

**BEFORE THE PLANNING COMMISSION AND  
CITY COUNCIL**

**FOR THE CITY OF CENTRAL POINT**

**STATE OF OREGON**

**IN THE MATTER OF A REQUEST FOR A  
CONDITIONAL USE PERMIT, SITE PLAN  
AND ARCHITECTURAL REVIEW FOR A  
LIGHT FABRICATION FACILITY. THE  
SUBJECT TRACT IS LOCATED AT 4901  
BIDDLE ROAD WHICH IS ON THE  
SOUTH SIDE OF BIDDLE ROAD  
BETWEEN HAMRICK AND TABLE ROCK  
ROAD IMMEDIATELY EAST OF THE  
SUPER 8 MOTEL. THE PROPERTY IS  
LOCATED IN THE CITY OF CENTRAL  
POINT AND IS MORE SPECIFICALLY  
IDENTIFIED AS TAX LOT 802 IN  
TOWNSHIP 37 SOUTH, RANGE 2 WEST  
(WM), SECTION 01C.**

**PROPOSED FINDINGS OF FACT  
AND CONCLUSIONS OF LAW**

*Applicants' Exhibit 2*

Applicant/ Owners:  
**Rogue Valley Microdevices, Inc.  
Tail Lite Properties, LLC**

Agent: **CSA Planning, Ltd.**

I

**NATURE OF THE APPLICATION**

The Applicants request a Site Plan and Architectural Review for the building and site plan for the proposed Rogue Valley Microdevices corporate headquarters building. In addition, based upon information in the Pre-Application Conference Report, per staff's recommendation the Applicant is also applying for a conditional use permit based on the nature of the business and its parking needs.

Rogue Valley Microdevices corporate headquarters building is proposed to be located on Lot 3 of the tentative partition plan which is the western half of an approved land division. The infrastructure for the partition plat is under construction now. It is possible, if not likely, that the final plat will be completed contemporaneous with the review of this subject application. The partition plat includes a retail street running from Biddle Road to the southern private access road. A new veterinary clinic was approved for Lot 1 at the southeast corner of the property and is currently under construction. The approved tentative plat actually included two alternate lot layouts, "A-1" and "A-2". Tail Lite Properties, Inc. is constructing "A-2" consistent with the approved alternative that supports the proposed Rogue Valley Microdevices headquarters use.



The request for the CUP is based on two things. First, the business uses small amounts of hazardous materials for its fabrication of small electronic wafer boards. Second, the parking calculations per the code are not aligned with the actual need for this building and use. Therefore the Applicant requests a conditional use permit that allows for its small scale handling of hazardous materials and for the proposed amount of parking.



II

**EVIDENCE SUBMITTED WITH THE APPLICATIONS**

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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-01C
- Exhibit 5.** Comprehensive Land Use Plan Map
- Exhibit 6.** Proposed Comprehensive Land Use Plan Map
- Exhibit 7.** Zoning Map on Aerial Photo
- Exhibit 8.** Proposed Zoning Map
- Exhibit 9.** Area Plan (depicting Approved In-Process Project and Proposed Development)
- Exhibit 10.** Letter Evaluating Transportation Impacts from Plan Amendment and Zone Change, Southern Oregon Transportation Engineering.
- Exhibit 11.** Survey of Existing Conditions; *Pariani Land Surveying, February 9, 2015.*
- Exhibit 12.** Site Photos and Site Photo Key Map
- Exhibit 13.** Proposed Site Development Plans:
  - Exterior Building Elevations
  - Site Plan
  - Floor Plan
  - C-1 Civil Plan
  - L-1 Landscape Plan
- Exhibit 14.** Tentative Partition Plat Notice of Decision and Staff Report with Exhibit A-2
- Exhibit 15.** Development Transportation Impact Analysis, Southern Oregon Transportation Engineering
- Exhibit 16.** Parking Demand Analysis, Southern Oregon Transportation Engineering



III

**RELEVANT SUBSTANTIVE APPROVAL CRITERIA**

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The relevant substantive Central Point Zoning Ordinance (CPZO) criteria prerequisite to approving a Conditional Use Permit, Site Plan and Architectural Review are recited in relation to the proposed development on Parcel 3:

**CITY OF CENTRAL POINT ZONING ORDINANCE (CPZO)**

**CONDITIONAL USE PERMIT REVIEW CRITERIA**

**17.46.060 General requirements.**

- A. Uses that are normally permitted in the C-5 district but that are referred to the planning commission for further review, per Section 17.46.030(26), will be processed according to application procedures for conditional use permits. No use shall be permitted and no process, equipment or materials shall be used which are found by the planning commission to be harmful to persons living or working in the vicinity by reason of odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried waste, noise, vibration, illumination or glare, or are found to involve any hazard of fire or explosion.
- B. No use shall be permitted and no process, equipment or materials shall be used unless in compliance with all applicable state and federal environmental, health and safety regulations.
- D. Whenever feasible, buildings shall be located toward the rear of the lot with parking toward the street in the front yard area for easy access and to minimize traffic noise at the rear of the property, especially when the rear property line abuts a residential (R) district. (Ord. 1684 §46, 1993; Ord. 1615 §44, 1989; Ord. 1436 §2(part), 1981).

**17.46.010 Purpose.**

The C-5 district is intended to provide for commercial and business uses that are most appropriately located along or near major highways or thoroughfares, and are largely dependent upon highway visibility and easy vehicular access. (Ord. 1883 (part), 2006; Ord. 1436 §2(part), 1981).

**17.46.020 Permitted uses.**

The following uses are permitted in the C-5 district:

- F. Light fabrication, such as:
  - 1. Light fabrication, assembly, packaging, mail-order sales and wholesale sales of consumer goods, and
  - 2. Light fabrication and repair shops such as blacksmith, cabinet, electric motor, heating, machine, sheetmetal, signs, stone monuments, upholstery and welding;

**17.46.030 Conditional uses.**

The following uses are permitted in the C-5 district when authorized in accordance with Chapter 17.76:

- 26. Permitted uses that are referred to the planning commission by city staff because they were found to exhibit potentially adverse or hazardous characteristics not normally found in uses of a similar type or size;

**17.76.040 Findings and conditions.**

The planning commission in granting a conditional use permit shall find as follows:

- A. That the site for the proposed use is adequate in size and shape to accommodate the use and to meet all other development and lot requirements of the subject zoning district and all other provisions of this code;
- B. That the site has adequate access to a public street or highway and that the street or highway is adequate in size and condition to effectively accommodate the traffic that is expected to be generated by the proposed use;
- C. That the proposed use will have no significant adverse effect on abutting property or the permitted use thereof. In making this determination, the commission shall consider the proposed location of improvements



on the site; vehicular ingress, egress and internal circulation; setbacks; height of buildings and structures; walls and fences; landscaping; outdoor lighting; and signs;

- D. That the establishment, maintenance or operation of the use applied for will comply with local, state and federal health and safety regulations and therefore will not be detrimental to the health, safety or general welfare of persons residing or working in the surrounding neighborhoods and will not be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the community based on the review of those factors listed in subsection C of this section;
- E. That any conditions required for approval of the permit are deemed necessary to protect the public health, safety and general welfare and may include:
1. Adjustments to lot size or yard areas as needed to best accommodate the proposed use; provided the lots or yard areas conform to the stated minimum dimensions for the subject zoning district, unless a variance is also granted as provided for in Chapter 17.13,
  2. Increasing street widths, modifications in street designs or addition of street signs or traffic signals to accommodate the traffic generated by the proposed use,
  3. Adjustments to off-street parking requirements in accordance with any unique characteristics of the proposed use,
  4. Regulation of points of vehicular ingress and egress,
  5. Requiring landscaping, irrigation systems, lighting and a property maintenance program,
  6. Regulation of signs and their locations,
  7. Requiring fences, berms, walls, landscaping or other devices of organic or artificial composition to eliminate or reduce the effects of noise, vibrations, odors, visual incompatibility or other undesirable effects on surrounding properties,
  8. Regulation of time of operations for certain types of uses if their operations may adversely affect privacy of sleep of persons residing nearby or otherwise conflict with other community or neighborhood functions,
  9. Establish a time period within which the subject land use must be developed,
  10. Requirement of a bond or other adequate assurance within a specified period of time,
  11. Such other conditions that are found to be necessary to protect the public health, safety and general welfare

## **SITE PLAN AND ARCHITECTURAL REVIEW CRITERIA**

### **Chapter 17.72**

#### **SITE PLAN AND ARCHITECTURAL REVIEW**

##### **17.72.020 Applicability.**

B. Major Projects. The following are "major projects" for the purposes of the site plan and architectural review process and are subject to Type 2 procedural requirements as set forth in Chapter [17.05](#), Applications and Types of Review Procedures:

1. New construction, including private and public projects, that:
  - a. Includes a new building or building addition of five thousand square feet or more;
  - b. Includes the construction of a parking lot of ten or more parking spaces;

##### **17.72.040 Site plan and architectural standards.**

In approving, conditionally approving, or denying any site plan and architectural review application, the approving authority shall base its decision on compliance with the following standards:

- A. Applicable site plan, landscaping, and architectural design standards as set forth in Chapter [17.75](#), Design and Development Standards;



**Findings of Fact and Conclusions of Law**

Applicant: Rogue Valley Microdevices, Inc. and Tail Lite Properties, LLC

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- B. City of Central Point Department of Public Works Department Standard Specifications and Uniform Standard Details for Public Works Construction;
- C. Accessibility and sufficiency of fire fighting facilities to such a standard as to provide for the reasonable safety of life, limb and property, including, but not limited to, suitable gates, access roads and fire lanes so that all buildings on the premises are accessible to fire apparatus.



IV

**FINDINGS OF FACT**

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

1. **Ownership/Applicant:** Tax Lot 802 is owned in fee simple by Tail Lite Properties, LLC. Rogue Valley Microdevices is in contract to purchase Lot 3 of the subject property. Agent CSA Planning, Ltd. is submitting this application on behalf of the property owner and contract purchaser.
2. **Location:** The subject property is located on the south side of Biddle Road between Hamrick Road and Table Rock Road. The property is identified as Tax Lot 802 in Township 37 South, Range 02 West (W.M.), Section 01C. The site address is 4901 Biddle Road, Central Point, OR.
3. **Parcel Size:** Tax Lot 802 currently has 4.87 acres. *See*, Exhibit 4.
4. **Comprehensive Plan Map Designation / Zoning:** Designated *Tourist and Office Professional / Zoned C-4 Tourist and Office Professional*. *See*, Exhibits 5 and 7.
5. **Proposed Comprehensive Plan Map Designation / Zoning:** Designation proposed to be amended to Thoroughfare Commercial and to change the zone to C-5. *See*, Exhibits 6 and 8.
6. **Existing Frontage and Access:** The subject property has frontage along its northern boundary on Biddle Road. Biddle Road is classified in the TSP as an arterial. Tax Lot 802 also has access easements on the access drives that run south from Biddle Road along Tax Lot 803 and along the southern boundaries of Tax Lots 801, 802 and 803 and intersecting with Hamrick Road. These private commercial accesses were reviewed and approved by Central Point at the time of land division that created the parent parcel. A private north-south Retail Street has been approved to intersect with Biddle Road approximately mid-block between existing accesses. The Retail Street will have right-in/right-out only access with a median in Biddle Road and is currently under construction.
7. **Lot Legality:** Tax Lot 802 was created through two partitions. Tax Lot 800 was divided through partition *P-03-2004* into three parcels in 2004, and in 2005 the resulting Parcel 2 was subdivided into three lots, of which Tax Lot 802 was Lot 1. In 2007 a lot line adjustment was made to the border between Tax Lots 802 and 803 creating its current configuration. In April of 2016, the City of Central Point approved a tentative partition plat to divide Tax Lot 802 into three separate parcels. The proposed conditional use permit and site plan review are directed at Parcel 3 of the approved tentative land division; it is possible, if not probable, that the final plat will be recorded prior to completion of the subject land use review.
8. **Previous Planning Permits:**  
*File No. 16004* - Site Plan and Architectural Review which approved a veterinary clinic on Parcel 1 of the land division *and File No. 16005*- Tentative Partition were approved April 14, 2016.
9. **Existing Development:** The property is currently vacant but construction of the Retail Street and the veterinary clinic has begun.





**10. 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 area 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 of the subject property is vacant land owned by Les Schwab. Further to the east is additional vacant employment land that is marketed for sale. This land has a Comprehensive Plan Map of Thoroughfare Commercial and is zoned C-5

**North:** Across Biddle Road is the Dulany property. This property has a single family dwelling on it and is under developed in relation to its plan designation. The property is planned Tourist and Professional Office and is zoned C-4. The land to the northeast is planned and zoned for residential uses and has been developed with single-family dwellings. Land to the northwest is a large vacant 21 acre site planned Tourist and Office Professional and zoned C-4.

**South:** South of the subject property across the private commercial access drive is the USF Reddaway warehouse logistics facility. This facility is planned General Industrial and zoned M-2.

**West:** Immediately to the west is the Super 8 Motel. This site is planned Tourist and Office Professional and is zoned C-4. Further to the west is some vacant commercial land across Hamrick Road and a road maintenance yard further to the southwest.

**11. Topography:** The subject property is essentially level, sloping very gently to the north.

**12. Water Facilities and Services:** Underground water utilities exist at the west property line and along the utility and access easement along the southern portion of the property. These water facilities are available for connection.

**13. Sanitary Sewer Facilities and Services:** Underground sanitary sewer utilities exists in the utility easements along the south portion of the property and are available for connection.

**14. Power and Natural Gas:** Underground power is available from Pacific Power and underground gas is available from Avista Utilities and the same exist in the utility easements along the south portion of the property and are available for connection.

**15. Fire and Police Protection:** The subject properties are located within and are served by Fire District No. 3. Police service is provided by the City of Central Point Police Department.

**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 Biddle Road and in the private access easement and utility area on the south portion of the property. These storm drain lines are available for connection. The approval of the prior





land division necessitated construction of a stormwater detention facility on Lot 2 of the partition which is planned to handle a significant portion of the Rogue Valley Microdevices' storm drainage needs, see Exhibit 13, Sheet C-1.

## 18. Transportation and Access:

**A. Access and Circulation:** Access to the site is via a private retail street that is under construction and was approved under Planning File No. 16005. The retail street intersects with Biddle Road and is a right-in-right-out intersection allowing in-movement from the west and out-movement to the east onto Biddle Road. A concrete median in Biddle Road will be constructed in conjunction with the new retail street. Access coming from the east will be from a left turn onto the private street connection opposite Meadowbrook and then right along the private access drive to the south and then a right onto the private retail street. Access out of the site to the west will involve a right turn onto the private retail street and then out the private access drive along the south property line to a right turn on Hamrick then to the signal where a left can be made onto East Pine Street.

The office driveway is located on the private retail street. It is somewhat close to the intersection with Biddle Road but there is adequate room for at least two stacked vehicles and it is a right into the site so no queuing at this location is expected. The other access onto the site is via two large driveways to the south access drive; the wide driveways are needed to get semi-trucks into the back parking lot area and then out onto the private access drive. These south driveways will be truck vehicle access points; smaller trucks that use the west service drive will exit via the front office parking lot access point.

**B. Transportation Impacts from Proposed Development:** The Applicant's traffic engineer also prepared a traffic impacts analysis that analyzes the proposed Rogue Valley Microdevices project, see Exhibit 15. That analysis was an update to the Southern Oregon Veterinary Specialty Center analysis done for that project which is now under construction. In the prior analysis, Parcel 3 was assumed to be a future site for a 25,000 square foot specialty retail center, along with the veterinary clinic and an assumed sit down restaurant on the remaining Parcel 2. The updated analysis continues to assume the sit down restaurant on Parcel 2 and assumes the veterinary clinic use on Parcel 1 but substitutes the Rogue Valley Microdevices use for Parcel 3. This results in a reduced trip generation of the entire site of 53 P.M. peak hour trips.

The results of the analysis show that the transportation system can accommodate the proposed use in conformance with all applicable performance standards.

## 19. Proposed Development Project:

The proposed Rogue Valley Microdevices corporate headquarters and light fabrication facility has the following features:

**A. Design Scheme:** The approach to the building is to create a modern and attractive high-tech light manufacturing building. The building is proposed to contain a 10,000 square foot clean room within a 24,000 square foot production area and the building will have approximately 19,000 square feet of accessory office space on two levels. Being a high-tech facility, the interior is a purpose built design that reflects workflow needs and the demands of the clean room.



The nature of the interior layout dictates the location of certain outdoor connections in terms of entrance location, delivery doors and access to the accessory office uses. Overall, the exterior is a modern, but relatively simple flat-roofed commercial building with several attractive architectural elements on the main façade and attractive materials on all elevations. *See*, Exhibit 13.

**B. Vehicle Parking and Loading:** The project proposes 46 parking spaces. The application is requesting an adjustment to the off-street parking standards as part of the Conditional Use Permit approval (pursuant to special conditions of approval that may be imposed under 17.76.040(E)(3)) because a strict application of the code would require significantly more parking than is expected to be needed by the use. There is a wide disparity between the two calculation methods for the parking requirements. The employee calculation method for industrial uses yields a need for approximately 18 spaces. The gross floor area method would require 84 spaces, one for every 500 square feet of gross floor area, which is difference of over 60 parking spaces. The proposed 46 spaces is between the two need calculation methods and is projected to be adequate for the use. It is expected that this amount of parking will be adequate to allow for nearly doubling of the size of the company within the new space, which is the largest it can be within the new facility. A parking demand analysis has been prepared by Southern Oregon Transportation Engineering for this submittal and is located in Exhibit 16.

Industrial uses of 37,501 square feet to 50,000 square feet are required to have four loading berths; the actual fabrication area is 24,000 square feet which would require four berths. The site plan and building elevations depict four overhead loading doors for the facility. Two overhead doors are located on the west elevation along the service drive. These will be accessed by forklift for semis from the main rear parking lot and by smaller delivery vehicles such as FedEx and UPS. This entire circulation area on the west side of the building could be considered a series of loading berths, in which case the site has the equivalent of 8 loading berths just on this side. One overhead door loading location on the east elevation, trucks could use this for delivery from the private retail street although this would be expected to be a rare occurrence; primarily this would be accessed by forklift on the occasion when equipment needed to be loaded on the east side of the clean room. The fourth overhead door is shown on the south elevation and this berth will generally be used by a forklift off-loading from a semi-trailer truck parked in the rear lot.

**C. Bike Parking:** The code requires four bike parking spaces. The covered bike parking spaces will be under a canopy area located at the outdoor break area.

**D. Landscaping:** This high-tech light manufacturing facility is proposed to be fully landscaped at the time of development, see Exhibit 13, Sheet L-1. The proposed landscaping is extensive for an industrial use and is proposed in a manner that will allow it to blend well with commercial uses in the area. The 10-foot sidewalk with tree wells on the retail street will create an attractive streetscape for this private street. The planting scheme includes a number of mass plantings that will create an attractive landscape throughout the year.

**20. Conditional Use Permit Findings:** Even though the proposed use could properly be approved as a permitted use under Use F – Light Fabrication. The planning staff has the authority to refer uses to the Planning Commission as a Conditional Use Permit. The Pre-Application indicated the Staff's intent to refer the application to the Planning Commission



for Conditional Use Permit approval. The City of Central Point has conditional use permit criteria that require specific findings. Applicant's agent provides the below testimony as evidence to address such required findings and this testimony may be relied upon as substantial evidence; CSA Planning are experts in Oregon Land Use Planning and have experience as a professional planning firm for over 35 years.

**A. Lot Size and Configuration:** A site plan has been submitted concurrent with the proposed use. The proposed design can be found to be in compliance with applicable sections of the code and the site plan shows the use can be accommodated on the site. The only aspects of the size of the lot and proposed development are relatively minor issues relating to parking supply and the storm drainage. A portion of the storm drainage detention for the building is being placed in the swale on the northeast lot; this swale was designed to accommodate drainage from the Rogue Valley Microdevices building in accordance with private agreements between the parties. The other minor issue is parking supply. The parking supply issue is largely a function of the code's methods for calculating parking demand. The two methods vary widely, but the code requires the "higher" method to be used; applicant has requested the City approve an adjustment to the off-street parking requirements based upon the unique characteristics of the proposed use pursuant to CPMC 17.76.040(E)(3). With approval of this parking supply adjustment, the proposed development will satisfy all applicable City development requirements on the subject lot.

**B. Traffic and Access:** See transportation and access findings and related evidence elsewhere in the application submittal.

**C. Effects on Abutting Property:** Analysis of abutting properties are analyzed by direction:

- i. North:** Lands to the north are across Biddle Road, which is a major arterial roadway. The north building elevation is where the accessory office uses are located and the design and appearance of this portion of the buildings is similar to two-story office buildings permitted in the zone and serves to further buffer uses to the north. Given the intensity of the Biddle Road use and the low-intensity office use of the northern third of the building, no adverse effects on properties to the north are expected. Signage, landscaping and outdoor lighting will be similar on the north elevation to uses permitted in the zone and effect on lands to the north will not be adverse.
- ii. Northeast:** Land to the northeast is a vacant lot that will be created by recording the final plat for Planning File No. 16005. The resulting lot will be across the private retail street from Rogue Valley Microdevices. Also, there will be a bioswale adjacent to the retail street that will further separate the uses as will the large landscape area on the east side of the building. The northern two-thirds of this lot will be adjacent to the office use of the building. The bioswale is required to be a minimum length which moves the access to the vacant lot south in a location where the driveways will be separated. Even though the driveways will be offset they will be offset in the direction that still allows for smooth traffic flow because the left-outs of each parking lot will not conflict with one another. The access separation will be adequate for all movements to see one another in an appropriate manner. Signage, landscaping and outdoor lighting will be similar when viewed

from the northeast and compared to uses permitted in the zone and effect on the parcel to the northeast will not be adverse.

- iii. **Southeast:** Land to the southeast is under construction for a veterinary clinic. The owner of the veterinary clinic is the owner of the subject development property. The veterinary clinic's front entrance will face the east elevation where there are high windows throughout and a single roll-up door; that particular roll-up door is expected to be used on a limited basis but is necessary to provide forklift access to the outside of the building on that side to the clean-room. There will be approximately 115 feet of separation from the east wall to the veterinary clinic entrance. The veterinary clinic provides emergency 24-hour animal care and the lighting and development of the Rogue Valley Microdevices building is expected to enhance lighting and safety in the area during night operations. The design of the building includes a full height exterior wall on the back of the building to screen the outdoor equipment area at the back of the building. Because Tail Lite LLC (a limited liability company owned by the owners of Southern Oregon Veterinary Specialty Center) is the seller of the property to Rogue Valley Microdevices, they have coordinated the designs of their respective buildings to assure compatibility between the respective uses and designs. Signage, landscaping and outdoor lighting will be similar when viewed from the southeast and compared to uses permitted in the zone and effect on the parcel to the southeast will not be adverse.
- iv. **South:** Land to the south is a private access road and further to the south is the USF Reddaway trucking facility. This is a warehousing, trucking and freight handling facility. A 6 foot high block fence with landscaping runs the entire length of the parcel's southern boundary. The Rogue Valley Microdevices project is designed so that the outdoor equipment and primary loading areas face this industrial trucking use to the south. Industrial trucking uses are not aesthetically sensitive uses and are noisy themselves with a considerable area devoted to outdoor storage. Signage, landscaping and outdoor lighting will be similar to other commercial outdoor storage and loading areas when viewed from the south and are similar and typical of industrial uses to the south.
- v. **West:** Land to the west is occupied by the Super 8 Motel. This is a 3-story hotel with internal access halls to the individual room. Each room appears to have its own Packaged Terminal Air Conditioner unit (PTAC) below windows on its east elevation. The proposed design includes a full height wall extension in the back of the building to shield noise sources from the hotel and to visually screen this equipment. All other noise producing equipment is roof mounted behind parapet walls on the roof and this HVAC equipment is similar from a noise and visual perspective to other HVAC equipment that is typical of other commercial and light manufacturing buildings in the area. The proposed building is 32 feet in height which is tall enough to limit the number of rooms looking down on a roof structure to only the top floor and even that floor will primarily be looking across and not down on the roof structure. Virtually all of the second and third stories would look down on a roof structure to the east if the site were developed with a single-story retail use. There is considerable separation between the two buildings, approximately 100 feet. The project will be adding landscaping along the west property line that will serve to screen and separate the two uses. The proposed





service drive aisle is expected to be used infrequently and almost exclusively during the day which should minimize the potential for conflicts with patrons at the Super 8. Lighting on the west elevation will consist of shielded sconce lighting aimed downward that will serve to create a safe space without any direct lighting impacts to the Super 8 motel. The Rogue Valley Microdevices project design has thoughtfully considered the abutting Super 8 motel use and has been designed in a manner that will minimize potential adverse impacts to a level that is equal or less than what would otherwise be expected from development of uses outright permitted in the C-5 zone (or the C-4 zone for that matter if the site were not re-designated).

**D. Compliance with Local, State and Federal Health and Safety Regulations:** Rogue Valley Microdevices takes appropriate precautions to comply with applicable health and safety requirements. DEQ conducts periodic unannounced inspections for regulation compliance. In these inspections, no major corrections have been required. All gaseous wastes are vented through a scrubber at their current site to remove particulate emissions according to industry best practices design. All gas process inputs are within an enclosed system and the storage tanks will be located within a storage cabinet that also vents to the scrubber in the event of any leak. The design of the building is such that a closed catchment system exists in the floor so that any liquid spill drains to the catchment system where it can be containerized and picked up for off-site disposal. From a sewage standpoint, Medford's Regional Wastewater Reclamation plant has an inspector on staff and this person routinely conducts inspections to evaluate the quantity and type of effluent released into the sanitary sewer to assure it is in compliance with applicable discharge requirements. Rogue Valley Microdevices self-reports to DEQ annually and transmits a hazardous waste reduction plan that identifies ways for operation to reduce the use of hazardous waste for each unit of production.

Rogue Valley Microdevices has internal controls in place that involve weekly self-inspections for items such as labelling, dates, seal connections, container conditions, etc. From the standpoint of handling materials from the delivery trucks to the facility, this has been taken into account with the design of the building with the external circulation and roll-up doors to allow for direct forklift routes from delivery trucks to storage locations. Roll-up door heights are specifically designed to assure adequate clearance when moving materials. All materials are palletized and shipped in containers that are designed for the particular material being handled. Rogue Valley Microdevices has an employee, Dan Swanson, who is certified to provide forklift training so that all operators are properly trained and he is also available in-house for ongoing supervision.

With respect to safety, the Medford Fire Department regularly conducts inspections at the site. None of these Fire Department inspections have ever resulted in significant corrections except in an instance where a new system was installed in accordance with department directions and a later inspection determined that direction was incorrect. In this circumstance, Rogue Valley Microdevices promptly implemented the correction at their sole expense.



V

**CONCLUSIONS OF LAW**

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**CITY OF CENTRAL POINT ZONING ORDINANCE (CPZO)**

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.

**CONDITIONAL USE PERMIT REVIEW CRITERIA**

**17.46.060 General requirements.**

- A. Uses that are normally permitted in the C-5 district but that are referred to the planning commission for further review, per Section 17.46.030(26), will be processed according to application procedures for conditional use permits. No use shall be permitted and no process, equipment or materials shall be used which are found by the planning commission to be harmful to persons living or working in the vicinity by reason of odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried waste, noise, vibration, illumination or glare, or are found to involve any hazard of fire or explosion.

**Conclusions of Law:** The City concludes that the proposed use has been referred to the planning commission for further review per section 17.46.030(26). The City herewith incorporates and adopts the below conclusions of law where compliance with each of the relevant conditional use permit criteria is demonstrated. Furthermore and based upon the evidence in Section II and the findings of fact in Section IV, the City concludes all processes, equipment and materials will operate in a manner that will not be harmful to persons living or working in the vicinity and specifically concludes as follows:

- With respect to odors and fumes, the release of any gasses from systems and processes are vented through a scrubber that removes contaminants to levels acceptable to DEQ and DEQ conducts periodic unannounced visits to verify proper operation and compliance.
- With respect to dust, smoke, cinders and dirt, such matters are the bane of the microelectronics industry and not only are there no such discharges the industry goes to great lengths to remove any presence of such things in the air.
- With respect to refuse, solid waste is similar to waste from most any office or commercial use and is simply placed in the dumpster for proper disposal by Rogue Disposal and Recycling.
- With respect to liquid wastes, the processes are designed with great care to be a closed system for hazardous wastes so that spend liquids end up in sealed drums and are transported off-site for specialty processing and disposal. The closed system is further designed with a liquid catchment system so that any spill that might occur





drains to the catchment system where it can be collected into sealed drums for disposal. For water wastes that are allowed to go into the sanitary sewer system, these wastes are carefully monitored and inspected by staff of the regional water reclamation facility on a regular basis.

- With respect to noise, most all of the noise generating machinery is located inside of the building with exception of the standard HVAC to serve the office on the roof and the chillers that are located in the back of the building. The full height wall extensions on the back of the building are specifically designed to trap and direct any chiller noise away from the potentially noise sensitive use of the Super 8 motel and direct it toward the USF Reddaway site which is a trucking and warehousing facility that is not especially noise sensitive and is a source of noise itself.
  - Like dust, vibration is a major concern of the industry and not only will vibration not be produced, every effort is made by the industry to eliminate any source of vibration whatsoever.
  - With respect to illumination and glare, the proposed use does not represent any significant source of illumination or glare that is different from any number of other commercial uses that are outright permitted in the zone and compliance with the City's design requirements for lighting will assure no such impact will occur.
  - With respect to fire and explosion hazards, the City concludes this is not an absolute standard because most all commercial and light industrial uses involve some degree of fire hazard. Rather, the City interprets this provision to require acceptable levels of risk based upon the fire code requirements and any additional requirements of the Fire District 3. The City concludes the use has operated in compliance with all such requirements at its present location in the City of Medford and it can feasibly and will comply with such requirements in Fire District 3 to assure the risk of fire or explosion is minimized and is not substantially greater than is typically experienced for other commercial and industrial uses in the area.
- B. No use shall be permitted and no process, equipment or materials shall be used unless in compliance with all applicable state and federal environmental, health and safety regulations.**

**Conclusions of Law:** Based upon the findings of fact in Section IV demonstrating Rogue Valley Microdevices has a track record of compliance and performs due diligence to assure future and ongoing compliance, the City concludes the proposed use can feasibly and will operate in compliance with all applicable state and federal environmental, health and safety regulations.

- D. Whenever feasible, buildings shall be located toward the rear of the lot with parking toward the street in the front yard area for easy access and to minimize traffic noise at the rear of the property, especially when the rear property line abuts a residential (R) district. (Ord. 1684 §46, 1993; Ord. 1615 §44, 1989; Ord. 1436 §2(part), 1981).**



**Conclusions of Law:** The City concludes the building is sited toward the rear of the lot to allow for the main parking lot to be located in the front of the building, however the parking and loading area near the rear of the building is also necessary for truck circulation. Moreover, the City observes at this location that the rear of the lot is not the most noise sensitive because the rear of the lot abuts an industrial zone and a lot developed with a trucking and warehousing use.

**17.46.010 Purpose.**

The C-5 district is intended to provide for commercial and business uses that are most appropriately located along or near major highways or thoroughfares, and are largely dependent upon highway visibility and easy vehicular access. (Ord. 1883 (part), 2006; Ord. 1436 §2(part), 1981).

**Conclusions of Law:** The City concludes the Rogue Valley Microdevices use is consistent with this purpose in significant part because the use is a highly specialized use that requires easy vehicular access to the entire labor market in the region which the C-5 in this location will provide.

**17.46.020 Permitted uses.**

The following uses are permitted in the C-5 district:

- F. Light fabrication, such as:
  - 1. Light fabrication, assembly, packaging, mail-order sales and wholesale sales of consumer goods, and
  - 2. Light fabrication and repair shops such as blacksmith, cabinet, electric motor, heating, machine, sheetmetal, signs, stone monuments, upholstery and welding;

**Conclusions of Law:** The City concludes the Rogue Valley Microdevices use is a light fabrication use that involves low volumes of total materials and precision manufacturing to produce custom microelectronics and such use can be considered a permitted use in the C-5 zone, but due to some of the chemical processes associated with the fabrication activities the staff referred the use a conditional use in the Pre-Application Conference summary.

**17.46.030 Conditional uses.**

The following uses are permitted in the C-5 district when authorized in accordance with Chapter 17.76:

- 26. Permitted uses that are referred to the planning commission by city staff because they were found to exhibit potentially adverse or hazardous characteristics not normally found in uses of a similar type or size;

**Conclusions of Law:** The City concludes that the staff referred the use as a conditional use in the Pre-Application Conference summary based upon the chemical processes associated with the use.

**17.76.040 Findings and conditions.**

The planning commission in granting a conditional use permit shall find as follows:

- A. That the site for the proposed use is adequate in size and shape to accommodate the use and to meet all other development and lot requirements of the subject zoning district and all other provisions of this code;



**Conclusions of Law:** Based upon the findings of fact in Section IV, the City concludes the site is adequate in size and shape to accommodate the use. The City further concludes the site size and shape is adequate because an adjustment to the off-street parking requirements is warranted as may be conditioned under CPMC 17.76.040(E)(3) based on the analysis of parking demand in Exhibit 16 prepared by Southern Oregon Traffic Engineering that estimates parking demand for the proposed use to be between 29 and 50 spaces and the proposed 46 spaces is adequate to handle the need.

- B. That the site has adequate access to a public street or highway and that the street or highway is adequate in size and condition to effectively accommodate the traffic that is expected to be generated by the proposed use;

**Conclusions of Law:** Based upon the traffic analysis in Exhibit 15, the City concludes the site has adequate access to the public street system and the street is adequate in size and condition to handle the traffic expected to be generated by the use.

- C. That the proposed use will have no significant adverse effect on abutting property or the permitted use thereof. In making this determination, the commission shall consider the proposed location of improvements on the site; vehicular ingress, egress and internal circulation; setbacks; height of buildings and structures; walls and fences; landscaping; outdoor lighting; and signs;

**Conclusions of Law:** Based upon the analysis of potential impacts on abutting properties prepared by Applicant's professional land use planning consultant in Section IV Finding 21(C) herewith incorporated and adopted, the City concludes that the proposed use will have no significant adverse effect on abutting property or permitted uses thereof.

- D. That the establishment, maintenance or operation of the use applied for will comply with local, state and federal health and safety regulations and therefore will not be detrimental to the health, safety or general welfare of persons residing or working in the surrounding neighborhoods and will not be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the community based on the review of those factors listed in subsection C of this section;

**Conclusions of Law:** Based upon the summary of permitting and compliance with applicable local, state, and federal health and safety regulations and the analysis of effects on abutting properties prepared by Applicant's professional land use planning consultant in Section IV Finding 21(C)&(D) both herewith incorporated and adopted, the City concludes that the proposed use can feasibly and will comply with all applicable regulations and that compliance with such will regulations, together with the design of the building and layout of the proposed use, will assure that the proposed microelectronics use will not be detrimental or injurious to the property and improvements in the neighborhood or the general welfare of the community will have no significant adverse effect on abutting property or permitted uses thereof.

- E. That any conditions required for approval of the permit are deemed necessary to protect the public health, safety and general welfare and may include:
  - 1. Adjustments to lot size or yard areas as needed to best accommodate the proposed use; provided the lots or yard areas conform to the stated minimum dimensions for the subject zoning district, unless a variance is also granted as provided for in Chapter 17.13,
  - 2. Increasing street widths, modifications in street designs or addition of street signs or traffic signals to accommodate the traffic generated by the proposed use,



3. Adjustments to off-street parking requirements in accordance with any unique characteristics of the proposed use,
4. Regulation of points of vehicular ingress and egress,
5. Requiring landscaping, irrigation systems, lighting and a property maintenance program,
6. Regulation of signs and their locations,
7. Requiring fences, berms, walls, landscaping or other devices of organic or artificial composition to eliminate or reduce the effects of noise, vibrations, odors, visual incompatibility or other undesirable effects on surrounding properties,
8. Regulation of time of operations for certain types of uses if their operations may adversely affect privacy of sleep of persons residing nearby or otherwise conflict with other community or neighborhood functions,
9. Establish a time period within which the subject land use must be developed,
10. Requirement of a bond or other adequate assurance within a specified period of time,
11. Such other conditions that are found to be necessary to protect the public health, safety and general welfare

**Conclusions of Law:** With respect to off-street parking, the City concludes that it has the authority under CPMC 17.76.040(E)(3) to adjust the parking requirements based upon the unique requirements of the use. The City concludes the Applicant has provided a specific parking demand analysis prepared by an Oregon Registered Professional Engineer with expertise in transportation that demonstrates the base code requirement of 84 spaces would far exceed the number of spaces required to serve the 85<sup>th</sup> percentile demand estimated to be 50 parking spaces. Based upon this analysis in Exhibit 16, the City concludes the proposed 46 spaces is an adequate number of parking spaces that will appropriately serve the requested conditional use.

With the exception of the adjustment to the parking requirements for the unique characteristics of the proposed use, the Applicant believes the City can and should apply its standard and customary conditions of approval for similar developments and that such standard and customary conditions of approval will be adequate to protect the public health, safety and general welfare.

\* \* \* \* \*

## **APPROVAL CRITERIA FOR SITE DEVELOPMENT PLAN**

### **Chapter 17.72**

#### **SITE PLAN AND ARCHITECTURAL REVIEW**

##### **17.72.020 Applicability.**

B. Major Projects. The following are "major projects" for the purposes of the site plan and architectural review process and are subject to Type 2 procedural requirements as set forth in Chapter 17.05, Applications and Types of Review Procedures:

1. New construction, including private and public projects, that:
  - a. Includes a new building or building addition of five thousand square feet or more;
  - b. Includes the construction of a parking lot of ten or more parking spaces;



**Conclusions of Law:** The City concludes the proposed building is new and is approximately 43,000 square feet and therefore requires a site plan review.

**17.72.040 Site plan and architectural standards.**

In approving, conditionally approving, or denying any site plan and architectural review application, the approving authority shall base its decision on compliance with the following standards:

A. Applicable site plan, landscaping, and architectural design standards as set forth in Chapter 17.75, Design and Development Standards;

**Conclusions of Law:** The City herewith incorporates and adopts Applicant’s Exhibit 3 Demonstration of Compliance with Applicable Development standards, and based thereupon, concludes the application is in compliance with all applicable site plan, landscaping and architectural design standards in Chapter 17.75, except for the adjustment to the off-street parking requirements imposed through a condition of approval under the Conditional Use Permit standards at CPMC 17.76.040(E)(3).

B. City of Central Point Department of Public Works Department Standard Specifications and Uniform Standard Details for Public Works Construction;

**Conclusions of Law:** The City concludes that the proposed project is located on a discreet parcel that is newly created with most all public improvements necessary for the development already in place but that any additional new public improvements, such as additional storm drainage facilities, can feasibly and will be constructed in accordance with the Central Point Department of Public Works Standard and Specifications and the Uniform Standard Details for Public Works Construction.

C. Accessibility and sufficiency of fire fighting facilities to such a standard as to provide for the reasonable safety of life, limb and property, including, but not limited to, suitable gates, access roads and fire lanes so that all buildings on the premises are accessible to fire apparatus.

**Conclusions of Law:** The City concludes that the design of the project provides for adequate fire access. Most all of the entire building is within 150 feet of the private retail street travel surface with the exception of the northwest corner of the building. The parking drive aisle in the north parking lot is more than 20-feet wide and provides 20-feet of clear space for access within 150 feet of the northwest corner of the building. Additional access is available at the back of the building in the semi-truck loading area. And while less than 20-feet in width, the drive aisle along the west boundary is also adequate width for one-way fire apparatus access.

\* \* \* \* \*





VI

**SUMMARY OF APPLICANTS' STIPULATIONS**

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Applicants herewith agree to stipulate to the following, which they agree to observe if the same are attached as conditions to approval of the subject site plan review application:

**Stipulation 1:** *[RESERVED- The applicant did not identify the need for specific stipulations for the subject application but may supplement the initially submitted findings with certain stipulations if the same are found to be necessary during the course of the review process]*

VII

**ULTIMATE CONCLUSIONS; DECISION**

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Based upon the record and the foregoing findings of fact and conclusions of law, it is concluded that the applications for Site Development Plan approval and Conditional Use Permit approval are consistent with the requirements of all of the relevant substantive approval criteria which have been addressed hereinabove.

Respectfully submitted on behalf of Applicant and Property Owner,

CSA Planning, Ltd.



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Jay Harland  
Principal

October 17, 2016