

BEFORE THE PLANNING COMMISSION AND
CITY COUNCIL

FOR THE CITY OF CENTRAL POINT

STATE OF OREGON

IN THE MATTER OF A REQUEST FOR)
ANNEXATION AND ZONE CHANGE FOR)
TWO PARCELS THAT ARE ADDRESSED)
AS 3428 AND 3470 CHICORY LANE, AND)
ARE LOCATED EAST OF CHICORY)
LANE AT THE TERMINUS OF LINDSAY)
COURT. THE PROPERTY IS LOCATED)
IN THE CITY OF CENTRAL POINT AND)
IS MORE SPECIFICALLY IDENTIFIED AS)
TAX LOTS 8300 AND 8400 IN TOWNSHIP)
37 SOUTH, RANGE 2 WEST (WM),)
SECTION 11C.)

PROPOSED FINDINGS OF FACT
AND CONCLUSIONS OF LAW

Applicants' Exhibit 2

Applicant/)
Owners: **Bob Fellows Construction, LLC**)
Agent: **CSA Planning, Ltd.**)

I

NATURE OF THE APPLICATION

Applicants request a consolidated annexation and zone change for two lots totaling 3.64 acres east of Chicory Lane and the terminus of Lindsay Court. The subject property has a Comprehensive Plan designation of TOD Corridor. The Applicant requests the City rezone the property as part of the annexation request to City zone and specifically requests the TOD LMR (R-2).

In addition to the zone change, the application includes a precautionary Comprehensive Plan Map amendment request in the event that the City (or the Courts on appeal) were to conclude that a Comprehensive Plan amendment is required for the requested zone change for the subject property.



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 and applicable State Law and Municipal Code.
- Exhibit 3.** Jackson County Assessor Plat Map 37-2W-11C
- Exhibit 4.** Current Comprehensive Land Use Plan Map
- Exhibit 5.** Current Zoning Map (County Zoning) on Aerial Photo
- Exhibit 6.** Proposed Zoning Map
- Exhibit 7.** Background and Historical Map and Ordinances
 - A) 1987 Zoning Map (adopted in 1989)
 - B) Ordinance 1793 and Related Information
 - C) Ordinance 1815 and Related Information
- Exhibit 8.** Annexation Petition
- Exhibit 9.** Public Facilities Maps
 - A) Waterline Map
 - B) Storm Drainage Map
 - C) Sanitary Sewer Map
- Exhibit 10.** Wetlands Study Map
- Exhibit 11.** Civil Analysis
- Exhibit 12.** Preliminary Plat and Legal Description

III

RELEVANT SUBSTANTIVE APPROVAL CRITERIA

The relevant substantive criteria prerequisite to approving an Annexation with a minor Comprehensive Plan Amendment and Zone Change under the City of Central Point Zoning Ordinance (“CPZO”) is recited verbatim below:

CITY OF CENTRAL POINT ZONING ORDINANCE (CPZO)

**Chapter 1.20
ANNEXATION PROCEDURE**

222.111 Authority and procedure for annexation.

- (1) When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS 222.111 to 222.180 or 222.840 to 222.915, the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies.
- (2) A proposal for annexation of territory to a city may be initiated by the legislative body of the city, on its own motion, or by a petition to the legislative body of the city by owners of real property in the territory to be annexed.
- (5) The legislative body of the city shall submit, except when not required under ORS 222.120, 222.170 and 222.840 to 222.915 to do so, the proposal for annexation to the electors of the territory proposed for annexation and, except when permitted under ORS 222.120 or 222.840 to 222.915 to dispense with submitting the proposal for annexation to the electors of the city, the legislative body of the city shall submit such proposal to the electors of the city. The proposal for annexation may be voted upon at a general election or at a special election to be held for that purpose.

222.120 Procedure for annexation without election; hearing; ordinance subject to referendum.

- (1) Except when expressly required to do so by the city charter, the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for their approval or rejection.
- (2) When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for a public hearing before the legislative body at which time the electors of the city may appear and be heard on the question of annexation.
- (3) The city legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period.
- (4) After the hearing, the city legislative body may, by an ordinance containing a legal description of the territory in question:
 - (a) Declare that the territory is annexed to the city upon the condition that the majority of the votes cast in the territory is in favor of annexation;
 - (b) Declare that the territory is annexed to the city where electors or landowners in the contiguous territory consented in writing to such annexation, as provided in ORS 222.125 or 222.170, prior to the public hearing held under subsection (2) of this section; or
- (7) For the purpose of this section, ORS 222.125 and 222.170, “owner” or “landowner” means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other

owners and the same fraction shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land.

1.20.010 Generally.

All proposals for annexation of real property to the city under the provisions of Oregon Revised Statutes 222.111 to 222.180, now in effect or as hereafter amended, shall be accompanied by a preliminary plat, an exterior boundary legal description and the annexation fee as in this chapter provided. (Ord. 1166 §1, 1974).

1.20.011 Application and review.

Applications and review thereof shall conform to the provisions of Chapter 17.05 of the Central Point Municipal Code and all applicable laws of the state. Applications for annexation may be accompanied by other, concurrent applications, for amendment to the comprehensive plan, amendments to the zoning map and requests for withdrawal from special districts, provided that such concurrent applications meet all requirements therefor.

ZONE CHANGE CRITERIA

17.12.060 Zoning of annexed area. All future annexations are expected to include only lands within the city's urban growth boundary (UGB). The comprehensive plan of Central Point includes a plan for future land uses within the UGB area. The zoning map described in Section 17.12.030 is consistent with the comprehensive plan and will determine the district into which a newly annexed area is placed. The appropriate zoning district shall be applied to the area upon annexation.

17.10.200 Initiation of amendments.

A proposed amendment to the code or zoning map may be initiated by either:

- A. A resolution by the planning commission to the city council;
- B. A resolution of intent by the city council; or for zoning map amendments;
- C. An application by one or more property owners (zoning map amendments only), or their agents, of property affected by the proposed amendment. The amendment shall be accompanied by a legal description of the property or properties affected; proposed findings of facts supporting the proposed amendment, justifying the same and addressing the substantive standards for such an amendment as required by this chapter and by the Land Conservation and Development Commission of the state. (Ord. 1989 §1(part), 2014).

17.10.300 Major and minor amendments.

There are two types of map and text amendments:

- A. Major Amendments. Major amendments are legislative policy decisions that establish by law general policies and regulations for future land use decisions, such as revisions to the zoning and land division ordinance that have widespread and significant impact beyond the immediate area. Major amendments are reviewed using the Type IV procedure in Section 17.05.500.
- B. Minor Amendments. Minor amendments are those that involve the application of adopted policy to a specific development application, and not the adoption of new policy (i.e., major amendments). Minor amendments shall follow the Type III procedure, as set forth in Section 17.05.400. The approval authority shall be the city council after review and recommendation by the planning commission. (Ord. 1989 §1(part), 2014; Ord. 1874 §3(part), 2006).

17.10.400 Approval criteria.

A recommendation or a decision to approve, approve with conditions or to deny an application for a text or map amendment shall be based on written findings and conclusions that address the following criteria:

- A. Approval of the request is consistent with the applicable statewide planning goals (major amendments only);
- B. Approval of the request is consistent with the Central Point comprehensive plan (major and minor amendments);
- C. If a zoning map amendment, findings demonstrating that adequate public services and transportation networks to serve the property are either available, or identified for construction in the city's public facilities master plans (major and minor amendments); and

- D. The amendment complies with OAR [660-012-0060](#) of the Transportation Planning Rule. (Ord. 1989 §1(part), 2014; Ord. 1874 §3(part), 2006. Formerly 17.10.300(B)).

OREGON TRANSPORTATION PLANNING RULE
Oregon Administrative Rules Chapter 660, Division 12

SECTION 660-012-0060

- (1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:
- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
 - (b) Change standards implementing a functional classification system; or
 - (c) As measured at the end of the planning period identified in the adopted transportation system plan:
 - (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or
 - (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

COMPREHENSIVE PLAN AMENDMENT CRITERIA

17.96.200 Initiation of amendments.

A proposed amendment to the comprehensive plan or urban growth boundary may be initiated by either:

- A. A resolution by the planning commission to the city council;
- B. A resolution of intent by the city council; or
- C. An application by one or more property owners, or their agents, of property affected by the proposed amendment.

17.96.300 Major revisions and minor changes.

Proposed amendments to the comprehensive plan, including urban growth boundary amendments, are categorized as either major or minor amendments as defined in Section [17.10.300](#). Proposals for major revisions shall be processed as a Type IV procedure per Section [17.05.500](#). Proposals for minor changes shall be processed as a Type III procedure per Section [17.05.400](#).

17.96.500 Approval criteria.

A recommendation or a decision to approve or to deny an application for an amendment to the comprehensive plan, or urban growth boundary shall be based on written findings and conclusions that address the following criteria:

- A. Approval of the request is consistent with the applicable statewide planning goals;
- B. Approval of the request is consistent with the Central Point comprehensive plan;
- C. For urban growth boundary amendments findings demonstrate that adequate public services and transportation networks to serve the property are either available, or identified for construction in the city's public facilities master plans (major and minor amendments); and
- D. The amendment complies with OAR [660-012-0060](#) of the Transportation Planning Rule.

IV

FINDINGS OF FACT

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

- 1. Ownership/Applicant:** Tax Lots 8300 and 8400 are owned in fee simple by Bob Fellows Construction, LLC. Agent CSA Planning, Ltd. is submitting this application on behalf of the Property Owner/Applicant.
- 2. Location:** The subject property is located on the east side of Chicory Lane, east of the terminus of Lindsay Court. The property is identified as Tax Lots 8300 and 8400 in Township 37 South, Range 02 West (W.M.), Section 11C. The site addresses are 3428 and 3470 Chicory Lane, Central Point, OR.
- 3. Parcel Size:** Tax Lot 8300 currently has 1.75 acres and Tax Lot 8400 currently has 1.89 acres. *See*, Exhibit 3. Total subject property size is 3.64 acres. Potential future development is likely to be laid out roughly according to table below:

SUBJECT PROPERTY ACREAGE		
Acreage Type	Net Acres	Percent of gross acres
Residential Area	1.92	53%
Right-of-Way/Parks	1.50	41%
Total	3.64	

- 4. Current Zoning:** The property is currently under Jackson County jurisdiction and is zoned GI, General Industrial. *See*, Exhibits 5.
- 5. Proposed Zoning Map:** Applicant requests the City apply the TOD LMR (R2) zoning to the subject property.
- 6. Existing Frontage and Access:** The subject property has 520 feet of frontage on Chicory Lane along the western and southwestern boundary lines. In addition, the property has approximately 97 feet of frontage at the terminus of the northern portion of S. Haskell Street.
- 7. Lot Legality:** Tax Lots 8300 and 8400 were originally part of Lot “K” of the Snowy Butte Orchard which was platted in 1910. In 1944 the North 5 acres of Lot “K” was sold leaving the subject property as one parcel. In 1956, what is now Tax Lot 8300 was partitioned off by sale, leaving the existing configuration of the subject property tract.
- 8. Existing Development:** Each parcel currently has one residence with related accessory structures.

9. Land Uses on Abutting Properties and Surrounding Area:

Overview of area: This area, west of the Southern Pacific Railroad right of way and south of Pine Street has been in the process of being developed as a transit-oriented corridor. A variety of residential development exists in the area.

East: The property abuts the Southern Pacific Railroad right of way on the east. Adjacent to the railroad right-of-way is the Highway 99 right-of-way. Highway 99 is a five-lane major arterial with four travel lanes and a center turn lane.

North: To the north is a small development of single-family houses with ADU units constructed around 2010 on lots that range in size from 7,299 to 7,950 square feet. There is also a 9,892 square foot open space area. Beyond that is a large church property.

West: To the west is a residential subdivision with medium-size lots ranging from .18 to .30 acres in size with single-family houses of various ages built out since the mid-70's.

South: The property abuts one 4 acre rural residential property to the south and beyond is a small lot subdivision with lots ranging from .11 to .15 acres.

10. Topography: The subject property is essentially level, sloping very gently to the northeast.

11. Water Facilities and Services: There is a 12 inch waterline at the terminus of Haskell Street and an 8 inch waterline in Chicory Lane, see Exhibit 9A.

12. Storm Drainage Facilities and Services: Underground storm drainage lines are located in the railroad right-of-way where a 12 inch culvert drains the property from one side of the railroad to the other. There are also storm drainage lines in Haskell Street and Lindsey Court. These storm drain lines are available for connection, see Exhibit 9B.

13. Sanitary Sewer Facilities and Services: There are 8 inch RVSS sewer lines in both Chicory Lane and at the stub of Haskell Street that are available for connection, see Exhibit 9C.

14. Power and Natural Gas: Underground power is available from Pacific Power and underground gas is available from Avista Utilities for extension from Haskell Street.

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 streams or floodplain. Preliminary determination of wetlands on the site is provided on Exhibit 10.

17. Transportation and Access:

A. Zone Change (and precautionary Plan Amendment Findings): Applicant is requesting the City apply the TOD-LMR zoning with the base zoning of R-2. These zoning designations allow a density up to 12 units to the net acre. Assuming 41% of

the site would be consumed by infrastructure, this translates to approximately 1.92 net acres or about 23 total dwelling units. Single-family dwellings generate just under 1 peak hour trip per unit. The existing General Industrial designation in the County would generate approximately 7.26 trips per acre¹. Assuming 13% of the site would be consumed for street development (Haskell Street only) 3.17 acres would be left for development, this would yield approximately 23 trips from the current zoning. Thus, the net trip effect of the proposed zone change is net 0 PM change to peak hour trips. Applicant's position is that since the net-trip impact is zero, it does not warrant a detailed transportation impact analysis.

B. Access and Circulation: Access to the site is via Lindsey Court and Haskell Street, and along its frontage with Chicory Lane. If the annexation and zone change is approved, it is expected that future development access will occur as a result of extension of Lindsey Court through the subject property to a future extension of Haskell Street.

18. Comprehensive Plan Map and Zoning Map Analysis:

A. Historical Map Analysis: The subject property and surrounding area has a somewhat complicated map designation history. The site was designated as Industrial on the Comprehensive Plan. The City's 1987 zoning map showed the property as M-1 even though the property was still in the County and zoned General Industrial. The M-1 zone is the City's base industrial zone and allows for a wide variety of industrial and manufacturing uses. During this period, the land to the north and south was planned Industrial and the City's zoning map depicts M-2 to the north and M-1 to the south.

In September of 1998, the City of Central Point did a large legislative amendment that included multiple ordinances. Those ordinances re-arranged land uses in the City's UGB and also amended the Urban Growth Management Agreement (UGMA) with Jackson County. Ordinance No. 1793 amended the Comprehensive Plan Map designation for this area as "Area 2" in that package of legislative amendments. The land uses were re-designated from Industrial to Low-Density Residential and High Density Residential. Most of this area was outside the City limits at the time, but the City adopted a new zoning map for this area that depicted the subject property and the land immediately to the south as R-3 with lands further to the South as R-1-6.

During the adoption proceedings DLCD raised concerns and the City responded to those concerns as follows:

DLCD Correspondence: *The first statement made by DLCD staff is that industrial, commercial and residential acreages need to "balance" so that the city continues to have a twenty year supply of land for each use. Statewide Planning Goals 9, 10 and 14 are cited as the legislative requirements for a twenty year supply and it is pointed out that Central Point's proposal will*

¹ This rate is from the ITE Trip Generation Handbook 7th Edition. This is CSA's most recent copy. A more recent version is available but would not be expected to change the estimates enough to result in a different outcome- that the change in trip generation potential is *de minimus*. See also below analysis regarding net-to-gross factors for the site.

decrease the amount of industrial land by 104 acres and increase both commercial land (by 32 acres) and residential land by 94 acres. The state asks that justification be provided to ensure the City will have enough of a land use mix to meet future employment needs with its industrial and commercial land inventory (as defined by Oregon Administrative Rule 660-09-0250) and future housing needs (as defined by OAR 660-08-010). The belief is that failing to balance jobs and housing will lead to an increase in work-related vehicle trips and the corresponding failure to meet regional transportation objectives.

City of Central Point response: There are no specific statements in any of the Goals regarding the "balance" DLCD discusses however Goal 9 does encourage municipalities to provide an adequate supply of sites of suitable sizes, types and locations for a variety of industrial and commercial uses consistent with plan policies. For nearly twenty years the City of Central Point has regularly experienced, residential prosperity ... not shared by the commercial and industrial sectors ... A major objective of this (Comp) Plan is to promote a greater emphasis on commercial and industrial growth ... (refer to Central Point Comprehensive Plan, Economics Page IX-14). The land use designations that the City is now proposing to change were created in the 1980's. Of the three land use categories, the industrial land has been the slowest to develop and in most cases has been farmed or remained vacant throughout the planning period. Recent attempts to develop industrial land west of Interstate 5 have met with significant local opposition.

In contrast, the City has received two separate requests in the last 60 days to annex a total of 50 acres of industrially designated land east of I-5 for immediate development. It is the City's conviction that the potential for marketing industrial land east of I-5 (and in the vicinity of the airport) is greater than it is west of I-5 in spite of the land's proximity to the railroad. In response to OAR 660-09-015, the City has not only identified industrial and commercial sites (in Area #3) that could reasonably be expected to locate or expand in the planning area ... and likely to be needed, but has identified sites for which there is now a development demand. The letter from Bear Creek Orchards, Inc. (which was read into the public record on May 5, 1998) also substantiates the City's analysis and findings.

Over the years, Jackson County has received authorization from the State to develop the White City industrial complex which is also served by the railroad. Heavier industrial uses have found the area more desirable due to the number of large vacant parcels with ample infrastructure and no municipal taxes. When viewed in a regional and historic context, Central Point has an adequate supply of industrially designated land and a net reduction of 104 acres does not materially diminish this supply. In fact, DLCD has previously stated to City staff that light industry often generates higher numbers of employees than heavy industrial uses.

The RVMPO Regional Transportation Plan, prepared by David Evans and Associates, Inc. speaks to the issue of regional land use development patterns (RVMPO RTP, Page XIII-I). The Plan states that, evaluations and research conducted in Oregon and elsewhere suggests that a mix of land uses involving residential and commercial activity in adjoining areas can contribute to lower travel demand than a development scheme with more

widely-separated uses. This is one of the reasons the City wishes to develop residential land in closer proximity to its downtown commercial business district and is also proposing small-scale commercial uses near prospective residential subdivisions in Areas 1 and 4. It should be noted that industrial land uses generate fewer vehicle trips than do commercial uses (reference the OTE Manual). Therefore the balance between residential and commercial uses is more significant in terms of lowering travel demand than the balance between residential and industrial uses. There is a 3:1 ratio between the residential and commercial zone changes being proposed.

The City's findings (at Record Page 122-123) reject DLCDC's notion that a precise balance of land uses was required at the time of the amendments. Instead, the findings make a more generalized determination that the adopted land use re-designations are appropriate based upon market demand and locational factors.

Following the major legislative amendment to the City's UGB, the City undertook another major legislative amendment in the form of Ordinance No. 1815. That ordinance created the Transit Oriented Development (TOD) standards and established two new Comprehensive Plan Map Designations: TOD District and the TOD Corridor. The main difference between these two designations is that the TOD District lands are required to apply the new TOD zoning districts and the TOD Corridor lands are afforded the option to develop under the original zoning or under the new TOD zoning district standards.

What is not clear from Ordinance No. 1815, is how future changes between zoning districts within these TOD designation areas relates to the overall arrangement of land uses on the Comprehensive Plan Map. Both the TOD District and the TOD Corridor allow for a variety of zoning districts including a wide variety of employment and industrial uses. For lands that were already in the City, this is somewhat less problematic because the zoning map that went with the Ordinance actually applied the new zoning to those lands. However, in the case of lands not in the City the zoning map is more "prospective" and it is unclear whether a zone change alone is adequate to apply a different zone at the time of annexation than the "prospective zone" depicted on the City's zoning map within the TOD District Corridor or whether such a change also requires a Comprehensive Plan amendment. Because of this procedural ambiguity, the Applicant has addressed the criteria for Comprehensive Plan Map amendment as a precautionary measure to assure an adequate factual base for the requested annexation and zone change.

Not long after the TOD Corridor was created, the land south of the Quillen property (TL 1000) was annexed and rezoned to TOD-LMR and was developed as the Cascade Meadows Subdivision in 2002. Subsequently, land to the north was rezoned from TOD-GC (M-1) to TOD-LMR and TOD-Civic.

- B. Residential Land Supply and Demand Analysis:** Based upon the structure of the City's regulations and the particular history associated with the subject property it is a little discern exactly what the contemplated zoning for the property is - following the TOD Corridor establishment from a quantitative standpoint. However, the prior amendments that redistributed land uses in the City contemplated the subject property

as High Density Residential (R-3). While those amendments did not include precise calculations of the supply and demand implications of the redistribution, the Comprehensive Plan amendments did treat the subject property as High Density Residential and so a quantitative comparison in relation to the subject property between the two zoning districts is useful, as follows:

To do this, first calculate the potential range of density for the property:

DENSITY CALCULATIONS						
	LMR Density			MMR Density		
	6 units/acre	12 units/acre	14 units/acre	32 units/acre		
	Minimum	Maximum	Minimum	Maximum		
Net unit range on 1.92 Acres	12	-	23	27	-	61

Then compare the potential number of units under each zoning districts:

DENSITY DIFFERENTIAL	Minimum Regulatory Differential		Maximum Regulatory Differential		Likely Regulatory Differential	
	Dwelling Units	Density ¹	Dwelling Units	Density ¹	Dwelling Units	Density ¹
TOD-LMR (R-2)	23	12	12	6	18	9.4
TOD-MMR (R-3)	27	14	61	32	30	15.6
Net Dwelling Units	-4		-49		-12	

¹ Density is provided in dwelling units per net acre. Net acres assume 41% net-to-gross factor

From a pure regulatory standpoint, the range of potential dwelling unit differences is from as small as 4 to as much as 49.

From a technical perspective, it is important to explain the 41% net-to-gross factor. This factor is higher than is typical, but preliminary design work on the site indicates this is appropriate given the requirements to address potential wetlands mitigation, a collector road right-of-way and the need to extend Lindsey Court.

From an actual build-out standpoint, the implications of zoning the property TOD-LMR versus TOD-MMR or R-3 are expected to be small. Our client is not interested in doing a large apartment project on the site and would design to the minimum density under the MMR zoning of 14 units per acre. It would be impossible to achieve more than 30 units on the site without a large apartment building component. Under the LMR zoning, preliminary design work indicates units per the net acre would be expected to come in around 9.4. The proposed TOD-LMR zoning is expected to result in approximately 12 fewer units from a real-world perspective. Twelve units is a small number that has relatively little impact on the ability of the City, as a whole, to comply with its Statewide Planning Goal 10 requirements.

C. Qualitative and Locational Analysis: The Applicant believes there are a number of qualitative and locational considerations that make the TOD-LMR zoning the most appropriate zoning for the area. Locational and qualitative reasons to zone the property TOD-LMR include the following:

- i. The property to the north remained industrial at the time the land use redistribution was done in 1998. At that time, the subject property represented a transition area from single-family to the south to industrial to the north. This concept was perpetuated when the TOD Corridor was adopted where a large area of TOD-GC (M-2) existed to the north. This circumstance no longer exists. The land immediately to the north is now zoned TOD-LMR and is developed with single-family dwellings. The site will no longer serve as a transition area between single family and more intensively developed areas as is described for MMR by Ordinance No. 1815, “The moderate density in these areas is intended to continue the transition from lower density residential uses on the perimeter of the TOD District to the more densely developed center of the district.”
- ii. There is now approximately half the acreage remaining in the TOD-GC (M-2 & M-1) designation to the north than there was at the time the TOD Corridor designation was in place. Consequently, there are fewer opportunities for interactions between housing and employment/commercial uses. The only employment use west of the railroad and within a quarter mile of the site is an office use (Microvellum) and there are no commercial retail uses within a quarter mile that are west of the railroad tracks. The opportunities for high density housing to interact with commercial development to the north has been reduced to an extent that development to the upper density of the TOD-MMR range less desirable and thereby making the practical difference in expected future housing supply to be small.
- iii. In addition to the technical land use planning reasons to designate the property TOD-LMR (R-2), there are market reasons for this designation. The TOD standards for mixed housing types at MMR level densities works best on larger sites with more developable acreage. From a housing market perspective, economies of scale are important for economic multi-family development. Four eight-plex rental apartment buildings mixed in with 12 for-sale small lot houses is difficult to make work but something like this is really all that would fit on a site this size if the project is going to achieve anything close to the mid-point or above for the MMR density range. Neither housing type is going to work very well. Four apartment buildings is not enough to support construction and maintenance of the kind of amenities you want for apartment projects – like a pool, pool-house/rec center, playground etc as well as cost effective utilities and grounds maintenance. Meanwhile, the small-lot single-family unit prices are likely to be negatively affected by the immediate proximity of the apartment building project component. The single-family quality components are likely to suffer as a result.

The Applicant, Bob Fellows Construction, has a proven track record of supplying new single-family houses that represent good value. The Applicant's concept for the project is still to attain a reasonable density with small lots (~4,500 square feet) and house plans appropriate for the lot size. This project concept is expected to deliver an excellent value proposition for aging homeowners looking to downsize and young families looking for that first or second home. The Applicant believes this market segment is important to the community and is underserved in Central Point.

* * * * *

V

**CONCLUSIONS OF LAW
ANNEXATION & ZONE CHANGE**

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 and Findings of Fact in Section IV.

**Chapter 1.20
ANNEXATION PROCEDURE**

222.111 Authority and procedure for annexation.

- (1) When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS 222.111 to 222.180 or 222.840 to 222.915, the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies.
- (2) A proposal for annexation of territory to a city may be initiated by the legislative body of the city, on its own motion, or by a petition to the legislative body of the city by owners of real property in the territory to be annexed.
- (5) The legislative body of the city shall submit, except when not required under ORS 222.120, 222.170 and 222.840 to 222.915 to do so, the proposal for annexation to the electors of the territory proposed for annexation and, except when permitted under ORS 222.120 or 222.840 to 222.915 to dispense with submitting the proposal for annexation to the electors of the city, the legislative body of the city shall submit such proposal to the electors of the city. The proposal for annexation may be voted upon at a general election or at a special election to be held for that purpose.

Conclusions of Law: Based upon the evidence in Exhibit 4, the City of Central Point Planning Commission and City Council (henceforth "the City") concludes the existing City limit is adjacent to the subject property and will result in a contiguous City limit following the annexation. The City herewith incorporates and adopts the annexation petition at Exhibit 8 and based thereupon concludes the proposal for annexation has been initiated by the owners of the real property in the territory to be annexed. The City further incorporates its findings under ORS 222.120 below and concludes based upon the same that ORS 222.120 allows the City Council to dispense with submission of the proposal for annexation to the electors of the City and does not herewith.

222.120 Procedure for annexation without election; hearing; ordinance subject to referendum.

- (1) Except when expressly required to do so by the city charter, the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for their approval or rejection.
- (2) When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for a public hearing before the legislative body at which time the electors of the city may appear and be heard on the question of annexation.

- (3) The city legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period.
- (4) After the hearing, the city legislative body may, by an ordinance containing a legal description of the territory in question:
 - (a) Declare that the territory is annexed to the city upon the condition that the majority of the votes cast in the territory is in favor of annexation;
 - (b) Declare that the territory is annexed to the city where electors or landowners in the contiguous territory consented in writing to such annexation, as provided in ORS 222.125 or 222.170, prior to the public hearing held under subsection (2) of this section; or
- (7) For the purpose of this section, ORS 222.125 and 222.170, "owner" or "landowner" means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land.

Conclusions of Law: Based upon the evidence provided by the Applicant and the evidence in the record, the City concludes that it has properly followed the hearing procedures for annexation and herewith declare the territory annexed pursuant to 222.120(4)(b).

1.20.010 Generally.

All proposals for annexation of real property to the city under the provisions of Oregon Revised Statutes 222.111 to 222.180, now in effect or as hereafter amended, shall be accompanied by a preliminary plat, an exterior boundary legal description and the annexation fee as in this chapter provided. (Ord. 1166 §1, 1974).

Conclusions of Law: Based upon the conclusions of law hereinabove, the City concludes it has followed the provisions of ORS 222.111 to 222.180 and that the proposal for annexation is accompanied by a preliminary plat and exterior boundary legal description provided at Exhibit 12. The City further concludes that the application includes the required annexation fee.

1.20.011 Application and review.

Applications and review thereof shall conform to the provisions of Chapter 17.05 of the Central Point Municipal Code and all applicable laws of the state. Applications for annexation may be accompanied by other, concurrent applications, for amendment to the comprehensive plan, amendments to the zoning map and requests for withdrawal from special districts, provided that such concurrent applications meet all requirements therefor.

Conclusions of Law: The City concludes it has properly applied the procedures specified in Chapter 17.05. The City further concludes that the request of annexation is accompanied by a request for zone change as allowed by Section 1.20.011 as well as findings and evidence addressing the same herein (as well as the precautionary plan amendment also addressed herein).

* * * * *

APPROVAL CRITERIA FOR ZONE CHANGE

Chapter 17.10 ZONE CHANGE

17.10.400 Approval criteria.

A recommendation or a decision to approve, approve with conditions or to deny an application for a text or map amendment shall be based on written findings and conclusions that address the following criteria:

A. Approval of the request is consistent with the applicable statewide planning goals (major amendments only);

Conclusions of Law: The City herewith concludes that the proposed zone change is a minor (quasi-judicial amendment) and concludes accordingly that the criterion is not applicable to the subject application².

B. Approval of the request is consistent with the Central Point comprehensive plan (major and minor amendments);

Conclusions of Law: The City concludes the proposed TOD-LMR (R-2) zoning is a permissible zone within the TOD Corridor Comprehensive Plan Map Designation and is therefore consistent. The City further concludes that prior legislative Comprehensive Plan processes contemplated that the subject site would be zoned TOD-MMR (R-3) and that the proposed zoning is still a residential zone and one that is not expected to result in fewer dwelling units to such a degree as to be inconsistent with the Comprehensive Plan³.

C. If a zoning map amendment, findings demonstrating that adequate public services and transportation networks to serve the property are either available, or identified for construction in the city's public facilities master plans (major and minor amendments); and

Conclusions of Law: Based upon the evidence in Section II and the findings of fact in Section IV, the City concludes as follows with respect to public services and transportation networks to serve the property:

- Water, Sewer and Storm Drainage facilities exist at the property and are adequate in condition and capacity to serve the property.
- The proposed zone change will result in little or no change in trip generation potential of the site therefore it is expected that no significant transportation impacts will result.
- Police and Fire protection exist at the site currently and fire protection will continue at similar levels following the zone change while police service will then become primary responsibility of the Central Point Police Department.

² Applicant has also provided conclusions of law for a precautionary Comprehensive Plan amendment and the Statewide Planning Goals are addressed therein where substantively the same conclusions would be reached for the subject zoning map amendment.

³ If the City ultimately concludes that a Comprehensive Plan amendment is required, then the City would adopt the alternative conclusion of law as follows: The City concludes the proposed TOD-LMR (R-2) zoning is consistent with the Comprehensive Plan because the proposed zone is a permissible zone within the TOD Corridor Comprehensive Plan Map Designation and the City herewith incorporates and adopts the precautionary plan amendment conclusions of law herein below which demonstrates that the TOD-LMR (R-2) can be explained as an appropriate amendment to the City's Comprehensive Plan.

D. The amendment complies with OAR [660-012-0060](#) of the Transportation Planning Rule.

Conclusions of Law: The City herewith incorporates and adopts its conclusions of law below regarding the Transportation Planning Rule and concludes the City the proposed zoning is consistent in all ways with those conclusions demonstrating compliance with the Transportation Planning Rule.

OREGON TRANSPORTATION PLANNING RULE
Oregon Administrative Rules Chapter 660, Division 12

SECTION 660-012-0060

- (1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:
- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
 - (b) Change standards implementing a functional classification system; or
 - (c) As measured at the end of the planning period identified in the adopted transportation system plan:
 - (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or
 - (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

Conclusions of Law (continued): The City concludes the proposed amendment from County General Industrial to City TOD-LMR (R-2) will not significantly affect a transportation facility based upon the Findings in Section IV which supports the following conclusions:

- The proposed amendment will not change the functional classification of an existing or planned transportation facility because the projected number of new residential trips each direction on all the streets used by the subject application is equal to the amount of industrial traffic that would be possible under the existing zoning.
- The amendment is a minor map amendment and does not propose any changes to standards implementing the City's functional classification system.
- From a trip generation potential standpoint, the proposed amendment does not allow uses that generate materially more traffic than the existing designation so nothing about the amendment will allow land uses or level of development that are inconsistent with the functional classification of existing and planned transportation facilities in the area that are already planned in the City's TSP to residential uses at the subject property.
- From a trip generation potential standpoint, the proposed amendment does not allow uses that generate materially more traffic than the existing designation so nothing

about the amendment would reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standards for facilities projected to meet adopted standards at the end of the planning period or worsen the performance of any facilities otherwise projected to exceed performance standards at the end of the planning period.

* * * * *

VI

**CONCLUSIONS OF LAW
PLAN AMENDMENT
(PRECAUTIONARY)**

In an abundance of caution, the Applicant herewith provides conclusions of law addressing the Comprehensive Plan amendment criteria. Applicant believes the City could properly interpret its Comprehensive Plan and development code to apply the requested zoning because the Evidence in Section II and the Findings of Fact in Section IV explain that the proposed TOD-LMR zoning district is an allowed zone in the TOD Corridor Plan designation. However, that evidence and findings also point up that the structure of the City's Plan results in some degree of ambiguity regarding the need for a Comprehensive Plan amendment in the context of the subject application requesting the TOD-LMR (R-2) zoning instead of a TOD-MMR (R-3) zone at the time of annexation. If the City (or the Courts on Appeal) were to conclude that a Comprehensive Plan amendment is required for the requested zone change, the Applicant herewith provides the following conclusions of law to be 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 and Findings of Fact in Section IV.

The Conclusions of Law below are structured as an amendment to change the Comprehensive Plan in a manner that allows TOD-LMR (R-2) on the subject property instead of TOD-MMR(R-3).

APPROVAL CRITERIA FOR COMPREHENSIVE PLAN AMENDMENT

**Chapter 17.96
COMPREHENSIVE PLAN AMENDMENT**

17.96.500 Approval criteria.

A recommendation or a decision to approve or to deny an application for an amendment to the comprehensive plan, or urban growth boundary shall be based on written findings and conclusions that address the following criteria:

- A. Approval of the request is consistent with the applicable statewide planning goals;

Conclusions of Law: The City herewith incorporate and adopt the below conclusions of law with respect to each applicable statewide planning goal, as follows:

Goal 1: Citizen Involvement

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process...*[balance omitted for brevity]*

Conclusions of Law: The City concludes the Comprehensive Plan Map amendment is quasi-judicial in nature and therefore citizen involvement is assured by and through application of the City's adopted and acknowledged procedures for the conduct and noticing of quasi-judicial reviews, including noticing and public hearings.

Goal 2: Land Use Planning

PART I -- PLANNING

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions...*[balance omitted for brevity]*

Conclusions of Law: The City concludes that the subject application is quasi-judicial in nature and requires demonstration of compliance with predetermined criteria and approval of the requested plan map amendment requires substantial evidence to demonstrate each of the relevant criteria have been satisfied. The City herewith incorporates the balance of the conclusions of law addressing all other criteria applicable to the plan amendment, and concludes based thereupon, that adequate evidence exists in the application submittal and associated record to conclude all applicable criteria are satisfied.

The City further concludes that the requested plan amendment is a narrow one from the standpoint of map designations between two residential designations that allow many of the same uses but will permit a modestly lower residential density on the subject property.

Goal 3: Agricultural Lands

To preserve and maintain agricultural lands...*[balance omitted for brevity]*

Conclusions of Law: The City concludes the subject property is within its Urban Growth Boundary and is planned for urban residential use and is not, therefore, subject to Goal 3 protection.

Goal 4: Forest Lands

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture...*(balance omitted for brevity)*

Conclusions of Law: The City concludes the subject property is within its UGB and is planned for urban residential use and the proposed amendment is not subject to Goal 4 protection.

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

To protect natural resources and conserve scenic and historic areas and open spaces...*[balance omitted for brevity]*

Conclusions of Law: The City concludes the subject property is not subject to any adopted Goal 5 protections and therefore the amendment from one residential designation to another will have no effect on the City's plan to achieve Goal 5. While not mapped on any identified inventories, a preliminary wetlands assessment indicates a portion of the site may contain wetlands in the area of the future Haskell Street extension; nothing about the plan amendment will alter the City's plans in its TSP to extend a higher order street in this location and the same will require further work to address this potential wetland issue.

Goal 6: Air, Water and Land Resources Quality

To maintain and improve the quality of the air, water and land resources of the state. All waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards. With respect to the air, water and land resources of the applicable air sheds and river basins described or included in state environmental quality statutes, rules, standards and implementation plans, such discharges shall not (1) exceed the carrying capacity of such resources, considering long range needs; (2) degrade such resources; or (3) threaten the availability of such resources...*[balance omitted for brevity]*

Conclusions of Law: Based upon the Findings of Fact in Section IV, the City concludes that the proposed amendment will allow for single-family residential development which will be required to comply with agency permits (such as NPDES permits for stormwater) but the City and other agencies have standards in place to assure compliance and the development of the subject property and there is no evidence that the subject property is subject to unique circumstances that would be expected to make it infeasible to comply with applicable standards through the normal residential development review process.

Goal 7: Areas Subject to Natural Hazards

To protect people and property from natural hazards...*[balance omitted for brevity]*

Conclusions of Law: The City concludes that the subject property is not subject to any known specific natural hazards that require special planning or implementation measures except the general earthquake risks that exist in all of western Oregon and the same are adequately handled by applicable building codes.

Goal 8: Recreational Needs

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts...*[balance omitted for brevity]*

Conclusions of Law: The City concludes the subject property has not been adopted into any local parks plans to achieve Goal 8. It is not known to contain any unique resources necessary to attain Goal 8 and the proposed amendment from one residential designation to another will have no appreciable impact on the City's ability to achieve Goal 8.

Goal 9: Economic Development

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Comprehensive plans and policies shall contribute to a stable and healthy economy in all regions of the state. Such plans shall be based on inventories of areas suitable for increased economic growth and activity after taking into consideration the health of the current economic base; materials and energy availability and cost; labor market factors; educational and technical training programs; availability of key public facilities; necessary support facilities; current market forces; location relative to markets; availability of renewable and non-renewable resources; availability of land; and pollution control requirements...*[balance omitted for brevity]*

Conclusions of Law: The subject amendment concerns two categories of residential development, and based thereupon, the City concludes that the proposed amendment will have no meaningful effect on the City's ability to achieve Goal 9.

Goal 10: Housing

To provide for the housing needs of citizens of the state...*[balance omitted for brevity]*

Conclusions of Law: Based upon the evidence and the Finding of Fact in Section IV, the City concludes as follows with respect to Goal 10:

- The land use pattern around the subject property is different from the pattern that existed when the site was contemplated for R-3 zoning (and later TOD-MMR). The site (together with the Quillen property to the south) is surrounded by single-family development and the TOD-LMR zoning represents a designation that will still supply needed housing at appropriate densities.
- The City concludes that the actual delivered housing unit difference is expected to be on the order of 12 fewer dwelling units which is a negligible reduction in the context of the City's entire UGB.
- Ultimately, the City concludes that this amendment is beneficial because it is expected to supply needed housing now rather than forcing a zoning designation the property owner does not want in the hopes that some future development may result in a small number of additional dwellings on the subject property. The Council concludes that it is has been many years since the City has amended its UGB for residential lands, and while currently underway, completion of that process is still several years in the future. Planning for the total UGB-wide housing needs can and must be fulfilled through that process. However, in the immediate term, the City is experiencing shortfalls of just the type of housing the Applicant wishes to construct and approval of the amendment herein is expected to deliver housing for which current needs exist.

Goal 11: Public Facilities and Services

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development...*[balance omitted for brevity]*

Conclusions of Law: Based upon the Evidence in Section II and the Findings of Fact in Section IV, the City concludes the proposed amendment is located in an area where water, sewer, storm drainage, and streets are readily available to the property and future development can feasibly utilize such facilities. Moreover, the Council observes that the TOD-LMR designation would be expected to demand slightly less in the way of public facilities than would the TOD-MMR designation.

Goal 12: Transportation

To provide and encourage a safe, convenient and economic transportation system...*[balance omitted for brevity]*

Conclusions of Law: The City concludes that OAR 660 Division 012 implements Goal 12 and OAR 660-012-0060 sets forth specific regulations for comprehensive plan map amendments and zone changes. The City herewith incorporates and adopts its conclusions of law addressing TPR herein above and based upon the same concludes that no significant impacts to the transportation system will occur as a result of the amendment. The City further concludes that TOD-LMR (R-2) would be expected to generate slightly fewer trips

than would be generated under TOD-MMR (R-3) and this is another reason to conclude significant impacts to the transportation system are not expected.

Goal 13: Energy Conservation

To conserve energy...[balance omitted for brevity]

Conclusions of Law: The City concludes that the change between slightly different residential designations is such that the City's land use planning for energy conservation will be little affected by the proposed amendment.

Goal 14: Urbanization

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities...[balance omitted for brevity]

Conclusions of Law: The City concludes the proposed amendment concerns a map designation change between residential categories with similar allowed uses. The City concludes the proposed TOD-LMR designation is slightly less dense than the TOD-MMR zone but that it is still urban in nature and the actual expected yield difference between the two zones is approximately 12 units which is a nominal difference in the context of compliance with Goal 14 on citywide basis.

Summary Conclusions of Law: In sum, the City concludes the proposed amendment from TOD-MMR (R-3) to TOD-LMR (R-2) is consistent in all ways with the Statewide Planning Goals.

B. Approval of the request is consistent with the Central Point comprehensive plan;

Conclusions of Law: The City concludes criteria that require general compliance with the Comprehensive Plan does not automatically transform all the Goals and Policies of the Comprehensive Plan into decisional criteria for a quasi-judicial land use application, *see Bennett vs. The City of Dallas*. The City has reviewed its Comprehensive Plan and it finds that the language and context of only the following goals and policies are intended to function as approval criteria for the subject application:

Housing Element Conclusion #1 Policy 2:
Provide for a range of housing types, styles, and costs, including single-family homes, condominiums, rental housing and mobile homes.

The City concludes this policy is a sort of restatement of Goal 10 requirements to plan for a range of housing types and price ranges. The proposed amendments will not preclude advancement of this policy. The City TOD-LMR district still allows for multiple housing types and the stated intent of the Applicant is to supply housing at a price point (for new housing) that is very limited in Central Point that will provide more options for younger families looking for their first or second home and older residents looking to downsize.

Land Use Element Policy 5:
Continue to ensure that long-range planning and zoning reflects the need to locate the highest densities and greatest numbers of residents in the closest possible proximity to shopping, employment, major public facilities, and public transportation corridors.

The City concludes that this policy is a major reason why this amendment is now appropriate. When the subject property was contemplated for the R-3 zoning, there was substantially more employment land planned nearby to the north (almost twice the acreage). That area is now primarily zoned residential instead. As such, advancement of this policy, can be better achieved as part of the legislative UGB review for housing to locate larger high density areas nearer to areas where expanding (rather than contracting) employment areas are planned and allow this property to meet current market needs for smaller single-family development. Moreover, because of the Railroad, the subject site is over half a mile from practical physical access to the nearest RVTD route.

- C. For urban growth boundary amendments findings demonstrate that adequate public services and transportation networks to serve the property are either available, or identified for construction in the city's public facilities master plans (major and minor amendments); and

Conclusions of Law: The City concludes the proposed amendment does not concern a UGB amendment.

- D. The amendment complies with [OAR 660-012-0060](#) of the Transportation Planning Rule.

Conclusions of Law: The City herewith incorporates and adopts the above conclusions of law below conclusions of law addressing the Transportation Planning Rule under the zone change criteria. The Council further concludes that a significant effect on the transportation system is not expected where the amendment involves a modest reduction of residential density from TOD-MMR to TOD-LMR because the trip generation potential is expected to go down.

* * * * *

VII

SUMMARY OF APPLICANTS' STIPULATIONS

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]*

* * * * *

VIII

ULTIMATE CONCLUSIONS; DECISION

Based upon the record and the foregoing findings of fact and conclusions of law, it is concluded that the applications for Annexation and Zone Change are consistent with the requirements of all of the relevant substantive approval criteria which have been addressed hereinabove. It is further concluded that if a Comprehensive Plan Amendment is determined to be necessary by the City (or by the Courts on Appeal) the proposal can be found to comply with all relevant City of Central Point criteria for Comprehensive Plan amendment as provided as a precautionary submittal herein above.

Respectfully submitted on behalf of Applicants and Property Owners.

CSA Planning, Ltd.



Jay Harland
Principal

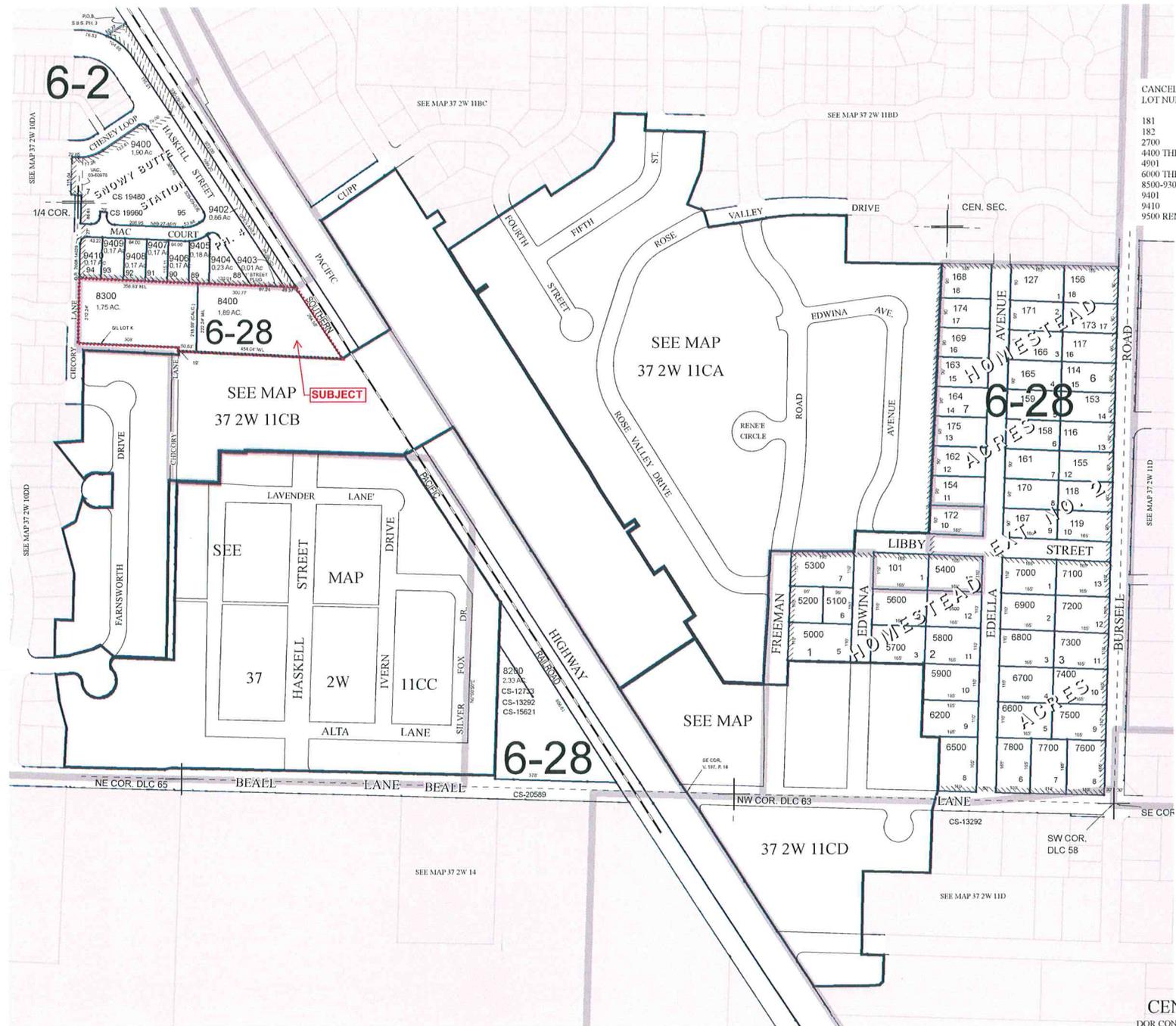
May 9, 2017

FOR ASSESSMENT AND TAXATION ONLY

S.W.1/4, SEC.11, T.37S., R.2W., W.M.
JACKSON COUNTY
1" = 200'

EXHIBIT 3

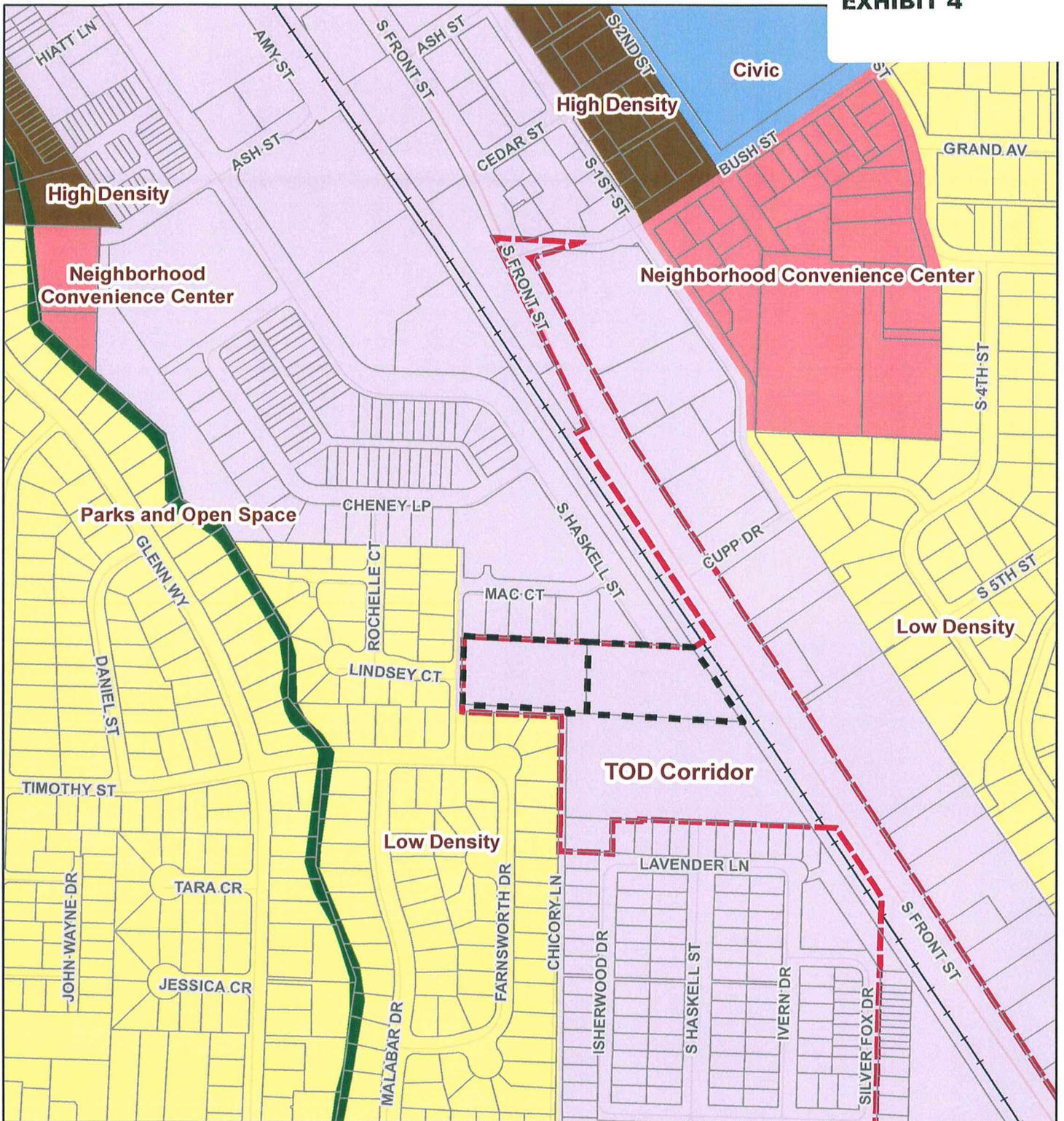
37 2W 11C
& INDEX
CENTRAL POINT



CANCELLED TAX LOT NUMBERS:

- 181
- 182
- 2700
- 4400 THRU 4900
- 4901
- 6000 THRU 6400
- 8500-9300 REMAPPED TO 372W11CC
- 9401
- 9410
- 9500 REMAPPED TO 372W11CC

37 2W 11C
& INDEX
CENTRAL POINT
DOR CONVERSION MARCH 29, 2000
REV JUNE 17, 2008



	Subject Lots		Neighborhood Convenience Center
	Tax Lots		TOD Corridor
	City Limits		High Density Res.
	Urban Growth Boundary		Low Density Res.
	Railroad		Civic
			Parks and Open Space

Existing Comprehensive Plan

Annexation / Zone Change
 Bob Fellows Construction, LLC
 37-2W-11C tax lots 8300 & 8400







CSA Planning, Ltd.



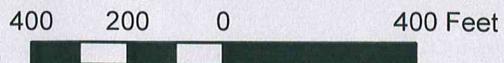
	Subject Lots		City Zoning C-2(m)
	City Limits		Civic
	Tax Lots		GC
	Railroad		LMR
	County Zoning		M-1
			MMR
			OS
			R-1-6
			R-1-8
			R-3

2012 Aerial

Existing Zoning on Aerial

Annexation / Zone Change
 Bob Fellows Construction, LLC
 37-2W-11C tax lots 8300 & 8400





CSA Planning, Ltd.



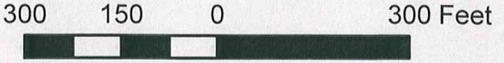
	Subject Lots	City Zoning
	Tax Lots	 C-2(m)
	Railroad	 Civic
	County Zoning	 EC
		 GC
		 LMR
		 M-1
		 MMR
		 OS
		 R-1-6
		 R-1-8

Proposed Zoning Map

Annexation / Zone Change
 Bob Fellows Construction, LLC
 37-2W-11C tax lots 8300 & 8400



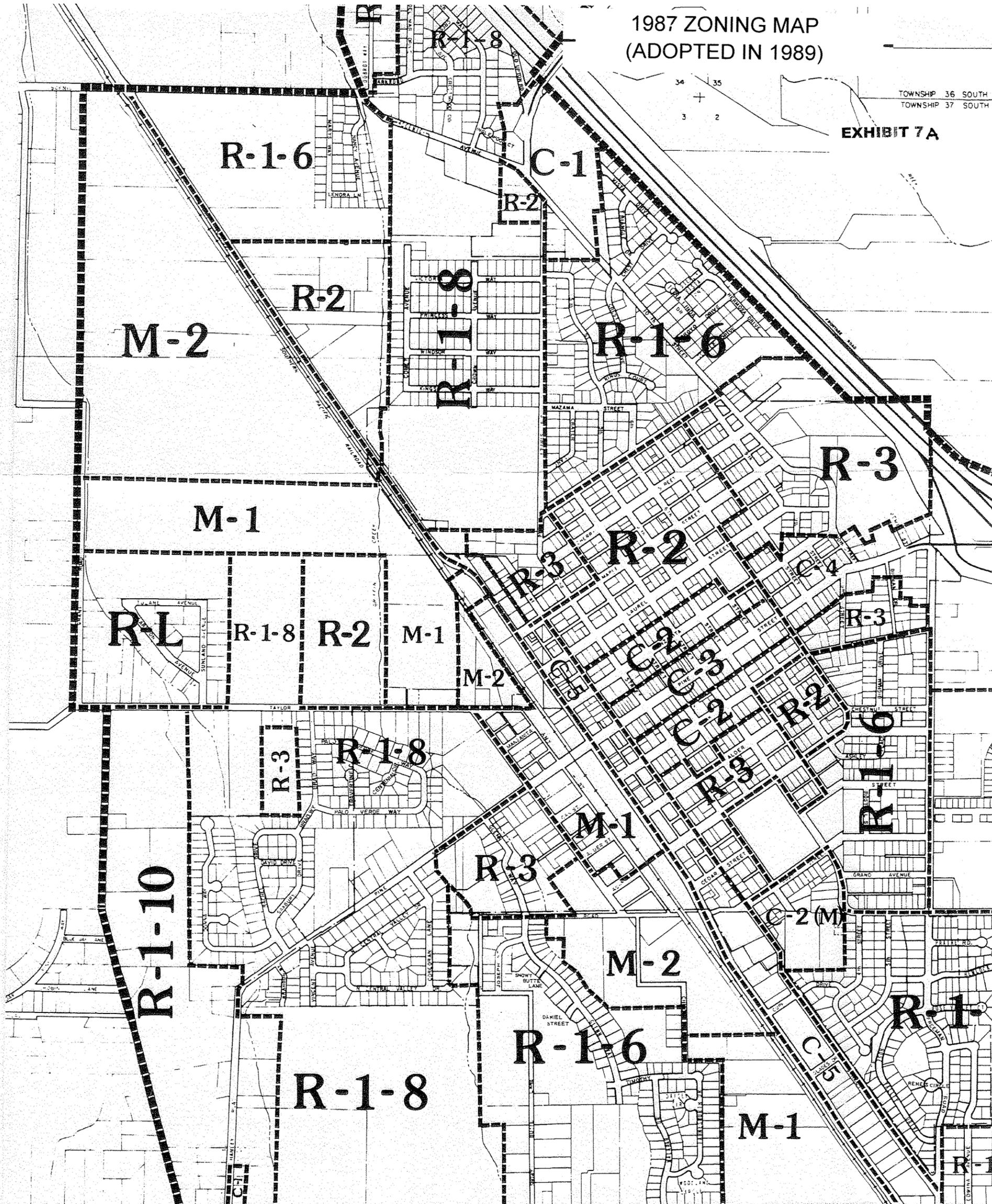




1987 ZONING MAP
(ADOPTED IN 1989)

TOWNSHIP 36 SOUTH
TOWNSHIP 37 SOUTH

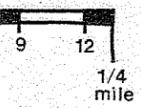
EXHIBIT 7A



ADOPTED VIA RESOLUTION NO. 1615
BY CENTRAL POINT CITY COUNCIL
ON 3/16/89
Proposed 11/3/87

City of
Central Point
ZONING MAP

- R-L - RESIDENTIAL LOW-DENSITY
- R-1-6 - RESIDENTIAL SINGLE-FAMILY (6,000 sq.ft.)
- R-1-8 - RESIDENTIAL SINGLE-FAMILY (8,000 sq.ft.)
- R-1-10 - RESIDENTIAL SINGLE-FAMILY (10,000 sq.ft.)
- R-2 - RESIDENTIAL TWO-FAMILY
- R-3 - RESIDENTIAL MULTIPLE-FAMILY
- C-1 - NEIGHBORHOOD CONVENIENCE SHOPPING
- C-2 - COMMERCIAL-PROFESSIONAL
- C-3 - DOWNTOWN BUSINESS DISTRICT
- C-4 - TOURIST AND OFFICE-PROFESSIONAL
- C-5 - THOROUGHFARE COMMERCIAL
- M-1 - INDUSTRIAL
- M-2 - GENERAL INDUSTRIAL
- BCG - BEAR CREEK GREENWAY



Prepared by the RVCOG

* C-2(M) Zone pertains to the Concept Plan for hospital-related medical office development, as discussed on page XII-18 of the Comprehensive Plan.

AN ORDINANCE AMENDING THE CENTRAL POINT COMPREHENSIVE PLAN FOR
AREA # 2**RECITALS:**

1. The City of Central Point ("City") is authorized under Oregon Revised Statute (ORS) Chapter 197 to prepare and adopt comprehensive plans and implementing ordinances consistent with the Statewide Land Use Planning Goals.

2. The City has coordinated its planning efforts with the State in accordance with ORS 197.040(2)(e) and OAR 660-030-0060 to assure compliance with goals and compatibility with City and County Comprehensive Plans.

3. Pursuant to authority granted by the City charter and the Oregon Revised Statutes, the City has determined to amend the *Central Point Comprehensive Plan and Zoning Map* which was originally adopted on August 29, 1980, and has been amended at various times since then.

4. Pursuant to the requirements set forth in CPMC Chapter 1.24 and Chapter 17.96, the City has conducted the following duly advertised public hearings to consider the proposed amendments:

- (a) Citizen's Advisory Committee hearing on February 26, 1998.
- (b) Planning Commission hearings on May 5th and May 19th, 1998.
- (c) City Council hearing on August 6, 1998.
- (d) Accepted written comments through September 11, 1998

Now, therefore;

THE PEOPLE OF THE CITY OF CENTRAL POINT, OREGON, DO ORDAIN AS FOLLOWS:

Section 1. At its public hearing on August 6, 1998, the City Council received the findings of the Citizen's Advisory Committee and the Planning Commission, reviewed the City Staff Report, and received public testimony from all interested persons. Furthermore, written comments were accepted by the City through September 11, 1998. Based upon all the information received, the City Council adopts the findings of fact and conclusions of law set forth by City Staff, and based upon the same, the City Council finds that there is sufficient public need and justification for the proposed changes, and the proposed changes are hereby adopted entirely.

Section 2. The City Comprehensive Plan and Zoning Map are hereby amended as set forth on Exhibits "A" & "B", including all maps and attachments to such exhibits, which are attached hereto and by this reference incorporated herein.

Section 3. The City Administrator is directed to conduct post acknowledgment procedures defined in ORS 197.610 et seq. upon adoption of the Comprehensive Plan Amendment and changes to the Zoning Map.

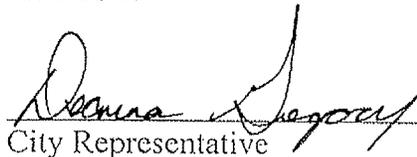
Section 4. This update being necessary for the immediate preservation of the public health, safety and welfare of the City of Central Point, Oregon, and based upon the need to conclude associated comprehensive plan amendment procedures, second reading of this ordinance is hereby waived and an emergency is declared to exist, and this ordinance shall be in full force and effect immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council and signed by me in authentication of its passage this 18th day of September, 1998.



Mayor Rusty McGrath

ATTEST:



City Representative

Approved by me this 18th day of September, 1998.



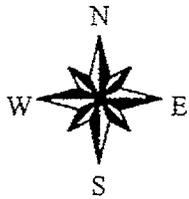
Mayor Rusty McGrath

EXHIBIT A

Comprehensive Plan amendments include the redistribution of certain land uses within the Urban Growth Boundary and Comprehensive Plan text amendments to reflect the proposed redistribution of land uses. Zoning Map changes are consistent with the new land use designations. The land use or map amendments are described as follows for Area # 2:

Change the land use designation and zoning of Area 2 on the attached map from Light Industrial (M-1) to Low Density Residential (R-1-6), High Density Residential (R-3) and General Commercial (C-4).

AREA 2



-  Tax Lot Boundary
-  New Development
-  Text Street Names
-  Central Oregon & Pacific Railroad
-  M-1 to R-1
-  M-1 to C-4
-  M-1 to R-3



155 South Second Street
 Central Point, Oregon 97502
 (541) 664-3321
 (541) 664-6384
 E-Mail cporegon@cdsinternet.com

EXHIBIT B

PROPOSED CHANGES TO THE CENTRAL POINT COMPREHENSIVE PLAN

ENVIRONMENTAL MANAGEMENT (SECTION VI)

HISTORY OF CENTRAL POINT

THE RAILROAD

The impact of the railroad on the community ~~has been~~ *was significant in the past*. It was primarily responsible for the short life of the Old Central Point and the new direction of community growth and development ~~after~~ *since* the 1880s. The railroad ~~is still very~~ *remains* important to ~~the~~ wood products industry and other industries located along it *but to a lesser extent today than in the past, and will continue to be*.

POLICIES FOR NOISE REDUCTION

Policies:

3. The City shall ~~rely heavily on~~ *require property owners to master plan the* land use and design of new developments to control and minimize noise through such requirements as site orientation, buffering, distance separation, insulation, or other design features.

ECONOMICS (SECTION IX)

PLANNING AND REGULATION

Policies:

2. Continue to emphasize the need to maximize the potential of major existing facilities that represent major public investments, but are presently under-utilized. (Emphasis on railroad, highway 99, and the I-5 Freeway *and the airport* related to industrial development, and Pine Street/Head Road for commercial, office-professional and tourist development.) Pg. IX-24

ENERGY UTILIZATION & CONSERVATION (SECTION X)

4 - TRANSPORTATION-RELATED ENERGY CONSERVATION

Goal:

Policies:

- c. The City will continue to plan for new industrial development *but rather than limit development to land* that is located adjacent to rail facilities, ~~and the City will also encourage industrial development in the vicinity of highways and airports~~ *energy efficient rail freight transport.* Pg.X-21

CIRCULATION/TRANSPORTATION (SECTION XI)

OTHER FACILITIES

RAILROAD

Paragraphs 1 & 2

The *Central Oregon & Pacific Railroad* (formerly Southern Pacific Railway) serves the Central Point area and parallels Highway 99 through the community. The railroad played a key role in the City's development during the late 1800s and into this century. The original City grid pattern of streets was laid out shortly after the rail line was built.

The railroad no longer provides passenger service to Central Point or the Rogue Valley, the Central Point depot is not longer in existence. However, the rail facilities still play a significant role in the area's economy and serve the industries that are located along its route, mostly within the present City limits. ~~Previous studies have indicated that the rail facilities that exist are not being used to their maximum potential. Also, recent changes in rail rates for shipping products have made rail usage more competitive with truck transport.~~

Policies:

15. *Maximize Retain the industrial potential of the existing industrial land uses along railroad facilities as proposed in this Comprehensive Plan.*

CORRECTIVE MEASURES TO SPECIFIC PROBLEMS

REDUCTION OF NOISE

A summary of some of the major considerations are:

Ensuring that no residential neighborhoods *that* are located immediately adjacent to the railroad right-of-way *satisfy safety requirements and accepted industry standards for noise mitigation.*

LAND USE (SECTION XII)

RESIDENTIAL LAND USE

Policies:

10. *Where residential development is proposed on parcels adjacent to a railroad, a sub-area master plan will be required by the City which could result in subsequent rezoning or other acceptable methods to provide effective land use buffering and minimize threats to safety and/or quality of life for local residents.*

INDUSTRIAL LAND USE

Policies:

1. ~~Maximize the~~ Retain existing industrial development potential of along the Highway 99/Southern Pacific railroad corridor through the City by providing sites for industrial development along the corridor to meet the needs to the year 2000, including adequate flexibility for industrial expansion. ~~beyond 2000.~~

PLANNING DEPARTMENT MEMORANDUM

DATE: May 19, 1998

TO: Central Point Planning Commission

FROM: Tom Humphrey, Planning Director

SUBJECT: Planning Department Response to Correspondence Received from DLCD & ODOT

The following is a discussion and analysis of the letters Central Point has received from two State agencies regarding the proposed City-wide plan amendments and zone changes being contemplated. Staff will attempt to address each issue as it is presented in the letters received and then provide the Commission with evidence to enable you to arrive at a decision.

Discussion

DLCD Correspondence

The first statement made by DLCD staff is that *industrial, commercial and residential acreages need to “balance” so that the city continues to have a twenty year supply of land for each use. Statewide Planning Goals 9, 10 and 14 are cited as the legislative requirements for a twenty year supply and it is pointed out that Central Point’s proposal will decrease the amount of industrial land by 104 acres and increase both commercial land (by 32 acres) and residential land by 94 acres. The state asks that justification be provided to ensure the City will have enough of a land use mix to meet future employment needs with its industrial and commercial land inventory (as defined by Oregon Administrative Rule 660-09-0250) and future housing needs (as defined by OAR 660-08-010). The belief is that failing to balance jobs and housing will lead to an increase in work-related vehicle trips and the corresponding failure to meet regional transportation objectives.*

There are no specific statements in any of the Goals regarding the “balance” DLCD discusses however Goal 9 does encourage municipalities to *provide an adequate supply of sites of suitable sizes, types and locations for a variety of industrial and commercial uses consistent with plan policies.* For nearly twenty years the City of Central Point has regularly experienced, *residential prosperity ... not shared by the commercial and industrial sectors ... A major objective of this (Comp) Plan is to promote a greater emphasis on commercial and industrial growth ...* (refer to Central Point Comprehensive Plan, Economics Page IX-14). The land use designations that the City is now proposing to change were created in the 1980's. Of the three land use categories, the industrial land has been the slowest to develop and in most cases has been farmed or remained vacant throughout the planning period. Recent attempts to develop industrial land west of Interstate 5 have met with significant local opposition.

In contrast, the City has received two separate requests in the last 60 days to annex a total of 50 acres of industrially designated land east of I-5 for immediate development. It is the City's conviction that the potential for marketing industrial land east of I-5 (and in the vicinity of the airport) is greater than it is west of I-5 in spite of the land's proximity to the railroad. In response to OAR 660-09-015, the City has not only *identified industrial and commercial sites (in Area #3) that could reasonably be expected to locate or expand in the planning area ... and likely to be needed*, but has identified sites for which there is now a development demand. The letter from Bear Creek Orchards, Inc. (which was read into the public record on May 5, 1998) also substantiates the City's analysis and findings.

Over the years, Jackson County has received authorization from the State to develop the White City industrial complex which is also served by the railroad. Heavier industrial uses have found the area more desirable due to the number of large vacant parcels with ample infrastructure and no municipal taxes. When viewed in a regional and historic context, Central Point has an *adequate supply* of industrially designated land and a net reduction of 104 acres does not materially diminish this supply. In fact, DLCD has previously stated to City staff that light industry often generates higher numbers of employees than heavy industrial uses.

The RVMPO Regional Transportation Plan, prepared by David Evans and Associates, Inc. speaks to the issue of regional land use development patterns (RVMPO RTP, Page XIII-1). The Plan states that, *evaluations and research conducted in Oregon and elsewhere suggests that a mix of land uses involving residential and commercial activity in adjoining areas can contribute to lower travel demand than a development scheme with more widely-separated uses*. This is one of the reasons the City wishes to develop residential land in closer proximity to its downtown commercial business district and is also proposing small-scale commercial uses near prospective residential subdivisions in Areas 1 and 4. It should be noted that industrial land uses generate fewer vehicle trips than do commercial uses (reference the OTE Manual). Therefore the balance between residential and commercial uses is more significant in terms of lowering travel demand than the balance between residential and industrial uses. There is a 3:1 ratio between the residential and commercial zone changes being proposed.

DLCD staff have identified Area 1 as perhaps *one of the best sites in the region for rail-oriented industrial development*. The reasons given to substantiate this claim include the area's size; proximity to state highways and the Central Oregon & Pacific Railroad; and the site meets *federal and state air quality standards*. The Oregon Rail Freight Plan is cited twice to emphasize the value that can be added to rail-served industrial land and the inherent compatibility problems created by residential uses located adjacent to railroad tracks. Parallel streets and buffers are recommended in the Freight Plan.

DLCD does not elaborate upon its air quality statement but it can be assumed they are referring to PM10 (Particulate Matter) related issues as opposed to CO (Carbon Monoxide). The Rogue Valley COG has Air Quality Modeling "Grids" which identify PM 10 Exceedences in Medford and west of White City (refer to RVCOG map). Projections to the year 2015 show no significant deterioration within the grid area west of White City but do add several grids to the Medford core area.

City staff would argue that there are various other rail-oriented industrial sites, particularly in White City which meet federal and state air quality standards and are equally, if not more valuable for development. After speaking with Central Oregon & Pacific General Manager Bill Libby, it was confirmed that the COP's service to the Rogue Valley is increasing in support of bulk commodities or for loads longer than those permitted on highways. Historically, lumber and wood products have been the principal commodities, however support manufacturing products such as glue, resin, wood chips, methanol, propane and cement are also transported into the region. COP's Central Point clients are the mill and Grange CO-OP. The Rail carrier has most recently added new clients Certainteed and BOC Gases to its service in White City. The COP comes off its main line at Tolo for daily service to White City.

The last item raised by DLCD involved the Transportation Planning Rule, regional objectives and the traffic analysis performed by the Rogue Valley COG. The concerns expressed have to do with the effect land use changes will have on the number and length of automobile trips and whether changes will make it more difficult for the region to meet its VMT (Vehicle Miles Traveled) objectives.

As the Commission is aware, Hardey Engineering & Associates performed a Transportation Impact Study which was submitted at the last meeting. Excerpts from this study are included in the Commission packet and the conclusions are similar to those of the COG EMME/2 model analysis. Hardey states that, based on the results of their analysis, they *believe that the proposed zone changes decrease the overload on the surrounding street system in comparison to the existing zoning* (Page 6). Furthermore, *all intersections are expected to operate at better levels of service under the proposed zone change* (refer to Table on Page 5).

ODOT Correspondence

ODOT responded to the Hardey TIS, have no concerns with the amendment to Policy 9 of the City/County Urban Growth Boundary Policy Agreement, and concur with the engineering analysis. They have concurred with the discussion of *Rail Issues* raised by Jim Hinman of DLCD but are primarily concerned that the City recognize that once rail-oriented industrial sites are gone, they cannot be replaced.

Conclusion

The issues raised by the State are not complex but require analysis and evidence to justify the City's decision. The Commission may receive additional testimony at the public hearing which could support or result in the modification of this proposal. If you believe the issues raised have been adequately dealt with, the public hearing may be closed and a decision (recommendation) rendered.

ORDINANCE NO. 1815

**AN ORDINANCE AMENDING THE CENTRAL POINT COMPREHENSIVE PLAN
AND ZONING CODE TEXT AND MAPS TO CREATE A TRANSIT-ORIENTED
DEVELOPMENT (TOD) DISTRICT AND TOD CORRIDOR DISTRICT**

RECITALS:

1. The City of Central Point ("City") is authorized under Oregon Revised Statute (ORS) Chapter 197 to prepare and adopt comprehensive plans and implementing ordinances consistent with the Statewide Land Use Planning Goals.

2. The City has coordinated its planning efforts with the State in accordance with ORS 197.040(2)(e) and OAR 660-030-0060 to assure compliance with goals and compatibility with City and County Comprehensive Plans.

3. Pursuant to authority granted by the City charter and the Oregon Revised Statutes, the City has determined to amend the *Central Point Comprehensive Plan and Zoning Map* which was originally adopted on August 29, 1980, and has been amended at various times since then.

4. Pursuant to the requirements set forth in CPMC Chapter 1.24 and Chapter 17.96, the City has conducted the following duly advertised public hearings to consider the proposed amendments:

- (a) Citizen's Advisory Committee hearing on August 29, 2000.
- (b) Planning Commission hearings on September 19 and October 3, 2000.
- (c) City Council hearings on October 26, November 16 and 30, 2000.

Now, therefore;**THE PEOPLE OF THE CITY OF CENTRAL POINT, OREGON, DO ORDAIN AS FOLLOWS:**

Section 1. At its public hearing on November 30, 2000, the City Council received the findings of the Citizen's Advisory Committee and the Planning Commission, received the City Staff Report, and received public testimony from all interested persons. Based upon all the information received, the City Council adopts the findings and conclusions set forth in the TOD CPA/ZC Proposal, Applicable Review Criteria, and based upon the same, the City Council finds that there is sufficient public need and justification for the proposed changes, and the proposed changes are hereby adopted entirely.

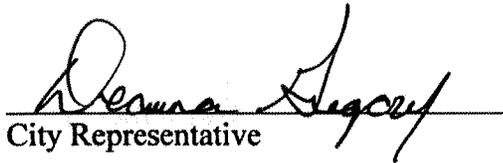
Section 2. The City Comprehensive Plan and Zoning Map are hereby amended as set forth on Exhibit "A" the Central Point TOD Design Requirements and Guidelines, with changes through November 30, 2000 including all maps and attachments to said exhibit, which are attached hereto and by this reference incorporated herein.

Section 3. The City Administrator is directed to conduct post acknowledgment procedures defined in ORS 197.610 et seq. upon adoption of the Comprehensive Plan Amendment and changes to the Zoning Map.

Passed by the Council and signed by me in authentication of its passage this 14th day of Dec., 2000.


Mayor Bill Walton

ATTEST:


City Representative

Approved by me this 14th day of December, 2000.


Mayor Bill Walton



Central Point TOD Design Requirements and Guidelines

- **A Comprehensive Plan Amendment**
- **A Zoning Code Text and Map Amendment**

**DRAFT
10/17/00**



APPLICATION SUMMARY

PURPOSE

For a Comprehensive Plan Amendment and a Zoning Code Text and Map Amendment to establish TOD (Transit Oriented Development) design requirements and guidelines in specific areas within the city of Central Point Urban Growth Boundary (UGB).

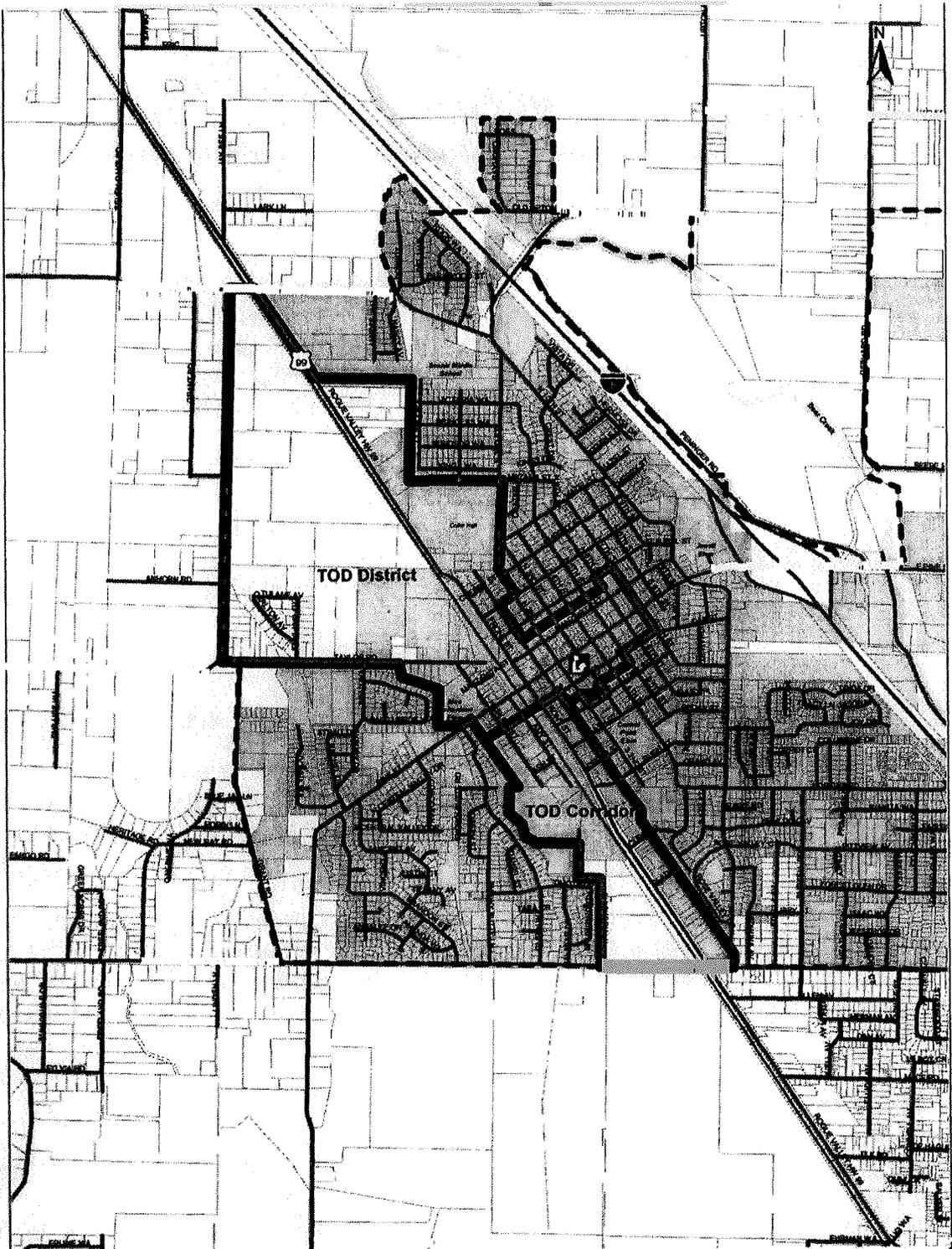
The purposes of the TOD District and Corridor are to:

- Use land efficiently;
- Provide a diversity of housing types;
- Provide a complementary mix of housing, service, and civic uses;
- Encourage transit, walking and bicycling;
- Retain and enhance environmentally sensitive areas; and
- Provide open space.

LOCATION

The affected properties are located in the central and northwest portions of the Central Point UGB as shown in Figure 1 and described in the background section of this application, beginning on page 9. The proposal involves two areas:

1. **TOD District** located in the northwest portion of the Central Point UGB; and
2. **TOD Corridor** located along Rogue Valley Highway 99 within the current city limit.



City of Central Point
Vicinity Map
 October 6, 2000
 2000 Feet

Legend

- | | | | | | |
|---|-----------|-------|----------|--|--------------|
| ★ | City Hall | - - - | UGB | | City Limit |
| | School | — | Streets | | TOD District |
| | Library | — | Railroad | | TOD Corridor |
| | | — | Creek | | Taxlots |

Figure 1

PROPOSAL DESCRIPTION

INTRODUCTION

In August 1999, the Rogue Valley Council of Governments (RVCOG) completed a Transit Oriented Development and Transit Corridor Development Strategies report of the Rogue Valley Transit District. The purpose of the project was to create amended land use strategies to develop land more efficiently and promote transit use in a number of communities, including Central Point. Model land use ordinances and design guidelines were an important result of the project.

The project recommended that eight "TOD Districts" should be established in selected locations in the Rogue Valley. One of these TOD Districts is proposed for the northwest portion of the City of Central Point. It is proposed to feature a mix of medium and high-density residential uses, commercial services, civic uses, and parks and open space. A key element for the district includes accommodations for future transit service coupled with design features to encourage walking and bicycling.

To further enhance transit service in the Rogue Valley, "Transit Corridors" were also recommended to help support transit service along major transit routes, such as Highway 99. The same mix of land uses for the districts is recommended for the corridors. However, it is recognized that the corridors are more fully developed, and that change to transit should be accomplished over time, and on a voluntary basis by property owners.

The proposed amendments to the Comprehensive Plan and Zoning Code text and maps are intended to promote TOD design for the district and corridor areas in the city that are based upon the model RVCOG code and design guidelines. The amendments are summarized in the following pages. The complete text can be found in the exhibits as noted below.

Comprehensive Plan Amendments

The proposed Comprehensive Plan amendments include a revised Comprehensive Plan Map that shows the location of the TOD District, the TOD Corridor, and a brief section of new text that introduces the TOD design concept. Please refer to the proposed Comprehensive Plan Map in Figure 2 and the draft plan text in Exhibit A – Central Point Comprehensive Plan Amendments.

Zoning Code Amendments

Land Use Designations and Procedures

The proposed Zoning Code amendments include new code sections containing requirements and standards for the new zoning designations for the TOD District and new procedural requirements for major development applications within it. A summary of the zoning designations changes is provided below. Please refer to the proposed Zoning Map in Figure 3 and the draft Zoning Code sections in Exhibit B – Zoning Code Amendments for the complete version of the proposed amendments.

Definitions for new or unfamiliar terminology used in the proposed TOD Zoning Code and Design Standards can also be found in Exhibit B.

Design Standards

Proper design and orientation of development becomes increasingly important as densities increase and different uses are closer together. In addition, much of the success to alternative transportation modes, such as walking and transit, relies on creating environments which are pleasant and convenient for people to use. Building design, setbacks, orientation, landscaping, etc. all play a part in providing these pedestrian-friendly environments. Design Standards in Exhibit C are also proposed to be part of the Zoning Code amendments.

The TOD design standards address:

- Circulation and Access Standards for streets, public access, and pedestrian and bicycle circulation;
- Site Design Standards for retaining important on-site features, compatibility with existing structures, parking, landscaping, lighting, signs, and service areas;
- Common Open Space Design Standards for location, size, and design; and
- Building Design Standards regarding density transition, adjacent landscaping, architecture, and other design techniques to enhance compatibility between different uses within the development.

The nature of the amendments varies between the TOD District, proposed for the largely unincorporated area in the northwest corner of the UGB, and the TOD Corridor, located along Rogue Valley Highway 99. Therefore, the description of the amendments is presented in separate subsections below.

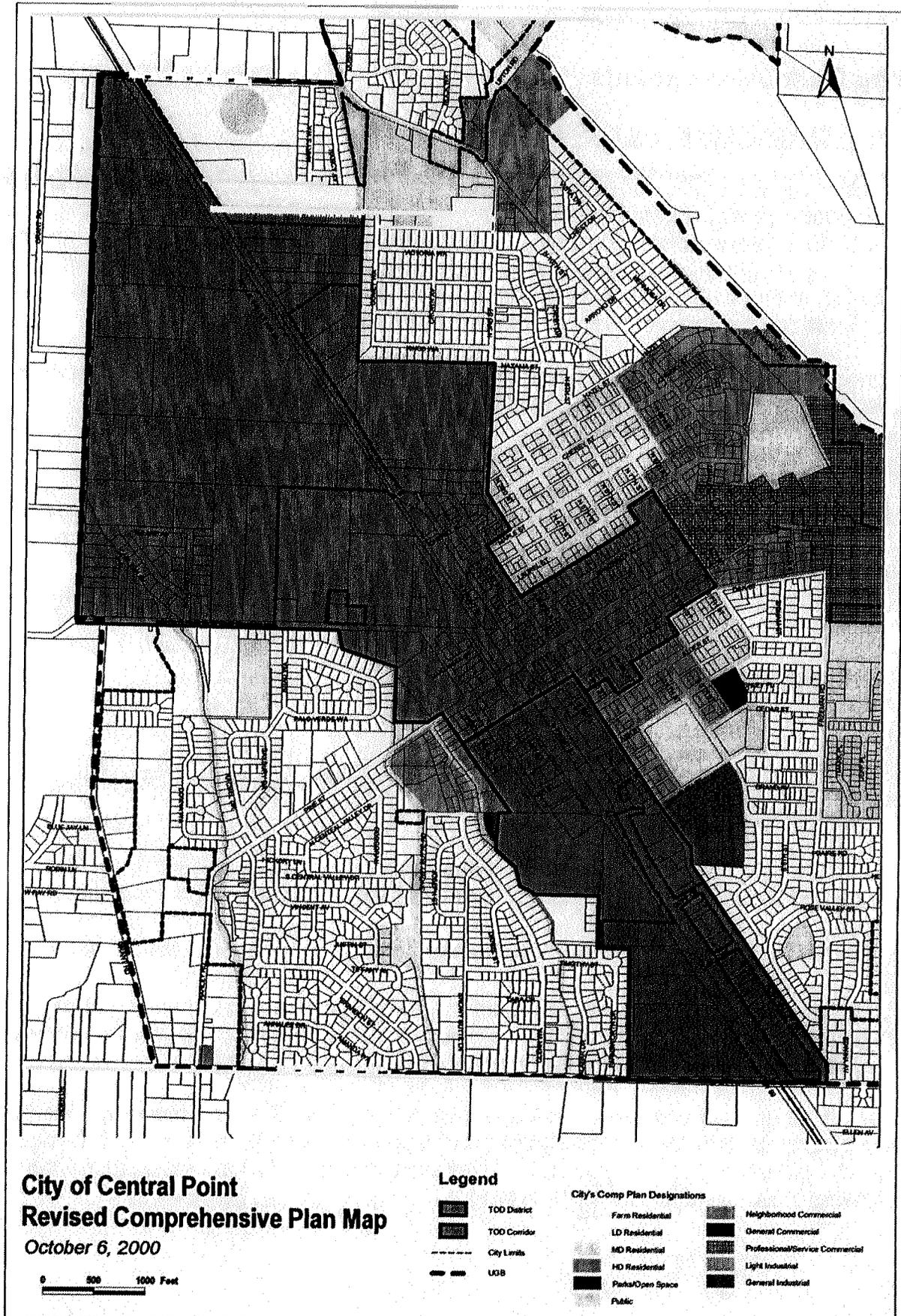


Figure 2

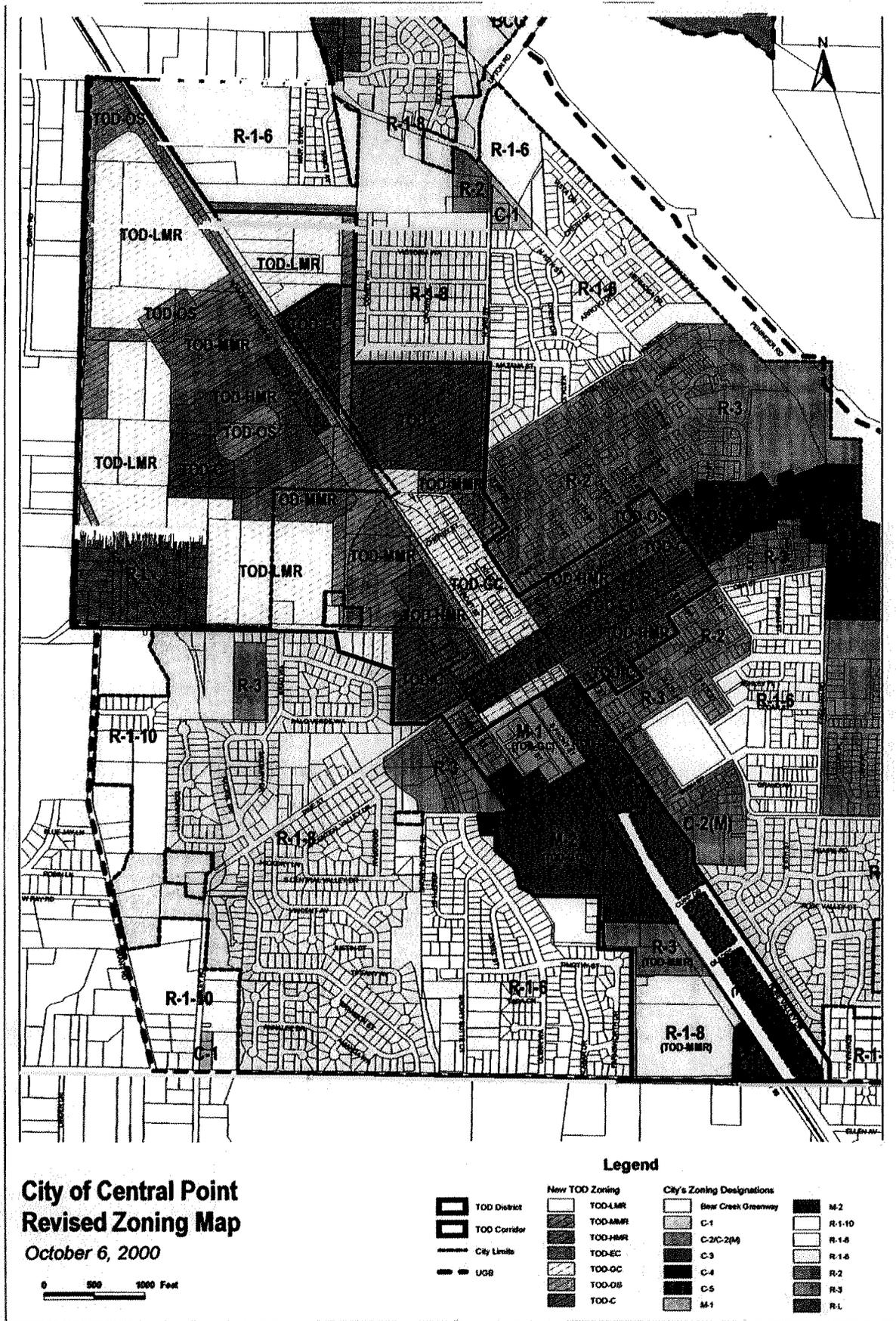


Figure 3

TOD DISTRICT

Development Concept

The concept for the proposed development is a Transit Oriented Development (TOD). A TOD is a mixed-use development comprised of residential, commercial, civic, and recreational land uses designed in a way that increases ridership on transit systems, provides a pedestrian oriented environment, provides a diversity of housing types, improves public infrastructure investment, enhances property value, and provides an identifiable sense of community and a better quality of life. A system of pedestrian and bicycle friendly streets and pathways are intended to link uses within the development, provide a network of connections to a bus transit hub near the center of the site, and connect with the community of Central Point. The residential zones will allow a combination of single-family detached housing, town homes, condominiums, apartment buildings, apartments over ground floor commercial and office space, and a senior center. The commercial and office space are planned to provide employment opportunities and services such as retail sales and service, professional offices, and daycare to the residents of Central Point.

The parks and open spaces are planned to be an integral part of the TOD District. All residents of the TOD will be able to walk or ride a bicycle to a park or open space within one-quarter mile of their residence. The parks and open spaces are intended to provide opportunities for passive and active recreation and to protect and enhance natural resources and habitat.

The new TOD District designation is intended to compliment existing land uses within the District. TOD-LMR zoning is proposed east of Hwy 99 and north of Crater High. TOD-MMR, TOD-EC, and TOD-GC are proposed south of Crater High and compliment the proposed TOD zoning west of Hwy 99. This concentration of uses is intended to strengthen and anchor the western end Central Point's CBD.

Land Use Designation Summary

The proposed Comprehensive Plan and Zoning Map designations for the TOD District are:

- **Residential (TOD)**

This category would include three residential designations with densities ranging from 6 to 30+ units per acre.

TOD-LMR - Low Mix Residential Zone

TOD-MMR - Medium Mix Residential Zone

TOD-HMR - High Mix Residential/Commercial Zone

- **Employment (TOD) – Comprehensive Plan**

Two commercial designations are proposed which will be compatible with and supportive of the transit-oriented district.

TOD-EC – Employment Commercial Zone
 TOD-GC – General Commercial Zone

- Civic (TOD) – Comprehensive Plan

TOD-C Zone will apply to civic uses such as government offices, schools, and community centers are the primary uses intended in this district.

- Open Space (TOD) – Comprehensive Plan

TOD-OS Zone is intended to provide a variety of outdoor and recreation amenities.

Table 1
Land Use Summary – TOD District

Zone Designation (TOD)	Acreage	Density Units/Acre
<u>Residential</u>		
LMR	129	6 - 12
MMR	53	16 - 32
HMR	53	30+
<u>Employment</u>		
EC	37	N/A
GC	27	N/A
<u>Civic</u>		
C	56	N/A
<u>Open Space</u>		
OS	60	N/A

Residential TOD

TOD-LMR - Low Mix Residential

Location

The TOD-LMR designation is proposed to be located in the north, west, and southwest portions of the TOD District (Figure 3). The lower density in these areas is intended to

provide a suitable transition between the district and the low density residential uses outside of the district.

Land Uses and Building Types

The TOD-LMR designation will allow single-family detached dwellings, single-family dwellings with 0-foot setbacks, and lower density multiple family dwellings. Commercial or industrial uses are not allowed in this zone.

Density

The required density range will be 6 to 12 units per acre.

TOD-MMR - Medium Mix Residential

Location

The TOD-MMR designation is proposed to be located between the LMR and the higher density/intensity uses in the center of the TOD District (Figure 3). The moderate density in these areas is intended to continue the transition from lower density residential uses on the perimeter of the TOD District to the more densely developed center of the district.

Land Uses and Building Types

The TOD-MMR designation will allow single-family dwellings with 0-foot setbacks, and a full range of multiple family dwellings. Commercial or industrial uses are not allowed in this zone.

Density

The required density range will be 16 to 32 units per acre.

TOD-HMR - High Mix Residential/Commercial

Location

The TOD-HMR designation is proposed to be located in the center of the TOD District, along Haskell Road, and in the Central Business District on a section of Manzanita and Oak Street (Figure 3).

Land Uses and Building Types

The only residential uses in the TOD-HMR designation will be a range of multiple family dwellings. Because of the higher residential densities, support activities, such as retail sales and service, professional offices, and daycare are permitted in addition to multiple family residences.

Density

The required density will be a minimum of 30 units per acre.

Employment (TOD)

TOD-EC – Employment Commercial

Location

The TOD-EC designation is proposed to be located on the east and west side of Rogue Valley Highway 99 and north of Crater Higher School and on Pine Street from Haskell Road to North 6th Street (Figure 3). These designations primarily reflect existing development and uses. Having employment, retail, and service activities with convenient transit availability is an important element of the TOD.

Land Uses and Building Types

Commercial uses are the primary permitted activities. Multiple family uses are also permitted above the ground floor, and civic and open space uses may also be allowed. Industrial activities are not permitted.

Density

There are no minimum density or commercial floor area requirements.

TOD-GC – General Commercial

Location

The TOD-GC designation is proposed to be located on the east side of Rogue Valley Highway 99 north of Pine Street (Figure 3). Similar to the EC designation, the GC designation primarily reflects existing development and uses. Convenient transit access is an important characteristic of this area.

Land Uses and Building Types

The emphasis of this designations shifts from the commercial/residential focus of the EC designation to one, which includes industrial activities and excludes residential and civic uses.

Density

There are no minimum density or commercial/industrial floor area requirements.

Civic (TOD)

Location

The TOD-C designation is proposed to be located in the center of the TOD District, the Crater High School property, and the Mae Richardson Elementary School property. The TOD-C designation is also located in the vicinity of Pine Street between North 6th and 7th and along Oak Street between 2nd and 3rd (Figure 3).

Land Uses and Building Types

The intent of this designation is to provide necessary civic uses for the community, such as schools, post offices, public offices, and similar uses. The uses allowed are proposed to be compatible with the residential neighborhoods that generally surround them. Institutions, such as colleges and hospitals, which can have a wide range of potential impacts, are subject to conditional use review.

Open Space (TOD)

Location

The TOD-OS designation is proposed to be located along Griffin and Jackson Creeks as well as the north-central portion of the TOD District. TOD-OS is also located in downtown Central Point between Laurel and Manzanita Streets and North 6th and North 7th Streets (Figure 3).

Land Uses and Building Types

The intent of this designation is to provide necessary open space for the community and protection of environmentally sensitive areas. The uses allowed are proposed to be compatible with and complement the residential neighborhoods that generally surround them. Only park and open space uses are permitted.

TOD CORRIDOR

Development Concept

The TOD Corridor Zoning designation is intended to promote efficient land development and the increased use of transit as proposed in the 1999 Transit Oriented Design and Transit Corridor Development Strategies for the Rogue Valley Transportation District Report. In the context of the Rogue Valley region, the Central Point TOD Corridor will be one of several bus transit corridors which form links to a network of destinations. The increased densities along these corridors provides the ridership needed to commit funds to increase service frequency making bus transit a more viable means of transportation. In addition to the TOD District, the corridor is another important link in what is envisioned to be a region-wide system to increase reliance on public transit and decrease use of the automobile.

The TOD Corridor stretches from Pine Street to Beall Lane and include properties on both sides of Hwy 99. Hwy 99 is a proposed future transit/bus route.

The TOD Corridor overlay design standards work in tandem with the overlay zoning. The design standards address issues such as circulation, building design, site design, and open spaces. The intent is to create pedestrian oriented development areas that provide opportunities to use multiple forms of transit and have convenient access to quality open spaces.

Land Use Designation Summary

The TOD Corridor includes the TOD-GC, TOD-EC, and TOD-MMR designations described earlier under the TOD District information. These uses include medium density and multifamily housing, commercial, and industrial uses. The Corridor is not proposed to have the TOD Civic or Open Space designations. The existing zoning designations and the corresponding optional TOD Corridor zoning districts are listed in Table 2 and shown in Figure 3. *The major difference from the TOD District is that the existing Comprehensive Plan and Zoning designations in the TOD Corridor are proposed to remain and the new TOD designations represent optional standards that may be applied in lieu of the existing requirements.* The decision of which set of standards to use rests with the property owners.

The TOD Corridor zoning designations will generally allow property owners to develop their properties more intensively and with greater options, including mixing uses such as commercial and residential. The potential for greater densities and mixed uses can create a more viable neighborhood based on a variety of housing types and commercial or industrial activities.

**Table 2
Land Use Summary – TOD Corridor**

Existing Comprehensive Plan and Zoning Designations	Optional TOD Corridor Comprehensive Plan and Zoning Designations
Residential	
R-1-8 – Residential, Single Family District (8,000 sq. ft. min. lot size)	TOD-MMR – Medium Mix Residential
R-2 – Residential, Two Family District (6,000 sq. ft. min. lot size)	TOD-LMR – Medium Mix Residential
R-3 – Residential, Multiple Family District (6,000 sq. ft. min. lot size)	TOD-MMR – Medium Mix Residential
Commercial	
C-2 – Commercial - Professional	TOD-HMR High Mix Residential
C-3 – Downtown Business District	TOD-EC Employment Commercial
C-4 – Tourist and Office Professional District	TOD-EC – Employment Commercial
C-5 – Thoroughfare Commercial District	TOD-GC – General Commercial
Industrial	
M-1 – Industrial District	TOD-GC – General Commercial
M-2 – Industrial General District	TOD-GC – General Commercial

ANNEXATION PETITION

The undersigned hereby request and consent to the annexation to the City of Central Point, Oregon, of the real property contiguous thereto described in Exhibit "A" attached hereto and by this reference made a part of the within petition.

By their signature hereto, the undersigned certify that they are either "owners" of land in the territory proposed to be annexed as described in Exhibit "A", or are "electors" registered in the territory proposed to be annexed as described in Exhibit "A".

This petition, containing the request and consent to said annexation, must be filed with the Central Point City council on or before the date of the public hearing to be held upon the proposed annexation pursuant to ORS 222.120.

"Owner" is defined by ORS 222.120 as meaning the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is multiple ownership in a parcel of land, each consenting owner shall be counted as a fraction of the same extent as the interest of the owner in the land bears in relation to the interest of the other owners, and the same fraction shall be applied to the parcel's land mass for purposes of the consent petition. If a corporation owns land in a territory proposed to be annexed, the corporation shall be considered to be the individual owner of that land.

"Elector" is defined in said statute as an individual qualified to vote under Article II, Section 2 of the Oregon Constitution, which in turn requires that the individual be 18 years of age or older, a resident of the area in question, and registered to vote as required by applicable state law. Furthermore, ORS 222.270(2) requires that electors petitioning for annexation be registered in the territory proposed to be annexed.

Name/Address	Elector or Property Owner	Signature	Date
Bob Fellows Construction LLC 2950 Phillips Wy Central Point OR 97502	Property Owner	<i>Bob Fellows</i>	4-27-17



THIS SPACE RESERVE

I, Kathleen S. Beckett, County Clerk for Jackson County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.
Kathleen S. Beckett - County Clerk

After recording return to:
BOB FELLOWS CONSTRUCTION, LLC, AN
OREGON LIMITED LIABILITY COMPANY
2950 PHILLIPS
Central Point, OR 97502

Until a change is requested all
tax statements shall be sent to
The following address:

BOB FELLOWS CONSTRUCTION, LLC, AN
OREGON LIMITED LIABILITY COMPANY
2950 PHILLIPS
Central Point, OR 97502

Escrow No. AP0764707

5511

STATUTORY WARRANTY DEED

LOLA V. ALBRIGHT, Grantor(s) hereby convey and warrant to BOB FELLOWS CONSTRUCTION, LLC, AN OREGON LIMITED LIABILITY COMPANY, Grantee(s) the following described real property in the County of JACKSON and State of Oregon, free of encumbrances except as specifically set forth herein:

Commencing at the Northeast corner of Lot K of Snowy Butte Orchards, Jackson County, Oregon, according to the official plat thereof, now of record, which said point is on the Southwesterly right of way line of the Southern Pacific Railroad; thence run South 35°08' East along said right of way line 528.68 feet to a 1" iron pin for the true point of beginning; thence North 89°27' West 300.77 feet; thence South 0°01' West 222.24 feet, more or less, to the South boundary line of said lot; thence South 89°58' East 454.04 feet, more or less, to the Southwesterly right of way line of the Southern Pacific Railroad; thence North 35°08' West 264.58 feet along said right of way line to the true point of beginning.

(Map No. 372W11C, Tax Lot 8400, Account No. 1-017632-8, Code 6-28)

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

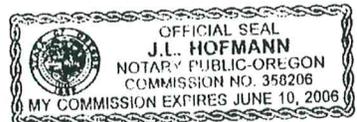
Subject to the 2004-05 real property taxes, a lien not yet due and payable

The true and actual consideration for this conveyance is [REDACTED]

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Dated this 30th day of June, 2004

Lola V. Albright
LOLA V. ALBRIGHT



State of Oregon
County of JACKSON

This instrument was acknowledged before me on June 30, 2004 by Lola V. Albright.

J.L. Hofmann
(Notary Public for Oregon)

My commission expires 6-10-06



763998-5 EXHIBIT "A"
page 2 of 3

Jackson County Official Records 2005-072911
R-WD
Cnt=1 Stn=4 SHAWBJ 12/01/2005 09:00:00 AM
\$10.00 \$5.00 \$11.00 Total:\$26.00



THIS SPACE RESERVED
Kathleen S. Beckett, County Clerk for Jackson County, Oregon,
certify that the instrument identified herein was recorded in the Clerk
records.
Kathleen S. Beckett - County Clerk

After recording return to:
BOB FELLOWS CONSTRUCTION, LLC, an
Oregon Limited Liability Company
2950 Phillips Way
Central Point, OR 97502

Until a change is requested all
tax statements shall be sent to
The following address:

BOB FELLOWS CONSTRUCTION, LLC, an
Oregon Limited Liability Company
2950 Phillips Way
Central Point, OR 97502

Escrow No. AP0763998
Title No. 0763998

9:00

STATUTORY WARRANTY DEED

WALTER H. FROHREICH AND LEORA V. FROHREICH, TRUSTEES OR THEIR
SUCCESSORS IN TRUST UNDER THE FROHREICH LOVING TRUST DATED JANUARY 4,
1996, AND ANY AMENDMENTS THERETO, Grantor(s) hereby convey and warrant to BOB FELLOWS
CONSTRUCTION, LLC, an Oregon Limited Liability Company, Grantee(s) the following described real
property in the County of JACKSON and State of Oregon free of encumbrances except as specifically set forth herein:

SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and
those shown below, if any:

The true and actual consideration for this conveyance is PURSUANT TO AN IRC 1031 TAX DEFERRED
EXCHANGE ON BEHALF OF GRANTOR/GRANTEE.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN
VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING
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APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO
DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS
30.930.

Dated this 30th day of November 2005

WALTER H. FROHREICH AND LEORA V. FROHREICH, TRUSTEES OR THEIR SUCCESSORS IN TRUST UNDER
THE FROHREICH LOVING TRUST DATED JANUARY 4, 1996, AND ANY AMENDMENTS THERETO

BY: Walter H. Frohreich Trustee
WALTER H. FROHREICH, TRUSTEE

BY: Leora V. Frohreich Trustee
LEORA V. FROHREICH, TRUSTEE



State of Oregon
County of JACKSON

This instrument was acknowledged before me on Nov. 30, 2005 by WALTER H. FROHREICH AND LEORA V.
FROHREICH, TRUSTEES OF THE FROHREICH LOVING TRUST DATED JANUARY 4, 1996,.

J. L. Hofmann
(Notary Public for Oregon)

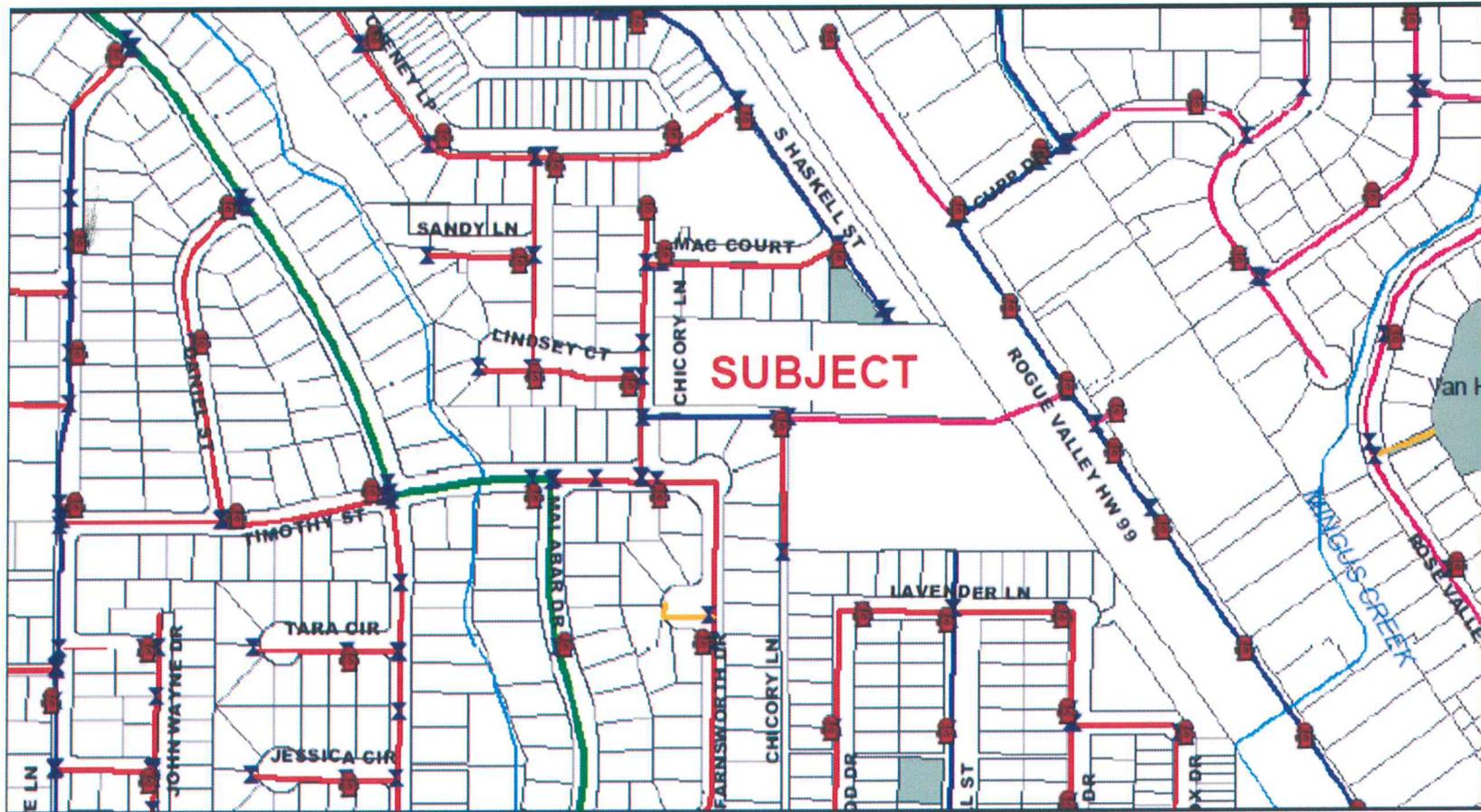
My commission expires 6-10-06

EXHIBIT "A"
page 3 of 3

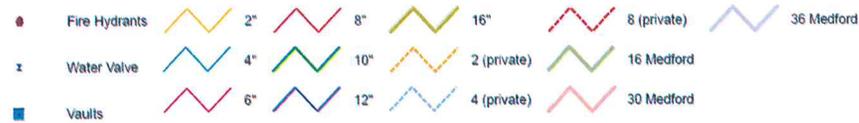
Commencing at the Northeast corner of Lot "K" of Snowy Butte Orchards, Jackson County, Oregon, according to the official plat thereof, now of record, which said point is on the Southwesterly right-of-way line of the Southern Pacific Railroad; thence run South 35°08' East along said right-of-way line 528.68 to a 1" iron pin; thence North 89°27' West 300.77 feet for the true point of beginning; thence North 89°27' West 358.83 feet more or less to the Westerly boundary line of said Lot "K"; thence South 0°01' West 222.24 feet, more or less, to the Southwesterly corner of said Lot "K"; thence South 89°58' East 357.85 feet to a point which bears North 89°58' West 454.04 feet from the Southeast corner of said Lot; thence North 0°01' East 222.24 feet, more or less to the point of beginning.

(Map No. 372W11C, Tax Lot 8300, Account No. 1-017631-0, Code 6-2)

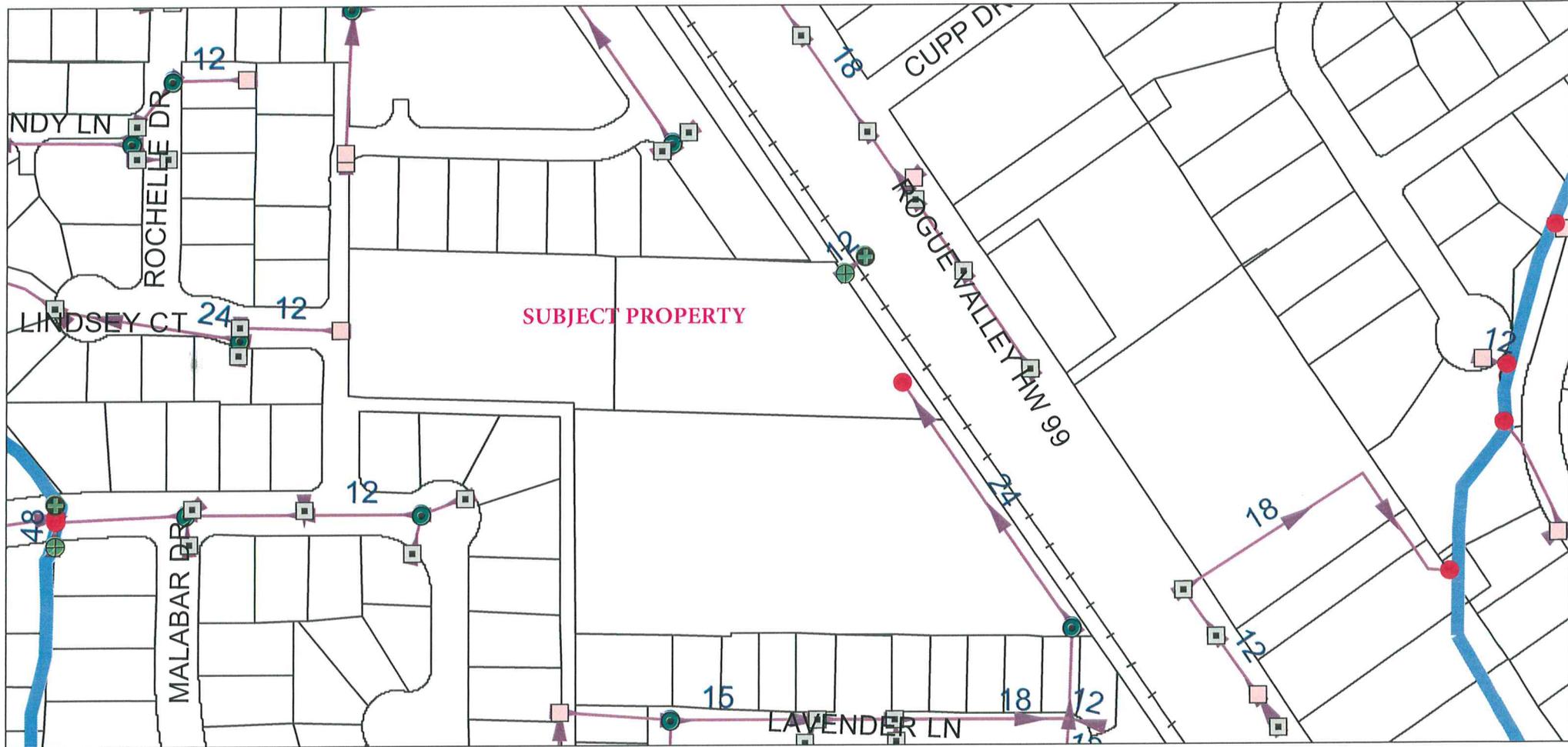
Central Point Waterlines, Valves and FH's



Waterlines (Inches)



Central Point StormDrain System



SUBJECT PROPERTY

LEGEND

Storm Pipe Streams storm_retention_areas parks	CB LYNCH CI MH CULVIN CULVOUT	OUTFALL
---	--	---------

ArcGIS Web Map



April 25, 2017

RVSS_recordmaps

Other

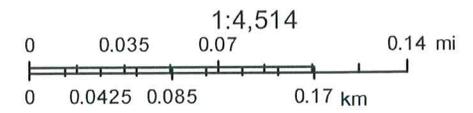
RVSS_Service_Boundary



Manholes



Sewer Lines



Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey,

Web AppBuilder for ArcGIS



- Sample_Plots
- 12 ft w  Study Area
- 3 ft n  Wetland
- 6ft e
- pp2
- pp3



CSA Planning, Ltd.

Wetlands Study Schott & Associates

Fellows
37-2W-11C-8400



1 inch = 100 feet

May 3, 2017

CSA Planning

Public Utility Analysis - 37S 2W 11C Tax Lots 3470 & 3428

Per your request, I have prepared an analysis of the availability of public underground utilities necessary to provide service to the development of the referenced tax lot in Central Point,

Domestic Water System

The property is basically surrounded by existing water lines and the installation of a looped water system supplying domestic water and fire protection will not be difficult.

Storm Drainage

Providing adequate storm drainage will be somewhat more challenging, from a design standpoint, since the property is generally lower than surrounding properties.

A 12" storm drain has been stubbed into the property on the west side from Lindsey Court. The site will need to be filled in order to utilize this 12" storm drain and the storm drain may need to be removed and replaced with a larger sized pipe.

Sanitary Sewer System

The sanitary sewer system in Central Point is owned and maintained by RVSS. An existing system in the Lindsey Ct, Chicory Lane area is available for connection and extension to the east to provide service to the referenced parcels.

Summary

Any design challenges can be overcome through a combination of site grading and pipe upsizing and serving the property with adequate municipal storm drainage and other public utilities is feasible.


John E. Jensen, P.E.

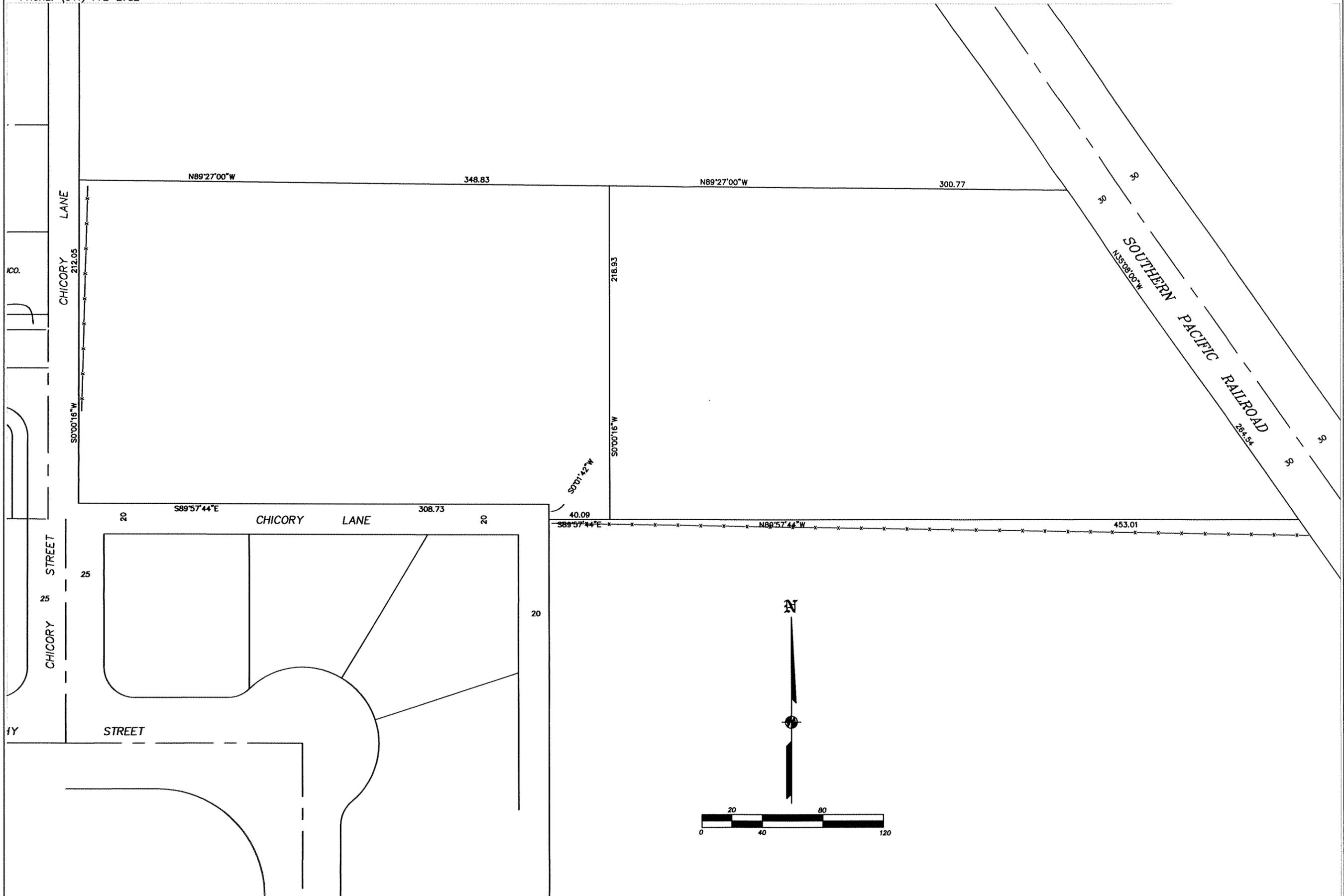
PREPARED BY:
L.J. FRIAR & ASSOCIATES, P.C.
CONSULTING LAND SURVEYORS
816 WEST EIGHTH STREET
MEDFORD, OREGON 97501
PHONE: (541) 772-2782

PREPARED FOR:
BOB FELLOWS
2950 PHILLIPS WAY
CENTRAL POINT, OR 97502

MAP OF SURVEY

Located in the S.W. 1/4 of Section 11,
T.37S., R.2W., W.M. City of Central Point
Jackson County, Oregon

EXHIBIT 12



LEGAL DESCRIPTION
372W11C, Tax Lot 8400

Jackson County Official Records 2004-038981
R-WD
Cnt=1 Stn=10 CUTTING 07/08/2004 02:30:00 PM
\$5.00 \$5.00 \$11.00 Total:\$21.00



THIS SPACE RESERVE

I, Kathleen S. Beckett, County Clerk for Jackson County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.
Kathleen S. Beckett - County Clerk

After recording return to:
BOB FELLOWS CONSTRUCTION, LLC, AN
OREGON LIMITED LIABILITY COMPANY
2950 PHILLIPS
Central Point, OR 97502

Until a change is requested all
tax statements shall be sent to
The following address:

BOB FELLOWS CONSTRUCTION, LLC, AN
OREGON LIMITED LIABILITY COMPANY
2950 PHILLIPS
Central Point, OR 97502

Escrow No. AP0764707

5511

STATUTORY WARRANTY DEED

LOLA V. ALBRIGHT, Grantor(s) hereby convey and warrant to **BOB FELLOWS CONSTRUCTION, LLC, AN OREGON LIMITED LIABILITY COMPANY**, Grantee(s) the following described real property in the County of **JACKSON** and State of Oregon, free of encumbrances except as specifically set forth herein:

Commencing at the Northeast corner of Lot K of Snowy Butte Orchards, Jackson County, Oregon, according to the official plat thereof, now of record, which said point is on the Southwesterly right of way line of the Southern Pacific Railroad; thence run South 35°08' East along said right of way line 528.68 feet to a 1" iron pin for the true point of beginning; thence North 89°27' West 300.77 feet; thence South 0°01' West 222.24 feet, more or less, to the South boundary line of said lot; thence South 89°58' East 454.04 feet, more or less, to the Southwesterly right of way line of the Southern Pacific Railroad; thence North 35°08' West 264.58 feet along said right of way line to the true point of beginning.

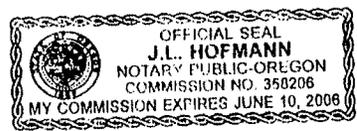
(Map No. 372W11C, Tax Lot 8400, Account No. 1-017632-8, Code 6-28)

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:
Subject to the 2004-05 real property taxes, a lien not yet due and payable

The true and actual consideration for this conveyance is [REDACTED]

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Dated this 30th day of June, 2004
Lola V. Albright
LOLA V. ALBRIGHT



State of Oregon
County of JACKSON

This instrument was acknowledged before me on June 30, 2004 by Lola V. Albright.

J.L. Hofmann
(Notary Public for Oregon)
My commission expires 6-10-06

LEGAL DESCRIPTION
372W11C, Tax Lot 8300

Jackson County Official Records **2005-072911**
R-WD
Cnt=1 Stn=4 SHAWBJ 12/01/2005 09:00:00 AM
\$10.00 \$5.00 \$11.00 Total: \$26.00

Amērititle
Part Of The JELD-WEN Family



THIS SPACE RESERVED
Kathleen S. Beckett, County Clerk for Jackson County, Oregon,
certify that the instrument identified herein was recorded in the Clerk
records. Kathleen S. Beckett - County Clerk

After recording return to:
BOB FELLOWS CONSTRUCTION, LLC, an
Oregon Limited Liability Company
2950 Phillips Way
Central Point, OR 97502

Until a change is requested all
tax statements shall be sent to
The following address:

BOB FELLOWS CONSTRUCTION, LLC, an
Oregon Limited Liability Company
2950 Phillips Way
Central Point, OR 97502

Escrow No. AP0763998
Title No. 0763998

9:00

STATUTORY WARRANTY DEED

WALTER H. FROHREICH AND LEORA V. FROHREICH, TRUSTEES OR THEIR SUCCESSORS IN TRUST UNDER THE FROHREICH LOVING TRUST DATED JANUARY 4, 1996, AND ANY AMENDMENTS THERETO, Grantor(s) hereby convey and warrant to **BOB FELLOWS CONSTRUCTION, LLC, an Oregon Limited Liability Company**, Grantee(s) the following described real property in the County of **JACKSON** and State of Oregon free of encumbrances except as specifically set forth herein:

SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

The true and actual consideration for this conveyance is **PURSUANT TO AN IRC 1031 TAX DEFERRED EXCHANGE ON BEHALF OF GRANTOR/GRANTEE.**

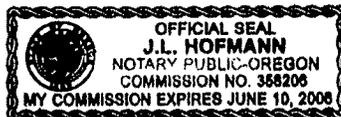
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Dated this 30th day of November, 2005

WALTER H. FROHREICH AND LEORA V. FROHREICH, TRUSTEES OR THEIR SUCCESSORS IN TRUST UNDER THE FROHREICH LOVING TRUST DATED JANUARY 4, 1996, AND ANY AMENDMENTS THERETO

BY: Walter H. Frohreich Trustee
WALTER H. FROHREICH, TRUSTEE

BY: Leora V. Frohreich Trustee
LEORA V. FROHREICH, TRUSTEE



State of Oregon
County of JACKSON

This instrument was acknowledged before me on Nov. 30, 2005 by WALTER H. FROHREICH AND LEORA V. FROHREICH, TRUSTEES OF THE FROHREICH LOVING TRUST DATED JANUARY 4, 1996,.

J. L. Hofmann
(Notary Public for Oregon)

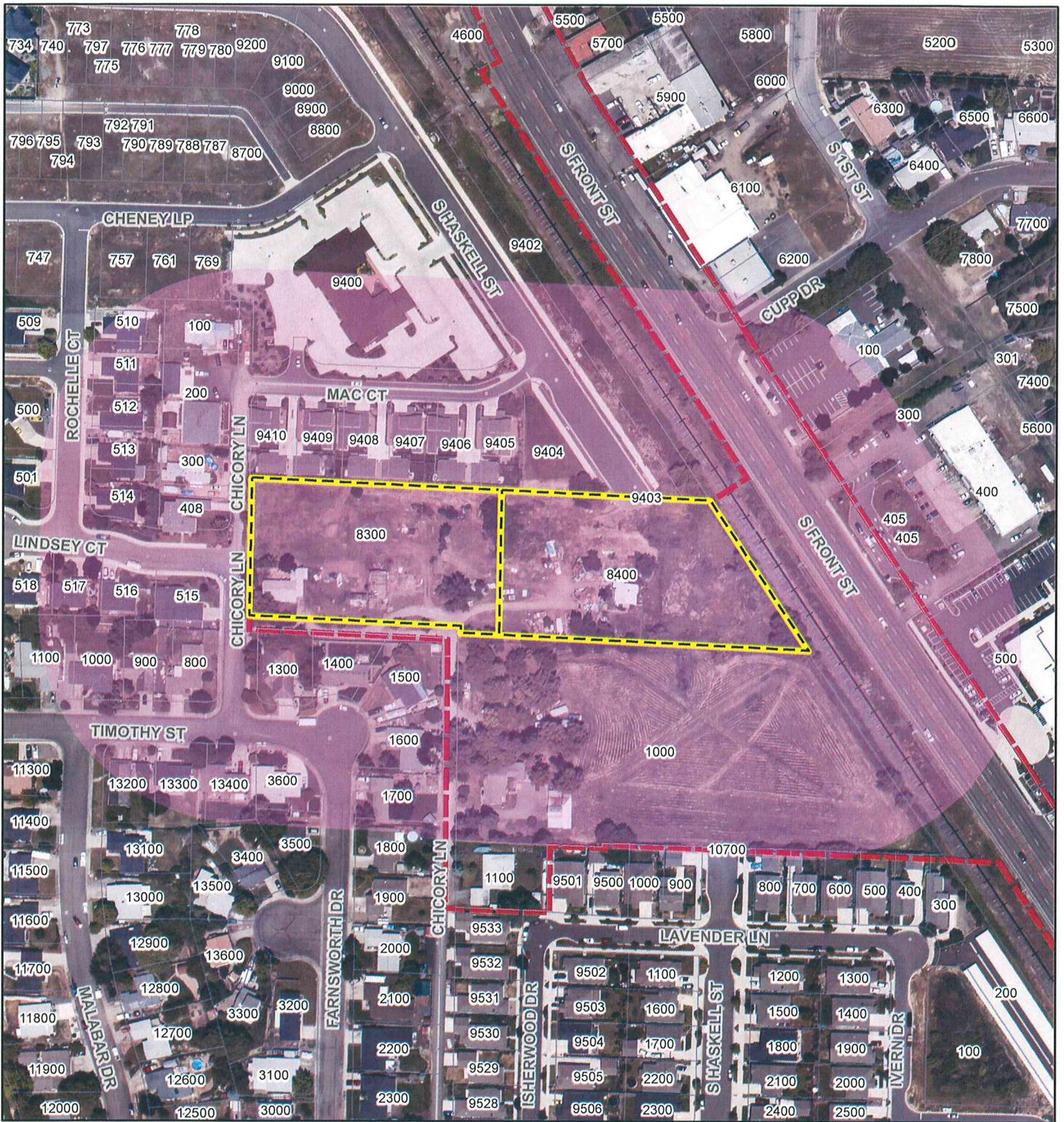
My commission expires 6-10-06

EXHIBIT 'A'

Commencing at the Northeast corner of Lot "K" of Snowy Butte Orchards, Jackson County, Oregon, according to the official plat thereof, now of record, which said point is on the Southwesterly right-of-way line of the Southern Pacific Railroad; thence run South 35°08' East along said right-of-way line 528.68 to a 1" iron pin; thence North 89°27' West 300.77 feet for the true point of beginning; thence North 89°27' West 358.83 feet more or less to the Westerly boundary line of said Lot "K"; thence South 0°01' West 222.24 feet, more or less, to the Southwesterly corner of said Lot "K"; thence South 89°58' East 357.85 feet to a point which bears North 89°58' West 454.04 feet from the Southeast corner of said Lot; thence North 0°01' East 222.24 feet, more or less to the point of beginning.

(Map No. 372W11C, Tax Lot 8300, Account No. 1-017631-0, Code 6-2)

2

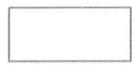


Subject Lots

2012 Aerial



300-Foot Buffer



Tax Lots



City Limits



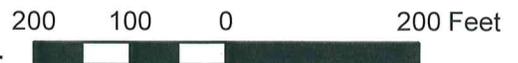
Railroad

300-Foot Radius Map

Annexation / Zone Change
 Bob Fellows Construction, LLC
 37-2W-11C tax lots 8300 & 8400



CSA Planning, Ltd.



Bob Fellows Construction LLC

100 ft Boundary Notice Map

