



Tentative Plan Application

140 South 3rd Street
Central Point, OR 97502
541.664.3321

www.centralpointoregon.gov

APPLICANT INFORMATION

Name Eric Hill, Development Specialist

Company Housing Authority of Jackson County (HAJC)

Address: 2251 Table Rock Road

City Medford State OR Zip code 97501

Email ehill@hajc.net

Telephone (Primary) _____ (Secondary) _____

AGENT INFORMATION (Owner's consent required)

Name Raul Woerner

Company CSA Planning Ltd

Address: 4497 Brownridge Ste 101

City Medford State OR Zip code 97504

Email raul@csaplanning.com

Telephone (Primary) 541-779-0569 (Secondary) _____

PROPERTY OWNER INFORMATION

Name _____

Company Housing Authority of Jackson County

Address: 2251 Table Rock Road

City Medford State OR Zip code 97501

Email _____

Telephone (Primary) _____ (Secondary) _____

PROJECT DESCRIPTION

Project Name: Housing Authority of Jackson County (HAJC)

Map & Tax Lot(s): 37-2W-02D TL100

Site Address(es): 1777 E. Pine St.

Gross Acreage: 21.12 Existing Right-of-Way Acreage: _____

Zoning District: C-4 Proposed Right-of-Way Acreage: _____

Proposed Lots or
Parcels: 1 Environmental Acreage (i.e.
floodplain, wetlands, riparian): N/A

Existing No.
Dwelling Units: 0 Proposed No. Dwelling Units: 0

PRE-APPLICATION CONFERENCE (Recommended for Type II and required for Type III applications.)

File No. _____ Date: _____

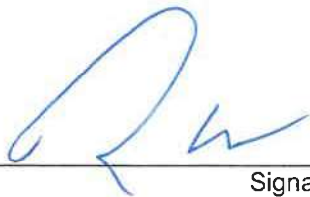
APPLICATION CHECKLIST

Applications shall include all of the following submittals:

- Application Form (Signed)
- \$3,100 Application Fee
- Legal Description
- Preliminary title report
- Property Owner Consent Form for agent authorization (if applicable)
- Tentative Plan per CPMC 16.10
 - Three (3) copies drawn to scale
 - One reduced paper copy (8 1/2 " x 11")
 - PDF emailed to planning@centralpointoregon.gov
- Mailing labels for property owners within 250-feet of project site perimeter

I HEREBY STATE THAT THE FACTS RELATED IN THE ABOVE APPLICATION AND THE ENCLOSED PLANS AND DOCUMENTS ARE TRUE, CORRECT AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

Property Owner Authorized Agent



Signature

9-19-23

Date

FOR OFFICE USE ONLY

Date Received: _____

File No. _____

Date Accepted as Complete: _____

120-day Rule Date: _____

LIMITED SPECIAL POWER OF ATTORNEY

AUTHORIZATION TO ACT on behalf of the undersigned owner of real property described as Tax Lot 100 of Jackson County Assessor map 37-2W-02D.

LET IT BE KNOWN that CSA Planning, Ltd. (CSA) is the duly authorized representative of Housing Authority of Jackson County, the owner of the above described real property, and, by this instrument, owner does hereby authorize CSA to perform all acts procedurally required to obtain land use and development applications and permits as may be required by and through the City of Central Point as legal prerequisites to actual development of the described real property.

THIS LIMITED AND SPECIAL POWER OF ATTORNEY shall be used for only the limited and special purposes above described and shall not be used to buy, sell or convey any part or any interest whatsoever in this or any other land owned by the above property owner.

THIS LIMITED AND SPECIAL POWER OF ATTORNEY has been expressly authorized by the undersigned owner and/or applicant and shall expire on December 31, 2024, but may be extended by the mutual consent of the parties.

Done and dated this 14th day of August, 2023.

Housing Authority of Jackson County

Eric Hill

Authorized Representative

BEFORE THE COMMUNITY DEVELOPMENT DIRECTOR

FOR THE CITY OF CENTRAL POINT

STATE OF OREGON

IN THE MATTER OF A REQUEST FOR A)
REVIEW OF A TENTATIVE PLAN FOR A)
PROPOSED MINOR LAND PARTITION)
WHICH WILL DIVIDE AN EXISTING)
21.12 ACRE PARCEL INTO TWO)
PARCELS HAVING 7.71 AND 13.62)
ACRES EACH. THE SUBJECT TRACT)
IS LOCATED AT 1777 EAST PINE)
STREET, BEING SITUATED ALONG)
THE NORTHWEST CORNER OF THE)
INTERSECTION OF EAST PINE ROAD)
AND HAMRICK ROAD AND)
IMMEDIATELY EAST OF THE BEAR)
CREEK GREENWAY. THE PROPERTY)
IS WITHIN THE CITY OF CENTRAL)
POINT AND IS MORE SPECIFICALLY)
IDENTIFIED AS TAX LOT 100 IN)
TOWNSHIP 37 SOUTH, RANGE 2 WEST)
(WM), SECTION 02D.)

PROPOSED FINDINGS OF FACT
AND CONCLUSIONS OF LAW

Applicant's Exhibit 2

Applicant/Owner: Housing Authority of)
Jackson County (HAJC))

Agent: CSA Planning, Ltd.)

I

NATURE OF THE APPLICATION

The applicant, Housing Authority of Jackson County, seeks approval of a tentative minor partition plan to create two parcels from an existing 21.12 acre parcel located at the northwest corner of the East Pine Street and Hamrick Road intersection and immediately east of the Bear Creek Greenway.

The proposed partition line will run parallel with E. Pine Street to create a southerly northerly "Parcel 2". Parcel 1 will front along Hamrick Road to the east. Parcel 2 will also front on Hamrick Road to the east as well as along East Pine Street to the south. The entire property currently is designated as *Employment Commercial* on the General Land Use Plan (GLUP) map and zoned C-4 (*Tourist and Office Professional*).

The objective of this application is to separate out the northerly area which is anticipated to be redesignated and zoned by the City as high-density residential land from the southern portion which is expected to retain its current commercial designation and zoning.



No new streets are proposed to be created in conjunction with this minor partition application. However, Applicant agrees to record a right-of-way reservation agreement for the planned future extension of Gebhard Road (per the City's adopted Transportation System Plan) as a minor collector street (with 76-foot wide ROW) which will be noted on the final partition plat.

II

EVIDENCE SUBMITTED WITH THE APPLICATIONS

Applicant herewith submits the following evidence with its land use application:

- Exhibit 1.** Completed application forms and Duly Executed Limited Powers of Attorney from Applicants and Owners authorizing CSA Planning, Ltd. to act on their behalf.
- Exhibit 2.** These proposed findings of fact and conclusions of law, demonstrating how the application complies with the applicable substantive criteria of Central Point's Land Development Ordinance
- Exhibit 3.** Applicants' Demonstration of Compliance with Applicable Development Standards
- Exhibit 4.** Jackson County Assessor Plat Map 37-2W-02D
- Exhibit 5.** Central Point Comprehensive Plan and Use Map
- Exhibit 6.** Central Point Zoning Map on Aerial Photo
- Exhibit 7.** Topography Map
- Exhibit 8.** Hydrology Map
- Exhibit 9.** Tentative Partition Plats, *L.J. Friar & Associates P.C.*
- Exhibit 10.** Warranty Deeds and Survey
- Exhibit 11.** City of Central Point Transportation System Plan excerpts related to Gebhard Road plans.
- Exhibit 12.** Draft Reservation of Right of Way Agreement for Future Gebhard Road Extension.
- Exhibit 13.** Letter from Jennifer E. Nicholls (HAJC's Legal Counsel)

III

RELEVANT SUBSTANTIVE APPROVAL CRITERIA

The criteria under which an application for a partition must be considered are in Section 16.10 of the Central Point Zoning Ordinance (“CPZO”) is recited verbatim below. The relevant approval criteria are recited verbatim below, and again in Section V where each criterion is followed by the conclusions of law:

CITY OF CENTRAL POINT ZONING ORDINANCE (CPZO)

MINOR LAND PARTITION REVIEW CRITERIA

Chapter 16.10 TENTATIVE PLANS

MAJOR AND MINOR LAND PARTITIONS

16.36.030 Requirements.

- A. All major and minor land partitions may, as a condition of approval, provide for improvements including curbs, gutters, asphalt streets, sidewalks, underground utilities and such other improvements as shall be deemed appropriate and necessary by the city council as a condition of approval, with all such improvements to meet the standards required for subdivisions under this title.
- B. In the case of major partitions, all streets or roads shall be improved to meet the standards required for subdivisions under this title, and shall be dedicated to the city in the same manner as subdivision roads and streets.
- C. Partition improvements shall be constructed prior to approval of the final partition plat unless, in the city’s sole discretion, deferral is allowed. In all cases of deferral, the applicant shall either execute an agreement for improvements and comply with the bond requirements of Section [16.12.070](#) and [16.12.080](#) of this title, or shall execute a deferred improvement agreement, which shall be in a form and contain such terms as are specified by city and shall be recorded and be binding upon and run with the land and bind the applicant and all successors in interest

IV

FINDINGS OF FACT

The following facts are established and found to be true with respect to this matter:

1. **Ownership/Applicant:** Tax Lot 100 is owned in fee simple by Housing Authority of Jackson County. Agent CSA Planning, Ltd. is submitting this application on behalf of the owner.
2. **Location:** The subject property is located on the Northwest corner of E. Pine Street and Hamrick Road intersection. The property is identified as Tax Lot 100, Township 37 South, Range 02 West (W.M.), Section 02D. The site address is 1777 E. Pine Street, Central Point, OR. See, Exhibit 4.

3. **Parcel Size:** Tax Lot 100 currently has 21.12 acres. *See*, Exhibit 4.
4. **Comprehensive Plan Map Designation:** Designated *Tourist and Office Professional*. *See*, Exhibit 5.
5. **Zoning Map:** Zoned C-4 Tourist and Office Professional. *See*, Exhibit 6.
6. **Topography Map:** The property is essentially flat vacant land with a slight slope, less than 5%, towards the westerly edge of the property to the fringe of Bear Creek which is further to the west as shown on the Hydro Features Map. *See*, Exhibits 7 and 8.
7. **Existing Frontage and Access:** The subject property's frontage and access is currently along E. Pine Street on the southern boundary. E. Pine Street is classified as an Intermodal Connector¹ according to the Central Point Transportation Functional Classification Map and is also classified as a Major Freight Route on the CPTSP Freight Route Plan. Hamrick Road borders the east side of the property and is classified as a Minor Arterial. There also exists a 30-foot wide right-of-way adjacent to the north of the subject property line that extends 299 feet west from Hamrick Road and northeast corner of the subject tract. No public street improvements have yet been constructed within that right-of-way. A private driveway serving a residential treatment facility at 4439 Hamrick Road (Maplot No. 372W01CB-900) presently connects through that right-of-way.
8. **Proposed Frontage and Access:** The proposed land division will divide Tax Lot 100 into two large parcels of land with the division line running east-west in parallel to E. Pine Street. The frontage and access from the parcel to the north could be taken from Hamrick Road, an arterial street, or the planned street to extend Brookdale Drive along the proposed property lines; actual access configurations will be determined as part of future development plan review. The frontage and access from the parcel to the south parcel could be taken from Hamrick Road, an arterial street, or East Pine Street, an arterial street, or the planned street to extend Brookdale Drive² along the proposed property lines; actual access configurations will be determined by a TIA as part of future development plan review. The partition is designed to accommodate further extension of Brookdale Drive from east to west with future center line corresponding to the proposed common property line. Also, Applicant proposes and agrees to record a reservation of right-way for a 76-foot wide planned future collector road extension for Gebhard Road through the property from the north to south where it will intersect with East Pine Street approximately 700 feet west of Hamrick Road in accordance with the City's adopted Transportation System Plan (Section 7.2.2.2 Year 2020 Roadway Deficiencies). *See*, Exhibit 9B (Revised Tentative Partition Plan), Exhibit 11 (CPTSP – Gebhard Road Info) and Exhibit 12 (proposed/draft ROW Reservation Agreement for Gebhard Road extension).
9. **Lot Legality:** The Subject Property was created May 11, 1962 in its current configuration through Warranty Deed, Volume 526, Page 132. The Subject Property has since been further modified at the southeast corner and along the southeast frontage on E. Pine Street

¹ "The U.S. Department of Transportation identifies Pine/Biddle between I-5 and Hwy 62 as an intermodal connector. This stretch of arterial street is referred to as the Rogue Valley International Airport intermodal connector. It is described as an Airport Intermodal connector connecting I-5 and Hwy. 62 with the Airport. The identification of intermodal connectors, their role in the community's transportation and economic system, and the investment needs necessary for their efficient operation throughout the planning period are deserving of special acknowledgment." City of Central Point Transportation System Plan 2030 (Page 20).

² In the Pre-Application Conference Report, the City stated that the Brookdale Access at its intersection with Hamrick Road will be limited to right-in/right out due its proximity to the Hamrick/East Pine intersection.

to accommodate Hamrick Road and the right of way access on E. Pine Street, approximately 11,741 square feet, more or less. This portion was conveyed to the City of Central Point by Warranty Deed 20-049070, on June 15, 2020. Survey 23582. *See*, Exhibit 10.

10. Existing Development: The property is currently vacant.

11. Land Uses on Abutting Properties and Surrounding Area:

Overview of area: The stretch of Biddle Road/East Pine Street (“BR/EPS”) that is east of the Interstate-5 in Central Point is an employment area with a mix of commercial uses right along BR/EPS on the south side with some industrial uses further to the south. Except for a small portion of a larger residential near Meadowbrook Drive and Orchard View Avenue, the north side of BR/EPS is primarily undeveloped employment designated property; further to the north is the Jackson County Expo (fairgrounds), the Central Point East residential area, and some legacy County development patterns. There are a mix of developed and undeveloped properties between the interstate and Table Rock Road.

East: To the east, across Hamrick Road is a planned and zoned for residential use area with a residential subdivision, Central Point East. The three parcels on the northeast corner of Hamrick and E. Pine Street, are single-family dwellings and are underdeveloped in relation to its plan designation. The properties are planned Tourist and Professional Office and are zoned C-4. Further east past Central Point East Subdivision are several Light Industrial zoned properties abutting Table Rock Road.

North: Abutting the northwest boundary line of the Subject Property is an approximately 9 acre farm, zoned EFU, known as Beebe Farms. Abutting the northeast portion are five approximately 1-acre parcels, with residential dwellings. These five lots, along with Beebe Farms are accessed from Beebe Road to the north. The Restoration Center (a residential treatment facility) is on a .74 acre commercial parcel located at the northeast corner of the Subject Property with Hamrick Road frontage. Beyond that are additional residential dwellings along with a newly constructed apartment building fronting Hamrick Road. Four of the properties to the north have been annexed into the City of Central Point and are zoned MMR. The other properties are located in Jackson County and zoned RR2.5. Further beyond Beebe Road are several properties located in Central Point city limits and are zoned MMR and Civic.

South: Across E. Pine Street to the south is a commercial multi-tenant office building, Bear Bridge Plaza, consisting of Open Door Dentistry, Sweet Tea Express, and Soundscapes Hearing Aids. East of the plaza on E. Pine Street is Sonic Drive-In and Umpqua Bank. Southeast across E. Pine Street and at the southwest corner of E. Pine Street and Hamrick Road are three vacant lots. Further south are Jackson County Justice Court, Southern Oregon Spine & Rehab and a road maintenance yard. At the southeast corner of Hamrick Road and E. Pine Street is Super 8 Hotel. All the above referenced properties have a Comprehensive Plan Map of Tourist and Professional Office and are zoned C-4. Beyond these properties to the south is General Industrial and zoned M-2.

West: Directly to the west bordering the subject property is Bear Creek and Bear Creek Greenway. Beyond that is approximately 17 acres of bare land, The Rogue Valley Family Fun Center, Peninger Road and Interstate 5. The Urban Growth Boundary runs along the west property line along Bear Creek Greenway.

12. Water Facilities and Services: A 12” waterline is located at the south property line along the utility easement that runs along East Pine Street. A 16” waterline is located in Hamrick Road on the east side of the property according to the Central Point Waterlines map. These water facilities are available for connection.

13. Sanitary Sewer Facilities and Services: A 12” sewer line runs along the south property line on East Pine Street according to the Central Point Storm Drain System map. The sewer facilities are available for connection.

14. Power and Natural Gas: Power is available from Pacific Power and underground gas is available from Avista Utilities and are available for connection. Overhead power lines run along the south and east property lines.

15. Fire and Police Protection: The subject properties are located within and are served by Fire District No. 3.

16. Wetlands, Streams and floodplain: The subject property does not contain any jurisdictional wetlands per Jackson County GIS Services. The subject property does not contain any streams or floodplains per Jackson County GIS Services.

17. Storm Drainage Facilities and Services: Underground storm drainage lines are located in E. Pine Street and in the access easement and utility area on the south portion of the property. These storm drain lines are available for connection.

18. Proposed Partition: Applicant is proposing a two-parcel minor partition. The partition will split Tax Lot 100 parallel with E. Pine Street in the east-west direction into two parcels. Parcel 1 will be approximately 7.71 acres and Parcel 2 to be approximately 13.62 acres. The proposed partition is designed to accommodate further extension of Brookdale Drive from east to west from Hamrick Road with the future centerline of Brookdale Drive along the proposed partition line. A new street is also contemplated along the north line of the subject property, also east to west, which will then connect to Gebhard Road which is planned by the City to extend from the north through approximately the center of the subject property to East Pine Street (as per the adopted TSP street plan). This request for approval is for the minor partition only as no new streets are currently proposed to be created. Any new street improvements are proposed to be deferred to future development and further land division. Applicant proposes to record a right-of-way reservation agreement for the future extension of Gebhard Road as a 76-foot wide minor collector through the subject property as is planned in the City’s adopted Transportation System Plan and will record the agreement and note same on the final plat when filed for City approval. *See*, Exhibit 12 – proposed draft ROW reservation agreement. Applicant also stipulates to agree to accept reasonable conditions of approval requiring future public improvements (streets, water, sewer, storm drainage, dry utilities) along the project street frontages and the creation future public streets within the properties as part of future land development or further land division.

V

CONCLUSIONS OF LAW

The following conclusions of law and ultimate conclusions are reached under each of the relevant substantive criteria which are recited verbatim and addressed below. The conclusions of law are supported by Applicants' evidentiary exhibits at Section II – including Applicants' review of applicable development standards (Exhibit 3) and the findings of fact as set forth in Section IV herein above.

APPROVAL CRITERIA FOR PARTITION

Chapter 16.36
MAJOR AND MINOR LAND PARTITIONS

16.36.030 Requirements.

- A. All major and minor land partitions may, as a condition of approval, provide for improvements including curbs, gutters, asphalt streets, sidewalks, underground utilities and such other improvements as shall be deemed appropriate and necessary by the city council as a condition of approval, with all such improvements to meet the standards required for subdivisions under this title.

Conclusions of Law: This section states that the City “may” require such improvements as a condition of approval but does not state that the City must do so with each and every land partition. Applicant’s proposed division of a 21.2 acre vacant parcel into a 7.71 acre “Parcel 1” and a 16.62 acre “Parcel 2” is at this time with the objective of separating out the portion that will be rezoned for high density residential use (Parcel 2) from the portion that will remain zoned for commercial use (Parcel 1). Applicant proposes that public facility improvements not be required at this time but rather in the future concurrent with actual development projects. Applicant is an affordable housing agency which does not develop commercial projects. As such, the commercial tract must be conveyed to others to develop. As no development is currently proposed, requiring the Applicant to improve approximately 2,000 feet of existing arterial street frontages and/or to dedicate and/or construct a new 76-foot wide collector street through the property (TSP Planned Project for Gebhard Road – See Applicant’s Exhibit 11) approximately 800 feet in length would be entirely out of proportion to any benefit the property owner would receive and would be out of proportion from any resulting impact (which applicant holds to be non-existent in the absence of a development proposal) that the proposed division would have on public facilities. *See*, Exhibit 13 – Letter from Applicant’s Legal Counsel.

Applicant does offer to reserve right of way for the City’s planned project to extend Gebhard Road through the subject property as a Collector street. *See*, Exhibit 11. Its future intersection with E. Pine Street is also planned in the TSP to be signalized. As described in the TSP (Section 7.2.2.2), the proposed routing and alignment of the Gebhard Road extension is expected to be improved as the area *develops*, and that the specific alignment of Gebhard Road may be further refined as needed but will generally follow the routing as illustrated in Figure 7.1.1. Applicant offers to record a right-of-way reservation agreement (*See*, Exhibit 12) which will be shown on the final plat for the 76-foot wide approximate future right-of-way of

Gebhard Road. Consistent with the TSP, the specific alignment of Gebhard Road can be further refined. The reservation as shown generally follows the route shown in the TSP although it is understood that the roadway is to begin a wide westward curve as it approaches the north extent of the subject property. Applicant did ask the City's Public Works Director to indicate where specifically the westward curve of the ROW should commence, and at what radius. The response given was to just show the street extending straight to the north property line – and the same is shown for the proposed agreement and the revised tentative plan. The reservation as shown on the tentative plan is labeled “approximate” with the understanding that final alignment will be worked out at the time of development.

Applicant's proposal will ensure that the City's planned connection of Gebhard Road through the subject property can be completed and the proposed timing is consistent with the stated policy 12.1.2 in the TSP to require those responsible for new development to mitigate their development's impacts to the transportation system *concurrent with the development of the property*.

The Director can conclude this is a minor land partition that does not create any new streets, all resulting lots will continue to have significant frontage on public streets, and all required public improvements will ultimately be provided.

B. [In the case of major partitions, all streets or roads shall be improved to meet the standards required for subdivisions under this title, and shall be dedicated to the city in the same manner as subdivision roads and streets.](#)

Conclusions of Law: The Community Development Director concludes that the proposed partition is a minor partition because it does not seek to create any new public streets to serve the resulting lots. As such, subsection B is not implicated by this application.

C. [Partition improvements shall be constructed prior to approval of the final partition plat unless, in the city's sole discretion, deferral is allowed. In all cases of deferral, the applicant shall either execute an agreement for improvements and comply with the bond requirements of Section 16.12.070 and 16.12.080 of this title, or shall execute a deferred improvement agreement, which shall be in a form and contain such terms as are specified by city and shall be recorded and be binding upon and run with the land and bind the applicant and all successors in interest.](#)

Conclusions of Law: No new streets are proposed or required for a minor partition application in accordance with subsection B here above. As such, there are no improvements that must be constructed prior to final partition plat under this criterion. Applicant has also agreed to accept reasonable conditions of approval with respect to all required improvements and reservations for future rights-of-way and has stipulated to record a ROW reservation agreement for future extension of Gebhard Road. Accordingly, this section is found to be met.

VI

Applicant's Stipulations

As set forth in the foregoing findings of fact and conclusions of law, the Applicant will accept reasonable conditions of approval for the creation of future rights-of-way and future public improvements as follows:

1. Applicant will accept reasonable conditions of approval creating right-of-way reservations for the creation of new future rights-of-way and/or right-of-way dedications along East Pine Street and Hamrick Road as part of the final plat. Applicant's proposed right-of-way reservation agreement for future extension of Gebhard Road through the property (Exhibit 12) shall, upon final form being approved and signed by both parties, shall be recorded and shown on the final plat when filed.
2. Applicant will accept reasonable conditions of approval requiring future public improvements (streets, water, sewer, storm drainage, dry utilities) along the project street frontages and within the creation future public streets within the properties as part of future land development or further land division. At the conclusion of the land use proceedings, Applicant agrees to distill and incorporate these public improvement conditions into a deferred improvement agreement acceptable to the City of Central Point and record the deferred improvement agreement against both resulting parcels at the time of final plat.

VII

ULTIMATE CONCLUSIONS; DECISION

Based upon the record and the foregoing findings of fact and conclusions of law, it is concluded that the applications for Tentative Plan Approval for Minor Partition are consistent with the requirements of all of the relevant substantive approval criteria which have been addressed hereinabove.

Respectfully submitted on behalf of Applicants and Property Owners.

CSA Planning, Ltd.



Jay Harland
Principal

August 28, 2023



Revised by Raul Woerner
Principal

March 17, 2024

APPLICANT'S EXHIBIT 3 (Revised 3/17/2024)

DEMONSTRATION OF COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

The relevant approval standards applicable to limited land use decisions are recited verbatim below followed by findings to establish compliance with the same:

CITY OF CENTRAL POINT ZONING ORDINANCE (CPZO)

Title 16 Subdivision Standards

16.20.010 Creation of streets.

- A. Streets created by subdivisions and partitions shall be designed and constructed in conformance with the requirements of the city's comprehensive plan, this code, the city's public works standards, and all conditions established by the city.
- B. The construction of streets shall include subgrade, base, asphaltic concrete surfacing, curbs, gutters, sidewalks, storm drainage, street signs, street lighting, and underground utilities.
- C. All streets, including the entire right-of-way necessary for the installation of the items mentioned in the preceding paragraph, shall be dedicated to the city. (Ord. 1684 §10, 1993; Ord. 1650(part), 1990).

Compliance Discussion: The above standards are design standards that apply when streets are to be created in conjunction with land division. No streets are proposed to be created by this minor partition application. The proposed minor partition will create two large resulting parcels that are configured to allow improvement of existing street frontages and the creation of new streets within the resulting lots as part of future development of the site. Future development can feasibly and will comply with the above requirements.

16.20.020 Streets--Generally.

The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions as they relate to drainage and the operation of the water, sewer systems, to public convenience and safety and their appropriate relation to the proposed use of the land to be served by such streets. Where location is not shown in a development plan, the arrangement of streets in a subdivision shall either:

- A. Provide for the continuation or appropriate projection of existing streets in surrounding areas; or
- B. Conform to the plan for the neighborhood approved or adopted by the city to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical. (Ord. 1650(part), 1990).

Compliance Discussion: No new streets are proposed to be created at this time. However, the proposed minor partition plan is configured to accommodate the projection of the existing Brookdale Drive across Hamrick Road from the east to west along the proposed partition line. Also, Applicant offers to record an agreement to reserve a 76-foot wide right-of-way for the City's planned extension of Gebhard Road as a collector street through the subject property from the north to south at its future intersection with East Pine Street (approximately 700 feet west of the Hamrick Road intersection). The reservation will be shown on the final partition plat with the recorded instrument number noted. The proposed partition configuration will also accommodate the future street extension along the north line consistent with partial right-of-way already dedicated adjacent to the northeast corner of the tract (conveyed by O.R. 2012-21489). As such, the proposed partition will



APPLICANTS' EXHIBIT 3

Demonstration of Compliance with Applicable Development Standards

Partition

Applicant: Housing Authority

not interfere with the appropriate circulation and connectivity for future development. Further division and future development plan will be subject to review and approval by the City to assure that its connectivity standards are met concurrent with actual development of the property.

16.20.090 Streets--Names.

No street name shall be used which will duplicate or be confused with the names of existing streets except for extensions of existing streets. Street names and numbers shall conform to the established pattern in the city and the surrounding area and shall be subject to the approval of the city. (Ord. 1650(part), 1990).

Compliance Discussion: The proposed minor partition will not create any new streets as part of this approval. Accordingly, the new street naming standards are not implicated at this time.

16.20.130 Sidewalks.

Sidewalks shall be constructed in accordance with such standards as are adopted by the city. Sidewalk construction shall be completed on each individual lot prior to the city building inspector granting a certificate of occupancy for any construction upon said individual lot. No application for a building permit shall be granted without a requirement in the building permit for construction of sidewalks to city's standards.

Compliance Discussion: No development is proposed at this time. Sidewalks will be completed, in accordance with this section, prior to granting of a certificate of occupancy for an construction upon a lot for which development is proposed in the future.

16.24.010 Blocks--Length, width and shape.

The lengths, widths and shapes of blocks shall be designed with due regard to providing adequate building sites suitable to the special needs of the type and use contemplated, needs for convenient access, circulation, control and safety of street traffic and limitations and opportunities of topography. (Ord. 1997 §2(part), 2014; Ord. 1650(part), 1990).

Compliance Discussion: There is no development proposed at this time. The proposed parcel configuration anticipates that the north will be developed in the future for high density residential and/or mixed use development and that the southern parcel will be developed with commercial uses. The proposed parcels are configured to accommodate further division and development for the anticipated uses appropriate for the area. The Gebhard Road right-of-way reservation for its future extension will result in easterly blocks approximately 700 feet in length to Hamrick Road and westerly blocks (bound by the Bear Creek Greenway to the west) approximately 520 feet in length. Blocks from the north property line to the future Brookdale Drive extension will be approximately 495 feet long, and the southerly blocks will be approximately 280 feet long (to existing ROW line for East Pine Street).

16.24.020 Blocks--Sizes.

Blocks shall not exceed twelve hundred feet in length except blocks adjacent to arterial streets or unless the previous adjacent layout or topographical conditions justify a variation. The recommended minimum distance between intersections on arterial streets is three hundred feet. (Ord. 1997 §2(part), 2014; Ord. 1650(part), 1990).

Compliance Discussion: The proposed partition will create two parcels with frontage on Hamrick Road, both parcels are well below the 1200 foot maximum block length. Parcel 1 will be approximately 280 feet wide and Parcel 2 will be approximately 490 feet wide. The future



APPLICANTS' EXHIBIT 3

Demonstration of Compliance with Applicable Development Standards

Partition

Applicant: Housing Authority

intersection at Hamrick Road when Brookdale Drive is extended will be approximately 350 feet from the Hamrick Road and East Pine Street intersection. Depth of the parcels from Hamrick Road to the Bear Creek Greenway varies given the northwesterly alignment of the creek and greenway boundary. Parcel 1 varies from 1150 feet to just under 1200 feet in depth. Parcel 2 varies between just under 1200 feet to 1244 feet in depth. The presence of the greenway, creek and associated floodplain are topographical conditions that justify a variation to the east-west block length. Also, Applicant agrees record a right-of-way reservation agreement for the planned extension of Gebhard Road from the north to south through the subject tract.

16.24.030 Blocks--Easements.

A. Utility Lines. Easements for electric lines or other non-city-owned public utilities may be required, and shall be a minimum of ten feet in width located on the exterior portion of a single property. Easements for city utilities (i.e., water, storm drain and sanitary sewer mains) shall be a minimum of fifteen feet in width located on the exterior portion of a single property. Tie-back easements six feet wide by twenty feet long shall be provided for utility poles along lot lines at change of direction points of easements.

1. Structures Located within a City Utility Easement.

a. Except for public utilities and for signs when developed in accordance with Chapter 15.24 (Sign Code), no person shall locate, construct, or continue to locate a structure (as defined in Chapter 16.08) within a city utility easement (as defined in Chapter 16.08), except as provided in subsections (A)(1)(b) and (A)(2) of this section.

b. Notwithstanding the foregoing, the city may approve fencing, concrete block walls/fencing, retaining walls, and similar fencing/wall structures that are otherwise in compliance with the building code, and with the clearance provisions noted herein, over an easement subject to the following requirements:

i. Said fencing or wall structures that interfere with the installation, maintenance, access, or operation of a public utility or city utility may be removed by the utility provider or the city at the sole cost of owner.

ii. Any replacement or relocation of the fencing or wall structures shall be at the sole cost of the property owner or occupant.

iii. Owners and occupants of property shall not be entitled to compensation for damages related to removal of the fencing or wall structures.

Compliance Discussion: There are several public utilities and associated easements along the south and east boundary of the project. There are no existing structures in these areas. Future development can feasibly and will comply with the above requirements.

2. Grass, Asphalt, and Concrete Installed within a City Utility Easement.

a. Subject to the limitations of the building code, lawful owners and occupants of property may install grass, asphalt and concrete within a city utility easement.

b. In the course of installing, accessing, maintaining, or operating its facilities in a city utility easement, a public utility or the city, as the case may be, may move or remove any asphalt, concrete, or vegetation located within said easement. After the same are moved or removed and after completion of the necessary work, the grass, asphalt or concrete shall be repaired and replaced in a reasonable manner at the sole cost of the public utility or city.

c. Owners and occupants of property shall not be entitled to compensation related to damages to grass, asphalt, or concrete so long as the repairs and replacement are done in a reasonable manner and in a reasonable time frame.



APPLICANTS' EXHIBIT 3

Demonstration of Compliance with Applicable Development Standards

Partition

Applicant: Housing Authority

Compliance Discussion: There are numerous public utilities and associated easements along the south and east boundary of the project. The above criteria can and will be met with future development and will comply in accordance with CPMC 16.24.030(A)(2).

B. Watercourses. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there may be required a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width as will be adequate for the purpose. Streets, parkways or access roads parallel to major watercourses may be required.

Compliance Discussion: There are no water courses within the project boundary. Bear Creek is located to the west within the greenway boundary, but there are no creek channels that pass over the subject property.

C. Pedestrian Ways. In any block over seven hundred fifty feet in length a pedestrian way may be required. The minimum width of the pedestrian right-of-way must be at least six feet in width which shall be hard surfaced through the block and curb to curb in order to provide easy access to schools, parks, shopping centers, mass transportation stops or other community services. If conditions require blocks longer than twelve hundred feet, two pedestrian ways may be required for combination pedestrian way and utility easement. When essential for public convenience, such ways may be required to connect to cul-de-sacs. Long blocks parallel to arterial streets may be approved without pedestrian ways if desirable in the interests of traffic safety. (Ord. 1997 §2(part), 2014; Ord. 1764 §5, 1997; Ord. 1650(part), 1990).

Compliance Discussion: The proposed frontage along Hamrick Road will be less than 750 feet for each parcel. Pedestrian access will be via sidewalk on Hamrick Road and East Pine Street. Such improvements will be constructed in conjunction with future development and prior to issuance of certificates of occupancy in accordance with Section 16.20.130 as established here above.

16.24.040 Lots--Uses.

A. The city may, in its discretion, deny approval for the creation of any lot by any manner if the effect of such creation of lot would be to facilitate perpetuation of a nonconforming use.

B. No lot shall be created unless it is in compliance with all applicable provisions of this code. (Ord. 1997 §2(part), 2014; Ord. 1684 §12, 1993).

Compliance Discussion: The subject property is currently vacant and no uses are currently proposed. Accordingly, there are no non-conforming uses present that would be perpetuated by approval of the partition application. Findings of compliance with the standards of the code are provided herein above and below.

16.24.050 Lots--Size and determination.

Lot sizes shall conform with the zoning ordinance and shall be appropriate for the location of the subdivision and for the type of development and use contemplated. In the case of irregular lots, the width shall be measured along the front building line. In no case shall the average depth be more than two and one-half times the width. Corner lots for residential use shall have sufficient width to permit appropriate building setback from and orientation to both streets.

A. In areas that cannot be connected to sewer lines, minimum lot sizes shall be sufficient to permit sewage disposal by an engineered system in accordance with Department of Environmental Quality, Jackson County environmental quality section, and public works standards. Such lot sizes shall conform to the requirements of the Jackson County environmental quality section.



APPLICANTS' EXHIBIT 3

Demonstration of Compliance with Applicable Development Standards

Partition

Applicant: Housing Authority

B. Where property is zoned and planned for business or industrial use, other widths and areas may be required, at the discretion of the city. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated. (Ord. 1997 §2(part), 2014; Ord. 1764 §6, 1997; Ord. 1650(part), 1990).

Compliance Discussion: The proposed lots are of sufficient size and dimension to support a range of uses allowed in the zone and all lots comply with applicable provisions of the code. Per section 17.75.035, Commercial Site Design and Development Standards, there are no required lot area, width, and depth standards for the C-4 zone. Both lots can and will be sized appropriately for further land division as part of future development that can feasibly and will comply with the above requirements. A City-initiated map amendment will, upon effective date of approval, designate the northerly portion of the subject property (i.e., proposed Parcel 2) as multi-family residential land and would apply the TOD overlay district to the entire property. The current partition request was filed under the existing C-4 zoning, however, and is therefore subject to the standards in effect at the time the application was first submitted (ORS 227.178).

16.24.060 Through lots.

Through lots shall be avoided except where essential to reduce access to primary or secondary arterial streets or streets of equivalent traffic volume, reduce access to adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten feet may be required along the line of lots abutting such adjacent street. There shall be no right of access across such planting screen easements. (Ord. 1997 §2(part), 2014; Ord. 1764 §7, 1997; Ord. 1650(part), 1990).

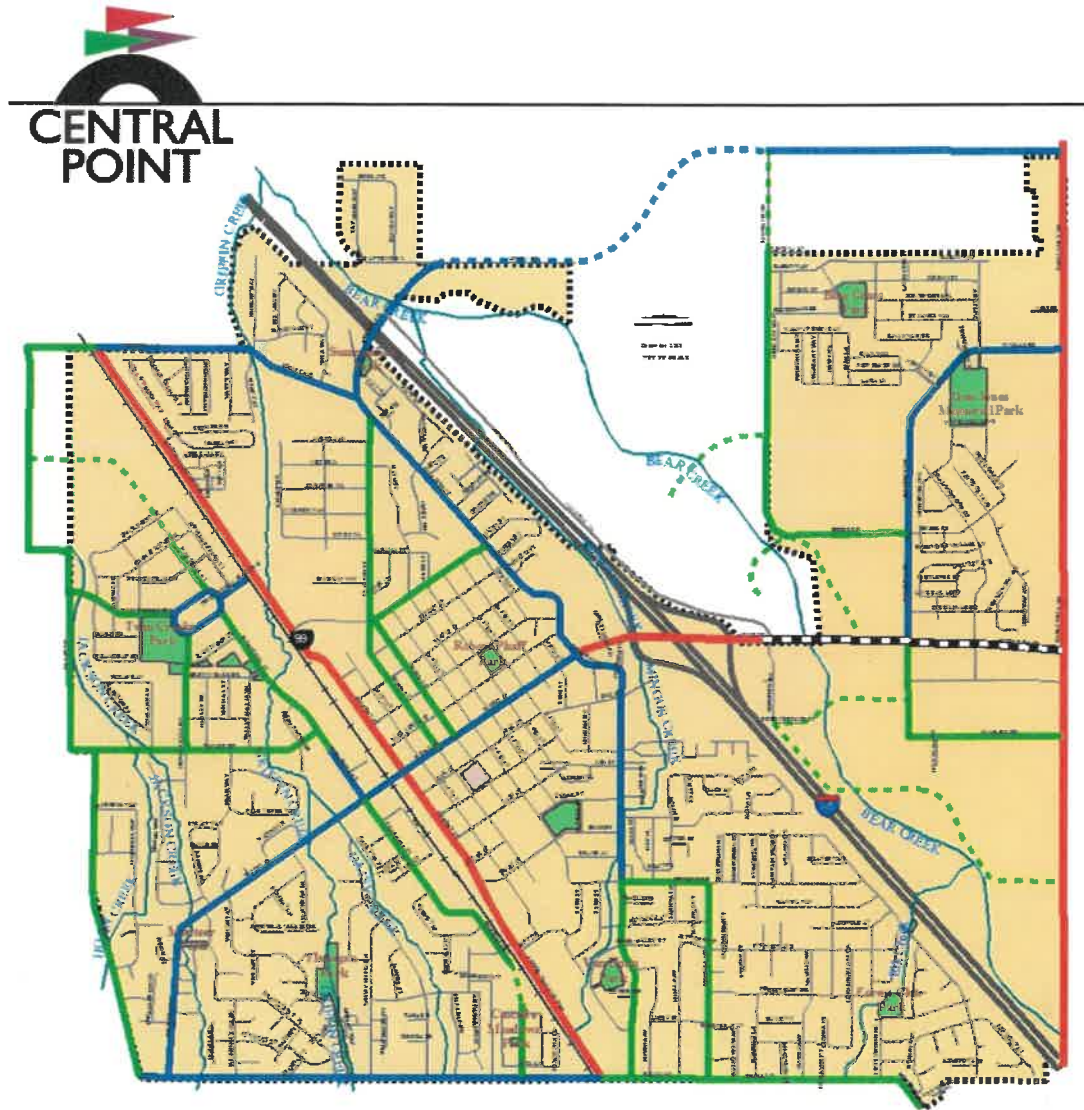
Compliance Discussion: No through lots are proposed.

16.24.070 Lot side lines.

The side lines of lots shall run at right angles to the street upon which the lots face, as far as practicable, or on curbed streets they shall be radial to the curve. (Ord. 1997 §2(part), 2014; Ord. 1650(part), 1990).

Compliance Discussion: The proposed parcels comply with this standard and provide ample area to accommodate side and rear yard setbacks for further division and future development of the property.

EXHIBIT "A" - PROPOSED CITY OF CENTRAL POINT ALIGNMENT PLAN FOR GEBHARD ROAD



Legend











-  Urban Area
-  Principal Arterial
-  Collector
-  Public Parks
-  Intermodal Connector
-  Future Collector
-  Railroad
-  Minor Arterial
-  Local
-  Future Minor Arterial

Figure 7.1
Functional Classification & Street Network Map
 2008-2030

EXHIBIT 11

EXHIBIT "A" - PROPOSED CITY OF CENTRAL POINT ALIGNMENT PLAN FOR GEBHARD ROAD

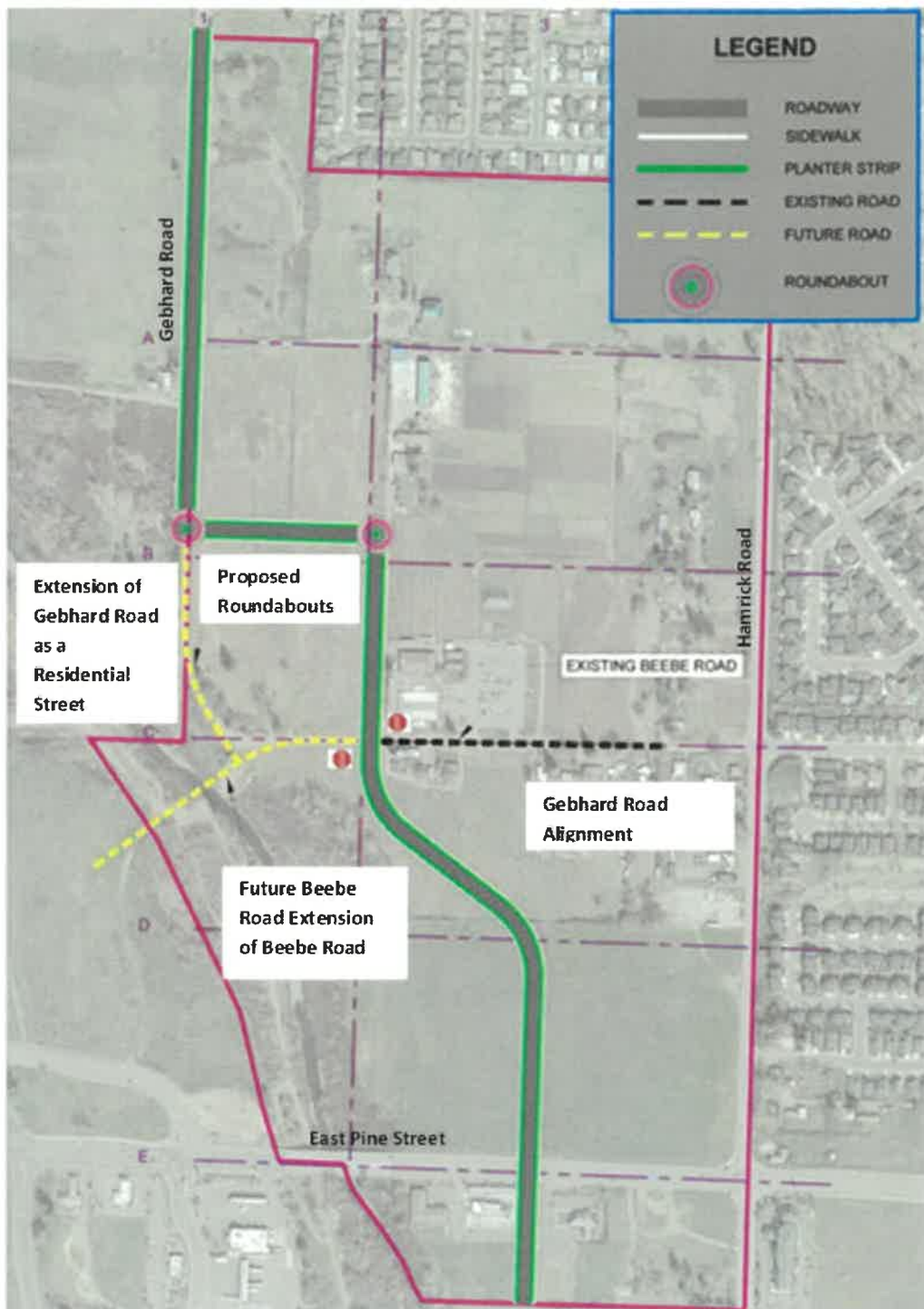


Figure 7.1.1 Gebhard Road Alignment

EXHIBIT "A" – PROPOSED CITY OF CENTRAL POINT ALIGNMENT PLAN FOR GEBHARD ROAD

7.2.2.2 Year 2020 Roadway Deficiencies: By 2020 it is projected that sixteen (16) intersections will exceed performance standards during one or both peak hours without any improvements. This represents 46% of the City's key intersections. The results of the operational analysis for the Year 2020 scenario are summarized in Table 7.3. The table lists each intersection within the study area separately, with the corresponding mobility standard for A.M. and P.M. conditions. The following identifies each of the sixteen intersections and a general description of the improvements needed to meet a minimum LOS "D":

- 1. Table Rock Road & Vilas Road.** Widen to increase capacity. The intersection is shown to exceed performance standards by the year 2020. Adding an eastbound lane to allow a dual eastbound left turn movement and shared through-right turn movement mitigates the intersection in the year 2020. Additional widening is required to mitigate for the future year 2030 conditions.
- 2. East Pine Street, Table Rock Road to I-5.** An additional westbound through lane will eventually be required based on projected traffic volumes.
- 3. Gebhard Road Extension.** By Year 2020, it is forecast that Gebhard Road, a *designated collector street*, will be extended *southerly* to intersect with E. Pine Street approximately 700 feet west of Hamrick Road (*Figure 7.1*). *The proposed routing and alignment of the Gebhard Road extension is illustrated in Figure 7.1.1 and is expected to be improved as the area develops²¹. The specific alignment of Gebhard Road m be further refined as needed, but will generally follow the routing as illustrated in Figure 7.1.1.* In addition to the extension of Gebhard Road, its intersection with East Pine Street ~~would~~ *will* need to be signalized *as the commercial property along East Pine Street is developed. Both the signalization of Gebhard Road at East Pine Street and the southerly extension of Gebhard Road are compliant with ODOT's IAMP 33²².*
- 4. Beall Lane & Hwy. 99.** Add protected-permissive phasing to the eastbound and westbound left turn movements. The intersection is shown to exceed performance standards by the year 2020. Changing to protected-permissive phasing mitigates the intersection through future year 2030 conditions during both A.M. and P.M. peak hours.
- 5. Hwy. 99 & Pine Street.** Widen Pine Street. The intersection exceeds performance standards by the year 2020. Possible improvements at that time include striping the eastbound movements to include an exclusive left turn and two through lanes with a shared right-turn, as well as adding protected-permissive phasing to the eastbound and westbound left-turn movement.
- 6. Hamrick Road & East Pine Street & Table Rock Road/Biddle Road.** Major capacity improvements are necessary for these intersections to accommodate heavy left-turn volume demand and added traffic due to developments along East Pine Street that will use existing and proposed cross-streets versus direct access to East Pine Street.

²¹ *Gebhard Road Alignment Study, August 13, 2015, City of Central Point.*

²² *Gebhard Road Intersection Traffic Impact Analysis, City of Central Point, June 4, 2015, JRH Transportation Engineering*

After Recording, Return to:

Grantor:

Housing Authority of Jackson County
2251 Table Rock Road
Medford, OR 97501

Grantee:

City of Central Point
140 South Third Street
Central Point, OR 97502

RESERVATION OF RIGHT OF WAY

The Housing Authority of Jackson County hereby reserves for future dedication as right-of-way for the future extension of Gebhard Road to the City of Central Point, a municipal corporation of the State of Oregon, the area on, over, and under the following described property:

See Exhibit A

The true and actual consideration for this reservation includes approval of a pending partition plat showing the approximate alignment of the future 76-foot wide future Gebhard Road right-of-way.

See Exhibit B

The City of Central Point hereby accepts this reservation on behalf of the public with the express understanding of the parties that, at the time of the dedication of the right-of-way, the terms of that dedication, including the allocation of cost for development of the right-of-way, will be negotiated and agreed upon by the parties taking into account the level of right-of-way involved and development plans generally. Notwithstanding the foregoing, the City of Central Point recognizes that the development of the right-of-way as a collector level roadway is a qualified capacity increasing transportation improvement for which the City of Central Point will pay just compensation if said roadway is constructed in conjunction with the development of the subject property or, alternatively, if the City opts to construct the road extension as a stand-alone public improvement project prior to actual development of the subject property.

This agreement shall bind and inure to the benefit of the parties hereto, as well as their successors and assigns.

Dated: _____, 2024

HOUSING AUTHORITY OF JACKSON COUNTY

EXHIBIT 12

STATE OF OREGON)
) ss
County of Jackson)

On _____ 2024, personally appeared before me _____ who
acknowledged the foregoing instrument to be their voluntary act and deed on behalf of the Housing
Authority of Jackson County.

Notary Public for Oregon
My commission expires: _____

Dated: _____, 2024

CITY OF CENTRAL POINT

STATE OF OREGON)
) ss
County of Jackson)

On _____ 2024, personally appeared before me _____ who
acknowledged the foregoing instrument to be their voluntary act and deed on behalf of the City of
Central Point.

Notary Public for Oregon
My commission expires: _____

Exhibit A

Commencing at a point for the Southeast corner of Donation Land Claim No. 55 in Township 37 South, Range 2 West of the Willamette Meridian, Jackson County, Oregon, said point being on the center line of Hamrick Road; thence North $00^{\circ} 15' 21''$ West along said centerline, 811.14 feet; thence South $89^{\circ} 53' 40''$ West 35.00 feet to a point on the Westerly right of way line of said Hamrick Road, said point being on the Northerly boundary of tract described in Instrument No. 76-04905 of the Deed Records of said Jackson County; disc for the INITIAL POINT OF BEGINNING; thence along said right of way line South $00^{\circ} 15' 21''$ East 141.08 feet; thence South $03^{\circ} 33' 34''$ West 150.33 feet; thence South $00^{\circ} 15' 21''$ East 250.00 feet; thence South $02^{\circ} 36' 09''$ West 100.27 feet; thence South $02^{\circ} 33' 39''$ West 145.02 feet to a point of intersection with the Northerly right of way line of Pine Street; thence along said Northerly right of way line South $89^{\circ} 53' 40''$ West 58.98 feet; thence South $87^{\circ} 33' 18''$ West 109.61 feet; thence North $89^{\circ} 30' 18''$ West 18.49 feet; thence along the arc of a 11409.15 foot radius curve to the right (the long chord to which bears North $88^{\circ} 47' 02''$ West 270.23 feet) an arc distance of 270.24 feet; thence North $88^{\circ} 06' 20''$ West 144.10 feet; thence along the arc of a 11509.16 foot radius curve to the left (the long chord to which bears North $89^{\circ} 06' 20''$ West 401.73 feet) an arc distance of 401.75 feet; thence South $89^{\circ} 53' 40''$ West 65.90 feet; thence North $87^{\circ} 14' 36''$ West 74.51 feet; thence leaving said Northerly right of way line North $16^{\circ} 41' 50''$ West 115.03 feet; thence North $04^{\circ} 16' 10''$ West 659.92 feet to a point on the aforementioned Northerly boundary of tract described in Instrument No. 76-04905; thence North $89^{\circ} 53' 40''$ East along said boundary 1243.96 feet to the initial point of beginning.

Excepting therefrom that portion deeded to the City of Central Point, recorded December 23, 2020, document No. 2020-049070, Jackson County Official Records

PARTNERS

DAVID B. PARADIS
MARK R. WEAVER
DOMINIC M. CAMPANELLA
JENNIFER E. NICHOLLS
CARLETTE A. KRUSE
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Client focused since 1942

CARL M. BROPHY, 1923-2008

March 10, 2024

VIA HAND DELIVERY

Planning Department
City of Central Point
140 S 3rd St
Central Point, OR 97502

Re: Partition Application for 1777 E Pine St

Dear Ms. Holtey:

As legal counsel to the Housing Authority of Jackson County (“HAJC”), we submit this letter in support of the pending partition application regarding 1777 E Pine and, specifically, HAJC’s request to defer improvements.

The application before the City simply requests that one parcel be divided into two. There is no pending development plan, and it is premature to require a commitment to certain improvements before an actual development plan is presented. We suspect that the City’s insistence on certain improvements is based solely on speculation as to what these plans may request in the future.

Oregon law makes it clear that municipalities cannot impose exactions on a landowner as a condition of approving a partition application based on speculation as to future development. This was the precise situation presented to the Court of Appeals in *Schultz v. City of Grants Pass*, 131 Or App 220 (1994). In that case, the City sought to impose exactions on the landowner as a condition of a partition because of the potential scope of future development. No actual plans were presented to the City. The Court rejected the City’s position, stating:

The city imagined a worse-case scenario – assuming that petitioners would, at some undefined point in the future, attempt to develop their land to its full development potential of as many as 20 subdivided residential lots, further assuming that petitioners would obtain all the necessary permits and approvals – and on the basis of that scenario, it calculated the impacts of the development and tailored conditions to address them.

Id., 131 Or App at 228. In other words, it was premature to condition approval of the partition on certain improvement when the application sought nothing more than partitioning one lot into two. *Id.*, 131 Or App at 228.

This is effectively the same situation presented to the City in the pending partition application – splitting one lot into two. We appreciate that this parcel may be developed in the future, but, respectfully, the conversation about improvements should be deferred until those plans are presented to the City. At that time, the City will be better positioned to evaluate the scope of necessary improvements based on the actual development plans.

Regardless, the exactions proposed (namely dedicating valuable land and expending a significant amount of money on these improvements) are not proportional to the impact to the property. Exactions must be related to the impact of the proposed development in both nature and extent. *Id.*, 131 Or App 228. As noted above, presently, there is no *proposed development*. The subject parcel is currently bare land and, therefore, there is no connection between its current condition and deeding thousands of feet of frontage property to the City. As we trust you are aware, Oregon law requires “rough proportionality” between the conditions and the development. *Id.*, 131 Or App 220, 226 (“The [US Supreme Court] explained that the ‘required degree of connection’ between the conditions and the impact of the proposed development is one of ‘rough proportionality’”) (citing *Dolan v. City of Tigard*, 512 US 374, 385-91 (1994); see *cf Hallmark Inns & Resorts Inc v. City of Lake Oswego*, 193 Or App 24, 36 (2004) (City met the “rough proportionality” test when comparing the actual development at issue and projected occupancy thereof to the City’s requirement that a pathway be developed).

It is our legal opinion that the City should defer all improvements until such time that an actual development plan is presented to the City. The pending application is a request to partition one lot into two – just as in *Schultz* – and it is premature to speculate as to potential future development and the resulting improvements that may be necessary.

This request is also consistent with the City code. Consistent with the code, should the City exercise its discretion and defer these improvements, HAJC will either agree to certain improvements or sign a deferred improvement agreement. See Central Point Municipal Code Section 16.36.030(c). These improvements may include reserving a right of way for the extension of Gebhard Road and dedicating the existing Pine and Hamrick arterial frontage subject to payment of compensation. Given the absence of a development plan and HAJC’s proffered concession, this should satisfy the City’s needs and warrant a deferral on this minor partition application.

Thank you for your attention to this matter.

Very truly yours,

BROPHY SCHMOR LLP

Jennifer E. Nicholls

JN/

cc: Eric Hill, HAJC
Raul Woerner, CSA Planning

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EXHIBIT 13

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