat approval for Cyprus Creek Subdivision Phase 1B, a three-lot subdivision and an Exception request to reduce the right-of-way width of Willow Brook Drive to 40 feet and allow curb-tight sidewalks on approximately 0.74 acre located at the northerly terminus of Thomas Road and the westerly terminus of Willow Brook Drive zoned SFR-6/PD (Single Family Residential, six dwelling units per gross acre/Planned Development). Thomas Road LLC, (Applicant); Steven Swartsley, (Agent).

Vice Chair Tull inquired whether any Commissioners have a conflict of interest or ex parte communication they would like to disclose. None were declared.

Kelly Akin, Principal Planner, stated that there were two letters at the Commissioner's places that she would like to submit into the record as Exhibit R, from surrounding property owners. Ms. Akin read the land division and exception criteria and gave a staff report.

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

- a. Steven Swartsley, P. O. Box 8600, Medford, Oregon, 97501. Mr. Swartsley stated that he is the agent for Thomas Road LLC in this application. The findings that he submitted with the applications adequately address any issues concerned with this. Also, the findings submitted with the exception request adequately sets forth the moving of the sidewalk curbside. This is a short part of the sidewalk. It is on the north side of Willow Brook Drive. It moves it away from the irrigation ditch. The Public Works Department recommended that the applicant design it that way.

Commissioner McFadden asked Larry Beskow, City Engineer that one of the letters that the Commissioners received this evening, talks about a concern of people thinking they can get through on a street named Thomas Road that is not connected to the main body of Thomas Road further to the north. What steps would it take to have a City street sign installed near the section of Thomas Road that would say something like "not a through street" to keep people from having to turn around in the street at this location? Mr. Beskow replied that it is not a dead end street because it does connect to Willow Brook Drive. At Archer Street a sign stating that Thomas Road is not a through street would have to go through the Traffic Coordinating Committee and they would make a recommendation on what to do. They would direct Public Works to install or not install such a sign.

The public hearing was closed.

Motion: Adopt the findings as recommended by staff and direct staff to prepare a Final Order for approval of LDS-13-073/E-13-100 per the Staff Report dated December 5, 2013, including Exhibits A through Q and adding Exhibit R.

Moved by: Commissioner McFadden Seconded by: Commissioner Miranda

Roll Call Vote: Motion passed, 7-0.

New Business

- 50.2 CP-13-061 Consideration of a Class A major legislative amendment of the Medford Comprehensive Plan to make the following revisions to the Public Facilities Element: (1) Provide update to Category "B" public facilities regarding description of primary, secondary and higher education facilities within the urban growth boundary; (2) Adopt by reference and incorporate into the City of Medford Comprehensive Plan Facilities Element the Medford School District 549 C School District Long Range Facilities Plan, May 12, 2012 Update, along with findings, conclusions and appendixes; (3) Provide revisions to the conclusions, goals, policies and implementation measures of the School section of the Public Facilities Element. (City of Medford, Applicant).

Desmond McGeough, Planner II, briefly discussed the Medford Comprehensive Plan structure, application criteria, background, amendment objectives, Medford 549C School District Facility Plan, staff's proposed conclusions, agency/public comments and staff's recommendation.

Commissioner Mansfield asked that when staff makes the recommendation that the Planning Commission forward a recommendation to the City Council for approval does that mean that the Planning Commission agrees with the School District about the establishment of a school outside the current urban growth boundary or does it mean that the Planning Commission disagreed? Mr. McGeough replied that Conclusion number ten indicates that there is a process. Staff is not endorsing the site or agreeing that the site is desirable. It would be difficult for the City to come to that conclusion now because it is outside the urban reserve areas. Commissioner Mansfield asked if Mr. McGeough was suggesting it be kicked over to more process; is that the essence of what staff is recommending? Mr. McGeough replied that at some point there will have to be a process done to evaluate lands both inside and outside urban reserve lands if the School District wants this particular parcel brought into the urban growth boundary. Commissioner Mansfield asked if this kicking it over includes a review of the placement of the urban growth boundary to some other placement to possibly include this school site within the urban growth boundary; is that what staff is heading towards? Mr. McGeough stated that is a possibility. The corrective measures established in the Regional Plan indicate that if a certain piece of property of a certain size is brought in another piece of property of the same size needs to be removed from the urban reserve area.

Commissioner McFadden asked what does staff interpret as the level of commitment made by the City to those people already accepted in the Regional Plan for future inclusion into the City of Medford? Mr. McGeough reported that he was not involved in the Regional Problem Solving process but he believes the commitment is high. It was a substantial process. There was a lot of public input from the community as a whole in all jurisdictions. Ms. Cooper urged the Commission to remember what they are focusing on tonight. It is amending the Comprehensive Plan by adopting the School District's Plan. State law mandates that the City adopt their Plan and incorporate it by reference. That does not mean that the Planning Commission cannot add a narrative the Comprehensive Plan, which is what this is. Ms. Cooper cautioned the Commission not to get too far into the Regional Plan process. That is in the future. Commissioner McFadden asked that if that happens in the future, will the City be open to legal action based on withdrawal of properties from the Regional Plan areas that have now been accepted? Ms. Cooper replied that it could lead the City to exposure; it is too early to tell. She is not sure that can be used to make a decision tonight. The Commission can put language into the City of Medford's Comprehensive Plan but the City has to adopt by reference the School District's Plan with

their desired location whether the City agrees with them or not. Commissioner Mansfield asked if he understood Ms. Cooper to say that ORS 195.110 requires the City to accept the School District's Plan? He does not agree with that. Ms. Cooper stated that ORS 195.110 does state that and it also states that it should be prepared in consultation between the City and the School District and the word "cooperation" is also used in the statute. The City does need to adopt the School District's Plan. Commissioner Mansfield stated that to say that the City is required to do so gives the School District veto power which makes the whole process meaningless. He respectfully disagrees with Ms. Cooper's conclusion.

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

- a. Thad Pauck, 201 West Main Street, Suite 5, Medford, Oregon, 97501. Mr. Pauck stated that he is the attorney for the Medford School District. He is present to submit a written objection to Conclusion number ten and to also read a brief statement into the record. The summary of the requirements and the effects of ORS 195.110 included in the staff report accurately outline the procedures for the adoption of a Schools Facilities Plan. The District has complied with those procedures and the School Board adopted its Plan in June 2012 after more than four years of study, work and consultation with City Planning staff. Upon adoption of the Facilities Plan, ORS 195.110 (2)(a) requires that the City of Medford include it as an element of its Comprehensive Plan. This is also the conclusion reached in the staff report. Although the District has no objection to the City including its Facility Plan within the portion of the existing Public Facilities Element concerning all schools within the City's jurisdiction and although the District has no objection to the City adopting other concurrent updates to that element unrelated to the District's adopted Facility Plan, the inclusion of the District's Plan as part of the Medford Comprehensive Plan is the primary and only required change to the Comprehensive Plan before the Planning Commission this evening. The District has reviewed the proposed amendment to the Public Facilities Element which can be found beginning at page 97 of the agenda packet. The only significant objection the District has concerns Conclusion 10 which can be found on page 112. The District's objections are specifically outlined in the letter that he just handed to the Planning Commissioners in which he hereby requests be placed into the record. Contrary to the staff's conclusion on page 94 of the agenda packet proposed Conclusion 10 does not provide vital information needed to be consistent with the other elements of the Comprehensive Plan. Instead, proposed Conclusion 10 is a speculative statement that impermissibly attempts to predispose findings and conclusions of law for a possible future land use application that is not now before the City without knowing with certainty what future facts and approval criteria may be in affect or even whether such an application will actually be tendered. At this time, Site 5, like many of the District's existing school properties is located within the District's service boundary but outside of the City of Medford's municipal and urban growth boundaries. It is, in other words outside of the City of Medford's jurisdiction. Oregon statute requires the City of Medford to include the District's entire Facility Plan as an element of the City's Comprehensive Plan not withstanding that many of the District's existing and desired sites are located outside and sometimes well beyond the City's jurisdiction. Adoption of the District's Plan simply recognizes that the District has identified its facilities, student population growth projection and its particular needs over time including potential sites that are desirable to the District which are the criteria the District is required to address under ORS 195.110. It does not mean that the City approves or disapproves of those sites. Nothing in the statute requires the City to concur with the District on what is a desired site and nothing says that by adopting the District's Plan that the City gives approval to any such site. The City will retain its discretion in the future when and if an appropriate land use proceeding is initiated to review the facts, circumstances and other evidence presented at that time and make a

determination as to whether all required criteria for inclusion within the urban growth boundary have been satisfied. Adherence to those criteria is already built into the statute. ORS 195.110(6) provides that actions to add sites designated for school facilities to an urban growth boundary shall be done pursuant to applicable law. Further, Conclusion 11 also adequately addresses these concerns in a factual way and serves the same purpose as Conclusion 10 without the inappropriateness and recognizes that significant hurdles must be overcome before Site 5 can permissibly be brought within the urban growth boundary. However, adopting the proposed Conclusion 10 as part of the Comprehensive Plan is not within the City's authority under the applicable statute for inclusion of the District's Facility Plan as a Comprehensive Plan Element. Further, that Site 5 is desired by the District rather than by the City is not a conclusion. It is simply a fact and that fact does not in any way affect any other element, policy or goal of the Medford Comprehensive Plan. Accordingly, for those reasons and those reasons set forth in the letter the District respectfully requests Conclusion 10 be stricken from the Public Facilities Element to be adopted by the City.

- b. Greg Holmes, P. O. Box 2447, Grants Pass, Oregon, 97528. Mr. Holmes reported that he is the Regional Representative for 1000 Friends of Oregon. There is a letter in the agenda packet beginning on page 339 from Mr. Holmes. He wanted to make himself available to answer any questions that the letter might have brought to the Commissioners and to make a couple statements about some material that he has seen since he wrote the letter. 1000 Friends of Oregon does not have any objections to anything that is in the District Plan other than the conclusion regarding the Hull Road site. Their concerns are that no area within the urban reserve area was looked at during this process. There are at least three urban reserve areas that are in whole or in part within the District's preferred area that was outlined on the map the Commission saw earlier. Those areas would absolutely have to be looked at before this area could be brought into the urban growth boundary. As discussed earlier an equal amount of land would have to be taken out of the urban reserves per the Regional Problem Solving agreement should this area be brought in. Mr. Holmes quickly addressed the District's letter that begins on page 332 of the agenda packet. At multiple points in that letter it says something to the effect that the City is required to cooperate with the District and goes on to say in some particular way. ORS 195.110 does say that cooperation is required but it says cooperation is required between the City, County and District. That cooperation goes two ways. So far that does not appear to be what is being asked for here. It is perfectly appropriate for the City to be cautious about that and make sure that cooperation does happen in this process. The statute is clear that it does require the City to adopt a Plan that is brought to them by the District. It does not say the City has to agree with what is in that Plan. In fact, case law is very clear in that it says a city can reach different conclusions than the District's Plan even if the City participated in the District's processes that lead to those conclusions. Ms. Cooper has properly advised the Commission that they can put language in the City of Medford's Comprehensive Plan which indicates they have reached different conclusions. That letter was also very troubling when it states that ORS 195.110 requires that if this is the District's preferred site, that the City must include it in the urban growth boundary. It clearly states that requirement would mean that the City would not have to comply with all the Regional Plan requirements because the State statute requires that the City brings a school site into the urban growth boundary. That is factually incorrect. As the Commission just heard from the District's attorney the process requires that, should the City bring the land into the urban growth boundary as some point that it will comply with all applicable laws. That includes all the other State statutes, State Administrative Rules and the City and County ordinances including the Regional Plan. It is appropriate for the City to include language that is in Conclusion 10 in Medford's Comprehensive Plan if for no other reason than the City does not want to have someone come back and wave something in their face saying the City agreed to this early

and now you must do this. There should be no question that that cannot happen. It is appropriate and prudent that the City make clear that the Commission does not or cannot agree that this site is preferred or desirable at this point. It may not be desirable when you look at the City's needs which the District must also cooperate to see are met. For those reasons what is in the letter is that the 1000 Friends of Oregon concur with the staff recommendation. That language is appropriate for the City to make clear that more work needs to be done and that a different kind of cooperation needs to happen as this goes forward before any site can be determined to be appropriate or desirable. 1000 Friends of Oregon recommends that the Commission make a recommendation to City Council to adopt with staff's language.

- c. Megan LaNier, Richard Stevens & Associates, Inc., P. O. Box 4368, Medford, Oregon, 97501. Ms. LaNier stated that she is representing a group of citizens that are located in one of the current urban reserves, MD-7 mid as it has been referred to in the past and also MD-7s that are both located along South Stage Road and Kings Highway. One of their concerns is that the District's Plan is outdated in their opinion. The District's Plan was adopted in 2012. Since then the Regional Problem Solving agreement has been adopted and the urban reserves. They are concerned that by adopting a Plan that has not considered these urban reserves carefully it may get push back at a future date if adopting a site located outside one of the urban reserves. She is not sure if it is something the City can ask for the School District to provide an updated Plan with the new policy that has been implemented with the Regional Problem Solving agreement and also the Regional Plan Element that is already in the Medford Comprehensive Plan. The other concern they have is whether or not the target areas, do not show the future growth areas along South Stage Road. There is an enormous amount of land that is proposed to be included along South Stage Road towards Highway 99. There is also MD-8 which is also located along South Stage Road. It appears to them that the future growth is going to be concentrated more in that area not so much west of the City of Medford as the desired site indicates. The last question that she would like to raise comes down to an interpretation in the Statute. She does understand the School District's comments regarding ORS 195.110 (5)(a)(b), which does require that they identify desirable school sites. It also goes into talking about how they need to meet those facility needs and establish criteria that would allow them to determine if some of these lands within the City limits are appropriate for future schools. Ms. LaNier agrees that the District has demonstrated that there are not really any appropriate areas within the current urban growth boundary. Subsection 5(b) describes that the District has to include an analysis of the land required for the ten year period covered by the Plan that is suitable as permitted for conditional use for school facilities inside the urban growth boundary. Subsection 6 requires that if there are not any lands within the current urban growth boundary then the District can look outside the current urban growth boundary. The question that Ms. LaNier has is do they have to have a site specific location outside the urban growth boundary at this time? They understand why they have to identify their desired sites within the current urban growth boundary. They have planned that out. They have discussed why they cannot meet their needs. They have identified one site outside of the current urban growth boundary which is not in an urban reserve. Ms. LaNier questions whether or not it is possible for them to eliminate that one specific site outside the current urban growth boundary so that way it can be left in a position where there are no specific sites outside the current urban growth boundary, strictly that they are going to need land form outside the urban growth boundary, and preferably look at priority lands which would be the urban reserves. The majority property owners that she represents in MD-7, Naumes Inc., Oregon State University, Ayala Properties LLC, and Rania Sawabini, have all agreed to donate 20 acres of land to the Medford School District 549C and are wanting to open the lines of communication for them to consider this urban reserve area for inclusion

into their desired locations. Ms. LaNier reported that she had submitted a letter into the record that outlines her group's concerns.

Vice Chair Tull asked whether the parties that Ms. LaNier represents communicated their willingness to donate land to the School District? Ms. LaNier replied that they have attempted to. They just met on Monday to discuss the situation. The group under different property ownerships had discussed with the School District donating land in 2010. There were preliminary designs that were created and then some of the property owners at the time pulled out and the conceptual plan died. Since then they have new property owners and they are willing to do this. They have attempted to contact the School District but they have not received a return call at this time.

The public hearing was closed.

Vice Chair Tull stated that essentially as he understands it the School District has brought forth its Plan. The City has an obligation to include that Plan within the Medford Comprehensive Plan and therefore can include the Planning Commission's best judgment regarding the School District's Plan and its place within the planning of the City of Medford.

Commissioner McFadden suggested making a motion to open the discussion to discuss within.

Motion: Based on the findings and conclusions that all of the approval criteria are either met or are not applicable, forward a favorable recommendation to the City Council for adoption of CP-13-061, per the Staff Report dated December 5, 2013, including Exhibits A through J and the letter submitted by the School District's attorney as Exhibit K.

Moved by: Commissioner McFadden Seconded by: Commissioner Christie

Commissioner Miranda stated that, in order to solidify this in his mind, this is that the Planning Commission is approving the adoption of policies and procedures. This does not say that the Planning Commission is approving the site being proposed. It is approving the text and information to be put in the Medford Comprehensive Plan. Is that correct? Vice Chair Tull replied including the District's Plan into the Medford Comprehensive Plan is meeting an obligation established by State law. Commissioner Miranda asked that does not mean that the Planning Commission is approving the site that is being recommended? Ms. Cooper replied that is correct.

Commissioner Schwimmer stated that when the Planning Commission began looking at this in study sessions the Commission kept getting caught up in looking at the urban growth boundary and the site proposed by the City. He immediately went to the statute and Commissioner Mansfield has brought up the issue of ORS 195.110 and whether the City is obligated in what the Commission is doing tonight. Tonight the Planning Commission is being asked to adopt the long range facilities plan the District has brought forward. That is all the Planning Commission is being asked to do tonight. In doing that, going back to what the statute states and it clearly states that the City or County containing a large school district shall include as an element in its Comprehensive Plan a school facilities plan prepared by the district in consultation with the affected city or county. Personally he is not happy with the level of cooperation that has taken place between the City and their attempts to work with the School District. There are elements to the statute itself that talk and go to that level of cooperation. The fact remains that the City has worked and cooperated with the School District in meeting the other elements of the statute. The Planning Commission

is satisfied that they have met that burden of the remaining provisions of the statute in reaching that, with the condition the Commission placed on it. The Commission felt that adopting, in the beginning, the Hull Road location put too many parameters on the Plan. He feels that it is the City's duty at this time to adopt the Plan because the statute requires it. It is not saying they agree with the Plan. The City is legally required to adopt the Plan and then the remaining provisions lay out how the sites will be approved down the line.

Commissioner Fincher pointed out that his biggest concern has been the lack of consideration by the School District in working with the Planning Commission. The fact is had they worked with the Planning Commission this would be an easy decision. It has been more or less they have said "it is our way, you have to do it, the law requires it, it is our Plan so you must endorse it". In no way is that cooperation. He does not see that as working together. He sees it more as a dictatorship for the Commission to endorse and sign off on their agreement. He is very disappointed with the process the Commission has gone through.

Commissioner Mansfield stated that the Commission may be playing with words but words are what they deal with. Seems to him the Commission is being asked to approve something that they do not approve. He does not believe the statute requires the Commission to approve something they do not approve.

Vice Chair Tull asked if it would help to say that the statute requires the City to include in the Medford Comprehensive Plan the Plan that the School District is presently working with. It is not the City's Plan it is theirs. The state says that it needs to be placed within the Medford Comprehensive Plan. Staff has done a good job in bringing it to the Commission saying the City does not concur with this Plan for the various reasons that have been stated. It could well be the School District two years from now will come to the Commission with a different plan. The Commission's role at this point is not to approve it but rather amend the Medford Comprehensive Plan so that it includes the Plan from the School District.

Commissioner Mansfield stated that he has no problem with just acknowledging that they have presented it to the Commission. He has a problem with approving it because the Commission does not approve it. There is nothing about the school site that the District has proposed that he agrees with. He fairly believes that some of the rest of the Commission believes so also.

Commissioner Christie replied that in his heart he is with Commissioner Mansfield totally. In his mind he is with Commissioner Schwimmer that they have no choice. The City has to include the School District's Plan into the Medford Comprehensive Plan. It is just that simple.

Vice Chair Tull asked whether the Commission is constrained as to the language the Commission can put into the Medford Comprehensive Plan once their Plan has been included as required.

Commissioner Miranda commented that he would further state Conclusion 10 needs to be included. He does not believe it should be stricken from the proposal. He believes it has merit and it needs to be included as written.

Commissioner Schwimmer stated that in his previous comments his recommendation was as staff has presented with that condition in place. That is an accurate reflection of the Planning Commission's conclusions that they came to as presented with staff. He does not

agree with the District's attorney's representations that condition should not exist. He believes that is a fair representation of the statute of what the Planning Commission is being asked to do and is a better representation of the statutory authority in the authority that the Commission was given to implement the Plan as they see fit.

The Commissioners took a 5 minute recess.

Vice Chair Tull stated that the Commission was in the midst of discussion of the staff recommendation that the Planning Commission forward a favorable recommendation to the City Council regarding the inclusion of the School District's Plan in the Medford Comprehensive Plan. Vice Chair Tull has passed out some wordage that he would propose that the Planning Commission add to Section 10. The School District's attorney has asked the Planning Commission to strike Conclusion 10 of staff's recommendation and report. He thinks it is essential that it be there. He appreciates staff stating right out that the City of Medford does not concur with this Plan and it provides a rationale for that based primarily on the fact that the Planning Commission is concerned about the urban growth boundary, urban reserve, the commitments that have been made and all the steps that would have to be taken if the School District moved to implement its plan regarding this particular site outside the City limits. The Commission has heard Vice Chair Tull speak at their study sessions about another aspect of this and that is what he has tried to capture in the words before the Commission. The City of Medford has over the last decade or so carefully deliberated about its plans for growth and where it ought to grow and what lands that it must have in order to be a bigger city over the next several decades, which lands are important and which are not. Through lengthy deliberations by the Planning Commission and the City Council we have come to a position as a city, that got pretty well codified in the Regional Problem Solving process, that we do not intend to extend the City out beyond the west urban growth boundary into EFU land recognizing the land between the west boundary and Jacksonville is not all of one quality but it is and historically has been some of the best agricultural land in the state. The City of Medford does not intend to grow into that land. It seems to him that decision by the City through the Commissions and City Council deliberations and numerous public hearings needs to be reflected in item number ten as a part of the Commission's reasons for saying they do not concur that the School District's Plan as presented to the Commission now is the City's plan.

Friendly Amendment made by Vice Chair Tull: To incorporate the below wording into item number ten on page 82 of staff's proposal. The language he is proposing would come immediately after the first paragraph in Section 10 which begins with the statement that "The City of Medford does not concur..." His language suggests: "In addition, any consideration of the District's proposal to bring its preferred site into the City's urban growth boundary runs directly counter to the City's long established plan for its growth. After lengthy deliberations and public hearings by both the Planning Commission and the City Council the City decided that it would not plan to expand into the EFU land to the west of its current urban growth boundary. For the City, this decision is fundamental to its compliance with the State planning goals that seek to deter the expansion of urban development into immediately adjacent agricultural land." Vice Chair Tull requested concurrence that the Commissioner's add that to Commissioner McFadden's motion.

Commissioner McFadden stated that as the maker of the motion he has no objections.

Commissioner Fincher stated that he actually likes that wording a lot better because one of his biggest concerns was that some time down the road, ten years from now, when none of the Commissioners are on the Planning Commission, they could not come back and

somehow twist this as an endorsement of that location. In order for him to vote yes on this, it has to be black and white that by no stretch of the imagination does the Planning Commission endorse the School District's Plan as far as the location. He understands the requirement to have this as part of Medford's Comprehensive Plan is why they have been unable to disagree and they have been able to force it upon the Planning Commission. He wants it to be definitely clear that at some point in the future should this issue come up where the Commission stood prior to adopting this.

Vice Chair Tull reported that what Commissioner Mansfield and Commissioner Fincher were referring to is on the fifth line of Section 9, page 81 of the agenda packet, after the word "City" remove the word "concur" and insert "understands but does not concur..."

Vice Chair Tull reflected the consensus within the Commission of disappointment that their best efforts to understand what the District's Plan means and where it has come from, how, and so on, have not lead to the sort of consultation that they were ready for. The Commission actually asked staff to invite the School District's Board Members and/or staff to come and talk with the Commission about it so that they may understand fully what they intended and they might understand fully the sort of reservations that the Commission had and see how they can reach this point of sending something on to City Council that was mutually agreeable rather than contentious as he feels this is right now. That consultation at the Commission's level of discussion and decision did not happen. He understands that staff spent a lot of time with District staff and he very much appreciates the professional leadership provided by the City's staff on behalf of the City. The Planning Commission has a deciding responsibility and the City Council has delegated that to the Commission. When the Commission sends a recommendation on to the City Council it is with the expectation that they will receive it as a very careful decision on the Commissions part. He thinks the School District needed to talk with the Planning Commission as well as with staff and that has not happened.

Recording Secretary, Terri Rozzana, asked Commissioner McFadden that in his motion he had included the letter from Mr. Pauck. Did he also include the letter from Ms. LaNier into the record? Commissioner McFadden replied that he did not as an oversight because it was not in front of him and he had not listed it as such. He assumed it was already in the agenda packet which evidently it was not. That would be the next alphabetical letter which would be fine as well as Vice Chair Tull's amendment. Vice Chair Tull reported that he would like to have his wording incorporated into the body of the document. Commissioner McFadden replied that is fine with him too.

Roll Call Vote: Motion passed, 7-0.

- 50.3 **CP-13-118** Consideration of a Class 'B' Minor Comprehensive Plan amendment to amend the General Land Use Plan (GLUP) map from Urban Residential (UR) to Commercial (CM) for two properties totaling 6.5 acres located on the east side of Oak Grove Road approximately 500 feet south of the intersection of West Main Street and Oak Grove Road. This application is filed in conjunction with ZC-13-117, a Major Zoning Map Amendment to re-zone over 150 properties in the City limits with County zoning to City zoning. (City of Medford, Applicant).

Carla Paladino, Planner III, summarized the proposal and stated that the criteria are noted on the slide of her presentation and which staff had detailed in the staff report. Ms. Paladino gave a staff report.

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

- a. Todd Rosboro, 339 Oak Grove, Medford, Oregon, 97501. Mr. Rosboro stated that he is confused because he has been at that address for thirty-three years and he always assumed it was zoned commercial. It was County when he moved into his place. He is not on City water, he has a well. He does not mind it being commercial. There is a residence up front that is a rental. He wants to make sure that can stay there. As long as he can keep operating the property the way they have been. Vice Chair Tull stated that his understanding of the staff report is that none of which Mr. Rosboro has counted on is changed. The property will have City zoning which means it can be considered in the overall planning for the whole area. There is no need for Mr. Rosboro to come to the City for any change of zoning in order to continue his business. Mr. Rosboro replied that he did not understand how it became residential when it has always been commercial. It was County Commercial. Ms. Paladino stated that the zoning map shows the property as County Suburban Residential. The plan is that it would be changed to a General Land Use Plan map designation of Commercial and in the next application staff will request that it be changed from the SR-2.5 to Heavy Commercial.

The public hearing was closed.

Motion: Based on the findings and conclusions that all of the approval criteria are met, forward a favorable recommendation for adoption of CP-13-118 to the City Council per the staff report dated December 4, 2013, including Exhibits A through E.

Moved by: Commissioner McFadden Seconded by: Commissioner Miranda

Roll Call Vote: Motion passed, 7-0.

- 50.4 **ZC-13-117** Consideration of a proposed Class 'A' Major Legislative Amendment to the City of *Medford Zoning Map* changing the zoning of over 150 properties from County zoning to City zoning. The properties are located in the city limits of Medford in the West Main Street area generally west of Jeanette Avenue, between Stonefield Way on the north and Meadows Lane on the south. The existing County zoning includes the following types: Suburban Residential 2.5 acre minimum (SR 2.5); General Commercial (GC), and Neighborhood Commercial (NC). The properties will be converted to one of the following City zoning designations: Single Family Residential – one dwelling unit per existing lot (SFR-00), Heavy Commercial (C-H), Community Commercial (C-C), or Neighborhood Commercial (C-N). (City of Medford, Applicant).

Carla Paladino, Planner III, distributed two letters to the Commissioners to be entered into the record as Exhibit J. Ms. Paladino gave an overview and background of the project, reported that the applicable criteria have been satisfied, stated benefits to the project, goals of the re-zone and recommended changes.

Commissioner Schwimmer asked if Mr. Longan's property is currently more closely related to Heavy Commercial or Community Commercial? Mr. Longan wants a use for his future storage facility. He cannot under what is being proposed but he can under his current zoning. Ms. Paladino reported that he can do it under the General Commercial or under the Heavy Commercial.

Vice Chair Tull asked that staff does not have a recommendation regarding the Longan property? Ms. Paladino replied that staff does not have a strong recommendation.

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

- a. Jay Harland, CSA Planning, Ltd., 4497 Brownridge Terrace, Suite 101, Medford, Oregon, 97504-9173. Mr. Harland stated that he was present tonight on behalf of Southern Oregon Management, Inc. the owners of the property and also the Bazter Group. He appreciates staff's recommendation on the Heavy Commercial on the two properties they own. He added an additional element which is they own the property immediately to the north and they have an approved project on that property. They went through Site Plan and Architectural Commission review and a partition to the north. The City's Public Works Department wanted a street in that location and there have been challenges getting road connectivity in that area. It affected their site plan in terms of what they were able to do. It took quite a while to negotiate something that was workable. The property owners made an effort to work with the City and they ended up with a Disposition and Development Agreement. That agreement did not only include the properties being divided it included Tax Lot 2700 which is the property immediately to the south. They encumbered property through the Disposition and Development Agreement that the current construction operation is located upon. It stated that at some future time when that may redevelop they would provide the street as part of any project. It is a concern his client has that they would get a zoning that would prevent them from doing something like a small addition to their steel shop or whatever for the existing contracting business. That is an additional element and the reason why they would appreciate having consideration for that agreement and getting the C-H zoning.

Vice Chair Tull asked that essentially Mr. Harland is satisfied with the recommendation that staff brings to the Commission? Mr. Harland replied yes. Mr. Harland submitted a copy of the Disposition and Development Agreement into the record.

- b. Gary Zoll, 2764 West Main, Medford, Oregon, 97501. Mr. Zoll stated that he owns Tax Lot 900 which is adjacent to Oak Grove School on West Main Street. There is an existing residence on that property and he wants to make sure that can be maintained. Mr. Zoll asked what effect is this going to have if any on their property value and property tax liability? Is this just an alignment of name change between county zoning and city zoning and the actual use of the property? He is General Commercial now. A portion of his property, the front is under city zoning and the back is under county zoning. It is a bit confusing. Vice Chair Tull stated that they want to fix that confusion. Hopefully, this makes it easier for Mr. Zoll to plan for use of the property effectively. Ms. Paladino reported that existing residences can remain. Staff did speak with the County Assessor regarding what is going to happen to people's property value and she read the email response back: "Regardless of what the City changes their zoning to, their assessed value will not increase. Now their real market value may increase and that is the value they could possibly sell it for but not until they use that land with the new intended zoning will their tax assessment be changed."

The public hearing was closed.

Motion: Based on the findings and conclusions that all of the approval criteria are met, forward a favorable recommendation for adoption of ZC-13-117 to the City Council per the staff report dated November 27, 2013, including Exhibits A through J, and Commission recommendation regarding the property owner requests to go from GC to C-H along Ross Lane and West McAndrews.

Moved by: Commissioner McFadden Seconded by: Commissioner Miranda


Roll Call Vote: Motion passed, 7-0.

- 60. Report of the Site Plan and Architectural Commission.**
60.1 Commissioner Miranda reported that the Site Plan and Architectural Commission's one item on the agenda was withdrawn. It was regarding the carport structure for First Baptist Church and Grace Christian School.
- 70. Report of the Joint Transportation Subcommittee. None.**
- 80. Report of the Planning Department.**
80.1 Kelly Akin, Principal Planner stated that at the November 21, 2013, City Council meeting they approved the Commissions residency requirement amendment. They approved those that reside in the urban growth boundary can serve on the Site Plan and Architectural Commission, Planning Commission and Landmarks and Historic Preservation Commission but are limited to two. City Council revised the Planning Department's fee schedule.
- Last week, City Council adopted the electronic sign code amendment for the CS-P zone that the Planning Commission has forwarded a favorable recommendation.
- Next week, City Council will be hearing two appeals on Planning Commission decisions. One was the Planned Unit Development for Vista Pointe and the other was the Planned Unit Development for Spring Meadows.
- The next Planning Commission study session scheduled for Monday, December 23, 2013, has been cancelled due to no business scheduled.
- Ms. Akin apologized for the Planning Commission public hearing scheduled for Thursday, December 26, 2013. She thanked the Commissioners who will be able to attend that meeting. Staff tried really hard not to schedule business for that day but was unsuccessful. There is no business scheduled for Thursday, January 9, 2014, so staff will recommend that the Commission adopt the Final Order for the one business item on Thursday, December 26, 2013.
- The Internal Study Areas hearings will begin on Thursday, January, 23, 2014. She assumes it will be a lengthy meeting for the Commission. There are also three quasi-judicial hearings scheduled for Thursday, January 23, 2014. Also, tentatively scheduled for Thursday, January 23, 2014, at noon is the joint study session with the Planning Commission and City Council.
- January 24, 2014 is the annual Boards and Commissions Luncheon. Ms. Akin requested the Commissioners to wait for approximately five minutes after tonight's meeting is adjourned, she needs to take a couple of photographs of the Commissioners.
- 90. Messages and Papers from Chair of Planning Commission. None.**
- 100. Remarks from the City Attorney. None.**
- 110. Propositions and Remarks from the Commission. None.**

120. Adjournment.

The meeting was adjourned at 8:03 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:


Terri L. Rozzana
Recording Secretary


Robert Tull
Planning Commission Vice Chair

Approved: December 26, 2013

Gary & Kathy Zoll
Zoll's Lawn and Garden Equipment
2764 West Main Street
Medford, Oregon 97501

To Whom It May Concern:

This letter is regarding the legislative amendment to the City of Medford Zoning Map, in particular for 2764 West Main Street. We, the property owners and business operators, Gary and Kathy Zoll of Zoll's Lawn and Garden Equipment, are concerned that the proposed zoning from Jackson County General Commercial to City of Medford Heavy Commercial will restrict existing dual residential/commercial use of the property.

We want to maintain the dual use of the property with commercial along the front portion of the property while maintaining a residence on the back portion of the property. Our desire is to eliminate the existing mobile home and construct a wood-frame residence roughly 600 square feet larger in size and approximately thirty feet back from the existing mobile home location. Additionally, we would like to construct a detached three-car garage for the residence. The home will comply with established City of Medford Site Development Standards for setbacks.

To achieve this we are requesting that dual zoning be applied to the property. The front portion of the property would be zoned Heavy Commercial from the Main Street frontage to a line approximately 400 feet back. The remaining rear portion of the property will be zoned Residential (SF-0). This proposal will allow for adequate space for the business to expand in the future if it is needed, and allow the home to be constructed to our specifications and be in full compliance with zoning. Access to the residential portion of the property will continue to be provided by the driveway along the west side of the business structure.

Our goal with this request is to apply a zoning designation that brings the property into full compliance with City zoning, and allow for the improvement and expansion of the residential structure on the rear portion of the property. The unique shape of the lot, and the narrow forty feet frontage, does not meet the minimum site design standards for Heavy Commercial zoning. We are concerned that this legal non-conformity will limit our ability to utilize the property in the future in the way that we always have, as a dual use of commercial and residential. We feel that this proposal to apply two zoning designations to separate portions of the property aligns better with the existing use of the property and with our vision for future improvements.

We have included a diagram of the property as it exists today and a diagram illustrating the proposed dual zoning and new residence for illustrative purposes.

Respectfully Submitted,

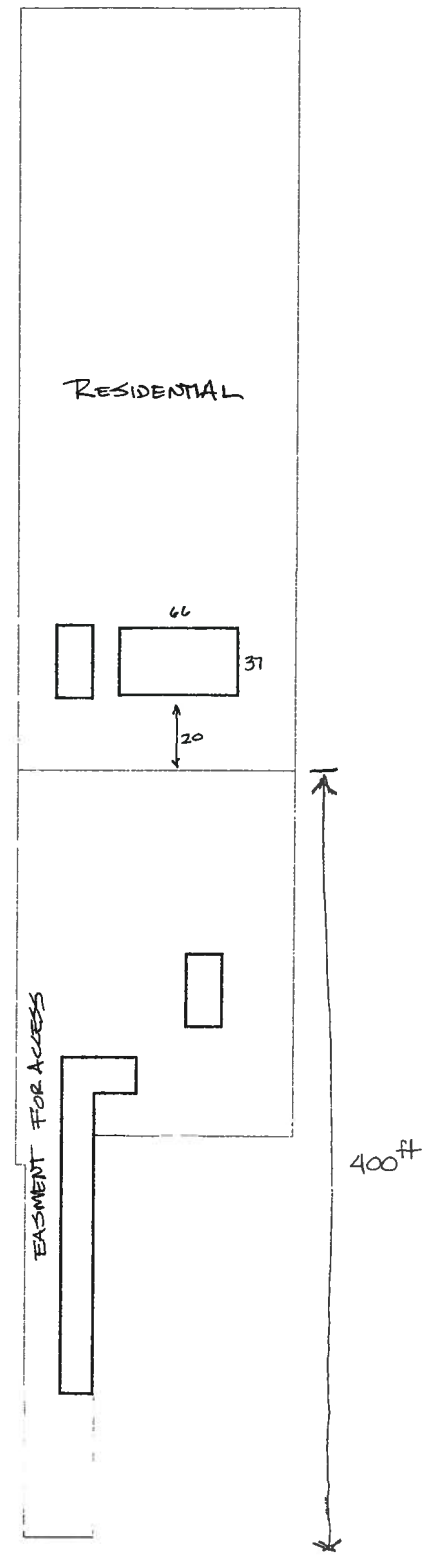
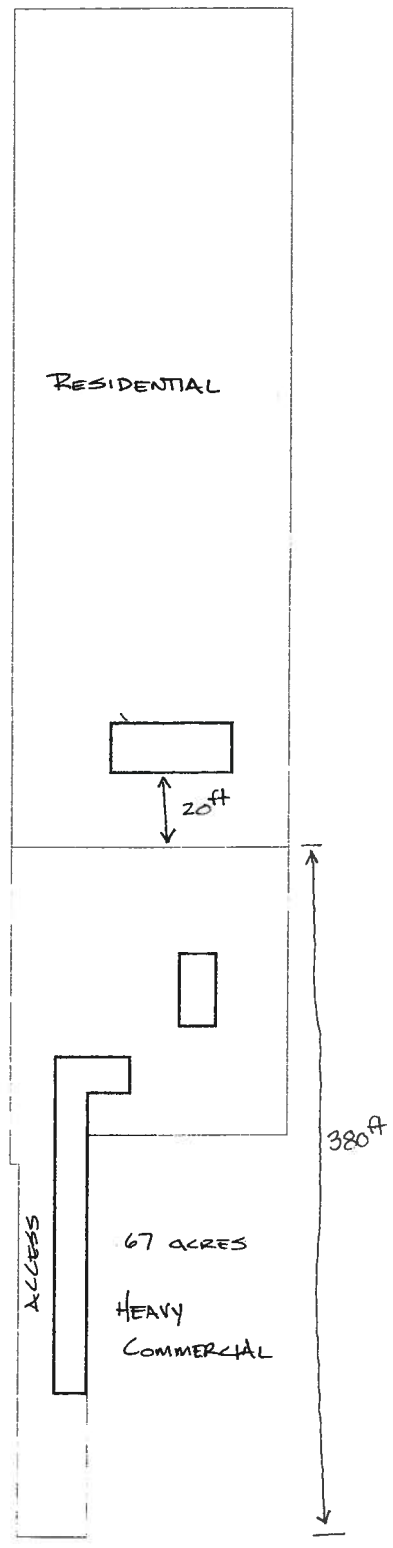
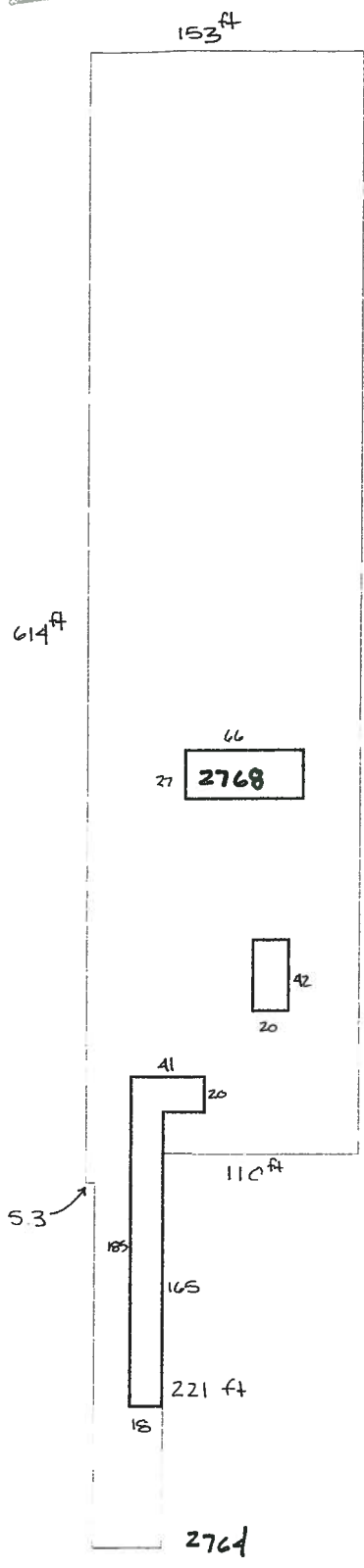
Gary Zoll & Kathy Zoll

RECEIVED

JAN 02 2014 CAP

Planning Dept.

Hand delivered to Carla Paladeno (received after report completed)
Jan 2, 2014
Kathy & Gary Zoll
CITY OF MEDFORD
EXHIBIT # m to CC report
File # ZC-13-117



ZC-13-117

Gary and Kathy Zoll
Zoll's Lawn and Garden Equipment
2764 West Main Street
Medford, Oregon 97501

To Whom It May Concern:

We received a letter from Staff Planner Carla Paladino regarding the rezoning of our property at 2764 West Main Street addressing our concerns about being able to improve the home on the property, which would be made a legal non-conforming use as a result of this Zoning Amendment.

We are glad to hear that the home can remain and be improved, but have questions regarding the constraints that will be placed upon us during that process. Our plan is to build a home with a footprint of about 2,200 square feet, roughly 20 feet farther back from where the existing home is located. Additionally, we would like to construct a two or three car detached garage on the property for use by the residence.

Our questions that we need addressed are:

- Does a new single family residence on the property need to be located in the same location as the existing manufactured home?
- Can a detached garage be constructed on the property for residential use?
- Can we build a home larger than 1,618 square feet permitted under the Non-Conformities regulations?

Our initial request was to split zone the property with the front being Heavy Commercial and the back being Single Family Residential. Ms. Paladino expressed in her letter that maintaining the H-C zone for the entire property has benefits for future development of Multi-Family Residential and subdivision. While these things make the property more attractive to a developer we do not plan on selling this property or developing the property in this way. It is our business and our home. We would like to ensure that any zoning applied to the property will allow us to build and improve our property in the manner that we always have, as a dual use.

Our petition to staff and to council is that either a dual or split zone be applied to the property, or that conditions be set on the H-C zone for our parcel that would allow for the construction of a 2200 square foot single family home with a detached two or three car garage to be built not on the existing footprint.

Respectfully Submitted

Gary and Kathy Zoll

RECEIVED
JAN 16 2014 CAP
Planning Dept.
(received day of hearing)
CITY OF MEDFORD
EXHIBIT # N to CC report
File # ZC-13-117