

January 10, 2023

Item Summary

Consideration of a Class "C" Variance application to the front yard setback standard in Table 2 "TOD District Zoning Standards" in CPMC 17.65.050(F) for the development of a building addition to the existing Oregon State Police facility. The 3.59 acre site is located at 4500 Rogue Valley Highway in the Employment Commercial (EC) zone and the Transit Oriented Development (TOD) District overlay. The subject property is identified on the Jackson County Assessor's map as 37S 2W 03BD, Tax Lot 900. **Applicant:** JE Dunn Construction (Kyle Boehnlein) & DLR Group Architecture (Kent Larson); **Agent:** Richard Stevens & Associates, Inc. (Clark Stevens). **Associated Files:** CUP-22002, SPAR -22007

Staff Source

Justin Gindlesperger, Community Planner II

Background

The Applicant is proposing construct a 24,420 square foot addition to the existing Oregon State Police facility aim to coordinate services and increase the efficiency of emergency response and services (See Files CUP-22002 and SPAR-22007). The proposal places the new building 33-ft from the front property line. The minimum/maximum front yard setback in the Employment Commercial (EC) zone is 0-ft, does not meet the TOD District zoning standards per Table 2, CPMC 17.65.050 and is subject to approval of a Class "C" Variance.

Project Description

The existing building primary façade is oriented towards Rogue Valley Highway/Highway 99 and located 110-feet from the front property line. A parking lot occupies this area. When the site was initially developed, the minimum front yard setback was 20-feet and parking areas were allowed between the right-of-way and the primary building facade. Since that time, the zoning designation and development requirements have changed making it legally nonconforming to the 0-ft maximum setback standard and the parking location. The proposal reduces the existing nonconformities by expanding the footprint towards the public right-of-way and relocating the existing parking area to the side of the building (Attachments "B-1", "B-2" and "C").

The variance request is to allow the building to be setback from the front yard by 33-feet as needed to accommodate the proposed building addition and provide additional stormwater treatment facilities for the increased impervious area and security typical for the use.

General Variance Discussion

Variations are generally very difficult to justify. If approved, a variance allows development to occur contrary to the requirements of a specific code standard. To approve a variance, the Planning Commission must consider all evidence and testimony received and determine that six (6) approval criteria set forth in CPMC 17.13.500(C) are met. The criteria are set forth below and addressed in the Applicant's Findings (Attachment "C"):

1. The proposed variance will not be materially detrimental to the purposes of the Zoning Code, to any other applicable policies and standards and to other properties in the same zoning district or vicinity.
2. A hardship to development exists which is peculiar to the lot size or shape, topography, or other similar circumstances related to the property over which the applicant has no control, and which are not applicable to other properties in the vicinity (e.g., the same zoning district);
3. The use proposed will be the same as permitted under this title and city standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land;
4. Existing physical and natural systems, such as but not limited to traffic, drainage, natural resources, and parks, will not be adversely affected any more than would occur if the development occurred as specified by the subject code standard;
5. The hardship is not self-imposed; and
6. The variance requested is the minimum variance that would alleviate the hardship.

Issues

There are three (3) issues relative to this project as set forth below:

1. **Hardship.** The OSP variance request states that the hardship to development is a 10-ft PUE that is exclusive of building construction, stormwater treatment requirements and security needs for the use.

Comment: As noted in the Applicant's Findings (Attachment "C") and Supplemental Findings (Attachment "D"), the property has unique characteristics that prevent the building from complying with the standard setback for the EC zoning district. The 10-ft PUE was established prior to development on the site and current regulations prohibit locating structures in a PUE.

The applicant's engineer has stated in the Applicant's Supplemental Findings (Attachment "D") that the stormwater treatment requirements coupled with the existing systems necessitate the proposed location of the facilities. As shown on the Site and Landscape Plans (Attachment "B-1", "B-2", "B-3"), the area needed for stormwater treatment occupies 22-ft necessitating the 33-ft setback.

In addition to conflicts with regulations concerning PUEs and stormwater treatment, the Applicant's Supplemental Findings reference federal guidelines for siting sensitive public

buildings. According to the evidence supplied, critical emergency service uses such as this require increased setbacks from public right-of-way due to minimize potential security threats. The Oregon State Police facility is a critical emergency services and public safety facility that serves Central Point and broader region. Failure to grant the variance is inconsistent with federal guidelines.

Based on the evidence in the record and the above analysis, staff recommends that there is a hardship to development of the subject property and is not self-imposed.

2. **Material Detriment.** The OSP proposal places the expanded building footprint 33-feet from the front property line contrary to the 0-ft maximum setback.

Comment: The existing facility is legally nonconforming to the front yard setback, parking lot location and design, and building design. As demonstrated in the Applicant's Site Plan, Landscape Plan and Building Design Plan, all nonconforming situations on the site will be eliminated except the front yard setback. This nonconformity will be reduced from 110-ft to 33-ft. The hardship resulting in the need for this variance includes conflicting regulations that prohibit structures from public utility easements and requirements to provide stormwater treatment for impervious surface areas. The locations of existing easements and needed facilities conflict with the applicant's ability to locate the building on the property line as required in the EC zone.

Variances are designed to provide flexibility when circumstances prevent reasonable development and appropriate use of land, including but not limited to the need to facilitate fire and police protection, provide adequate community facilities and to promote health, safety, general welfare of the community.¹ The overarching purpose of the TOD District is to promote efficient and sustainable development that increases transit and pedestrian travel. The EC zone specifically is intended for retail, service and office uses that "are oriented and complementary to pedestrian travel" and generally discourages automobile oriented uses. Although the variance would allow development further from the sidewalk than required, the proposed site development establishes enhanced pedestrian facilities to promote convenient and comfortable travel from the right-of-way to the building entrance. By not granting the variance, the existing facility cannot be expanded to provide needed community facilities and pedestrian connectivity needed to promote transit ridership. Based on these facts, staff recommends that granting the variance is not materially detrimental to the purposes of the code or surrounding properties.

3. **Minimum Necessary Variance to Front Yard Setback.** The proposed setback for the front of the building addition is approximately 33-ft from the public right-of-way, where the required minimum/maximum setback is 0-feet.

Comment: There are three (3) site development constraints associated with this

¹ CPMC 17.13.100

application that are the basis for determining whether the variance request is the minimum necessary:

- a. **Public Utility Easement.** , There is an existing 10-foot wide Public Utility Easement along the Rogue Valley Highway frontage (Attachment “B-1” & “B-2”). The easement was dedicated for electrical facilities as part of Partition Plat No. P-95-1993. The easement currently contains major power transmission lines with cable and telephone lines attached.

Comment: In accordance with CPMC 16.24.030(A)(1)(a), structures are not permitted to be built within a public utility easement. In the TOD, this has been typically addressed by providing required public utility easements along alleys or alternative locations that do not conflict with site design standards. Since this property was developed prior to establishing the TOD and the site’s location adjoins Griffin Creek including high risk flood hazard areas, alternative locations are not feasible. This development constraint in itself requires a 10-ft minimum setback for any structures places on this site.

- b. **Stormwater Treatment Facilities.** The addition of impervious surfaces associated with the new building additions and parking area modifications, require stormwater treatment . As shown on the Civil Site Plan (Attachment “B-2”), the area between the proposed building addition and the street right-of-way is lower than street level. The development proposes to use this area as a collection for runoff and incorporates stormwater management features.

Comment: Based on the Applicant’s Findings, the optimal location for the stormwater treatment facility is within the front yard. The proposed stormwater treatment facility is anticipated to occupy at least 22-feet between the front of the building and the right-of-way. Together with landscaping and the 10-ft PUE, the minimum distance needed between the front property line and the building façade is 33-feet as requested.

- c. **Facility Security.** As noted in the Applicant’s Findings (Attachment “C”), the site design considers security needs for the OSP facility. Physical site design strategies provide additional separation from public roads and include physical barriers to inhibit vehicular encroachment onto the buildings.

Comment: The security needs are accommodated by the physical distance between the public realm and the primary façade by a combination of landscaped open space, stormwater treatment and a pedestrian plaza that balances public access and hardscape security barriers between the street and building. Based on the Applicant’s Findings (Attachment “C”) the proposed 33-ft site layout is the minimum necessary to meet all other applicable development standards and provide for the security level that is acceptable to the OSP.

Based on the evidence in the record and the above analysis, staff recommends that the applicant's requested variance is the minimum necessary to alleviate the hardship.

Findings of Fact & Conclusions of Law

The Oregon State Police Class "C" Variance has been evaluated against the applicable criteria set forth in CPMC 17.13 and found to comply as conditioned and as evidenced in the Applicant's Findings of Fact (Attachments "C"), the Applicant's Supplemental Findings (Attachment "D") and the Staff Report dated January 10, 2023.

Conditions of Approval

None.

Attachments

Attachment "A" – Project Location Map

Attachment "B-1" – Master Site Plan

Attachment "B-2" – Overall Civil Site Plan

Attachment "B-3" – Overall Landscape Plan

Attachment "C" – Applicant's Restated Findings and Exhibits

Attachment "D" – Applicant's Supplemental Findings

Attachment "E" – Resolution No. 903

Action

Conduct the public hearing and consider the Class "C" Variance application. The Planning Commission may 1) approve; 2) approve with revisions; or 3) deny the application.

If the Planning Commission finds there is insufficient evidence to take one of these actions at the January meeting, the Planning Commission may continue the public hearing to a date and time specific as necessary to allow the applicant to respond to any issues or questions and update their findings.

Recommendation

Approve the Class "C" Variance application subject to the recommended condition of approval set forth in the Staff Report dated January 10, 2022 and the Applicant's Findings in Attachment "C."

Recommended Motion

I move to approve Resolution No.903, a Resolution recommending approval of the Class "C" Variance application for the Oregon State Police development plan per the Staff Report dated January 10, 2023.



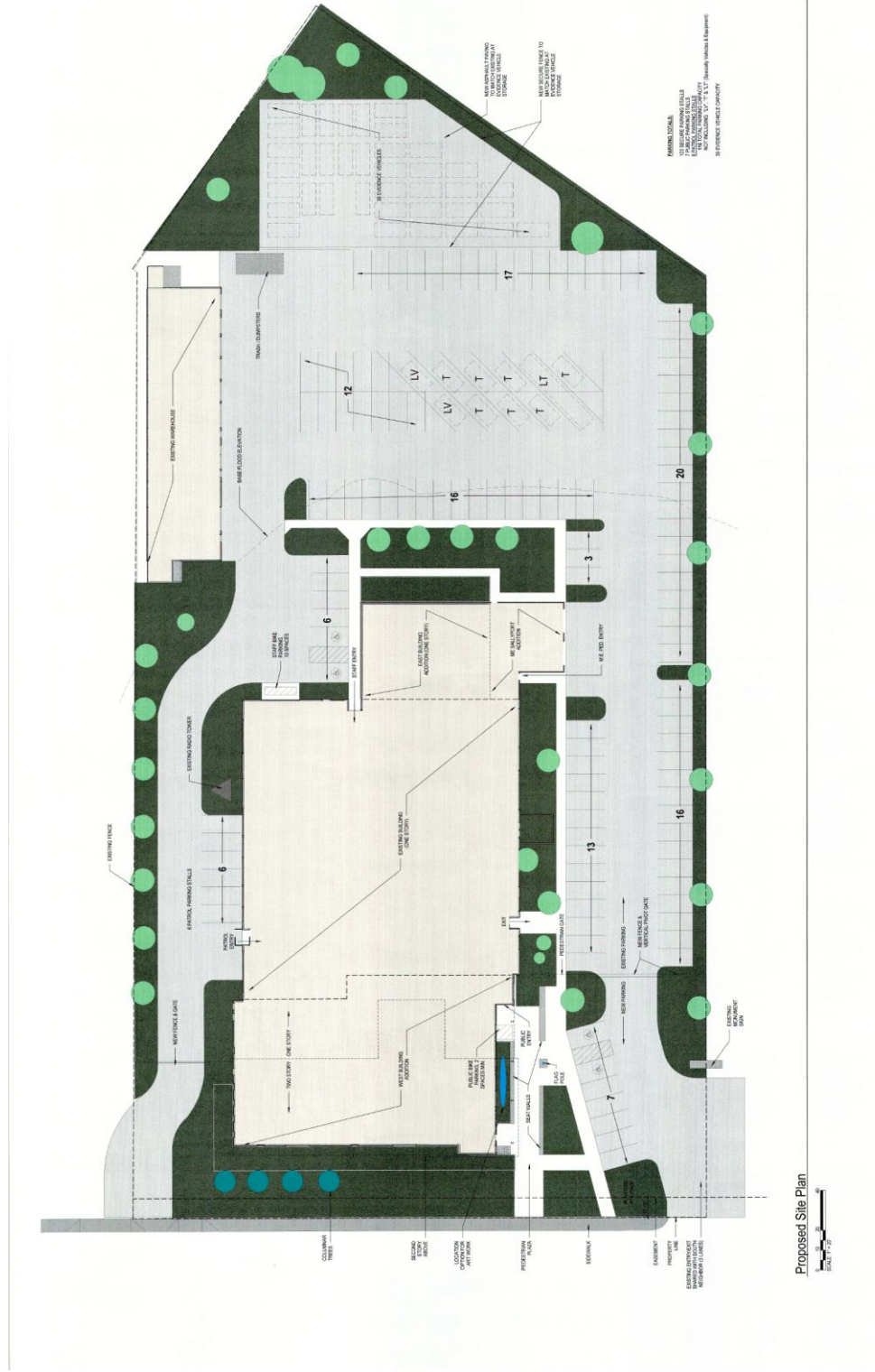
Oregon State Police Facility Expansion Building Addition & Site Improvements

Project Location & Zoning Map
CUP-22002, SPAR-22007, VAR-22002



0 100 200 400 Feet

Map Created: 12/19/2022
By: J. Gindlesperger



PROPOSED SITE PLAN

1. THIS PLAN IS A PRELIMINARY DESIGN AND SHALL BE SUBJECT TO THE REQUIREMENTS OF THE LOCAL JURISDICTION AND THE REQUIREMENTS OF THE STATE OF OREGON. 2. THIS PLAN IS NOT TO BE USED FOR CONSTRUCTION. 3. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION AND THE STATE OF OREGON. 4. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION AND THE STATE OF OREGON. 5. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION AND THE STATE OF OREGON. 6. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION AND THE STATE OF OREGON. 7. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION AND THE STATE OF OREGON. 8. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION AND THE STATE OF OREGON. 9. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION AND THE STATE OF OREGON. 10. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION AND THE STATE OF OREGON. 11. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION AND THE STATE OF OREGON. 12. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION AND THE STATE OF OREGON. 13. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION AND THE STATE OF OREGON. 14. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION AND THE STATE OF OREGON. 15. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION AND THE STATE OF OREGON. 16. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION AND THE STATE OF OREGON. 17. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION AND THE STATE OF OREGON. 18. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION AND THE STATE OF OREGON. 19. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION AND THE STATE OF OREGON. 20. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION AND THE STATE OF OREGON.





LU-1
 11-15-2022

MASTER SITE PLAN
 OFFICE ADDITION
 OREGON STATE POLICE

NOT FOR CONSTRUCTION

Proposed Site Plan



BEFORE THE PLANNING COMMISSION FOR THE
CITY OF CENTRAL POINT, OREGON

IN THE MATTER OF AN APPLICATION)
FOR A VARIANCE TO THE FRONT YARD)
SETBACK ON PROPERTY LOCATED AT)
4500 ROGUE VALLEY HWY; DESCRIBED) FINDINGS OF FACT
AS T.37S-R.2W-S.03BD, TAX LOT 900;) AND
CONSISTING OF 3.57 ACRES; OREGON) CONCLUSIONS
DEPARTMENT OF GENERAL SERVICES/)
OREGON STATE POLICE, PROPERTY)
OWNERS; RICHARD STEVENS & ASSO-)
CIATES, INC., AGENTS)

RECITALS:

Owner- Oregon State Police
Oregon Department of General Services
3565 Trelstad
Salem, OR 97317

Applicants- Kyle Boehnlein Kent Larson
JE Dunn Construction DLR Group Architecture
424 NW 14th Ave. 110 SW Yamhill Street, Ste. 105
Portland, OR 97209 Portland, OR 97204

Engineers- Malia Waters Kim Parducci
ZCS Engineering Southern Oregon Transportation
45 Hawthorne Street 319 Eastwood Drive
Medford, OR 97504 Medford, OR 97504

Landscaper- Greg Covey & Alan Pardee
CoveyPardee Landscape Architects
295 East Main, No. 8
Ashland, OR 97520

Consultant- Richard Stevens & Associates, Inc.
PO Box 4368
Medford, OR 97501
(541) 773-2646

INTRODUCTION:

The purpose of this Type 3 review for a Class C variance is to take an exception to the prescribed front yard setback standard for the TOD/EC district. The proposed expansion of the Oregon State Police (OSP) facility is located at 4500 Rogue Valley Highway and currently consists of approximately 25,450 square feet (sq.ft.) of Gross Floor Area (GFA). The expansion reflects an increase of approximately 24,340 sq.ft. GFA, for a total of approximately 49,790 sq.ft. GFA upon completion of the project. The applicants have provided a site plan, landscape plan, and preliminary civil engineering plans in Exhibit "A", with mapping and photos for review in Exhibit "B". The subject property contains 3.57 acres and has the Comprehensive Land Use Plan designation as TOD District/Mixed Use, and is zoned TOD/EC within the City of Central Point.

Section 17.65.050(F) provides the development standards within the TOD district. The front yard setback is currently nonconforming to the TOD/EC district standard, being at approximately 110 feet. The 2-story portion of the expansion will be placing the front elevation closer to the public road to be far more conforming by being located at approximately 33 feet from the public road right-of-way. An existing 10-foot easement is present along the frontage of the subject property, and contains major power transmission lines, with telephone and cable lines also present in the easement. Additionally, stormwater management is proposed between the building addition and the public road right-of-way. Due to the nature of the existing facility and the users being government employees, and proposed expansion standards, additional spatial separation from public roads with physical barriers are warranted for the protection of the structure and security for the employees/staff present, which have been incorporated into the site plan design with concrete planters to prevent vehicular encroachments on the facility. Due to not being able to meet the 0' setback, as a result of the easement and stormwater management design, along with the need to provide protection and security to the OSP staff, the applicants are required to request a variance to the front yard setback.

The applicants have also prepared and submitted a site plan for a Modification to Approved Plans and Conditions of Approval / Conditional Use Permit amendment review, along with architectural elevations, landscape plan and preliminary grading/engineering plans for the Site Plan and Architectural Review (SPR) application. This variance application is to be reviewed concurrently with these applications for not meeting the front yard setback standard for the TOD/EC district.

APPLICABLE APPROVAL STANDARDS AND CRITERIA:

The application procedures and applicable approval standards for a variance are listed in Chapter 17.13 CPMC. Based on the review standards in Section 17.13.300 for a Class A variance, and Section 17.13.400 for a Class B variance, it is confirmed that a Class C variance application is appropriate for review. The approval standards and criteria for a Class C variance are listed in Section 17.13.500 CPMC.

CHAPTER 17.13:

17.13.500, Class C variances:

(A) Applicability. Class C variance requests are those that do not conform to the provisions of Sections 17.13.300 and 17.13.400 (Class A and Class B), and that meet the criteria in subsection (A)(1) through (4) of this section. Class C variances shall be reviewed using a Type III procedure, in accordance with Chapter 17.05.

(A)(1) The Class C variance standards apply to individual platted and recorded lots only.

(A)(2) The Class C variance procedure may be used to modify a standard for three or fewer lots, including lots yet to be created through a partition process.

(A)(3) An applicant who proposes to vary a standard of lots yet to be create through a subdivision process may not utilize the Class C variance procedure. Approval of a planned unit development shall be required to vary a standard for lots yet to be created through a subdivision process where a specific code section does not otherwise permit exceptions.

(A)(4) A variance shall not be approved that would vary the "permitted uses" or "prohibited uses" of a zoning district.

Discussion:

The subject property was created in its current configuration by a land partition approved by the City of Central Point in 1993. Attached (see Exhibit B) is a recorded final partition plat, P-95-1993, recorded in the Jackson County Surveyor's Office as Survey No. 13716, demonstrating the subject property is a lawfully created individual platted and recorded parcel, consistent with subsection (A)(1). This variance request is strictly for the subject property as it currently exists and there are no further land divisions proposed, consistent with subsections (A)(2) and (A)(3). The existing OSP facility is an allowed use within the TOD/EC district. The proposed expansion of this OSP facility will not modify the allowed uses and prohibited uses within Table 1, Section 17.65.050 CPMC, consistent with subsection (A)(4).

FINDINGS:

The City of Central Point finds that the subject property was lawfully created by an approved partition that was properly recorded, and that there is no land division proposed with this expansion request, which is requested specifically for the subject property. The OSP facility is listed as a conditional use within Section 17.65.050, Table 1 CPMC, and this variance will not change the permitted or prohibited uses within the TOD/EC district.

The City of Central Point finds that this variance request is in compliance with Section 17.13.500(A) CPMC.

CONCLUSIONS:

The City of Central Point concludes that the subject property has a properly recorded partition plat and that the variance requested is for the subject site only. The applicants are not proposing any land divisions on the subject property and that the requested variance will not modify the allowed uses within the code. The City of Central Point concludes that this Class C variance is in compliance with Section 17.13.500(A) CPMC.

(C) Approval Criteria. The city shall approve, approve with conditions, or deny an application for a variance based on all of the following criteria:

(1) The proposed variance will not be materially detrimental to the purposes of this code, to any other applicable policies and standards, and to other properties in the same zoning district or vicinity;

Discussion:

The applicants have provided site plans, preliminary civil engineering plans and a landscape plan to demonstrate that there will be no significant impacts to other properties in the vicinity. The requested variance to the front yard setback standard is due to the 10-foot electrical easement along the frontage of the subject property, for spatial separation for protection and security, and stormwater management, and will not be injurious to any other applicable development standards, or to the purposes of the code.

FINDINGS:

The City of Central Point finds that the applicants have submitted site plans, a topographic survey and the partition plat, which demonstrates the requested variance will not be harmful to other development standards or to the purposes of the code. In addition, approval of the variance will not have a negative impact on other properties in the vicinity, in compliance with Section 17.13.500(C)(1) CPMC.

(2) A hardship to development exists which is peculiar to the lot size or shape, topography, or other similar circumstances related to the property over which the applicant has no control, and which are not applicable to other properties in the vicinity (e.g., the same zoning district);

Discussion:

The subject property consists of 3.57 acres zoned TOD/EC, similar to other properties to the south. As seen on the topographic survey and the partition plat attached in Exhibit "B", there is an existing 10-foot easement along the frontage of the subject property, which contain major power transmission lines, also with telephone and cable lines attached, serving the community and the City of Central Point. The property owner and applicants have no control of this easement and are unable to modify this existing site condition, which is a hardship to meet prescribed site development standards. The topography of the site, being virtually flat at the development area, also dictates additional stormwater management design with retention and treatment, based on preliminary civil engineering, to meet current stormwater quality standards.

FINDING:

The City of Central Point finds that the subject property does contain a hardship with the presence of a 10-foot power easement, which the applicants have no control to adjust, and there is a need to provide additional area for sufficient stormwater facilities, in compliance with Section 17.13.500(C)(2) CPMC.

(3) The use proposed will be the same as permitted under this title and city standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land;

Discussion:

The existing OSP facility is an allowed conditional use within the TOD/EC district, as identified within Table 1, Section 17.65.050 CPMC. The proposed front yard setback will be approximately 33 feet, which is far more conforming to the standards of the code compared with the existing 110-foot setback. With the electrical easement present, needed storm drainage facilities and the needed public safety for the OSP employees/staff within the facility, the proposed 33-foot setback, that is requested by the applicants is the minimum setback needed to alleviate the hardship.

FINDING:

The City of Central Point finds that the requested 33-foot setback has been minimized to the greatest extent, due to the presence of the electrical easement, the need for sufficient area for storm drain facilities and the safety of the employees/staff present within the OSP facility, in compliance with Section 17.13.500(C)(3) CPMC.

(4) Existing physical and natural systems, such as but not limited to traffic, drainage, natural resources, and parks, will not be adversely affected any more than would occur if the development occurred as specified by the subject code standard;

Discussion:

Locating the proposed structure approximately 33 feet from the public road right-of-way, versus the required 0' setback, does not affect any surrounding properties, any natural resources, traffic with shared accessway locations and internal circulation, and the adjacent Skyrman Park. The northern, southern and eastern setbacks currently exceed the code standards, and considering the existing surrounding properties site conditions and uses, a 33-foot front yard setback will not have an adverse impact on existing conditions.

Based on the preliminary civil engineering, additional area is needed within the front yard for stormwater management due to additional impervious surfaces being proposed, particularly at the 2-story expansion location. The additional setback area is actually a benefit, and needed to meet current stormwater retention and treatment standards, prior to discharging into Griffin Creek.

FINDING:

The City of Central Point finds that the proposed expansion with a 33-foot front yard setback will not affect the surrounding properties, nor any traffic, natural resources and parks, in compliance with Section 17.13.500(C)(4) CPMC.

(5) The hardship is not self-imposed;

Discussion:

The hardship is due to the existing electrical easement present, which is a site condition that the property owners and applicants have no control of; therefore, the hardship is not a self-imposed request. In addition, OSP facilities, similar to other government buildings and offices, are subject to a higher level of risk, and have recently warranted physical site design strategies for greater personnel safety for the OSP employees/staff within the facility. Additional spatial separation from public roads with physical barriers are warranted and being requested, which have been incorporated into the site plan design with concrete planters to prevent vehicular encroachments/attacks on the structure.

FINDING:

The City of Central Point finds that the requested variance is not self-imposed with the presence of the electrical easement, and needed safety and security, in compliance with Section 17.13.500(C)(5) CPMC.

(6) The variance requested is the minimum variance that would alleviate the hardship.

Discussion:

OSP facilities throughout the state, along with other government buildings and offices, have recently needed greater personnel safety for the government employees/staff within their facilities. Therefore, physical site design strategies by providing additional spatial separation from public roads to provide physical barriers are warranted to prevent vehicular encroachments/attacks onto the building. Other government building locations have used upright bullards or large boulders between the public road and building to inhibit vehicular encroachment. However, the applicants' design team have deemed this to not meet the intent of the TOD overlay and instead are utilizing concrete planters strategically located between the public road and building, which are designed to stop oncoming vehicles and provide a more pleasing visual appearance from the public street. These planters will also provide for storm water retention and treatment from the roof drains of the proposed structure. When considering the existing power easement, the need for safety of government employees/staff, providing for additional area for storm drainage, while providing aesthetic visual pleasing concrete barriers with planters, the requested 33-foot front yard setback is the minimum feasible variance needed to relieve the hardship.

FINDING:

The City of Central Point finds that the applicants are requesting a 33-foot front yard setback, which is the minimum necessary to ensure government personnel safety and sufficient stormwater facilities, in compliance with Section 17.13.500(C)(6) CPMC

CONCLUSIONS:

The City of Central Point concludes that this variance request to the front yard setback will not be harmful to other properties in the vicinity and will not be detrimental to the purposes of the code.

The City of Central Point concludes that the existing 10-foot electrical easement and providing personnel safety is a hardship for meeting the prescribed 0' front yard setback, which the property owners and applicants have no control.

The City of Central Point concludes that the requested 33-foot front yard setback is minimized to the greatest extent, due to the existing electrical easement and needed spatial separation for safety of the employees/staff present on-site.

The City of Central Point concludes that the proposed 33-foot setback will not affect surrounding properties, traffic movements, natural resources and parks.

The City of Central Point concludes that the hardship is not self-imposed, due to the existing easement and warranted public safety.

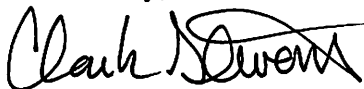
The City of Central Point concludes that due to the warranted public safety of government employees and staff, with the existing electrical easement and needed stormwater facilities, it is demonstrated that the requested 33-foot front yard setback is the minimum separation necessary to alleviate the hardship.

The City of Central Point concludes that the applicants have addressed the approval criteria and have demonstrated compliance with Section 17.13.500(C) CPMC.

SUMMARY:

Upon review of the Findings and Conclusions above, with the attached site plans and evidence for the proposed expansion of the OSP facility, the City of Central Point can conclude that this application for a Class C variance has addressed the applicable approval criteria and demonstrated compliance as outlined in Chapter 17.13 CPMC.

Submitted by,



Richard Stevens & Associates, Inc.

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Justin Gindlesperger, Planner II
Central Point Community Development
140 S. Third Street
Central Point, OR 97502

January 2, 2023

RE: OSP Facility Expansion, Variance Hardship

Mr. Gindlesperger,

This supplemental information is provided to further justify the applicants request for a variance to the front yard setback. As stated within the applicants' variance application and findings, employee personnel safety is of great importance, along with the protecting the structure itself. Attached, please find a reference to a publication from FEMA, Risk Management Series, which the design team used to address potential attacks onto the structure. This publication contains 272 pages of information, which is found online, that the applicant has provided only portions for review and justification for the variance request.

FEMA evaluated several past attacks and provided a "Lesson Learned" summary from those occurrences. A common comment made by FEMA is that shorter setbacks could have a greater adverse impact to the structure from vehicle attacks. In addition, providing crash barriers with planters as an obstacle was chosen to assist with the stormwater storage needed with the expansion on the subject property. Stormwater detention and treatment is of great importance with the water quality standards mandated by the state, particularly with the direct discharge into Griffin Creek. See ZCS Memo attached, explaining the importance for this area. Also, the stormwater facilities are needed in the front yard to not have a direct impact / disturbance with the floodplain associated with Griffin Creek, which would require a flood study to demonstrate compliance.

The applicants' design team have assessed the risks and have incorporated several of the physical attack mitigation options into the site plan, which are requested to reduce the hardship from the 0' setback standard to the greatest extent, by locating the expanded structure closer to Rogue Valley Highway at 33' from the right-of-way boundary.

Submitted by,

Richard Stevens & Associates, Inc.
Clark Stevens



Risk Management Series

Site and Urban Design for Security

Guidance Against Potential Terrorist Attacks

FEMA 430 / December 2007



FEMA



However, in November 1995 a car bomb with the equivalent of about 220 pounds of TNT exploded in the courtyard of the Office of the Program Manager of the Saudi Arabia National Guard in Riyadh.

As a consequence, the U.S. military reviewed the force protection measures in the theater, and in Dhahran the 4404th Wing took action to increase the level of protection. The perimeter was completely surrounded by Jersey barriers and the alert status was raised. The setback between the roadway and the buildings was approximately 80 feet. Senior U.S. officials had concluded that the upper limit on a terrorist bomb that could be smuggled into Saudi Arabia was no higher than the 220-pound device used at Riyadh the previous year. Traffic patterns were reset and lengthened, road stars and tire shredders were put place, and barriers and a bunker sealed the entry way.

LESSONS LEARNED

Risk – Threat Rating

- Showed importance of threat assessment and fallacy of relying on past experience.

Risk – Asset Value

- As housing units for U.S. military personnel, the asset value was high.

Risk – Vulnerability Rating

- Higher standard of structural redundancy reduced overall damage.
- Casualties reduced by location of egress stairs at the back of the building away from potential blast sources.

Security Design – First Layer of Defense

- Showed importance of alert surveillance by guards.
- Showed importance of well-anchored barriers.
- Showed that non-anchored barriers can have a negative effect on building security.

Security Design – Second Layer of Defense

- Showed importance of adequate setback: a shorter setback would have resulted in much more structural damage.

Security Design – Third Layer of Defense

- Precast concrete bearing wall system prevented what might have been a total building collapse given the size of the blast.
- Showed importance of structural redundancy: the structure was highly redundant.
- Showed importance of strong building envelope: the outer buildings' envelopes were not severely damaged.

Community Context

- Use of large trees could have had good aesthetic effect in the arid climate and at the same time interfered with blast pressures.

LESSONS LEARNED

Risk – Threat Rating

- Threat rating considered low.

Risk – Asset Value

- The U.S. Embassy in Tanzania is a high asset value.

Risk – Vulnerability Rating

- The reduction of setback from a State Department requirement of 100 feet to a range between 25-75 feet could have affected the vulnerability rating.

Security Design – First Layer of Defense

- The vehicle carrying the bomb failed to penetrate the perimeter because of the presence of a water truck that blocked its entry.

Security Design – Second Layer of Defense

- At the time of the explosion, the car was about 35 feet from the building. The second line of defense was not tested since the car failed to breach the first line of defense.

Security Design – Third Layer of Defense

- The 35-foot setback outside the chancery wall proved to be adequate to protect the building from major collapse even though the structure was severely damaged.

Community Context

- Several nearby buildings were damaged, including the ambassador's residence.
- Dozens of vehicles were destroyed.

SOURCES:

US STATE DEPARTMENT, REPORT OF THE ACCOUNTABILITY REVIEW BOARD, BOMBINGS OF THE US EMBASSIES IN NAIROBI, KENYA AND DAR ES SALAAM, TANZANIA, FROM [HTTP://WWW.STATE.GOV/WWW/REGIONS/AFRICA/BOARD_OVERVIEW.HTML](http://www.state.gov/www/regions/afrika/board_overview.html);

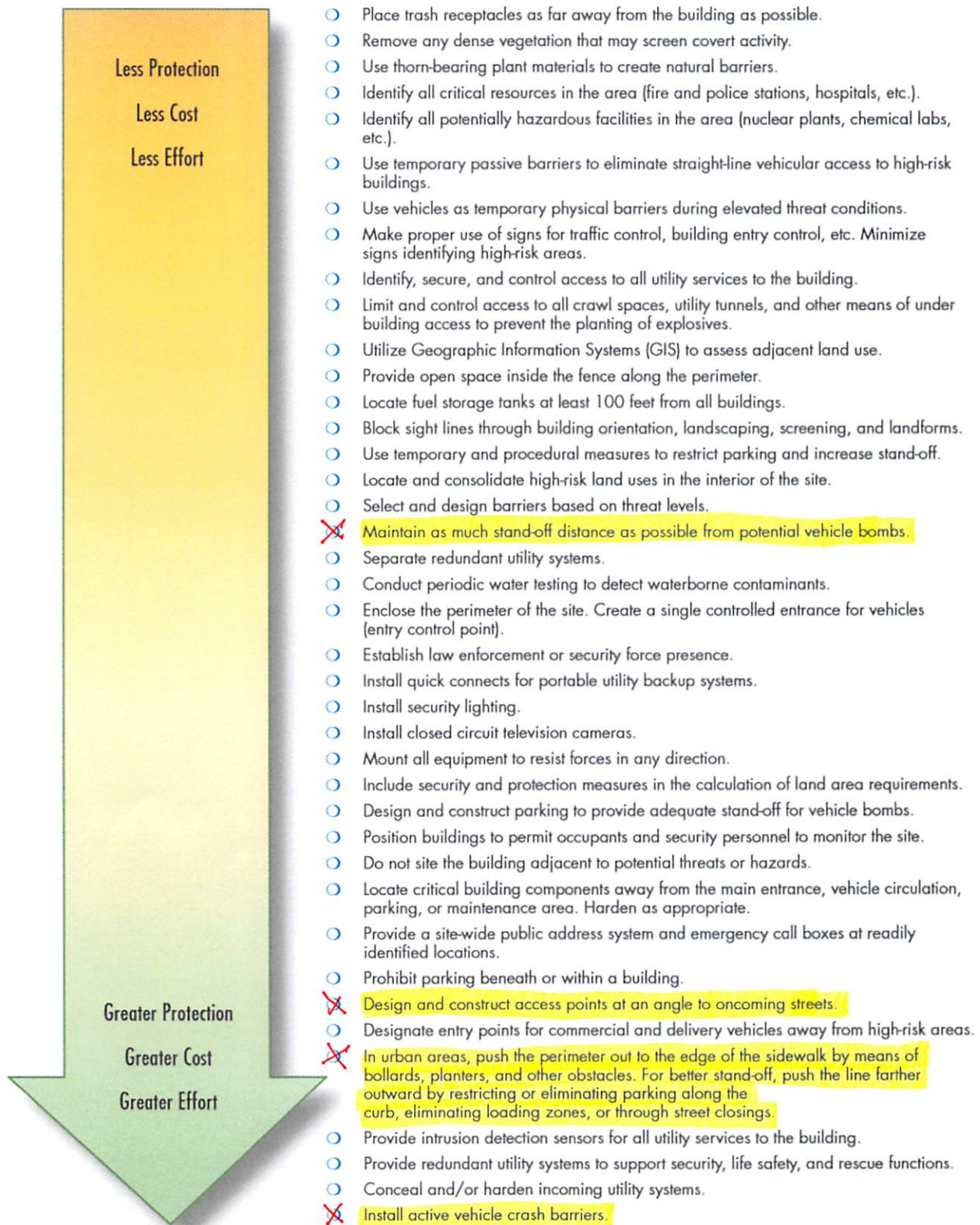


Figure 2-16: Mitigation options for site and layout design arranged in approximate order (top to bottom) of least to greatest protection, cost, and effort.

SOURCE: FEMA 426

Cost control is an area where the limited experience of security design and implementation presents a current problem. Comprehensive cost data is hard to obtain due to the relatively recent status of security design. Relatively little work has been published on the analysis of the comparative costs of alternative solutions, such as land costs for stand-off versus hardened structures, or the cost of physical solutions versus security operations. Non design options such as the comparative risks (and cost to mitigate) of different locations and tenant mixes, and the amount of increased rent that tenants are willing to pay for increased security improvement, must be subject to analysis and evaluation to enable a comprehensive risk management plan to be developed.

Cost management should be based on local cost information procured before the design process for budgeting purposes and during the design process for cost management purposes. Construction costs fluctuate and rapidly become out of date. Published indices attempt to ameliorate this problem, but they tend to be very broad in scope and are not very useful in application to a specific project. The state of the local market at the time of bidding and construction often has a major effect on cost.¹

2.6 CONCLUSION

This chapter has provided a summary of the FEMA Risk Assessment procedure, which has been successfully used on many hundreds of buildings that belong to various government agencies.

The summary is intended to explain the general concepts of the procedure; for implementation of a complete risk assessment process, the reader should use the detailed guidance in FEMA 452. In addition, the reader is referred to FEMA 455, *Handbook for Rapid Visual Screening*. This procedure has been developed for use in assessing the risk of terrorist attack on standard commercial buildings in urban or semi-urban areas, and is intended to be applicable nationwide for all conventional building types. It can be used to identify the level of risk for a single building, or the relative risk among buildings in a portfolio, community, or neighborhood as a prioritization tool for further risk management activities.

Similarly, the sections on explosive forces and cost have presented an introduction to these issues as a background to the design of risk mitigation measures. Designers involved in security design need to have a general understanding of the concepts behind these two important topics of analysis.

¹ Some portions of this section are based on a paper by Douglas Hall, Smithsonian Institute, entitled "A Performance Based Design Methodology for Designing Perimeter Vehicle Barriers for Existing Facilities Using the ISC Security Design Criteria"



Memo

To: Clark Stevens, RSA Inc.
From: Josh Modin & Malia Waters *JM*
CC: Sy Allen, PE
Date: January 2, 2023
Re: Central Point Oregon State Police – Frontage Elevated Stormwater Rain Garden

The new elevated stormwater rain garden along the west building face (Rogue Valley Highway frontage) at the Central Point Oregon State Police serves multiple purposes. First and foremost, the rain garden has been engineered to meet the City of Central Point requirements for both stormwater detention and treatment (through filtration). Based on the size and location of the new building addition, it has been strategically placed to collect the roof runoff from said addition. It has also been sized appropriately to collect, treat, and discharge stormwater runoff to the existing on-site system. It's an elevated rain garden in order to have positive flow via gravity to a relatively shallow existing stormwater system. If the rain garden wasn't elevated, it wouldn't be possible to meet all the City requirements for treatment and detention for the new scope of work. The large area of the planter is necessary for the required storage volume based on our calculations/storm report (under separate cover).

ZCS provides design and construction documents all over the State of Oregon for developments such as this. We specialize in emergency service facilities and, unfortunately, heavy consideration of building protection from vehicle crashes has become of the utmost importance. Often on busy highways such as this, it's accidental crashes. But we continue to see purposeful attacks towards our first responders. As such, it's now common practice to try and hold building setbacks such that we can provide landscape spaces between vehicular travel ways to dissipate speed, as well as integrate building crash protection systems. In this case, the concrete retaining walls of the elevated stormwater rain garden.

As noted above, the elevated stormwater rain garden is providing significant effects to our natural resources through stormwater treatment and detention, with discharge immediately and directly into Griffin Creek, while meeting all the requirements of the City of Central Point. The concrete retaining walls for the rain garden provide added value and protection to our first responders and our tax dollar investment into a much-needed improvement at the Central Point Oregon State Police facility.

PLANNING COMMISSION RESOLUTION NO. 903
A RESOLUTION APPROVING A CLASS "C" VARIANCE TO THE FRONT
YARD SETBACK STANDARDS IN CPMC 17.65.050(E)

Applicant: Oregon State Police
(File No. VAR-22002)

WHEREAS, the Applicant submitted an application for a Class "C" Variance to construct an addition to the existing Oregon State Police District 3 Headquarters outside the maximum 0-foot front yard setback along Rogue Valley Highway;

WHEREAS, on January 10, 2023 at a duly noticed public hearing, the Central Point Planning Commission considered the Applicant's request for a Class "C" Variance to the front yard setback standards per CPMC 17.65.050(E);

WHEREAS, the Planning Commission has considered and finds that adequate findings have been made demonstrating that issuance of the variance is consistent with the criteria set forth in CPMC 17.13.500(C).

NOW, THEREFORE, BE IT RESOLVED that the City of Central Point Planning Commission by Resolution No. 903 hereby approves the Class "C" Variance request based on the findings and conditions of approval as set forth in Exhibit 1, the Planning Department Staff Report dated January 10, 2023 including attachments thereto herein incorporated by reference.

PASSED by the Planning Commission and signed by me in authentication of its passage this 10th day of January, 2023.

Planning Commission Chair

ATTEST:

City Representative