



## Medford City Council Meeting

# Agenda

June 7, 2018

6:00 P.M.

Medford City Hall, Council Chambers  
411 West 8<sup>th</sup> Street, Medford, Oregon

### 10. Roll Call

### 20. Recognitions, Community Group Reports

### 30. Oral Requests and Communications from the Audience

Comments will be limited to 4 minutes per individual, group or organization. PLEASE SIGN IN.

### 40. Public Hearings

Comments are limited to a total of 30 minutes for applicants and/or their representatives. You may request a 5-minute rebuttal time. Appellants and/or their representatives are limited to a total of 30 minutes and if the applicant is not the appellant they will also be allowed a total of 30 minutes. All others will be limited to 4 minutes. PLEASE SIGN IN.

40.1 Council Bill 2018-51 A resolution adopting a third Supplemental Budget for the 2017-19 biennium.

40.2 Council Bill 2018-52 An ordinance amending sections 10.012, 10.031, 10.102, 10.122, 10.146, 10.157, 10.158, 10.300, 10.314, 10.325, 10.431, 10.746, 10.780, 10.797, 10.813, 10.824, 10.833, 10.835, 10.840, 10.1022 and adding sections 10.295, 10.333, 10.334 10.720, 10.1160, 10.1170 of the Medford Municipal Code to add a new Public Parks zoning district to be effective July 9, 2018. (ZC-17-115)

40.3 Council Bill 2018-53 An ordinance authorizing a Class 'A' (major) amendment to the City of Medford Zoning Map to create a new Public Parks zoning district and convert existing publicly owned park properties from their current zoning designation to the new zoning designation to be effective July 9, 2018. (ZC-17-115)

40.4 Council Bill 2018-54 An ordinance approving a minor amendment to the *Comprehensive Plan* to include a new Public Parks zoning district to be effective July 9, 2018. (DCA-16-072)

40.5 Council Bill 2018-55 An ordinance approving a minor amendment to the General Land Use Plan (GLUP) Map of the *Medford Comprehensive Plan* by re-designating certain parks and trails from their current GLUP designations to the Parks and Schools designation and approving corrections to the GLUP designations of two properties. (CP-17-114)

### 50. Approval or Correction of the Minutes of the May 17, 2018 Regular Meeting

### 60. Consent Calendar

60.1 Council Bill 2018-46 An ordinance authorizing execution of an Intergovernmental Agreement with Jackson County Fire District 3 for automatic aid response planning.

60.2 Council Bill 2018-56 An ordinance establishing an Audit Committee of the City Council.

- 60.3 Council Bill 2018-57 An ordinance authorizing execution of a Facility Use Agreement with Coyote Trails School of Nature for use of the U.S. Cellular Community Park Nature Center.
- 60.4 Council Bill 2018-58 A resolution certifying that the City of Medford is eligible to receive state-shared revenues and elects to receive state-shared revenues for fiscal year 2018-19.
- 60.5 Council Bill 2018-59 An ordinance making the annual ad valorem property tax levy of the City of Medford for fiscal year 2018-19.
- 60.6 Council Bill 2018-60 A resolution affirming the Public Works Director's administrative decision requiring the repair of a defective sidewalk located at Wolf Run Drive and Eagle Trace Drive.
- 60.7 Council Bill 2018-61 An ordinance authorizing execution of an amendment to Intergovernmental Agreement No. 29863 with the Oregon Department of Transportation (ODOT) to authorize the transfer and replenishment of City street utility funds in the amount of \$500,000, to allow ODOT to complete the Interstate 5 Oregon Welcome Center.

**70. Items Removed from Consent Calendar**

**80. Ordinances and Resolutions**

- 80.1 Council Bill 2018-62 An ordinance repealing and replacing section 5.555 of the Medford Municipal Code pertaining to the keeping of poultry. (DCA-17-102)
- 80.2 Council Bill 2018-63 An ordinance authorizing execution of a five-year Prescott Park Road Use and Maintenance License Agreement between the City of Medford and Burl Brim Excavation, Inc.
- 80.3 Council Bill 2018-32 An ordinance amending sections 4.405, 4.718, 4.735, 4.761, 4.807, and 4.1200 of the Medford Municipal Code pertaining to Sanitary Sewer, Storm Drain, and Street Utility fees.

**90. Council Business**

- 90.1 Proclamations issued:
  - Immigrant Heritage Month – June 2018
  - National Homeownership Month – June 2018
- 90.2 Committee Reports and Communications

**100. City Manager and Staff Reports**

**110. Adjournment**



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.1

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**DEPARTMENT:** Finance  
**PHONE:** (541) 774-2030  
**STAFF CONTACT:** Donna Holtz, Interim Finance Director

**AGENDA SECTION:** Public Hearings  
**MEETING DATE:** June 7, 2018

## COUNCIL BILL 2018-51

A resolution adopting a third Supplemental Budget for the 2017-19 biennium.

### SUMMARY AND BACKGROUND

The Finance Department is seeking Council approval of a third supplemental budget for the 2017-2019 biennium which will affect four departments and six funds as outlined below. The total impacted is a \$3,302,260 increase in appropriations for the 2017-2019 biennium. ORS 294.471 provides for a Supplemental Budget process. This supplemental budget is being presented in a public hearing due to the State Forfeiture fund, Bear Creek Maintenance Fund (631), Bear Creek Reconstruction Fund (632), Park System Development Charges (SDC) Fund (620) and Park Improvement Fund (630) which are increasing appropriations by more than 10%. When this occurs, a public hearing is required.

### PREVIOUS COUNCIL ACTIONS

June 15, 2017 – Council approved resolution 2017-57 adopting the 2017-2019 biennial budget.

October 19, 2017 – Council approved resolution 2017-122 adopting first supplemental budget for the 2017-2019 biennium.

December 7, 2017 – Council approved resolution 2017-138 adopting a second Supplemental Budget for the 2017-19 biennium.

### ANALYSIS

#### General Fund (100):

#### Police Department:

Police Department is requesting to recognize and appropriate the remaining \$53,300 of the 2017 High Intensity Drug Trafficking Area (HIDTA) grant. Medford Area Drug and Gang Enforcement Team (MADGE) was awarded \$125,000 and is requesting council to accept the balance of the 2017 award. Additionally, the Police Department is also requesting to recognize and appropriate the initial \$43,800 of the 2018 HIDTA grant. MADGE was again awarded \$125,000 in 2018 and HIDTA has released the initial \$43,800 that we are requesting. Police will request council to accept the balance of the award once HIDTA releases the remaining funds, upon adoption of the Office of National Drug Control Policy (ONDCP) federal budget.

The department is requesting to recognize and appropriate \$40,630 in various accounts:

Insurance payments of \$39,270 received for patrol vehicles which were involved in motor vehicle crashes. The insurance companies for the at-fault drivers in both these crashes paid damage claims of \$18,290 and \$20,980 respectively. This money will be used to purchase replacement patrol vehicles; therefore staff requests the funds be appropriated into the Motive Equipment account in the Administration division. Police received \$870 in unbudgeted revenue from Firefly IT Recovery Inc. for the purchase of outdated and obsolete cell phones and tablets. Staff requests the funds be appropriated into the Small Equipment account in the Administrative Support division. Police received \$490 in unbudgeted revenue from the Children's Advocacy Center for reimbursement of the registration fee for Detective Shannon Reynolds to attend a Child Abuse Investigation Symposium. Staff requests the funds be appropriated into the Training & Travel account in the Administration Division.



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**Police Project Revenue:** The request is to recognize and appropriate \$17,760 in various accounts: The FBI Organized Crime Drug Enforcement Task Forces reimbursed \$13,370 for the purchase of various digital forensic equipment used by the Southern Oregon High Tech Crimes Task Force for the investigation of computer crimes. Staff requests the funds be appropriated into the Small Equipment account in the Investigation Division

Homeland Security reimbursed the following expenses incurred while conducting a case investigation:

- \$1,070 of overtime incurred while conducting a case investigation. Staff requests the funds be appropriated in the overtime account in the MADGE Division.
- \$2,780 for investigation expenses. Staff requests the funds be appropriated in the Investigative Expenses account in the MADGE division.
- \$540 for the purchase of high-powered Viper binoculars. Staff requests the funds be appropriated in the small equipment account in the MADGE division.

### **Fire Department:**

The following requests are to recognize and appropriate State Conflagration reimbursements for wages and materials while assisting with firefighting efforts for the following fires:

Atlas Peak Fire (\$96,370):

- \$50,000 to the Fire Department's Operations budget wages and benefits accounts.
- \$46,370 to the Fire Department's Operations budget operating tools and supplies account.

Nena Springs and Milli Fires (\$56,070):

- \$9,040 to the General Fund
- \$17,030 to the Fire Public Safety Fund (fund 300)
- \$30,000 to the Fire Department's Operations budget wages and benefits accounts for Hazmat overtime training.

Eagle Creek and Chetco Bar Fires (\$194,840):

- \$194,180 to the Fire Department's Operations budget wages and benefits accounts
- \$660 to the Fire Department's Operations budget Hazmat program expense account

Staff requests to recognize and appropriate \$14,360 of Homeland Security Grants into the Fire Department's Emergency Management budget: Operating tools and supplies (\$3,410) and small equipment & furnishings (\$10,950) materials and services accounts.

### **General Fund Transfers:**

This request is to recognize and appropriate \$38,800 transfers-in to close the Bear Creek Maintenance Fund, \$13,800 transfers-in to close the Bear Creek Reconstruction Fund and to appropriate \$52,600 General Fund transfers-out to the Park Improvement Fund for the Bear Creek Park project. This funding augments the City's efforts to obtain resources needed to construct the new Olsrud Family Community Playground at Bear Creek Park. The two dedicated funds containing \$52,600 were established to support the existing 1988 wooden playground and are now needed to help make the new play structure safer and ADA-compliant. The funds are part of a multi-pronged funding effort for the new playground coordinated by the Parks, Recreation and Facilities Department that began with a major public outreach campaign in October 2017.



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

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Fire is requesting to reduce the General Fund Fire Station #6 renovations by \$170,000 and transfer to increase the Fire Station #3 CIP budget, in the Fire Public Safety Fund, by increasing General Fund transfers-out by \$170,000.

This request is to recognize the proceeds from property sales (Fire modular building) \$42,830, ADT award \$5,000, and transfer to increase the Fire Station #3 CIP budget, in the Fire Public Safety Fund, by increasing General Fund transfers-out by \$47,830.

This request is to appropriate by transfer-out, the reimbursements recognized above in the Fire Conflagration \$17,030 to increase the Fire Public Safety Fund operation wages and benefits, by increasing General Fund transfers-out by \$17,030.

### **Finance Department:**

This request is to increase the General Fund, General expense professional service account by \$298,200 to cover the CPA financial support contract approved by City Council on May 17, 2018. Finance Department wages and benefit accounts will be reduced by (\$50,000), Technology Services Department capital outlay (\$25,000) and CIP (\$100,000), Planning professional services (\$30,000), and General Fund contingency (\$93,200).

### **Police State Forfeiture Fund (202)**

Police Forfeiture Transfers: The request is to recognize and appropriate \$225,500 into various accounts: The inter-agency MADGE Board approved the expenditures of \$225,500 from state forfeiture funds during their quarterly meeting held on April 17, 2018. These funds are from unbudgeted forfeiture revenue received this fiscal year and are restricted to law enforcement purposes only. Further, forfeiture funds cannot be used for staffing expenses nor can it be used to supplant the purchase of current budgeted items. Those expenditures are as follows:

- \$80,000 for the expansion of the Southern Oregon High Tech Crime Task Force unit housed in the Police Department. The expansion is needed for the growing amount of computers, servers and related equipment which the unit requires. The funds will be appropriated into a Capital Improvement Project managed by Building Facilities.
- \$15,000 per investigator to each MADGE-participating agency. The five outside participating agencies will each receive \$15,000 for a total of \$75,000. The funds will be appropriated into the Professional and Contract Services account in the MADGE division for disbursement to these agencies.

Medford Police currently has four (4) investigators assigned to MADGE; therefore our participating agency share is \$60,000 appropriated into the MADGE division, broken down as follows:

- \$30,000 Motive Equipment for the purchase of a vehicle to be assigned to a MADGE investigator
- \$15,000 General Equipment for the purchase of phone-entry equipment to be utilized in crime investigations.
- \$15,000 Small Equipment for various equipment in support of the MADGE Unit

The Board also approved \$10,500 for the purchase of additional FARO 3-D crime scene reconstruction equipment and related software.

### **Fire Public Safety Fund (300)**

The Fire Department requests to recognize and appropriate \$47,830 in revenues from the sale of a modular unit and an ADT award and transfer \$170,000 from Fire Station #6 renovation funds to the Fire Public Safety Fund 300 for Fire Station #3.



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Staff requests to appropriate the General Fund transfer-in, reimbursements recognized above in the Fire Conflagration \$17,030 to increase the Fire Public Safety Fund operation wages and benefits by \$17,030.

### **Street Utility Fund (500)**

The Public Works Department requests \$25,000 of contingency to Bank and Credit Card Fee account (\$25,000 each for Funds 500, 501 and 502). Utility customers paying bills with credit cards increased significantly over the previous biennium and anticipated levels. At the time the budget was prepared, credit card payments ranged from 23 to 28% of total payments; in the current biennium, that has risen to 32 to 33% of total payments and is continuing to grow. This is resulting in higher credit card merchant processing fees than budgeted. This transfer should be sufficient to cover merchant processing fees for the remainder of the biennium.

The Oregon Department of Transportation (ODOT) has requested an amendment to Intergovernmental Agreement (IGA) 29863 authorizing one additional transfer and replenishment of the Street Utility fund in the amount of \$500,000 allowing ODOT to complete the Interstate 5 Oregon Welcome Center. The IGA will be presented to Council at this meeting for Council approval. If the IGA is approved, this supplemental budget is required to recognize the additional revenue and expenditure of \$500,000.

### **Storm Drain Utility Fund (501)**

The Public Works Department requests \$25,000 of contingency to Bank and Credit Card Fee account (\$25,000 each for Funds 500, 501 and 502). Utility customers paying bills with credit cards increased significantly over the previous biennium and anticipated levels. At the time the budget was prepared, credit card payments ranged from 23% to 28% of total payments; in the current biennium, that has risen to 33% of total payments and is continuing to grow. This is resulting in higher credit card merchant processing fees than budgeted. This transfer should be sufficient to cover merchant processing fees for the remainder of the biennium.

### **Sewer Collection Utility Fund (502)**

The Public Works Department requests \$25,000 of contingency to Bank and Credit Card Fee account (\$25,000 each for Funds 500, 501 and 502). Utility customers paying bills with credit cards increased significantly over the previous biennium and anticipated levels. At the time the budget was prepared, credit card payments ranged from 23% to 28% of total payments; in the current biennium, that has risen to 33% of total payments and is continuing to grow. This is resulting in higher credit card merchant processing fees than budgeted. This transfer should be sufficient to cover merchant processing fees for the remainder of the biennium.

### **Gas Tax Fund (530)**

The electric bill for City street lights is higher than budgeted. This is the only item in the Materials and Services (M&S) budget for this division; there are no other M&S items to offset the increase in the electric bill. Staff requests a transfer of \$70,000 from Contingency which is necessary to fund the increased electric bill and should be sufficient for the remainder of the biennium.

### **Fleet Maintenance Fund (540)**

Fleet Services requests recognition of greater revenue than budgeted in the amount of \$142,500; the additional revenue will be used to offset the greater expense than budgeted to maintain Jackson County Fire District 3 equipment.

### **Park SDC Fund (620)**

The Parks, Recreation and Facilities Department requests appropriation of greater-than-budgeted beginning fund balance for Park SDC Fund 620 in the amount of \$890,000 to three park development



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projects requiring additional funding for completion as recommended by the Parks & Recreation Commission: Kennedy (\$200,000), Village Center (\$500,000) and Cedar Links (\$190,000).

### **Park Improvement Fund (630)**

The Parks, Recreation and Facilities Department requests appropriation of greater-than-budgeted beginning fund balance for Park Improvement Fund 630 in the amount of \$596,640 to three park projects requiring additional funding for completion: Bear Creek Park Community Playground (\$250,000), Village Center (\$173,320) and Cedar Links (\$173,320) as recommended by the Parks & Recreation Commission. Note: In order to avoid comingling SDC Fund 620 or Fund 621, a new project account is necessary for Village Center Park.

This request is to recognize \$52,600 transfers-in from the General Fund and to appropriation of \$52,600 in the Park Improvement Fund Bear Creek Park project CIP.

### **Bear Creek Maintenance Fund (631) & Reconstruction Fund (632)**

The Parks, Recreation and Facilities Department requests appropriation of resources in Funds 631 and 632. Oregon Budget Law requires those funds to be transferred into the General Fund in order to close the funds. The Bear Creek Park Community Playground replacement project will be partially funded with the transfer from the General Fund to Fund 630. Estimated interest income of \$2,000 in fund 631 and \$1,000 in fund 632 will need to be appropriated, and transfers-out of \$38,800 from fund 631 and \$13,800 from fund 632.

The transfer is consistent with the purpose of both accounts, and the Finance Department wishes to close out both Funds to reduce the number of long-standing Fund accounts containing small amounts. The combined \$48,600 assists efforts to generate \$610,000 to replace the 30-year-old wooden Bear Creek Park Community Playground.

### **FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

The proposed resolution will increase appropriations as follows:

General Fund (100)	\$ 617,560
Police State Forfeiture Fund (202)	225,500
Fire Public Safety Fund (300)	226,860
Street Utility Fund (500)	500,000
Fleet Maintenance Fund (540)	142,500
Park SDC Fund (620)	890,000
Park Improvement Fund (630)	649,240
Bear Creek Maintenance Fund (631)	36,800
Bear Creek Reconstruction Fund (632)	<u>13,800</u>
Total	<u>\$ 3,302,260</u>

### **TIMING ISSUES**

The fiscal year end is June 30, 2018 and approval will allow us to appropriate the funds and complete year-end close.

### **COUNCIL OPTIONS**

- Approve the resolution as presented.
- Modify the resolution as presented.
- Deny the resolution as presented and provide staff with direction.



**CITY OF MEDFORD**  
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**STAFF RECOMMENDATION**

Staff recommends approval of the resolution

**SUGGESTED MOTION**

I move to approve the resolution as outlined in the attached exhibit.

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**EXHIBITS**

Resolution

Supplemental Budget Request

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RESOLUTION NO. 2018-51

A RESOLUTION adopting a third Supplemental Budget for the 2017-19 biennium.

WHEREAS, a supplemental budget is required to change appropriations in certain circumstances under ORS 294.471; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEDFORD, OREGON:

SECTION 1. The City Council hereby adopts a Supplemental Budget for the 2017-19 biennium.

SECTION 2. The City Council hereby makes the new appropriations and transfers of appropriations for the 2017-19 biennium in the amounts and for the purposes shown on the Supplemental Budget Adjustment form which is attached hereto as Exhibit A and incorporated herein by reference.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

**CITY OF MEDFORD**

**SUPPLEMENTAL BUDGET REQUEST PER ORS 294.471**

Requesting Department: Finance

Biennium **FY17/18 - 18/19**

Date of Proposed Council Action: June 7, 2018

Date **June 7, 2018**

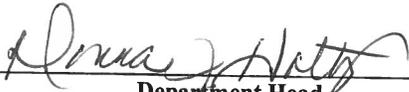
Explanation of Requested Transfer: See AIC

Account Number	Description	Project Number	Debit	Credit
631 5140 - 630 2522	Building Maintenance			2,000
631 1521 - 670 7100	Transfers to Fund 100		38,800	
631 0000 - 399 0000	Unappropriated Fund Bal			33,800
631 0000 - 461 0101	Interest Income			3,000
100 0000 - 471 5631	Transfers from Fund 631			38,800
100 1521 - 670 7630	Transfers to Fund 630		38,800	
632 1521 - 670 7100	Transfers to Fund 100		13,800	
632 0000 - 399 0000	Unappropriated Fund Bal			12,800
632 0000 - 461 0101	Interest Income			1,000
100 0000 - 471 5632	Transfers from Fund 632			13,800
100 1521 - 670 7630	Transfers to Fund 630		13,800	
630 0000 - 471 6100	Transfers from Fund 100			52,600
630 5180 - 650 5100	CIP Fund 630	RZZ1008630	52,600	
630 0000 - 499 0000	Beginning Fund Balance			596,640
630 5180 - 650 5100	CIP General Playgrounds	RZZ1008630	250,000	
630 5180 - 650 5100	CIP General Village CTR		115,580	
630 5180 - 650 5100	CIP General Cedar Links	QCL1001630	173,320	
630 5110 - 630 2101	Contracted Services		57,740	-
100 2122 - 610 1002	Overtime - MADGE	PHI0086100	12,700	
100 2122 - 630 2214	Project M&S MADGE	PHI0086100	40,600	
100 0000 - 431 0105	LLEG/JAG/BYRNE	PHI0086100		53,300
100 2122 - 610 1002	Overtime - MADGE	PHI0087100	10,500	
100 2122 - 630 2214	Project M&S MADGE	PHI0087100	33,300	
100 0000 - 431 0105	LLEG/JAG/BYRNE	PHI0087100		43,800

Account Number	Description	Project Number	Debit	Credit
500 3410 - 630 2107	Utility Billing Service		25,000	
501 3410 - 630 2107	Utility Billing Service		25,000	
502 3410 - 630 2107	Utility Billing Service		25,000	
500 1590 - 690 9099	Contingency			25,000
501 1590 - 690 9099	Contingency			25,000
502 1590 - 690 9099	Contingency			25,000
500 3380 - 650 5100	CIP General	SMC9996500	500,000	
530 3121 - 630 2471	Electrical Utility		70,000	
540 3124 - 630 2641	JC Fire District #3 Fleet		142,500	
500 0000 - 441 3040	Other Agency			500,000
530 1590 - 690 9099	Contingency			70,000
540 0000 - 441 3025	Garage Outside Agency			142,500
300 2280 - 650 5100	CIP General - FS#3	BF30001300	217,830	
300 0000 - 471 6100	Transfers from Fund 100			217,830
100 2280 - 650 5100	CIP General - FS#6	BF60001100		170,000
100 0000 - 471 0108	Misc Rev - ADT Award			5,000
100 0000 - 471 0202	Sale of Property - Modular Buildings			42,830
100 1521 - 670 7300	Transfers to Fund 300		217,830	
100 2220-610 10** 20**	Wages and Benefits		50,000	
100 2200 - 630 2430	Operating Tools & Materials		46,370	
100 0000 - 431 0201	State Grants - Conflagration			50,000
100 0000 - 431 0201	State Grants - Conflagration			46,370
100 2220-610 10** 20**	Wages and Benefits		30,000	
300 2220-610 10** 20**	Wages and Benefits		8,000	
300 2200 - 630 2431	Safety Equipment & Supplies		9,030	

Account Number	Description	Project Number	Debit	Credit
100 2220-610 10** 20**	Wages and Benefits		9,040	
100 0000 - 431 0207	State Grants - Haz Mat			30,000
100 0000 - 431 0201	State Grants - Conflagration			26,070
100 1521 - 670 7300	Transfers to Fund 300		17,030	
300 0000 - 471 6100	Transfers from Fund 100			17,030
100 2220-610 10** 20**	Wages and Benefits		43,660	
100 2222-610 10** 20**	Wages and Benefits		25,000	
100 2220-610 10** 20**	Wages and Benefits		75,000	
100 2200 - 630 2431	Safety Equipment & Supplies		50,520	
100 2200 - 630 2455	Haz-Mat Program Expense		660	
100 0000 - 431 0201	State Grants - Conflagration			194,180
100 0000 - 431 0207	State Grants - Haz Mat			660
100 0000 - 431 0104	Misc Federal Grants - Homeland Security			3,410
100 0000 - 431 0104	Misc Federal Grants -OR Health Authority Grant			10,950
100 2223 - 630 2430	Operating Tools & Materials		3,410	
100 2223 - 630 2432	Small Equip & Furnishings		10,950	
100 1520 - 630 2101	Professional Services		350,000	
100 1510-610 10** 20**	Wages and Benefits			50,000
100 1710 - 640 4005	Office Equipment			25,000
100 1810 - 630 2214	Project M&S			30,000
100 1780 - 650 5100	CIP General - RMS	IAA1223100		100,000
100 1590 - 690 9099	Transf GF Contingency			145,000
100 0000 - 471 0103	Misc Rev - Damage Claims			39,270
100 2110 - 640 4004	Motive Equipment		39,270	
100 0000 - 471 0202	Misc Rev - Sale of Property			870
100 2110 - 630 2432	Small Equipment		870	

Account Number	Description	Project Number	Debit	Credit
100 0000 - 471 2112	PD Services			490
100 2110 - 630 2302	Training & Travel		490	
100 0000 - 431 0105	Federal Misc Grant			13,370
100 2121 - 630 2214	Investigation Expense	PHI0052100	13,370	
100 0000 - 431 0105	Federal Misc Grant			1,070
100 2122 - 610 1002	Wages - Overtime	PHI0085100	1,070	
100 0000 - 431 0104	Federal Misc Grant			2,780
100 2122 - 630 2214	Investigation Expense	PHI0052100	2,560	
100 2122 - 630 2214	Investigation Expense	PHI0085100	220	
100 0000 - 431 0104	Federal Misc Grant			540
100 2122 - 630 2214	Small Equipment	PHI0085100	540	
202 0000 - 471 0108	State Forfeiture - OFS Misc	PFM0067202-4108		225,500
202 2180 - 650 5100	General CIP SOHTC	PHI0085100	80,000	
202 2122 - 630 2214	Contract Service	PFM0067202-2101	75,000	
202 2122 - 630 2214	Small Equipment	PFM0067202-2432	15,000	
202 2122 - 640 4004	Motive Equipment	PFM0067202-4004	30,000	
202 2122 - 640 4006	General Equipment	PFM0067202-4006	15,000	
202 2122 - 640 4006	General Equipment	PFM0067202-4006	10,500	
620 0000 - 499 0000	Beginning Fund Balance			890,000
620 5180 - 650 5100	Kennedy Park CIP	QKS1001	200,000	
620 5180 - 650 5100	Village Center CIP	RZZ1012	500,000	
620 5180 - 650 5100	Cedar Links CIP	QCL1001	190,000	
<b>TOTALS</b>			<b>3,977,260</b>	<b>3,977,260</b>

Requested by   
Department Head

Approved by \_\_\_\_\_  
City Manager



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

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Item No: 40.2

40.3

40.4

**DEPARTMENT:** Planning Department  
**PHONE:** (541) 774-2380  
**STAFF CONTACT:** Matt Brinkley, AICP, CFM, Planning Director

**AGENDA SECTION:** Public Hearings  
**MEETING DATE:** June 7, 2018

### COUNCIL BILLS 2018-52, 2018-53, 2018-54

An ordinance amending sections 10.012, 10.031, 10.102, 10.122, 10.146, 10.157, 10.158, 10.300, 10.314, 10.325, 10.431, 10.746, 10.780, 10.797, 10.813, 10.824, 10.833, 10.835, 10.840, 10.1022 and adding sections 10.295, 10.333, 10.334 10.720, 10.1160, 10.1170 of the Medford Municipal Code to add a new Public Parks zoning district to be effective July 9, 2018.

An ordinance authorizing a Class 'A' (major) amendment to the City of Medford Zoning Map to create a new Public Parks zoning district and convert existing publicly owned park properties from their current zoning designation to the new zoning designation to be effective July 9, 2018.

An ordinance approving a minor amendment to the *Comprehensive Plan* to include a new Public Parks zoning district to be effective July 9, 2018.

### SUMMARY AND BACKGROUND

Council is requested to consider a proposal to add a new Public Parks zoning district. The zone would be applied to all of the publicly owned parks and trails in Medford. A code amendment to Chapter 10 of the Medford Municipal Code would add regulations for this new zoning district. A Minor Comprehensive Plan amendment would add references to the new zoning district in two of its elements.

The proposal represents a collaboration between Planning and Parks and Recreation staff, and incorporates comments from members of the Planning Commission and City Council collected during several study sessions and one public hearing. The Planning Commission discussed the proposal at three study sessions on July 25, 2016, October 9, 2017, and January 22, 2018. A study session was held with the City Council on March 8, 2018. Most recently, the Planning Commission recommended approval of the proposal by an 8-1 vote on April 12, 2018 (file no. DCA-16-072/CP-17-114/ZC-17-115).

### PREVIOUS COUNCIL ACTIONS

This amendment was presented and discussed with the City Council at the March 8, 2018 study session. Council directed staff to proceed with the public hearings before the Planning Commission and City Council.

### ANALYSIS

Currently, city parks are zoned residential, commercial, or industrial. The purpose of this amendment is to create a new zone that more accurately reflects the use of these properties as public parks and recreation facilities. The proposal includes a Major Zone Change to convert 134 publicly owned park properties from residential, commercial, and industrial to the new Public Parks zone. Amendment of Municipal Code Chapter 10 would add land use regulations for the zone including permitted uses, site development standards, and a new land use application type by which the City would review the development and improvement of parklands. The Comprehensive Plan would likewise be amended to add references to the new zone in the Parks, Recreation, and Leisure Services section of the Public Facilities Element and to the General Land Use Plan Element.

The proposed amendments offer several benefits. First, they would more accurately identify land uses depicted in the City's zoning map. For example, vacant residentially zoned land gives the impression to the general public and others who are unfamiliar with Medford's land use regulations that these lands will eventually be developed for residential uses. The zoning map should reflect this more accurately if in fact this land is city-owned parkland to be developed as a park in the future. The current practice is open to unnecessary confusion.

A Public Parks zone would help the City differentiate between residential, commercial, and industrial lands for reporting purposes as well. At various points throughout the Urban Growth Boundary Amendment process, for



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

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example, city staff had to defend the determination that lands with a Parks and Schools GLUP map designation should be accounted for as such for the purposes of the City's Buildable Lands Inventory and not as land that could be developed for residential uses. Land use regulations that clearly define uses (in this case limited to public parks and recreational facilities) would have reduced ambiguity and perhaps eliminated the need for staff to defend those conclusions.

The UGBA itself has provided substantial impetus for the proposal: within the recently amended Urban Growth Boundary, there are two large wildland parks (Chrissy and Prescott Parks) that cover nearly 1,900 acres. This land should be accounted for as parkland with appropriate zoning instead of annexed and zoned for residential use. This land will never be developed for residential uses, and the application of residential zoning only obscures this fact and creates confusion.

Last, this amendment proposes a land use application type specific to the development and subsequent modification of public parks. A Conditional Use Permit is currently required for the development of new parks and the modification of existing parks. The proposed amendment would establish a review process (Park Development Review) in which special standards would be applied. Planning Commission would review applications through a "Class C" (aka "Type III") quasi-judicial procedure, except in cases where minor modifications to an existing park is proposed.

Public zoning for parks is not uncommon throughout the country and within the state of Oregon. Cities such as Central Point, Bend, Salem, and Eugene all have zones for parks. Like those cities, this amendment would result in a specific zone that would describe and regulate this special type of land use in a way that results in greater efficiency in the planning and development of parks and recreation facilities.

## **FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

None.

## **TIMING ISSUES**

None.

## **COUNCIL OPTIONS**

- Approve the ordinance as presented
- Modify the ordinance as presented
- Decline to approve the ordinance as presented and direct staff regarding further action

## **STAFF RECOMMENDATION**

Staff recommends approval of the ordinance.

## **SUGGESTED MOTION**

I move to adopt the ordinance authorizing the Major Zone Change, Land Development Code Amendment, and Minor Comprehensive Plan Amendment as described in the City Council Report dated May 31, 2018 and as recommended by the Planning Commission.

## **EXHIBITS**

Ordinance

City Council Report, including Exhibits A-T

ORDINANCE NO. 2018-52

AN ORDINANCE amending sections 10.012, 10.031, 10.102, 10.122, 10.146, 10.157, 10.158, 10.300, 10.314, 10.325, 10.431, 10.746, 10.780, 10.797, 10.813, 10.824, 10.833, 10.835, 10.840, 10.1022 and adding sections 10.295, 10.333, 10.334, 10.720, 10.1160, 10.1170 of the Medford Municipal Code to add a new Public Parks zoning district to be effective July 9, 2018.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 10.012 of the Medford Municipal Code is amended to read as follows:

10.012 Definitions, Specific.

\*\*\*

Public improvement. Any improvement, facility, or service, together with customary appurtenances thereto, necessary to provide for public needs, including, but not limited to: curbs, gutters, sidewalks and other vehicular, bicycle and pedestrian circulation systems, storm sewers, flood control improvements, water quality, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility services, fire protection, street trees, and parks.

**Public Park. An area or facility publicly owned which provides recreational opportunities for the general public. This includes future parkland as well as existing trails and paths, community, neighborhood, special use, and linear parks.**

\*\*\*

SECTION 2. Section 10.031 of the Medford Municipal Code is amended to read as follows:

10.031 Exemptions from the Development Permit Requirement.

\*\*\*

B. Exemptions under this section do not apply to uses subject to a conditional use permit or **park development review** or major modifications thereof.

\*\*\*

SECTION 3. Section 10.102 of the Medford Municipal Code is amended to read as follows:

10.102 Plan Authorizations.

\*\*\*

Class C

Conditional Use Permit

Exception

Historic Review

Land Division

Planned Unit Development (PUD)

Site Plan and Architectural Review

Zoning Map Amendment, Minor (i.e., "Zone Change")

**Park Development Review**

\*\*\*

SECTION 4. Section 10.122 of the Medford Municipal Code is amended to read as follows:

10.122 Authority of the Planning Commission.

The Planning Commission is hereby designated as the approving authority for the following actions:

	Plan Authorization	Class
1.	Zone Changes, except when applied by the City concurrent with annexation	"C"
2.	Planned Unit Developments, Preliminary PUD Plan	"C"
3.	Conditional Use Permits	"C"
4.	Exceptions	"C"
5.	Land Divisions, Tentative Plats	"C"
6.	<b>Park Development Review</b>	<b>"C"</b>

\*\*\*

SECTION 5. Section 10.146 of the Medford Municipal Code is amended to read as follows:

10.146 Referral Agencies, Distribution.

This Chapter employs the use of referral agencies for the review of those plan authorizations indicated below, as shown on the Schedule which follows:

- A. Major Comprehensive Plan Amendment
- B. Land Development Code Amendment
- C. Minor Comprehensive Plan Amendment
- D. Annexation, except as provided in Section 10.199
- E. Vacation
- F. Zone Change, Major and Minor
- G. Conditional Use Permit
- H. Exception
- I. Planned Unit Development
- J. Land Division
- K. Site Plan and Architectural Review
- L. Transportation Facility Development
- M. Historic Review
- N. Administrative (Class D) plan authorization
- O. Park Development Review**

\*\*\*

SCHEDULE OF REFERRAL AGENCY DISTRIBUTION

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
CITY DEPTS.															
Building Safety	x	x	x	x	x	x	x	x	x	x	x	-	x	x	x
City Attorney	x	x	x	x	x	x	x	x	x	x	x	x	x		x
City Manager	x	x	x	x	-	-	-	-	-	-	-	-	-	-	-

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
Engineering Division	x	x	x	x	x	x	3	-	x	x	x	x	x	-	3
Fire	x	x	x	x	x	x	3	-	x	x	x	-	x	x	3
Parks & Recreation	x	x	x	x	x	x	3	-	x	x	x	-	x	-	3
Parks Director	4	4	4	4	4	4	4	4	4	4	4	4	4	-	4
Planning	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Police	x	-	x	x	x	x	-	-	x	x	x	-	x	x	-
Public Works	x	x	x	x	x	x	3	-	x	x	x	-	x	x	3
AGENCIES															
Water Commission	x	x	x	x	x	x	3	-	x	x	x	x	x	-	3
Army Corps of Engineers	-	-	-	-	-	-	5	5	5	5	5	5	-	-	5
Landmarks & Historic Preservation Commission	1	1	1	-	1	1	1	1	1	1	1	1	-	-	1
Cable Television Co.	-	-	x	x	x	x	3	-	x	x	x	x	x	-	3
City of Central Point	1	1	1	1	1	1	1	1	1	1	1	1	-	-	1
City of Phoenix	1	1	1	1	1	1	1	1	1	1	1	1	-	-	1
Dept. of Land Conservation & Development	x	x	x	-	-	-	-	-	-	-	-	-	-	-	-
Dept. of State Lands	-	-	-	-	-	-	5	5	5	5	5	5	-	-	5
Federal Aviation Administration	-	2	-	-	-	-	2	2	2	2	2	2		2	2
Garbage Company	-	-	-	x	x	-	-	-	-	-	-	-	-	-	-
Jackson Co. Health Dept	-	-	-	x	-	-	-	-	-	x	-	-	-	-	-
Jackson Co. Planning	x	x	x	-	-	-	-	1	1	-	1	-	-	-	-
Medford Irrigation District	1	-	1	1	1	-	3	-	1	1	-	-	-	-	3
Natural Gas Company	-	-	x	x	x	x	3	-	x	x	x	x	x	-	3
Oregon Dept. of Aviation	-	2	-	-	-	-	2	2	2	2	2	2	-	2	2
Oregon Dept. of Fish & Wildlife	-	-	-	-	-	-	5	5	5	5	5	5	-	-	5
Oregon Dept. of Transportation	x	-	1	1	-	1	3	-	1	1	1	1	-	-	3
Power Company	-	-	x	x	x	x	3	-	x	x	x	x	x	-	3
Rogue River Valley Irrigation District	1	-	1	1	1	-	3	-	1	1	-	-	-	-	3
Rogue Valley Medford Airport	1	1	1	-	-	1	2	2	2	2	2	2	-	1	2
Rogue Valley Sewer Services	1	-	1	1	1	1	3	-	1	1	1	-	1	-	3

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
Rogue Valley Transportation District	x	-	1	1	1	x	3	-	1	1	x	x	x	-	3
Medford 549C Schools	1	-	1	1	-	1	3	-	1	1	-	-	-	-	3
Superintendent	4	4	4	4	4	4	4	4	4	4	4	4	-	-	4
Phoenix-Talent Schools	1	-	1	1	-	1	3	-	1	1	-	-	-	-	3
Superintendent	4	4	4	4	4	4	4	4	4	4	4	4	-	-	4
Telephone Company	-	-	x	x	x	x	3	-	x	x	x	x	x	-	3
U. S. Post Office	-	-	-	-	-	-	-	-	x	x	x	x	x	-	-
Urban Renewal Agency	-	-	1	-	1	1	1	1	1	1	1	1	1	-	1
Water Districts	1	-	1	1	-	1	-	-	1	1	-	-	-	-	-

SECTION 6. Section 10.157 of the Medford Municipal Code is hereby amended to read as follows:

10.157 Notification, Publication and On-Site Posting.

\*\*\*

Plan Authorization Classification	Specific Type	Publication Schedule
A	All	No later than 10 days prior to the scheduled meeting date before the advisory agency. No later than 10 days prior to the scheduled public hearing date before the approving authority.
B	Annexation	Once each week for two successive weeks prior to the day of the hearing before the approving authority. Notice shall also be posted in four public places in the city for a like period.
B	Vacations	Once a week for two consecutive weeks prior to the date of the hearing before the approving authority. Within five days after publication of the first notice, the City Recorder shall cause to be posted at or near each end of the proposed vacation a copy of the notice which shall be headed "Notice of Street Vacation", "Notice of Plat Vacation" or "Notice of Plat and Street Vacation" as the case may be; the notice shall be posted in at least two conspicuous places in the proposed vacation area. The posting and first day of publication of such notice shall be not less than 14 days before the hearing.

B	Minor Comp. Plan Amendments [quasi-judicial], Transportation facility development	Shall be published in a newspaper of general circulation no later than 10 days prior to the scheduled meeting date before the approving authority.
C	Zone changes, Preliminary PUD plans, Conditional use permits, Exceptions, Land divisions, <b>Park Development Review</b>	Shall be published in a newspaper of general circulation no later than 10 days prior to the scheduled meeting date before the approving authority.
C	Site plan and architectural review, Historic review	Shall be posted in a public place no later than five days prior to the scheduled meeting date before the approving authority.
D		None

\*\*\*

SECTION 7. Section 10.158 of the Medford Municipal Code is amended to read as follows:

10.158 Notification, Affected Property Owners.

Notification shall be mailed to the applicant and all affected property owners no later than 20 days prior to the scheduled meeting date before the approving authority. All addresses for mailed notices shall be obtained from the latest property tax rolls of the Jackson County Assessor's office. Affected property owners for each type of plan authorization shall be determined as follows:

Plan Authorization Classification	Specific Types	Affected Property Owners
A		Generally not applicable to a legislative action unless it meets ORS 227.186 criteria ( <i>i.e.</i> , the change effectively rezones property.)
B	Vacations	All property owners within the area of a plat vacation or all abutting property and all attached real property within 200 feet laterally and 400 feet beyond the terminus of each right-of-way to be vacated.
B	Annexations, Minor Comp. Plan Amendments (quasi-judicial), Transportation Facility Development	All owners of property within the project boundaries plus all property owners within 200 feet of the project boundaries.

C	Zone Changes, Conditional Use Permits, Exceptions, Site Plan and Architectural Review, Land Divisions, Historic Review, <b>Park Development Review</b>	All owners of property within the project boundaries plus all property owners within 200 feet of the project boundaries.
C	Preliminary PUD Plans	All owners of property within the project boundaries plus all property owners within 200 feet of the project boundaries. The owners of no less than seventy-five tax lots shall be notified. If seventy-five tax lots are not located within 200 feet of the exterior boundary of the PUD, the notification area shall be extended by successive 50-foot increments, until the minimum number of lots are included in the notification area. Owners of all tax lots within the extended notification area shall receive notice.
D		All owners of property within the project boundaries plus all property owners within 200 feet of the project boundaries.

SECTION 8. Section 10.295 of the Medford Municipal Code is added to read as follows:

**10.295 Park Development Review.**

**In order to ensure a harmonious transition between parkland and surrounding uses, a Park Development Review is required for new and expanded parks, trails, and paths within the Public Parks zone. All park facilities, including paths and trails within the Public Parks zone, previously approved under a Condition Use Permit are subject to the Park Development Review process for any major modification (as defined below) to the prior CUP. Park Development Review is a procedural Class “C”, quasi-judicial decision, with the Planning Commission as the approving authority.**

**The following uses are subject to a Conditional Use Permit:**

- 1. New or expanded parks, trails, and paths outside of the Public Parks zone**
- 2. New or expanded trails and paths within a riparian corridor**

**A. Park Development Review Criteria**

**The approving authority (Planning Commission) shall approve a Park Development Review application if it can find the proposed park development conforms, or can be made to conform through the imposition of conditions, with all of the following criteria:**

- 1. The proposed park or park building facility is located within the Public Park zone.**
- 2. The proposal is substantially consistent with the Leisure Services Plan of the Comprehensive Plan.**
- 3. The proposal complies with all applicable provisions of all city ordinances or the Planning Commission has approved an exception as provided in Section 10.251.**
- 4. The proposal addresses the mitigation of impacts as described in 10.295(B).**

**B. Special Conditions**

In authorizing a Park Development Review approval, the Planning Commission may impose any of the following conditions to ensure compliance with the standards of the code, and to otherwise ensure the general welfare of the surrounding area and the community as a whole:

1. Modify the manner in which the park operates, including restricting the time an activity may occur, restraints to minimize noise, vibration, air pollution, glare, and odor;
2. Establish a special setback;
3. Modify the height, size, bulk, or location of a building or other structure; this can be accomplished with changes in: building orientation and articulation, surface materials, windows, doors, and other architectural features;
4. Designate the size, number, location, or nature of vehicular access points;
5. Modify the improvements within the street right-of-way;
6. Designate the size, location, screening, drainage, surfacing, or other improvement of the parking areas;
7. Designate the location, surfacing, or type of bicycle parking;
8. Limit or increase the number of vehicular and bicycle parking spaces;
9. Limit the number, size, location, height, or lighting of signs;
10. Limit the number, location, height, directional orientation, and intensity of exterior lighting;
11. Require the installation of landscaping, walls, or fences or other methods of screening and buffering; designate the size, height, location, or materials of fencing;
12. Increase or decrease the amount of landscaping on the site;
13. Protect, restore, and retain existing natural features.

**C. Modifications of a Park Development Review.**

**1. Major Modification.**

Any modification that is not a minor modification is a major modification. A request to substantially modify a Park Development Review shall be processed in the same manner as a request for a Park Development Review in Section 10.295. For existing park facilities with conditional use permit approvals issued prior to the creation of the Park Development Review process, the review shall be limited to the new or expanded park uses or development. Previously approved uses or development under the conditional use permit process shall be incorporated into the Park Development Review decision in order to combine existing and new approvals under this land use procedure. The Planning Director may waive submittal requirements deemed unnecessary or inapplicable to the proposal.

**2. Minor Modification.**

A minor modification to an approved Park Development Review or prior conditional use permit approval may be approved by the Planning Director provided the Planning Director determines that the modification does not constitute a major modification. The purpose of the determination is to assure that a modification does not significantly affect other property or uses; will not cause any deterioration or loss of any natural feature, nor significantly affect any public facility. A minor modification is an alteration or change to an approved plan that does not:

- (a) Conflict with any required Code and other legal requirements (the proposal must meet all Land Development Code and other legal requirements);

- (b) Relocate vehicle access points and parking areas where the change will generate an impact that would adversely affect off-site or on-site traffic circulation;
- (c) Reduce or eliminate any significant natural resources (streams, creeks, landform).
- (d) Conflict with adopted facility and utility plans;
- (e) Permit new accessory buildings larger than 1,000 square feet;
- (f) Permit open-aired picnic shelters/canopies larger than 1,500 square feet;
- (g) Allow a path or trail within a riparian area (paths or trails within existing parks or parks property, outside of the riparian area, are allowed);
- (h) Remove, modify, or reduce previously approved mitigation measures, including but not limited to fencing or landscaping;
- (i) Modify any condition of approval.

**D. Expiration of a Park Development Review.**

1. Within three (3) years following the final order date, substantial construction on the development shall be initiated, or if a use, the use shall have commenced operation. If a request for an extension is filed with the planning department within three (3) years from the approval date of the final order, the approving authority (Planning Commission), may, upon written request by the applicant, grant a single extension of the expiration date for a period not to exceed two (2) years from the expiration date of the final order. An extension shall be based on findings that the facts upon which the Park Development Review was first approved have not changed to an extent sufficient to warrant refiling of the Park Development Review application.

2. When it is the intent to complete an approved project in phases, the approving authority may authorize a time schedule for the issuance of building permits and for the commencement of phases for a period of eight (8) years, but in no case shall the total time period be greater than eight (8) years without having to resubmit a new application for Park Development Review.

SECTION 9. Section 10.300 of the Medford Municipal Code is amended to read as follows:

10.300 Establishment of Zoning Districts.

This Code separates the city into ~~three~~ **four** basic use classifications, ~~16~~ **17** zoning districts, nine overlay districts, and five administrative mapping categories as follows:

\*\*\*

**C. INDUSTRIAL**

I-L Industrial, Light

I-G Industrial, General

I-H Industrial, Heavy

**D. Public**

**P-1 Public Parks**

**DE. OVERLAY DISTRICTS**

I-00 Limited Industrial

A-A Airport Approach

A-R Airport Radar

- A-C Airport Area of Concern
- C-B Central Business
- E-A Exclusive Agriculture
- F Freeway
- S-E Southeast
- H Historic
- ~~EF~~. ADMINISTRATIVE MAPPING CATEGORIES
- Downtown Parking
- Limited Service
- P-D Planned Unit Development
- R-Z Restricted Zoning
- Airport Fence Line
- \*\*\*

SECTION 10. Section 10.314 of the Medford Municipal Code is amended to read as follows:

10.314 Permitted Uses in Residential Land Use Classification.  
\*\*\*

PERMITTED USES IN RESIDENTIAL ZONING DISTRICTS	SFR 00	SFR 2	SFR 4	SFR 6	SFR 10	MFR 15	MFR 20	MFR 30	Special Use or Other Code Section(s)
<b>6. NONRESIDENTIAL SPECIAL USES</b>									
(a) Bed and Breakfast Inn	X	X	Cs	Cs	Cs	Ps	Ps	Ps	10.828
(b) Child Day Care Center	Cs	Cs	Cs	Cs	Cs	Cs	Cs	Cs	10.811
(c) Institutional Uses (Schools, Churches, Government Facilities— Excluding Storage or Repair Yards or Warehouses, Cemeteries, etc.)	Cs	Cs	Cs	Cs	Cs	Cs	Cs	Cs	10.815-817

\*\*\*

SECTION 11. Section 10.325 of the Medford Municipal Code is amended to read as follows:

10.325 Commercial, ~~and Industrial, and Public~~ Land Use Classifications.

The City's commercial, ~~and industrial, and public~~ land is divided into ~~eight (8)~~ **nine (9)** commercial ~~and industrial~~ zoning districts as follows:

- (1) Service Commercial and Professional Office ..... C-S/P

(2) Neighborhood Commercial.....	C-N
(3) Community Commercial.....	C-C
(4) Heavy Commercial.....	C-H
(5) Regional Commercial.....	C-R
(6) Light Industrial.....	I-L
(7) General Industrial.....	I-G
(8) Heavy Industrial.....	I-H
(9) Public Parks.....	P-1

SECTION 12. Section 10.333 of the Medford Municipal Code is added to read as follows:

**10.333 Public Parks, (P-1).**

The P-1 district provides land for publicly owned open space, parkland, and trails. It is intended for city parks, recreational facilities, trails, paths, and open space publicly owned within the city.

SECTION 13. Section 10.334 of the Medford Municipal Code is added to read as follows:

**10.334 Uses Permitted in the Public Parks Zone**

A. The following table sets forth the uses allowed within the Public Parks land use classification. The uses, other than (002) Parks, Recreation, and Leisure Facilities and (881) Dwelling Units, are allowed based upon the Standard Industrial Classification (SIC) Manual, 1987 Edition.

B. These abbreviations indicate the allowance type listed in the following table:

- “P” = Permitted Use.
- “Ps” = Special Use (see Special Use Regulations)
- “C” = Conditional Use; permitted subject to approval of a Conditional Use Permit. (See Article II, Sections 10.246 - 10.250.)
- “Cs” = Conditional uses permitted subject to approval of a Conditional Use Permit and the applicable Special Use Regulations

C. These abbreviations indicate the land use requirement listed in the following table:

- “PDR” = Park Development Review required for new facilities
- “SPAC” = Site Plan & Architectural Commission review required for new facilities

**Uses Permitted in the Public Parks Zoning District**

SIC #	DESCRIPTION OF USE	ALLOWANCE TYPE	Additional Regulations/ Land Use Requirement
002	Public Parks, Recreation and Leisure Facilities and Services	P	PDR
0279	Beekeeping	Ps	The special use for beekeeping corresponds with Section 10.813

<b>SIC #</b>	<b>DESCRIPTION OF USE</b>	<b>ALLOWANCE TYPE</b>	<b>Additional Regulations/ Land Use Requirement</b>
431	U S Postal Service	P	SPAC
481	Wireless Communication Support Structure	Cs	The special use references for Wireless Communication Support Structure and Wireless Communication Facilities, other than Support Structure, correspond with special uses 10.824
	Wireless Communication Facilities, other than Support Structure	Ps	
491	Electric Services	Ps	The special use references correspond with Section 10.830
492	Gas Production and Distribution	Ps	
493	Combination Utility Services	Ps	
494	Water Supply	Ps	
495	Sanitary Services	Ps	
5261	Christmas Tree Sales	Ps	The special use reference for the sale of Christmas trees corresponds with Section 10.840
543	Outdoor Growers Markets	P	
5814	Eating Place With Entertainment	P	SPAC
5815	Eating Place Without Entertainment	P	SPAC
5816	Outdoor Eating	Ps	Establishments with Outdoor Eating Areas correspond with Section 10.833
5817	Temporary Food Vendor	Ps	The special use reference for temporary food vendor corresponds with Section 10.840
5818	Small Food Vendor	Ps	Special Use for Small Food Vendors correspond with

SIC #	DESCRIPTION OF USE	ALLOWANCE TYPE	Additional Regulations/ Land Use Requirement
			<b>Section 10.823</b>
703	<b>Camps and Recreational Vehicle Parks</b>	<b>P</b>	<b>PDR</b>
792	<b>Producers, Orchestras, Entertainers</b>	<b>P</b>	<b>SPAC</b>
794	<b>Commercial Sports</b>	<b>P</b>	<b>SPAC</b>
799	<b>Misc. Amusement, Recreational Services</b>	<b>P</b>	<b>SPAC</b>
821	<b>Elementary and Secondary Schools</b>	<b>P</b>	<b>SPAC</b>
829	<b>Schools &amp; Educational Services, nec</b>	<b>P</b>	<b>SPAC</b>
835	<b>Child Day Care Services</b>	<b>Ps</b>	<b>The special use reference for child day care services corresponds with section 10.811 SPAC</b>
841	<b>Museums and Art Galleries</b>	<b>P</b>	<b>SPAC</b>
842	<b>Botanical and Zoological Gardens</b>	<b>P</b>	<b>SPAC</b>
881	<b>Dwelling Units</b>	<b>Ps</b>	<b>The special use reference for public and industrial zones corresponds with Section 10.835</b>
9221	<b>Public Order and Safety (Police Stations)</b>	<b>P</b>	<b>SPAC</b>
9224	<b>Public Order and Safety (Fire Stations)</b>	<b>P</b>	<b>SPAC</b>

SECTION 14. Section 10.431 of the Medford Municipal Code is amended to read as follows:

**10.431 Street Improvement.**

All new street improvements required as a condition of development shall be improved to the standards set forth in this chapter unless otherwise specified herein or excepted as per Section 10.251, Application for Exception. For purposes of this section, the term new street shall be defined as an unimproved street or existing street which does not have curb and gutter.

**Street Improvements and Dedications for City-Owned Parkland**

1. Street improvements and right-of-way dedications shall be found by the Planning Commission to be reasonably associated with impacts caused by the park necessary for service to the park.
2. The requirements for street utility improvements, associated with a land division for City-owned parkland, may be deferred to the time of a Park Development Review application. A final plat of the land division may proceed in advance of such required improvements. Any lots created that are not intended for park purposes shall comply with the dedication and improvement provisions.

SECTION 15. Section 10.720 of the Medford Municipal Code is added to read as follows:

**10.720 Public Parks Site Development Standards.**

The following standards apply to the Public Parks and development.

<b>PUBLIC PARKS SITE DEVELOPMENT STANDARDS</b>	
<b>Development Standards</b>	<b>Parks</b>
<b>Minimum and Maximum Area for Zoning (Acres)</b>	<b>None</b>
<b>Lot Area Range (Square Feet)</b>	
<b>Maximum Coverage Factor (See 10.706)</b>	
<b>Minimum Lot Width</b>	
<b>Minimum Lot Depth</b>	
<b>Minimum Lot Frontage</b>	
<b>Minimum Front &amp; Street Side Yard Building Setback</b>	<b>10 feet, except 20 feet for vehicular entrances to garages or carports</b>
<b>Minimum Side &amp; Rear Yard Building Setback</b>	<b>4 feet except ½ foot for each foot in building height over 20 feet</b>
<b>Maximum Building Height</b>	<b>35 feet</b>

PUBLIC PARKS SITE DEVELOPMENT STANDARDS	
Development Standards	Parks
(See 10.705)	(may be up to 55 feet if approved through the applicable land use review process)
<p><i>Courts for volleyball, basketball, tennis, or other noise producing sport activity must be located 50 feet from the nearest residential property unless the approving authority determines it is unnecessary.</i></p> <p><i>The terms used herein, such as lot width, lot depth, front yard, etc., are defined in Article I, Section 10.012.</i></p>	

SECTION 16. Section 10.746 of the Medford Municipal Code is amended to read as follows:

10.746 General Design Requirements for Parking.

\*\*\*

Planting Schedule

<i>Zoning District</i>	<i>Plants/ per 24 Spaces trees/shrubs</i>		<i>Sq. Ft./ per 24 Spaces</i>
Industrial Zones	2	4	325
SFR (Nonresidential uses only), MFR zones, Commercial Zones,	3	6	500
<b>*Public Zones</b>	<b>3</b>	<b>6</b>	<b>500</b>

**\* Shrub and ground cover within the parking lot planter bays in parks may be substituted with non-living ground cover if allowed by the approving authority (artificial turf not allowed).**

\*\*\*

(9) Screening. Where parking, vehicle maneuvering, or loading areas abut a public street, there shall be provided a minimum ten (10) foot wide landscaping buffer.

**Within public parks, shrub and groundcover within this area may be substituted with non-living ground cover if approved by the approving authority (artificial turf not allowed).**

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SECTION 17. Section 10.780 of the Medford Municipal Code is amended to read as follows:

10.780 Landscape and Irrigation Requirements.

\*\*\*

C. Applicability.

(1) The provisions of this section are applicable to all landscaping areas within commercial, industrial, institutional, or multiple-family developments and open space/landscaping tracts within all subdivisions, including single family residential.

a. Except as provided in subsection 10.780 C.(1)b., provisions of this section are not applicable to:

1. Single-family lots.
2. Duplex lots.
3. Individual townhome lots.

**4. Public Parks**

45. Future development sites, unless irrigated landscaping is placed thereon. When irrigated landscaping is provided upon a future development site, all provisions of this section shall apply.

\*\*\*

SECTION 18. Section 10.797 of the Medford Municipal Code is amended to read as follows:

10.797 Street Frontage Landscaping Requirements.

\*\*\*

*Table 797-1. Frontage Landscaping—Materials and Quantities*

<u>Zoning District</u>	<u>Number of plants required per 100 feet of street frontage less driveways</u>	
	Trees	Shrubs
SFR (nonresidential uses), MFR, C-N, C-S/P, C-C, C-R, C-H, P-1 I-L, I-G, I-H	4 3	25 15

**Frontage landscaping shall not be required for areas in public parks that do not have buildings within 20 feet from the adjacent right-of-way unless the approving authority determines it is necessary to buffer specific park activities.**

SECTION 19. Section 10.813 of the Medford Municipal Code is amended to read as follows:

10.813 Agricultural Services and Animal Services.

\*\*\*

C. Beekeeping.

The City recognizes the many benefits of bees including pollination services and useable products such as honey and wax. The keeping of bees is permitted in the single-family residential districts, ~~and the commercial, and industrial districts,~~ **and the public parks districts** in the city limits subject to the following standards:

\*\*\*

SECTION 20. Section 10.824 of the Medford Municipal Code is amended to read as follows:

10.824 Wireless Communication Facilities.

\*\*\*

B. Permitted Use.

Wireless Communication Facilities that do not include a Wireless Communication Support Structure are permitted in all commercial, ~~and industrial-zones,~~ **and public parks zones** and on parcels that contain legally established nonresidential uses within the SFR and MFR zones, subject to the design standards in Section 10.824(D).

\*\*\*

SECTION 21. Section 10.833 of the Medford Municipal Code is amended to read as follows:

10.833 Restaurants - Outdoor Eating Areas.

Outdoor eating areas shall be allowed for restaurants in all commercial, ~~and industrial,~~ **and public parks** zoning districts subject to the following:

\*\*\*

SECTION 22. Section 10.835 of the Medford Municipal Code is amended to read as follows:

10.835 Residence for Caretaker or Watchman.

One single-family residence for a caretaker, owner, operator, manager, or security guard is allowed for any industrial ~~use~~ **or public parks use** for purposes of security and protection of the principle use.

SECTION 23. Section 10.840 of the Medford Municipal Code is amended to read as follows:

10.840 Temporary Uses and Structures.

\*\*\*

2. Standards.

i. Locational and Size Standards.

(a) Temporary food vendors are permitted in the following zoning districts: C-S/P, C-N, C-C, C-H, C-R, I-L, ~~and I-G,~~ **P-1.**

\*\*\*

b. Temporary Medical Services (Human or Animal) Vendors and Temporary Nonprofit Vendors

(Outdoor).

\*\*\*

2. Standards.

i. Locational and Size Standards:

(a) Temporary vendors shall be permitted in the following zoning districts: C-S/P, C-N, C-C, C-H, C-R, I-L, ~~and I-G~~, and P-1.

\*\*\*

SECTION 24. Section 10.1022 of the Medford Municipal Code is amended to read as follows:

10.1022 Exceptions to Permit Requirements.

\*\*\*

(5) Signs not exceeding six (6) square feet in area and an overall height of six (6) feet in the Single-Family Residential Zoning Districts - (SFR 2, 4, 6, 10), and the Multiple-Family Residential Districts - (MFR 15, MFR 20, MFR 30), and the **Public Parks Zoning District – (P-1)**, not to exceed two (2) signs per parcel.

\*\*\*

(10) These types of Temporary Signs, which are in addition to any of the signs in subsections 1-8 above:

\*\*\*

(c) Political Campaign Signs. Signs erected on private property no earlier than eight (8) weeks prior to any federal, state or local election and removed no later than seven (7) days after the applicable election. In all residential zones such signs shall be limited to six (6) square feet in area and a maximum height of six (6) feet per sign. In all commercial and industrial zones such signs shall be limited to thirty-two (32) square feet in area per sign.

(d) **Signs not exceeding 32 square feet in area which located in public parks advertise public events. Such signs are limited to no more than one sign per street frontage. Signs shall be removed within 7 days after the event.**

~~(d)~~ (e) All other Temporary or Portable Signs require a permit.

SECTION 25. Section 10.1160 of the Medford Municipal Code is added to read as follows:

**10.1160 Signs in the Public Parks (P-1) Zoning District: Basic Regulations.**

**Signs shall be permitted only as follows in the P-1 zoning district:**

**(1) Ground Signs: Each parcel is permitted one (1) non-illuminated ground sign per vehicular entrance on a street, subject to the following limitations:**

**(a) Maximum Square Footage: 60 square feet per sign**

**(b) Maximum Height: 5 feet**

**(c) Minimum Setback: 15 feet from any property line**

**(d) Exempt: Ground signs within public parks and recreational facilities that are placed and located so as not to be viewed from the street are exempt from these provisions.**

**(e) Electronic Message Signs are permitted as a ground sign subject to the following limitations:**

- (i) Each parcel of land is permitted one (1) electronic message sign if the sign is 150 feet or farther from any residential zoning district. An electronic message sign located less than 150 feet from any lot in a residential zoning district shall require the approval of a Conditional Use Permit. Such sign must meet the other provisions of this section.
  - (ii) All text displayed on an electronic message sign must be static for a minimum of five seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.
  - (iii) All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night.
  - (iv) The conversion of an existing, conforming ground sign to an electronic message sign is permitted.
  - (v) The conversion of an existing, nonconforming ground sign to an electronic message sign is prohibited.
- (2) Wall Signs (non-illuminated):**
- (a) **Maximum Square Footage:** 60 square feet per sign
  - (b) **Maximum Height:** No part of any wall sign shall be higher than the building height as defined in Section 10.705.
  - (c) **Exempt:** Wall signs within public parks and facilities which are placed and located so as in view, from the street are exempt from these provisions.
- (3) Electronic Message Signs:** Electronic message signs are permitted as a wall sign subject to the following limitations:
- (i) Each parcel of land is permitted one (1) electronic message sign if the sign is 150 feet or farther from any residential zoning district. An electronic message sign located less than 150 feet from any lot in a residential zoning district shall require the approval of a Conditional Use Permit. Such sign must meet the other provisions of this section.
  - (ii) All text displayed on an electronic message sign must be static for a minimum of five seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.
  - (iii) All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night.
  - (iv) The conversion of an existing, conforming wall sign to an electronic message sign is permitted.
  - (v) The conversion of an existing, nonconforming wall sign to an electronic message sign is prohibited.

SECTION 26. Section 10.1170 of the Medford Municipal Code is added to read as follows:

**10.1170 Public-Parks District (P-1): Additional Special Signs.**

**Additional Special Signs shall be permitted as follows:**

**(1) Freeway Signs:**

- (a) Freeway signs shall be permitted only on parcels or portions thereof that are located within the Freeway Overlay District per Section 10.365, and as shown on the official zoning map of the City of Medford.
- (b) One (1) sign not exceeding 250 square feet in area and 50 feet in height shall be permitted

on a parcel located within the Freeway Overlay District. Each parcel is also permitted one (1) sign not exceeding 150 square feet in area and 20 feet in height.

(2) **Construction Sign:** One non-illuminated sign may be installed on each construction site after a building permit has been obtained for a construction project, and must be removed not later than two years after issuance of the building permit or upon completion of the project, whichever occurs sooner. The sign shall not exceed 50 square feet in area, and 14 feet in height.

(3) **Temporary Sign:** One temporary sign on each street frontage is allowed. Display period is limited to 30 days and is renewable upon application, but shall not exceed four (4) permits in one (1) calendar year. The area of each temporary sign shall not exceed 32 square feet. No part of any sign shall be higher than the building height as defined in Section 10.705.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST: \_\_\_\_\_

City Recorder

\_\_\_\_\_

Mayor

APPROVED \_\_\_\_\_, 2018.

\_\_\_\_\_

Mayor

NOTE: Matter in bold is new. Matter ~~struck out~~ is existing law to be omitted. Three asterisks (\* \* \*) indicate existing law which remains unchanged by this ordinance but was omitted for the sake of brevity.

ORDINANCE NO. 2018-53

AN ORDINANCE authorizing a Class 'A' (major) amendment to the City of Medford Zoning Map to create a new Public Parks zoning district and convert existing publicly owned park properties from their current zoning designation to the new zoning designation to be effective July 9, 2018.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. That a Class 'A' amendment to the City of Medford Zoning Map to create a new Public Parks zoning district and convert existing publicly owned park properties from their current zoning designations to the new zoning designation, effective July 9, 2018, which locations and City zoning designations are identified in the City Council Report dated May 31, 2018, attached as Exhibit A and incorporated herein, is hereby approved.

Section 2. After public hearing, the decision is based upon the Finding of Fact and Conclusions of Law which are hereby adopted as the findings and conclusion of the City Council and are included in the City Council Report dated May 31, 2018, attached as Exhibit A and incorporated herein.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor

ORDINANCE NO. 2018-54

AN ORDINANCE approving a minor amendment to the *Comprehensive Plan* to include a new Public Parks zoning district to be effective July 9, 2018.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. That an amendment to the *Comprehensive Plan* to include a new Public Parks zoning district, effective July 9, 2018, is hereby approved.

Section 2. The approval is based upon the City Council Report dated May 31, 2018, attached as Exhibit A and incorporated herein.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor



## CITY COUNCIL REPORT

for Class A legislative decisions: **Land Development Code Amendment and Major Zoning Map Amendment**, and Class-B quasi-judicial decision: **Minor Comprehensive Plan Amendment**

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Project      Public Parks Zoning Amendment  
 File no.     DCA-16-072/CP-17-114/ZC-17-115  
 To             City Council *for June 7, 2018 hearing*  
 From          Sarah Sousa, Planner IV  
 Reviewer    Carla Angeli Paladino, Principal Planner  
 Date          May 31, 2018

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### PROPOSAL

The proposal includes the following land use applications:

- 1) A **Major Zoning Map Amendment** to create a new Public Parks (P-1) zoning district and convert existing publicly owned park properties from their current zoning designation of residential, commercial, or industrial to the new zoning designation;
- 2) A **Land Development Code Amendment** to amend various sections of Chapter 10 of the Municipal Code to add regulations, uses, and procedures associated with the new Public Parks (P-1) zoning district; and
- 3) A **Minor Comprehensive Plan Amendment** to update two elements of the Comprehensive Plan to reflect the new Public Parks (P-1) zoning district.

#### Overview

The proposal is to add a new Public Parks zoning district. This zone would be applied to all of the publicly owned parks and trails in Medford. A Code amendment is proposed with regulations for this new zoning district. A Minor Comprehensive Plan is proposed to add references to the new zoning district in two elements.

#### Authority

This proposal includes a Class A Land Development Code Amendment and Major Zone Change and a Class-B quasi-judicial Comprehensive Plan Amendment. The Planning

Commission is authorized to recommend, and the City Council to approve, amendments to the Land Development Code, Comprehensive Plan, and Zoning map under Medford Municipal Code Sections 10.102–122, 10.164-165, and 10.184-185.

## **PURPOSE**

The purpose of this amendment is to create a new zone that more accurately reflects the use of the land as a public park or trail. Currently, the City designates parkland on the General Land Use Plan map as Parks & Schools. However, the corresponding zoning is residential or commercial, with some even being industrial, which is not a correct description of the use. Parks are not residential, commercial, or industrial in nature and this land should be given its own zone.

There are benefits to the City by having a Public Parks zone. The proposed amendment would create a land use type specific to parks without the requirement to determine if the use is allowable in the underlying residential, commercial, or industrial zone. By the time a park is being reviewed under the current conditional use process, the City has already purchased or accepted land for a park. The use has therefore been determined. The purpose of the land use process should be for public input and the mitigation of impacts, not a determination whether the park use is allowable.

Having a Public Parks zone would also help the City for tracking and reporting purposes as it would help differentiate parkland from the inventory of residential, commercial, and industrial lands. In fact, this is a good time to go forward with this amendment, especially because there are two large parks within the recently amended Urban Growth Boundary (pending State approval). Chrissy and Prescott Parks encompass over 1,800 acres. Having a Public Parks zone would allow the City to zone them as parks rather than residential land at the time of annexation.

## **BACKGROUND**

The proposed amendment represents a compilation of work by City staff and input from the Planning Commission and the City Council. The Planning Commission discussed the proposal at three study sessions on July 25, 2016, October 9, 2017, and January 22, 2018. Planning and Park Department staff met multiple times to discuss ideas and make revisions to the draft code language. A study session was held with the City Council on March 8, 2018. The Planning Commission made a recommendation for approval to the Council at their meeting on April 12, 2018.

## **ANALYSIS**

### Major Zone Change

The proposal includes a Major Zone change to convert 134 properties from residential, commercial, or industrial zones to the new Public Parks zone (Exhibit B). The criteria by which the properties were chosen include: 1) publicly owned, 2) designated as Parks and Schools on the General Land Use Plan map, or 3) developed as a park or trail or planned for a future park or trail.

Of the properties planned for conversion to the new zone, six are owned by Jackson County and are within the Bear Creek Greenway (Exhibit G). Jackson County has provided comments stating they have no objections to the conversion of these properties to the new Public Parks zone (Exhibit R). Previously, state properties were also included along the greenway (Exhibit F). However, they requested that the City remove the state-owned properties from the project (Exhibit Q).

### Code Amendment

The Code amendment adds the proposed Public Parks zone to the Land Development Code and includes permitted uses, site development standards, and a new land use application type by which the City reviews parks (Exhibit E). Most of the proposed uses in the new zone are uses typically accessory to parks. Examples of site development requirements for this zone include setbacks, maximum building height, and landscape standards. Park properties with the Public Parks zone would no longer be subject to a Conditional Use Permit for new and expanded parks, but would fall under a new review called the Park Development Review. This process is similar to a Conditional Use Permit in that the Planning Commission will be the reviewing body with the authority to place conditions on the project to help mitigate impacts to surrounding properties.

### Minor Comprehensive Plan Amendment

The changes to the Comprehensive Plan are minor as references to the proposed new Public Parks zone are needed in two elements (Exhibit D). The Parks, Recreation, and Leisure Services section of the Public Facilities Element would list the new zone associated with public parks. The General Land Use Plan element would also list the new zone associated with the Parks and Schools General Land Use Plan map designation.

### Testimony at the Planning Commission Hearing

At the Planning Commission hearing on April 12, 2018, testimony was given by Raul Woerner from CSA Planning. This input was also put in an email that has been incorporated into the record (Exhibit T). Mr. Woerner has since spoken with Planning

Department staff and emphasized that his concerns are not meant as objections. He brought up the following items for consideration.

*1. Changing the zoning of parkland to a park zone may be equivalent to down zoning city-owned properties because it will reduce the number of permitted uses currently permitted.*

Staff response: Changing parks and trails to a parks zone is not a risk for the City. Much of this land is already encumbered by grants and/or land donations that require them to be used for public park purposes. Most of the rezoning covers already fully developed parks or trails that the City is obligated to provide for the citizens of Medford. The General Land Use Plan map labels this land already as Parks and Schools, which designates this land for park purposes.

*2. Changing the zoning of parkland may make property line adjustments and boundary corrections more difficult.*

Staff response: Any time there are two properties of different zoning that need lot line adjustments, the City approves them conditionally. They can be tentatively permitted as long as a zone change is approved. The Planning Department will rezone parkland to the Public Parks zone as this land is acquired on an annual basis, or as necessary.

*3. Rezoning parkland from a parks zone back to its original zone may be difficult.*

Staff response: It is not the City's intent to sell parkland, other than very few remnant pieces. In the future, Parks and Planning Departments will work closely to make sure the land being rezoned is ready for development as a park. The process from land acquisition to development of parkland takes years. Once a plan to develop a park is in place, the Planning Department can undertake changing the zone to ensure this land will be used as parkland.

*4. Parks do not need to be shown on the zoning map.*

Staff response: Having a Public Parks zone will better identify land in the correct classification. If vacant land is zoned for Public Parks, it will clarify how the land will develop. Without parks zoning, assumptions can be made the land will develop as residential or commercial, which is not transparent to the public.

*5. Permitting parks can be done without a new zone*

Staff response: It is true that the City can continue to permit parks without rezoning them. However, having a Public Parks zone will allow the zone to accurately reflect the land type. When the City annexes over 1,800 acres of Chrissy and Prescott Parks, it does not

make sense to zone them residential. The Public Parks zone is the best way to zone this land.

### **RECOMMENDED ACTION**

Based upon the Findings of Facts that all of the approval criteria are met or are not applicable, adopt the ordinance for approval of DCA-16-072, CP-17-114, and ZC-17-115 per the City Council Report dated May 31, 2018, including Exhibits A through T.

### **EXHIBITS**

- A Findings of Fact
- B Proposed Zoning Map
- C Project Tax Lot Master List
- D Proposed Comprehensive Plan Changes
- E Proposed Code Amendment
- F State Owned Properties Map
- G Jackson County Owned Properties Map
- H Medford Fire Department Memo received February 7, 2018
- I Medford Water Commission Memo received February 7, 2018
- J Planning Commission Study Session Minutes from July 25, 2016
- K Planning Commission Study Session Minutes from October 9, 2017
- L Planning Commission Study Session Minutes from January 22, 2018
- M City Council Study Session Minutes from March 8, 2018
- N Planning Commission Minutes from April 12, 2018
- O Parks Department email received April 5, 2018
- P Parks Department suggested revisions to draft code language received April 11, 2018
- Q Email correspondence with Oregon Department of Transportation received April 11, 2018
- R Email correspondence from Jackson County received April 10, 2018
- S Email correspondence from the Engineering Department received April 11, 2018
- T Email correspondence from CSA Planning received April 27, 2018

**CITY COUNCIL AGENDA: JUNE 7, 2018**

## Exhibit A

### Findings of Facts

The criteria that apply to code amendments and major zoning map amendments are in Medford Municipal Code Section 10.184 (2) & (3). The criteria are rendered in italics; findings and conclusions in roman type.

*The Planning Commission shall base its recommendation and the City Council its decision on the following criteria:*

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

#### Findings – Major Zone Change

The proposed changes are intended to benefit the public. The new Public Parks zone would help to identify the location of parks throughout the city on the zoning map. This would be more transparent to the citizens of Medford as to the location of parks as well as the land use expected. The current zoning on parks is generally commercial or residential, which is not a clear indication of the actual use. The new zone would clarify that a park, not a commercial or residential operation, exists on these park properties.

#### Findings – Code Amendment

As to the changes to the Land Development Code, they describe the proposed new zone and add clear standards that apply to new development in that zone. Site development standards are clarified in regards to the setbacks, maximum height, signage allowance, and other requirements for properties with the new zone. These standards have been carefully analyzed to take into account surrounding residential uses. For example, the proposed code amendment requires a minimum of a 50-foot setback for noise producing sports courts in parks to the nearest residential property.

A new land use application type for reviewing parks is proposed called the Park Development Review, which is more specific to parks and trails. This process provides a public hearing process by which new parks and trails are reviewed while allowing the Planning Commission the authority to impose conditions that mitigate impacts to surrounding properties.

#### Conclusions

The proposal for a new Public Park zone clarifies the location of parks and trails in Medford by showing parkland on the zoning map. This helps the general public

understand the location of parks and trails while also providing a more accurate description of how the land is being used. The associated code amendment spells out the standards that are applied to park development while continuing to allow for public input. This criterion is satisfied.

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

1. *Conformity with goals and policies of the Comprehensive Plan considered relevant to the decision.*

#### Findings - Code Amendment

The goal below supports the proposed Development Code amendments.

*Goal 4: To coordinate park and recreation planning, acquisition, maintenance, and development in the City of Medford to serve a broad spectrum of citizen and institutional interests.*

The associated Code amendments support clear and objective site development standards for new parks and trails. It includes criteria specific for a park development review. The site development standards are measurable and easy to administer, such as setbacks and sign allowance. The amendment is also clear that the associated uses permitted in the zone should be subordinate to parks.

#### Findings – Major Zone Change

Within the Parks, Recreation, and Leisure Services section of the Public Facilities Element, there is a reference to Oregon Administrative Rule (OAR) 660-034-0040 related to planning for local parks. OAR 660-034-0040(1) (b) recommends cities adopt a local park zone. The proposed new zone is consistent with this State recommendation.

#### Conclusions

The proposed amendments address elements of the Parks, Recreation, and Leisure Services goals in the Comprehensive Plan. The new zone is intended to promote the location of parks consistent with the State recommendation. The associated code amendments create objective standards specific to park development. This criterion is satisfied.

2. *Comments from applicable referral agencies regarding applicable statutes or regulations.*

#### Findings – Code Amendment & Major Zone Change

The proposal was provided to applicable referral agencies and departments identified in Section 10.146 of the Code as well as the Department of Land

Conservation and Development. Meetings were held with Parks and Recreation Department staff to get input on the proposal. An initial concern was brought up by the Medford Water Commission related to landscape standards. This was addressed and resolved (Exhibit I). The final draft proposed reflects all provided input.

#### Conclusions

The proposal was provided to applicable referral agencies and departments. Issues raised were discussed and resolved. This criterion is satisfied.

### 3. *Public comments.*

#### Findings – Code Amendment & Major Zone Change

The Planning Commission provided feedback on the proposal over the course of three study sessions. One person testified at the Planning Commission hearing. General questions were asked about the devaluing of public land that might be caused by the rezoning of parks and trails to the new zone. As addressed in the report, this is not the case. The parkland being rezoned is developed as a park or trail and in most cases is encumbered to remain such by the way in which the land is donated or by grants administered for that land. It is not the intention of the City to sell off developed parks or trails. Therefore, the zoning does not play a role in the value of the parkland.

#### Conclusions

Input has been received from the Planning Commission at three study sessions. One person testified at the Planning Commission hearing. There may be more comments received at the City Council hearing. This criterion is satisfied.

### 4. *Applicable governmental agreements.*

#### Findings – Code Amendment & Major Zone Change

There are no governmental agreements that apply to the proposed code amendments and zone change.

#### Conclusions

This criterion is not applicable to this amendment.

#### Applicable Criteria – Minor Comprehensive Plan Amendment

For the applicable criteria, the Medford Municipal Code Section 10.184(1) redirects to the criteria in the “Review and Amendments” chapter of the Comprehensive Plan. The applicable criteria in this action are those for conclusions, goals, policies, and

implementation strategies. The criteria are set in *italics* below; findings and conclusions are in roman type.

*Comprehensive Plan, Review and Amendments chapter: Amendments (Goal and Policies) shall be based on the following [criteria 1–7]:*

1. *A significant change in one or more conclusion.*

Findings – Minor Comprehensive Plan Amendment

Adding two references to the new Public Parks zoning in the Comprehensive Plan does not constitute a significant change. The Public Facilities element currently states that there is no specific zoning district associated with parks. With the adoption of the new Public Parks zone, there will be a zoning type associated with such a use. Also, the General Land Use Plan element needs a similar update. It does not list a specific zoning associated with the Parks and Schools General Land Use Plan designation. Again, if the new Public Parks zone is adopted, there will be a zone associated with this designation. The updates to the Comprehensive Plan are necessary to align with the proposed new zone.

Conclusions

The proposed changes to the Comprehensive Plan are minor and do not constitute a significant change in one or more conclusion. This criterion is satisfied.

2. *Information reflecting new or previously undisclosed public needs.*

Findings – Minor Comprehensive Plan Amendment

The City has completed an Urban Growth Boundary amendment to accommodate future land need and is waiting for formal adoption by the State. The analysis done through that process and the completion of an updated Leisure Services Plan has provided information regarding the need for more parkland as the city grows into the future. Within the amended Urban Growth Boundary there are two large parks (Chrissy and Prescott Parks) that encompass over 1,800 acres of land. Under the current process, these parks will be annexed and given a single family zone. This residential classification of over 1,800 acres assumes these areas will be developed to urban densities. This is clearly not the intent of parkland. Having a Public Parks zone will allow the City to annex these large parks and give them an appropriate park zone.

Conclusions

The amendment reflects a need for a park zone to accommodate future parkland to be brought into the City as part of the recent Urban Growth Boundary amendment process. It also more accurately reflects the amount and location of these types of land uses, which helps implement the Leisure Services Plan. This criterion is met.

3. *A significant change in community attitude or priorities.*

Findings – Minor Comprehensive Plan Amendment

Parks and trails provide for more livable cities with leisure and health benefits to citizens. Adding a new zone to help identify the location of these amenities is helpful to the community. The amendments proposed include a change in the process by which parks and trails will be reviewed. This new process provides a review that is more specific to parks, which have special requirements, unlike other types of development.

The Urban Growth Boundary amendment is a top priority for the City (still pending State approval). This process has identified needed future parkland, including two large parks to be brought into the Urban Growth Boundary. As discussed in Criterion 2 above, 1,800 acres of parkland will be brought into the City. This is a driving force behind the proposed amendments as this land should be brought into the city with park zoning as opposed to residential zoning.

Conclusions

One of the main reasons for this amendment is the Urban Growth Boundary expansion project. This process revealed that over 1,800 acres of parkland will be brought into the City in the future. Annexing this land and zoning it residential is not an accurate reflection of how this land is to be used. The proposed new zone will allow this land to be given an appropriate parks zone. In addition, this new zone will reveal parks and trails on the City's zoning map, which makes these locations more transparent to the community. This criterion is met.

4. *Demonstrable inconsistency with another Plan provision.*

Findings – Minor Comprehensive Plan Amendment

There are no identified inconsistencies in the Comprehensive Plan related to the amendment.

Conclusions

As stated above, there are no identified inconsistencies in the Comprehensive Plan related to the amendment. This criterion is satisfied.

5. *Statutory changes affecting the Plan.*

Findings – Minor Comprehensive Plan Amendment

There are no known statutory changes affecting the Plan related to the amendment.

Conclusions

As stated above, there are no known statutory changes affecting the Plan related to the amendment. This criterion is met.

6. *All applicable Statewide Planning Goals.*

**Goal 1—Citizen Involvement**

Findings – Minor Comprehensive Plan Amendment

Goal 1 requires the City to have a citizen involvement program that sets the procedures by which affected citizens will be involved in the land use decision process, including participation in the quasi-judicial revision of the Comprehensive Plan. The City of Medford has an established citizen-involvement program consistent with Goal 1 that includes public review of proposed Comprehensive Plan amendments by the Planning Commission and City Council.

Conclusions

By following the standard notification and comment procedure, the City provided adequate opportunities for citizen input. Goal 1 is satisfied.

**Goal 2— Land-use Planning**

Findings – Minor Comprehensive Plan Amendment

The City has a land use planning process and policy framework in the form of a Comprehensive Plan and development regulations in Chapter 10 of the Municipal Code that comply with Goal 2. These are the bases for decisions and actions.

Conclusions

The proposed amendment adheres to the land use process identified in the City's code, which in turn complies with the Statewide Planning goal. Goal 2 is found to be satisfied.

**Goal 3—Agricultural Lands does not apply in this case.**

**Goal 4—Forest Lands does not apply in this case.**

**Goal 5—Natural Resources, Scenic & Historic Areas, and Open Spaces does not apply in this case.**

**Goal 6—Air, Water, and Land Resources Quality does not apply in this case.**

**Goal 7—Areas Subject to Natural Hazards does not apply in this case.**

**Goal 8—Recreation Needs.**

Findings – Minor Comprehensive Plan Amendment

The guidelines outlined in the statewide goal describe how to plan for recreational facilities. The new zone to be referenced in the Comprehensive Plan will promote the significance of parkland and provide additional awareness of this special type of land in the City.

Conclusions

Planning for recreational facilities is a vital part of the City's responsibilities to its citizens. This amendment is consistent with this goal as it sets forth a zone specific for these amenities. Goal 8 is found to be satisfied.

**Goal 9—Economic Development does not apply in this case.**

**Goal 10—Housing does not apply in this case.**

**Goal 11—Public Facilities and Services**

Findings – Minor Comprehensive Plan Amendment

Refer to findings under Goal 8 above.

Conclusions

Refer to conclusions under Goal 8 above.

**Goal 12—Transportation does not apply in this case.**

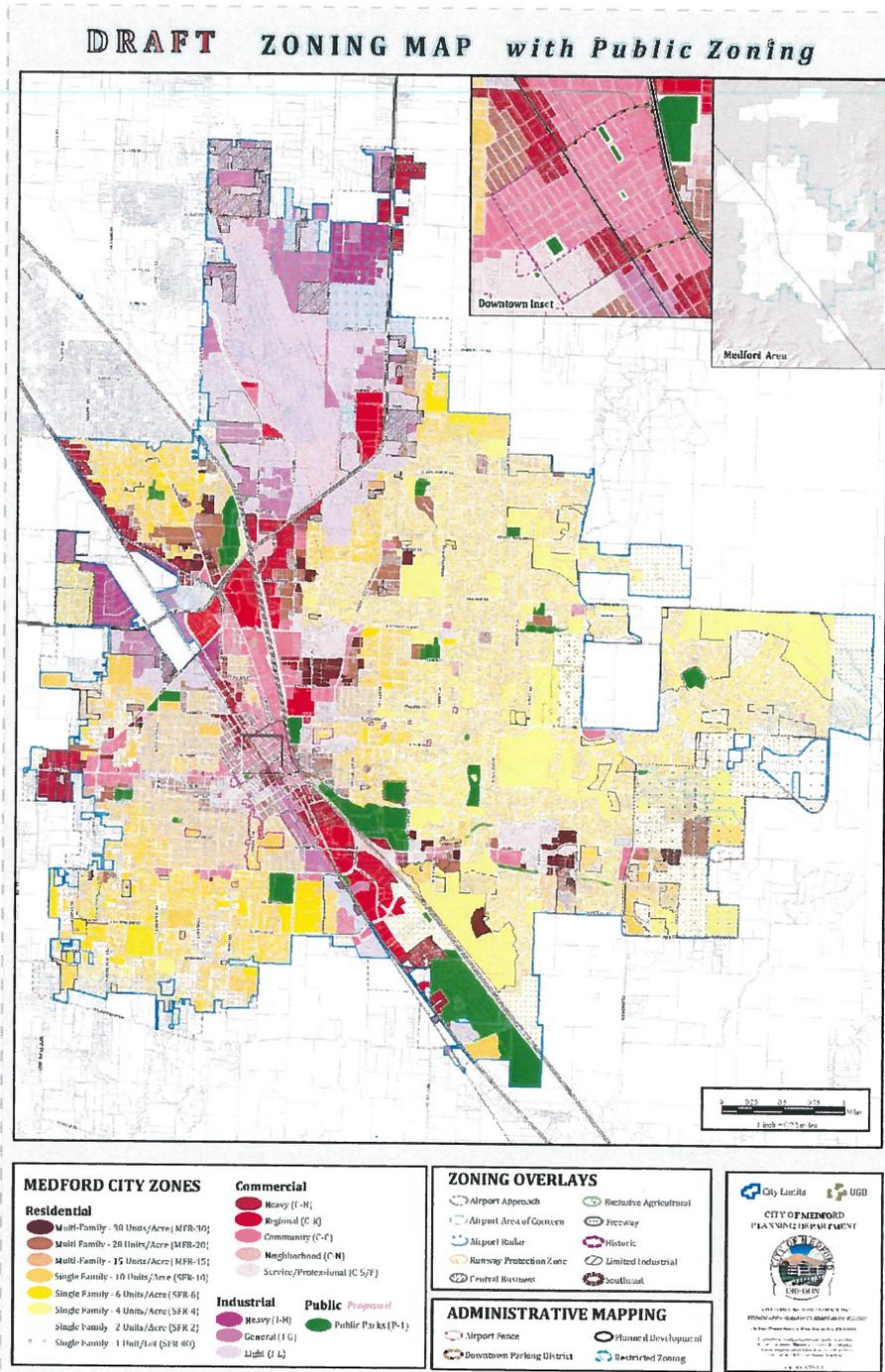
**Goal 13—Energy Conservation does not apply in this case.**

**Goal 14—Urbanization does not apply in this case.**

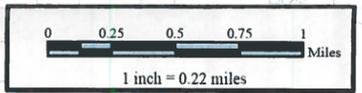
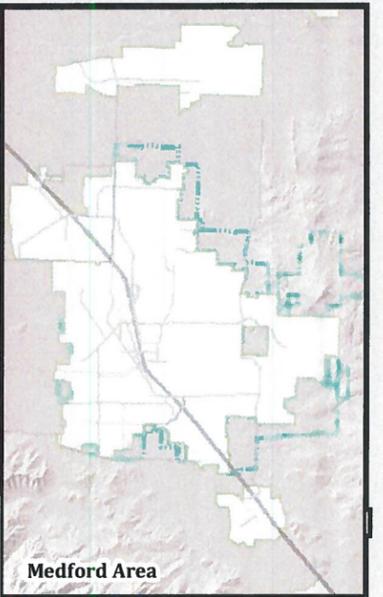
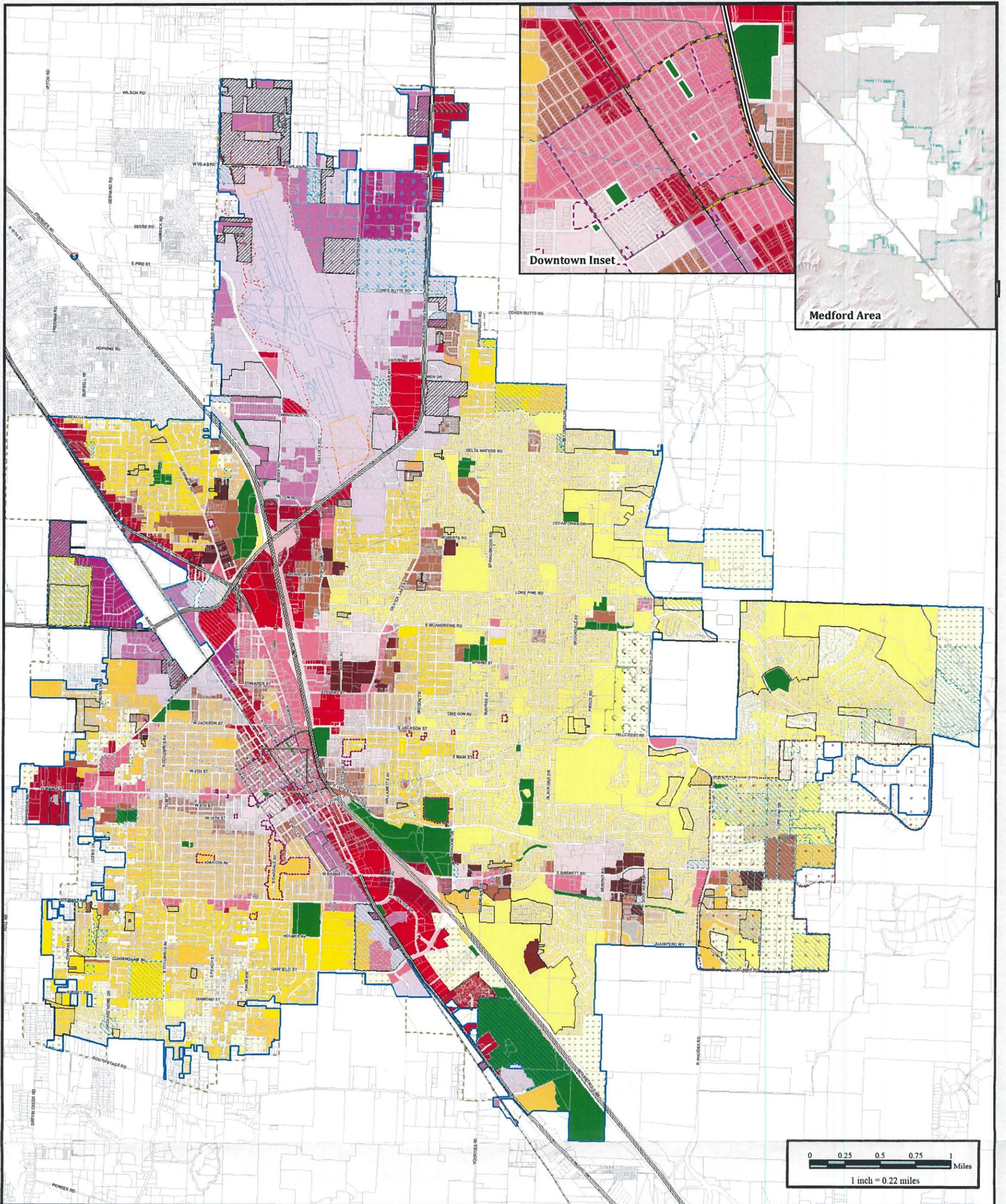
**Goals 15–19 do not apply to this part of the State.**

# Exhibit B

## Proposed Zoning Map



# DRAFT ZONING MAP with Public Zoning



MEDFORD CITY ZONES	
<b>Residential</b>	
	Multi-Family - 30 Units/Acre (MFR-30)
	Multi Family - 20 Units/Acre (MFR-20)
	Multi-Family - 15 Units/Acre (MFR-15)
	Single Family - 10 Units/Acre (SFR-10)
	Single Family - 6 Units/Acre (SFR-6)
	Single Family - 4 Units/Acre (SFR-4)
	Single Family - 2 Units/Acre (SFR-2)
	Single Family - 1 Unit/Lot (SFR-00)
<b>Commercial</b>	
	Heavy (C-H)
	Regional (C-R)
	Community (C-C)
	Neighborhood (C-N)
	Service/Professional (C-S/P)
<b>Industrial</b>	
	Heavy (I-H)
	General (I-G)
	Light (I-L)
<b>Public Proposed</b>	
	Public Parks (P-1)

ZONING OVERLAYS	
	Airport Approach
	Airport Area of Concern
	Airport Radar
	Runway Protection Zone
	Central Business
	Exclusive Agricultural
	Freeway
	Historic
	Limited Industrial
	Southeast

ADMINISTRATIVE MAPPING	
	Airport Fence
	Downtown Parking District
	Planned Development
	Restricted Zoning

City Limits
 UGB

**CITY OF MEDFORD**  
 PLANNING DEPARTMENT

CITY LIMITS REVISED AS OF 9/22/2017  
 ZONING AND OVERLAYS CURRENT AS OF 9/22/2017  
 Jackson County Assessor Record revised as of 9/15/2018

We guarantee the accuracy of maps and we warrant to the best of our knowledge the accuracy of the data. This product is intended for use as a public information and previous versions of the official record should be referred to for the latest Planning Department.

Map Date: 05/15/2018

# Exhibit C

## Project Tax Lot Master List

MAPLOT	Fee Owner	Existing Zone	Proposed Zone	Existing GLUP	Proposed GLUP	Description	Acres
361W31A1800	SINGLER GRACE L TRUSTEE ET			HI	GI	Singler Property to GI GLUP	1.00
371W16BC300	CITY OF MEDFORD	SFR-4	P-1	UR	PS	Cedar Links Park	5.42
371W17BA2600	CITY OF MEDFORD	SFR-4	P-1			Kennedy School Park	3.26
371W17BA2900	CITY OF MEDFORD	SFR-4	P-1			Kennedy School Park	0.15
371W17BA3300	CITY OF MEDFORD	SFR-4	P-1			Kennedy School Park	3.49
371W17BA3401	CITY OF MEDFORD	SFR-4	P-1			Kennedy School Park	0.65
371W17BD1700	CITY OF MEDFORD	MFR-20	P-1	UH	PS	Lone Pine Creek Future Greenway	1.02
371W19BB2800	CITY OF MEDFORD	C-R	P-1	CM/PS	PS	Bear Creek Greenway McAndrews Trailhead	0.32
371W19BB3300	CITY OF MEDFORD	C-R	P-1			Bear Creek Riparian Area	0.13
371W20BD199	CITY OF MEDFORD	SFR-4	P-1	UR	PS	Donahue-Frohnmayr Park	0.07
371W20BD2101	CITY OF MEDFORD	SFR-4	P-1			Donahue-Frohnmayr Park	5.70
371W20BD2102	CITY OF MEDFORD	MFR-20	P-1	UH	PS	Donahue-Frohnmayr Park	2.50
371W20BD2200	CITY OF MEDFORD	SFR-4	P-1			Donahue-Frohnmayr Park	4.29
371W20BD800	MEDFORD PARKS & REC FOUNDATI	SFR-4	P-1	UR	PS	Donahue-Frohnmayr Park	1.34
371W21BA1101	CITY OF MEDFORD	MFR-20	P-1			McAndrews Greenway & Open Space	2.20
371W21BA1200	CITY OF MEDFORD	SFR-4	P-1			McAndrews Greenway & Open Space	1.11
371W21BA1300	CITY OF MEDFORD	SFR-4	P-1			McAndrews Greenway & Open Space	0.81
371W21BA501	CITY OF MEDFORD	SFR-4	P-1			Lone Pine Park	4.38
371W21BA502	CITY OF MEDFORD	MFR-20	P-1			McAndrews Greenway & Open Space	2.02
371W21BA503	CITY OF MEDFORD	MFR-20	P-1			McAndrews Greenway & Open Space	0.48
371W21BB2803	CITY OF MEDFORD	MFR-20	P-1			McAndrews Greenway & Open Space	0.62
371W21BB2804	CITY OF MEDFORD	MFR-20	P-1			McAndrews Greenway & Open Space	3.19
371W21BB3000	CITY OF MEDFORD	SFR-4	P-1	UR	PS	McAndrews Greenway & Open Space	0.70
371W22216	CITY OF MEDFORD	SFR-4	P-1			Oregon Hills Park	14.91
371W27BC4000	CITY OF MEDFORD	SFR-4	P-1			Summerfield Park	1.56
371W29AB9400	CITY OF MEDFORD	SFR-4	P-1			Ruhl Park	1.22
371W29AD3900	CITY OF MEDFORD	SFR-4	P-1			Holmes Park	8.71
371W29C1800	CITY OF MEDFORD	SFR-6	P-1			IOOF Cemetery	19.32
371W29C1900	CITY OF MEDFORD	SFR-6	P-1			Bear Creek Park	0.58
371W29C2000	CITY OF MEDFORD	SFR-6	P-1			Bear Creek Park	23.12
371W29C4400	CITY OF MEDFORD	MFR-30	P-1			Bear Creek Park	1.61
371W29C4500	CITY OF MEDFORD	MFR-30	P-1			Bear Creek Park	3.39
371W29C4600	CITY OF MEDFORD	MFR-30	P-1			Bear Creek Park	3.76
371W29C4700	CITY OF MEDFORD	MFR-30	P-1			Bear Creek Park	2.40
371W29C4800	CITY OF MEDFORD	SFR-6	P-1			Bear Creek Park	7.05
371W29DA800	CITY OF MEDFORD	SFR-4	P-1			Holmes Park	9.34
371W29DD400	CITY OF MEDFORD	SFR4/SFR6	P-1	UR	PS	Lazy Creek Greenway	0.51
371W29DD400	CITY OF MEDFORD	SFR-4	P-1	UR	PS	Lazy Creek Greenway	2.43
371W29DD5500	CITY OF MEDFORD	SFR-6	P-1	UR	PS	Lazy Creek Greenway	0.05
371W30BA2100	CITY OF MEDFORD	C-S/P	P-1			Hawthorne Park	13.12
371W30BB4700	MEDFORD URBAN RENEWAL AGENC	C-C	P-1	CC	PS	Pear Blossom Park Block 2	0.09
371W30BB4800	MEDFORD URBAN RENEWAL AGENC	C-C	P-1	CC	PS	Pear Blossom Park Block 2	0.24
371W30BB4900	MEDFORD URBAN RENEWAL AGENC	C-C	P-1	CC	PS	Pear Blossom Park Block 2	0.12
371W30BB5000	MEDFORD URBAN RENEWAL AGENC	C-C	P-1	CC	PS	Pear Blossom Park Block 2	0.23
371W30BB7500	MEDFORD URBAN RENEWAL AGENC	C-C	P-1	CC	PS	Pear Blossom Park Block 1	0.69
371W30BC5500	CITY OF MEDFORD	C-C	P-1			Vogel Park	0.24
371W30D200	CITY OF MEDFORD	SFR-6	P-1			Bear Creek Park	0.50
371W30D300	CITY OF MEDFORD	SFR-6	P-1			Bear Creek Park	22.20
371W30D3300	CITY OF MEDFORD	C-R	P-1			Bear Creek Little League Fields	8.68
371W30D3500	CITY OF MEDFORD	SFR-6	P-1			Bear Creek Park	0.58
371W30D400	CITY OF MEDFORD	SFR-6	P-1			Bear Creek Little League Fields	16.76
371W30DA13101	CITY OF MEDFORD	SFR-6	P-1			Bear Creek Park	0.01
371W30DA13201	CITY OF MEDFORD	SFR-6	P-1			Bear Creek Park	0.01
371W30DB2500	CITY OF MEDFORD	SFR-6	P-1			Bear Creek Park	3.83
371W30DB2600	CITY OF MEDFORD	C-SP	P-1			Bear Creek Park	0.07
371W30DB2700	CITY OF MEDFORD	C-SP	P-1			Bear Creek Park	1.04
371W30DB2790	CITY OF MEDFORD	C-SP	P-1			Bear Creek Park	1.07

371W30DB2900	CITY OF MEDFORD	C-SP	P-1				Bear Creek Park	0.14
371W30DB3001	CITY OF MEDFORD	C-SP	P-1				Bear Creek Park	0.41
371W30DB8500	CITY OF MEDFORD	SFR-6	P-1				Bear Creek Park	2.14
371W30DB9000	CITY OF MEDFORD	SFR-6	P-1				Bear Creek Park	0.04
371W31A1800	CITY OF MEDFORD	C-R	P-1				Veterans Park	1.94
371W31B100	CITY OF MEDFORD	SFR-6	P-1				Fitchner-Mainwaring Park	5.45
371W31B101	CITY OF MEDFORD	SFR-6	P-1				Fitchner-Mainwaring Park	25.21
371W32BA2100	CITY OF MEDFORD	SFR-10	P-1				Larson Creek Greenway	1.63
371W32C2400	JACKSON COUNTY	SFR-00	P-1				Bear Creek Riparian Area	1.70
371W32D606	JACKSON COUNTY	SFR-4	P-1				Bear Creek Riparian Area	5.69
371W33A604	CITY OF MEDFORD	SFR4/10	P-1	UR	PS		Larson Creek Greenway	2.71
371W33B405	CITY OF MEDFORD	C-C/C-SP	P-1	CM/SC	PS		Larson Creek Greenway	4.63
371W33B406	CITY OF MEDFORD	C-C	P-1	CM	PS		Larson Creek Greenway	0.27
371W33BA4601	CITY OF MEDFORD	SFR-4	P-1	UR	PS		Larson Creek Greenway	0.97
372W12D10001	CITY OF MEDFORD	I-L	P-1	GI	PS		Lone Pine Creek Greenway	0.14
372W12D10101	CITY OF MEDFORD	I-L	P-1	GI	PS		Lone Pine Creek Greenway	0.25
372W12D10201	CITY OF MEDFORD	I-L	P-1	GI	PS		Lone Pine Creek Greenway	0.27
372W12D10301	CITY OF MEDFORD	I-L	P-1	GI	PS		Lone Pine Creek Greenway	0.35
372W12D10401	CITY OF MEDFORD	I-L	P-1	GI	PS		Lone Pine Creek Greenway	0.21
372W12D8401	CITY OF MEDFORD	I-G	P-1				Bear Creek Riparian Area	3.13
372W12D8502	CITY OF MEDFORD	I-L	P-1				Bear Creek Greenway	0.66
372W12D8605	CITY OF MEDFORD	I-L	P-1				Bear Creek Greenway	0.32
372W12D9401	CITY OF MEDFORD	I-L	P-1	GI	PS		Lone Pine Creek Greenway	0.43
372W12D9501	CITY OF MEDFORD	I-L	P-1	GI	PS		Lone Pine Creek Greenway	0.19
372W12D9601	CITY OF MEDFORD	I-L	P-1	GI	PS		Lone Pine Creek Greenway	0.14
372W12D9701	CITY OF MEDFORD	I-L	P-1	GI	PS		Lone Pine Creek Greenway	0.23
372W12D9801	CITY OF MEDFORD	I-L	P-1	GI	PS		Lone Pine Creek Greenway	0.28
372W12D9901	CITY OF MEDFORD	I-L	P-1	GI	PS		Lone Pine Creek Greenway	0.17
372W13AA206	CITY OF MEDFORD	I-G	P-1				Bear Creek Greenway	0.30
372W13AA301	CITY OF MEDFORD	I-L	P-1				Bear Creek Greenway	0.52
372W13AD101	CITY OF MEDFORD	SFR-10	P-1				Midway Park Area	0.46
372W13AD102	CITY OF MEDFORD	I-G	P-1				Bear Creek Riparian Area & Greenway	0.63
372W13AD201	CITY OF MEDFORD	SFR-10	P-1				Midway Park Area	11.74
372W13AD303	CITY OF MEDFORD	SFR-10	P-1				Midway Park Area	3.74
372W13BB500	OWEN F B INC			PS	UR		Owen Property to UR GLUP	2.85
372W13BB5700	CITY OF MEDFORD	SFR-6	P-1				Howard School Park	0.53
372W13BB5800	CITY OF MEDFORD	SFR-6	P-1				Howard School Park	0.01
372W13BB5801	CITY OF MEDFORD	SFR-6	P-1				Howard School Park	0.24
372W13BB5900	CITY OF MEDFORD	SFR-6	P-1				Howard School Park	0.23
372W13BB6400	CITY OF MEDFORD	SFR-6	P-1				Howard School Park	1.30
372W13BB6500	CITY OF MEDFORD	SFR-6	P-1				Howard School Park	0.79
372W13BB7500	CITY OF MEDFORD	SFR-6	P-1				Howard School Park	0.28
372W13BC101	CITY OF MEDFORD	SFR-6	P-1				Howard School Park	1.81
372W13BC1601	CITY OF MEDFORD	SFR-6	P-1				Howard School Park	0.38
372W13BC1701	CITY OF MEDFORD	SFR-6	P-1				Howard School Park	0.97
372W13BC1801	CITY OF MEDFORD	SFR-6	P-1				Howard School Park	0.72
372W13BC4200	CITY OF MEDFORD	SFR-6	P-1				Howard School Park	1.27
372W13BC4400	CITY OF MEDFORD	SFR-6	P-1				Howard School Park	0.61
372W13DA100	CITY OF MEDFORD	SFR-4	P-1				Midway Park Area	8.32
372W13DA200	CITY OF MEDFORD	SFR-4	P-1				Railroad Park	6.55
372W13DB101	CITY OF MEDFORD	SFR-4	P-1				Midway Park Area	5.55
372W13DC100	CITY OF MEDFORD	MFR-20	P-1				Railroad Park	5.37
372W13DD200	CITY OF MEDFORD	SFR-4	P-1				Railroad Park	2.46
372W24AD8200	CITY OF MEDFORD	C-C	P-1				Bear Creek Greenway McAndrews Trailhead	0.53
372W24CC3100	CITY OF MEDFORD	SFR-10	P-1				Santo Center	3.80
372W24CD800	CITY OF MEDFORD	SFR-10	P-1				Jackson Park and Pool	7.14
372W24CD9800	CITY OF MEDFORD	SFR-10	P-1				Jackson Park and Pool	0.71
372W24DB2200	CITY OF MEDFORD	C-H	P-1				Court and Central Triangle Park	0.30
372W25AD11900	CITY OF MEDFORD	C-S/P	P-1				Alba Park	1.51
372W25CA1700	CITY OF MEDFORD	C-S/P	P-1	SC	PS		Elm/Main/Columbus Park	0.21

372W25CB12500	CITY OF MEDFORD	MFR-20	P-1			Lewis Park	3.69
372W25CD10500	CITY OF MEDFORD	SFR-10	P-1			Union Park	1.38
372W25CD10600	CITY OF MEDFORD	SFR-10	P-1			Union Park	0.27
372W25CD10700	CITY OF MEDFORD	SFR-10	P-1			Union Park	0.28
372W25DA3500	CITY OF MEDFORD	C-S/P	P-1			Mayor's Fountain Park	0.26
372W26DA2000	CITY OF MEDFORD	MFR-20	P-1			Lewis Park	4.58
381W04201	CITY OF MEDFORD	C-R	P-1			U.S. Cellular Community Park	3.87
381W04202	JACKSON COUNTY	C-R	P-1			Bear Creek Riparian Area & Greenway	1.19
381W04301	JACKSON COUNTY	SFR-00	P-1			Bear Creek Riparian Area & Greenway	57.82
381W04C100	JACKSON COUNTY	SFR-00	P-1			Bear Creek Riparian Area & Greenway	11.28
381W04C200	CITY OF MEDFORD	SFR-10	P-1			Bear Creek Riparian Area & Greenway	5.16
381W05106	CITY OF MEDFORD	C-R	P-1			U.S. Cellular Community Park	123.22
381W05107	CITY OF MEDFORD	C-R	P-1			U.S. Cellular Community Park	1.28
381W05601	JACKSON COUNTY	C-R	P-1			Bear Creek Riparian Area & Greenway	15.99
381W05A100	CITY OF MEDFORD	C-R	P-1			U.S. Cellular Community Park	1.00
381W05A200	CITY OF MEDFORD	C-R	P-1			U.S. Cellular Community Park	2.64
n/a	Right-Of-Way	SFR-6	P-1			Earhart Park	1.58
n/a	Right-Of-Way	SFR-6	P-1			East Main Right of Way Park	0.27

## Exhibit D

# Proposed Comprehensive Plan Changes

### PUBLIC PARKS ZONING (DCA-16-072/CP-17-114/ZC-17-115) Comprehensive Plan Amendment

(Blue indicates proposed language / Red strikeouts indicate words to be removed)

#### PUBLIC FACILITIES ELEMENT

##### PARKS, RECREATION, AND LEISURE SERVICES

The City of Medford complies with ORS 660-034-0040(1)(a) and (b) through the adoption and implementation of a Parks and Schools designation on the *General Land Use Plan Map*, which depicts existing public parks and schools. There is no specific zoning district associated with this designation for schools. Instead, ~~parks and~~ schools are permitted conditionally in all single-family residential zones, multi-family residential zones, commercial and light industrial zones. ~~The City intends to pursue the development of objective land use and siting review criteria for parks. The corresponding zoning for parks is Public Parks (P-1).~~

#### GENERAL LAND USE PLAN ELEMENT

**Parks and Schools** This designation depicts existing and proposed public parks and schools. There is no specific zoning district associated with ~~this designation~~ schools. The zoning district associated with publicly owned parks is Public Parks (P-1).

##### GREENWAY GLUP MAP DESIGNATION

The General Land Use Plan designation of Greenway applies to certain stream corridors and waterways in the Southeast Plan Area, and to other locations within the Urban Growth Boundary. The designated Greenways are indicated on the General Land Use Plan (GLUP) Map. This designation denotes linear parklands, Riparian Corridors, or public or private open space, particularly those along stream corridors and waterways. The Environmental Element of the Medford *Comprehensive Plan* and the *Medford Parks, Recreation, and Leisure Services Plan* (~~1996~~ 2016, or as amended) identify the location of several existing and potential Greenways for parks, open space, habitat preservation, and recreational purposes. Based upon the *Comprehensive Medford Area Drainage Master Plan* (1996), some Greenways may require limited improvement for all-weather access by vehicles and equipment for storm drainage maintenance and storm observation. As long as the impact on the riparian area is minimized, such improvement can often include facilities for public pedestrian and bicycle circulation, fostering transportation goals simultaneously with storm water management.

# Exhibit E

## Proposed Code Amendment

### PUBLIC PARKS ZONING AMENDMENT (Draft 5/2/18) (DCA-16-072/CP-17-114/ZC-17-115)

(Blue indicates proposed language / Red strikeouts indicate words to be removed)

#### ARTICLE I – GENERAL PROVISIONS

##### 10.012 Definitions, Specific.

**Public Park.** An area or facility publicly owned which provides recreational opportunities for the general public. This includes future parkland as well as existing trails and paths, community, neighborhood, special use, and linear parks.

##### 10.031 Exemptions from the Development Permit Requirement.

A. An exemption from the development permit requirement does not exempt the use or development from compliance with the applicable standards of this chapter, including but not limited to access, parking, riparian protection, and landscaping.

B. Exemptions under this section do not apply to uses subject to a conditional use permit or park development review or major modifications thereof.

#### ARTICLE II – PROCEDURAL REQUIREMENTS

##### 10.102 Plan Authorizations.

A plan authorization is a specific planning and development review process which sets forth specific conditions for development consistent with the policies, standards and criteria of the Comprehensive Plan and this chapter. Plan authorizations are categorized as follows:

##### Class A

Comprehensive Plan Amendment, Major  
Land Development Code Amendment  
Zoning Map Amendment, Major

##### Class B

Annexation  
Comprehensive Plan Amendment, Minor  
Transportation Facility Development  
Vacation

*See Review & Amendments Chapter of the Comprehensive Plan for definitions of “major” and “minor” Class A and B authorizations.*

##### Class C

Conditional Use Permit  
Exception

Historic Review  
Land Division  
Planned Unit Development (PUD)  
Site Plan and Architectural Review  
Zoning Map Amendment, Minor (i.e., "Zone Change")  
**Park Development Review**

**10.122 Authority of the Planning Commission.**

The Planning Commission is hereby designated as the approving authority for the following actions:

	<b>Plan Authorization</b>	<b>Class</b>
1.	Zone Changes, except when applied by the City concurrent with annexation	"C"
2.	Planned Unit Developments, Preliminary PUD Plan	"C"
3.	Conditional Use Permits	"C"
4.	Exceptions	"C"
5.	Land Divisions, Tentative Plats	"C"
6.	<b>Park Development Review</b>	<b>"C"</b>

**10.146 Referral Agencies, Distribution.**

This Chapter employs the use of referral agencies for the review of those plan authorizations indicated below, as shown on the Schedule which follows:

- A. Major Comprehensive Plan Amendment
- B. Land Development Code Amendment
- C. Minor Comprehensive Plan Amendment
- D. Annexation, except as provided in Section 10.199
- E. Vacation
- F. Zone Change, Major and Minor
- G. Conditional Use Permit
- H. Exception
- I. Planned Unit Development
- J. Land Division
- K. Site Plan and Architectural Review
- L. Transportation Facility Development
- M. Historic Review
- N. Administrative (Class D) plan authorization
- O. Park Development Review**

Numerical references in the Schedule refer to the following:

- 1. When the proposal is within, abutting, or affecting the referral agency's jurisdiction.
- 2. When the proposal is within or abutting the Airport Area of Concern.
- 3. When the proposal includes new buildings or building additions that are within the referral agency's jurisdiction.
- 4. When the proposal is within the Southeast Overlay District and in a Parks or Schools land use category on the Southeast Plan Map.

5. When the proposal is within or abutting a Greenway General Land Use Plan Map designation. Referral agencies may be asked to review certain proposals not indicated on the Schedule if, in the judgment of the Planning Director, the agency may have an interest in the proposal. Additional referral agencies may be notified at the discretion of the Planning Director.

**SCHEDULE OF REFERRAL AGENCY DISTRIBUTION**

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
<b>CITY DEPTS.</b>															
Building Safety	x	x	x	x	x	x	x	x	x	x	x	-	x	x	x
City Attorney	x	x	x	x	x	x	x	x	x	x	x	x	x		x
City Manager	x	x	x	x	-	-	-	-	-	-	-	-	-	-	-
Engineering Division	x	x	x	x	x	x	3	-	x	x	x	x	x	-	3
Fire	x	x	x	x	x	x	3	-	x	x	x	-	x	x	3
Parks & Recreation	x	x	x	x	x	x	3	-	x	x	x	-	x	-	3
Parks Director	4	4	4	4	4	4	4	4	4	4	4	4	4	-	4
Planning	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Police	x	-	x	x	x	x	-	-	x	x	x	-	x	x	-
Public Works	x	x	x	x	x	x	3	-	x	x	x	-	x	x	3
<b>AGENCIES</b>															
Water Commission	x	x	x	x	x	x	3	-	x	x	x	x	x	-	3
Army Corps of Engineers	-	-	-	-	-	-	5	5	5	5	5	5	-	-	5
Landmarks & Historic Preservation Commission	1	1	1	-	1	1	1	1	1	1	1	1	-	-	1
Cable Television Co.	-	-	x	x	x	x	3	-	x	x	x	x	x	-	3
City of Central Point	1	1	1	1	1	1	1	1	1	1	1	1	-	-	1
City of Phoenix	1	1	1	1	1	1	1	1	1	1	1	1	-	-	1
Dept. of Land Conversation & Development	x	x	x	-	-	-	-	-	-	-	-	-	-	-	-
Dept. of State Lands	-	-	-	-	-	-	5	5	5	5	5	5	-	-	5
Federal Aviation Administration	-	2	-	-	-	-	2	2	2	2	2	2		2	2
Garbage Company	-	-	-	x	x	-	-	-	-	-	-	-	-	-	-
Jackson Co. Health Dept	-	-	-	x	-	-	-	-	-	x	-	-	-	-	-

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
Jackson Co. Planning	x	x	x	-	-	-	-	1	1	-	1	-	-	-	-
Medford Irrigation District	1	-	1	1	1	-	3	-	1	1	-	-	-	-	3
Natural Gas Company	-	-	x	x	x	x	3	-	x	x	x	x	x	-	3
Oregon Dept. of Aviation	-	2	-	-	-	-	2	2	2	2	2	2	-	2	2
Oregon Dept. of Fish & Wildlife	-	-	-	-	-	-	5	5	5	5	5	5	-	-	5
Oregon Dept. of Transportation	x	-	1	1	-	1	3	-	1	1	1	1	-	-	3
Power Company	-	-	x	x	x	x	3	-	x	x	x	x	x	-	3
Rogue River Valley Irrigation District	1	-	1	1	1	-	3	-	1	1	-	-	-	-	3
Rogue Valley Medford Airport	1	1	1	-	-	1	2	2	2	2	2	2	-	1	2
Rogue Valley Sewer Services	1	-	1	1	1	1	3	-	1	1	1	-	1	-	3
Rogue Valley Transportation District	x	-	1	1	1	x	3	-	1	1	x	x	x	-	3
Medford 549C Schools Superintendent	1	-	1	1	-	1	3	-	1	1	-	-	-	-	3
Phoenix-Talent Schools Superintendent	4	4	4	4	4	4	4	4	4	4	4	4	-	-	4
Phoenix-Talent Schools Superintendent	1	-	1	1	-	1	3	-	1	1	-	-	-	-	3
Phoenix-Talent Schools Superintendent	4	4	4	4	4	4	4	4	4	4	4	4	-	-	4
Telephone Company	-	-	x	x	x	x	3	-	x	x	x	x	x	-	3
U. S. Post Office	-	-	-	-	-	-	-	-	x	x	x	x	x	-	-
Urban Renewal Agency	-	-	1	-	1	1	1	1	1	1	1	1	1	-	1
Water Districts	1	-	1	1	-	1	-	-	1	1	-	-	-	-	-

**10.157 Notification, Publication and On-Site Posting.**

(1) Publication. Unless otherwise indicated notification of all proposed actions shall be published in a newspaper of general circulation prior to the scheduled meeting date before the approving authority. The schedule of publication for each type plan authorization shall be as follows:

Plan Authorization Classification	Specific Type	Publication Schedule
A	All	No later than 10 days prior to the scheduled meeting date before the advisory agency. No later than 10 days prior to the scheduled public hearing date before the approving authority.
B	Annexation	Once each week for two successive weeks prior to the day of the hearing before the approving authority. Notice shall also be posted in four public places in the city for a like period.
B	Vacations	Once a week for two consecutive weeks prior to the date of the hearing before the approving authority. Within five days after publication of the first notice, the City Recorder shall cause to be posted at or near each end of the proposed vacation a copy of the notice which shall be headed "Notice of Street Vacation", "Notice of Plat Vacation" or "Notice of Plat and Street Vacation" as the case may be; the notice shall be posted in at least two conspicuous places in the proposed vacation area. The posting and first day of publication of such notice shall be not less than 14 days before the hearing.
B	Minor Comp. Plan Amendments [quasi-judicial], Transportation facility development	Shall be published in a newspaper of general circulation no later than 10 days prior to the scheduled meeting date before the approving authority.
C	Zone changes, Preliminary PUD plans, Conditional use permits, Exceptions, Land divisions, <b>Park Development Review</b>	Shall be published in a newspaper of general circulation no later than 10 days prior to the scheduled meeting date before the approving authority.
C	Site plan and architectural review, Historic review	Shall be posted in a public place no later than five days prior to the scheduled meeting date before the approving authority.
D		None

**10.158 Notification, Affected Property Owners.**

Notification shall be mailed to the applicant and all affected property owners no later than 20 days prior to the scheduled meeting date before the approving authority. All addresses for mailed notices shall be obtained from the latest property tax rolls of the Jackson County Assessor's office. Affected property owners for each type of plan authorization shall be determined as follows:

Plan Authorization Classification	Specific Types	Affected Property Owners
A		Generally not applicable to a legislative action unless it meets ORS 227.186 criteria ( <i>i.e.</i> , the change effectively rezones property.)
B	Vacations	All property owners within the area of a plat vacation or all abutting property and all attached real property within 200 feet laterally and 400 feet beyond the terminus of each right-of-way to be vacated.
B	Annexations, Minor Comp. Plan Amendments (quasi-judicial), Transportation Facility Development	All owners of property within the project boundaries plus all property owners within 200 feet of the project boundaries.
C	Zone Changes, Conditional Use Permits, Exceptions, Site Plan and Architectural Review, Land Divisions, Historic Review, Park Development Review	All owners of property within the project boundaries plus all property owners within 200 feet of the project boundaries.
C	Preliminary PUD Plans	All owners of property within the project boundaries plus all property owners within 200 feet of the project boundaries. The owners of no less than seventy-five tax lots shall be notified. If seventy-five tax lots are not located within 200 feet of the exterior boundary of the PUD, the notification area shall be extended by successive 50-foot increments, until the minimum number of lots are included in the notification area. Owners of all tax lots within the extended notification area shall receive notice.
D		All owners of property within the project boundaries plus all property owners within 200 feet of the project boundaries.

### **10.295 Park Development Review**

In order to ensure a harmonious transition between parkland and surrounding uses, a Park Development Review is required for new and expanded parks, trails, and paths within the Public Parks zone. All park facilities, including paths and trails within the Public Parks zone, previously approved under a Condition Use Permit are subject to the Park Development Review process for any major modification (as defined below) to the prior CUP. Park Development Review is a procedural Class "C", quasi-judicial decision, with the Planning Commission as the approving authority.

The following uses are subject to a Conditional Use Permit:

1. New or expanded parks, trails, and paths outside of the Public Parks zone
2. New or expanded trails and paths within a riparian corridor

#### **A. Park Development Review Criteria**

The approving authority (Planning Commission) shall approve a Park Development Review application if it can find the proposed park development conforms, or can be made to conform through the imposition of conditions, with all of the following criteria:

1. The proposed park or park building facility is located within the Public Park zone.
2. The proposal is substantially consistent with the Leisure Services Plan of the Comprehensive Plan.
3. The proposal complies with all applicable provisions of all city ordinances or the Planning Commission has approved an exception as provided in Section 10.251.
4. The proposal addresses the mitigation of impacts as described in 10.295(B).

#### **B. Special Conditions**

In authorizing a Park Development Review approval, the Planning Commission may impose any of the following conditions to ensure compliance with the standards of the code, and to otherwise ensure the general welfare of the surrounding area and the community as a whole:

1. Modify the manner in which the park operates, including restricting the time an activity may occur, restraints to minimize noise, vibration, air pollution, glare, and odor;
2. Establish a special setback;
3. Modify the height, size, bulk, or location of a building or other structure; This can be accomplished with changes in: building orientation and articulation, surface materials, windows, doors, and other architectural features;
4. Designate the size, number, location, or nature of vehicular access points;
5. Modify the improvements within the street right-of-way;
6. Designate the size, location, screening, drainage, surfacing, or other improvement of the parking areas;
7. Designate the location, surfacing, or type of bicycle parking;
8. Limit or increase the number of vehicular and bicycle parking spaces;
9. Limit the number, size, location, height, or lighting of signs;

10. Limit the number, location, height, directional orientation, and intensity of exterior lighting;
11. Require the installation of landscaping, walls, or fences or other methods of screening and buffering; designate the size, height, location, or materials of fencing;
12. Increase or decrease the amount of landscaping on the site;
13. Protect, restore, and retain existing natural features.

### **C. Modifications of a Park Development Review.**

#### **1. Major Modification.**

Any modification that is not a minor modification is a major modification. A request to substantially modify a Park Development Review shall be processed in the same manner as a request for a Park Development Review in Section 10.295. For existing park facilities with conditional use permit approvals issued prior to the creation of the Park Development Review process, the review shall be limited to the new or expanded park uses or development. Previously approved uses or development under the conditional use permit process shall be incorporated into the Park Development Review decision in order to combine existing and new approvals under this land use procedure. The Planning Director may waive submittal requirements deemed unnecessary or inapplicable to the proposal.

#### **2. Minor Modification.**

A minor modification to an approved Park Development Review or prior conditional use permit approval may be approved by the Planning Director provided the Planning Director determines that the modification does not constitute a major modification. The purpose of the determination is to assure that a modification does not significantly affect other property or uses; will not cause any deterioration or loss of any natural feature, nor significantly affect any public facility. A minor modification is an alteration or change to an approved plan that does not:

- (a) Conflict with any required Code and other legal requirements (the proposal must meet all Land Development Code and other legal requirements);
- (b) Relocate vehicle access points and parking areas where the change will generate an impact that would adversely affect off-site or on-site traffic circulation;
- (c) Reduce or eliminate any significant natural resources (streams, creeks, landform).
- (d) Conflict with adopted facility and utility plans;
- (e) Permit new accessory buildings larger than 1,000 square feet;
- (f) Permit open-aided picnic shelters/canopies larger than 1,500 square feet;
- (g) Allow a path or trail within a riparian area (paths or trails within existing parks or parks property, outside of the riparian area, are allowed);
- (h) Remove, modify, or reduce previously approved mitigation measures, including but not limited to fencing or landscaping;
- (i) Modify any condition of approval.

### **D. Expiration of a Park Development Review.**

1. Within three (3) years following the final order date, substantial construction on the development shall be initiated, or if a use, the use shall have commenced operation. If a request for an extension is filed with the planning department within three (3) years from the approval date of the final

order, the approving authority (Planning Commission), may, upon written request by the applicant, grant a single extension of the expiration date for a period not to exceed two (2) years from the expiration date of the final order. An extension shall be based on findings that the facts upon which the Park Development Review was first approved have not changed to an extent sufficient to warrant refiling of the Park Development Review application.

2. When it is the intent to complete an approved project in phases, the approving authority may authorize a time schedule for the issuance of building permits and for the commencement of phases for a period of eight (8) years, but in no case shall the total time period be greater than eight (8) years without having to resubmit a new application for Park Development Review.

### ARTICLE III - ZONING DISTRICTS

It is the purpose of Article III to divide the City into zoning districts according to land use by type and intensity of development.

#### 10.300 Establishment of Zoning Districts.

This Code separates the city into ~~four~~ ~~three~~ basic use classifications, ~~16~~ ~~17~~ zoning districts, nine overlay districts, and five administrative mapping categories as follows:

##### A. RESIDENTIAL

SFR-00	Single-Family Residential	-	(1 dwelling unit per existing lot)
SFR-2	Single-Family Residential	-	(2 dwelling units per gross acre)
SFR-4	Single-Family Residential	-	(4 dwelling units per gross acre)
SFR-6	Single-Family Residential	-	(6 dwelling units per gross acre)
SFR-10	Single-Family Residential	-	(10 dwelling units per gross acre)
MFR-15	Multiple-Family Residential	-	(15 dwelling units per gross acre)
MFR-20	Multiple-Family Residential	-	(20 dwelling units per gross acre)
MFR-30	Multiple-Family Residential	-	(30 dwelling units per gross acre)

##### B. COMMERCIAL

C-S/P Commercial, Service and Professional Office

C-N Commercial, Neighborhood

C-C Commercial, Community

C-R Commercial, Regional

C-H Commercial, Heavy

##### C. INDUSTRIAL

I-L Industrial, Light

I-G Industrial, General

I-H Industrial, Heavy

##### D. PUBLIC

P-1 Public Parks

##### ~~D~~.E. OVERLAY DISTRICTS

I-00 Limited Industrial

A-A Airport Approach

A-R Airport Radar

A-C Airport Area of Concern

- C-B Central Business
- E-A Exclusive Agriculture
- F Freeway
- S-E Southeast
- H Historic
- ~~E, F.~~ ADMINISTRATIVE MAPPING CATEGORIES
- Downtown Parking
- Limited Service
- P-D Planned Unit Development
- R-Z Restricted Zoning
- Airport Fence Line

It is the intent in establishing the above districts to implement the “General Land Use Plan Element” of the *Comprehensive Plan*, and to achieve compatibility of adjacent land uses.

**10.314 Permitted Uses in Residential Land Use Classification.**

The following table sets forth the uses allowed within the residential land use classification by zoning district. Uses not identified herein are not allowed. (See Article I, Section 10.012, for the definition of each listed use.)

These symbols indicate the status of each listed use:

- “P” = Permitted Use.
- “C” = Conditional Use; permitted subject to approval of a Conditional Use Permit. (See Article II, Sections 10.246 - 10.250. )
- “X” = Prohibited Use .
- “s” = Special Use (See Article V, Sections 10.811- 10.900, Special Use Regulations)
- “EA” = Permitted only when within an EA (Exclusive Agriculture) overlay district.
- “PD” = Permitted Use if in a PD (Planned Unit Development).

PERMITTED USES IN RESIDENTIAL ZONING DISTRICTS	SFR 00	SFR 2	SFR 4	SFR 6	SFR 10	MFR 15	MFR 20	MFR 30	Special Use or Other Code Section(s)
<b>6. NONRESIDENTIAL SPECIAL USES</b>									
(a) Bed and Breakfast Inn	X	X	Cs	Cs	Cs	Ps	Ps	Ps	10.828
(b) Child Day Care Center	Cs	Cs	Cs	Cs	Cs	Cs	Cs	Cs	10.811
(c) Institutional Uses ( <del>Schools, Churches, Government Facilities—Excluding Storage or Repair Yards or Warehouses, Cemeteries, etc.</del> )	Cs	Cs	Cs	Cs	Cs	Cs	Cs	Cs	10.815-817

(d) Community Services Facilities (Parks, Recreation, etc.)	C	C	C	C	C	C	C	C	10.817
(e) Transit, Pedestrian, or Bicycle Facilities	P	P	P	P	P	P	P	P	10.747-810
(f) Utility Distribution Systems	Ps	10.830							
(g)(i) Agriculture, Agricultural Building, Livestock, Farm	EA	10.360-361							
(g (ii) Conditional Agricultural-Related Activities (On-Site Farm Product Sales, Small Winery, Public/Private Events)	EA/C	10.362							
(h) Riding Stable or Paddock (Private)	EA	10.813							
(i) Temporary Contractor's Office and/or Construction Equipment Shed	Ps	10.840							
(j) Temporary Model Home	Ps	10.840							
(k) Temporary Real Estate Office	Ps	10.840							
(l) Wireless Communication Support Structure	Cs	10.824							
(m) Wireless Communication Facilities, other than Support Structure	Ps	10.824							
(n) Beekeeping	Ps	Ps	Ps	Ps	Ps	X	X	X	10.813(C)

**10.325 Commercial, ~~and Industrial~~, and Public Land Use Classifications.**

The City's commercial, ~~and industrial~~, and public land is divided into ~~nine~~ **eight (8)** ~~commercial and industrial~~ zoning districts as follows:

- (1) Service Commercial and Professional Office ..... C-S/P
- (2) Neighborhood Commercial ..... C-N
- (3) Community Commercial ..... C-C

(4) Heavy Commercial.....	C-H
(5) Regional Commercial.....	C-R
(6) Light Industrial.....	I-L
(7) General Industrial.....	I-G
(8) Heavy Industrial.....	I-H
(9) Public Parks.....	P-1

**10.333 Public Parks, (P-1)**

The P-1 district provides land for publicly owned open space, parkland, and trails. It is intended for city parks, recreational facilities, trails, paths, and open space publicly owned within the city.

**10.334 Uses Permitted in the Public Parks Zone**

A. The following table sets forth the uses allowed within the Public Parks land use classification. The uses, other than (002) Parks, Recreation, and Leisure Facilities and (881) Dwelling Units, are allowed based upon the Standard Industrial Classification (SIC) Manual, 1987 Edition.

B. These abbreviations indicate the allowance type listed in the following table:

- “P” = Permitted Use.
- “Ps” = Special Use (see Special Use Regulations)
- “C” = Conditional Use; permitted subject to approval of a Conditional Use Permit. (See Article II, Sections 10.246 - 10.250.)
- “Cs” = Conditional uses permitted subject to approval of a Conditional Use Permit and the applicable Special Use Regulations

C. These abbreviations indicate the land use requirement listed in the following table:

- “PDR” = Park Development Review required for new facilities
- “SPAC”=Site Plan & Architectural Commission review required for new facilities

**Uses Permitted in the Public Parks Zoning District**

SIC #	DESCRIPTION OF USE	ALLOWANCE TYPE	Additional Regulations/ Land Use Requirement
002	Public Parks, Recreation and Leisure Facilities and Services	P	PDR
0279	Beekeeping	Ps	The special use for beekeeping corresponds with Section 10.813
431	U S Postal Service	P	SPAC
481	Wireless Communication Support Structure	Cs	The special use references for Wireless Communication Support Structure and Wireless Communication Facilities, other than Support Structure, correspond with special uses 10.824
	Wireless Communication Facilities, other than Support Structure	Ps	
491	Electric Services	Ps	The special use references correspond with Section 10.830
492	Gas Production and Distribution	Ps	
493	Combination Utility Services	Ps	
494	Water Supply	Ps	
495	Sanitary Services	Ps	
5261	Christmas Tree Sales	Ps	The special use reference for the sale of Christmas trees corresponds with Section 10.840
543	Outdoor Growers Markets	P	
5814	Eating Place With Entertainment	P	SPAC
5815	Eating Place Without Entertainment	P	SPAC
5816	Outdoor Eating	Ps	Establishments with Outdoor Eating Areas correspond with Section 10.833

SIC #	DESCRIPTION OF USE	ALLOWANCE TYPE	Additional Regulations/ Land Use Requirement
5817	Temporary Food Vendor	Ps	The special use reference for temporary food vendor corresponds with Section 10.840
5818	Small Food Vendor	Ps	Special Use for Small Food Vendors correspond with Section 10.823
703	Camps and Recreational Vehicle Parks	P	PDR
792	Producers, Orchestras, Entertainers	P	SPAC
794	Commercial Sports	P	SPAC
799	Misc. Amusement, Recreational Services	P	SPAC
821	Elementary and Secondary Schools	P	SPAC
829	Schools & Educational Services, nec	P	SPAC
835	Child Day Care Services	Ps	The special use reference for child day care services corresponds with section 10.811 SPAC
841	Museums and Art Galleries	P	SPAC
842	Botanical and Zoological Gardens	P	SPAC
881	Dwelling Units	Ps	The special use reference for public and industrial zones corresponds with Section 10.835
9221	Public Order and Safety (Police Stations)	P	SPAC
9224	Public Order and Safety (Fire Stations)	P	SPAC

**ARTICLE IV – PUBLIC IMPROVEMENT STANDARDS AND CRITERIA**

**10.431 Street Improvement.**

All new street improvements required as a condition of development shall be improved to the standards set forth in this chapter unless otherwise specified herein or excepted as per Section 10.251, Application for Exception. For purposes of this section, the term new street shall be defined as an unimproved street or existing street which does not have curb and gutter.

**Street Improvements and Dedications for City-Owned Parkland**

1. Street improvements and right-of-way dedications shall be found by the Planning Commission to be reasonably associated with impacts caused by the park necessary for service to the park.
2. The requirements for street and utility improvements, associated with a land division for City-owned parkland, may be deferred to the time of a Park Development Review application. A final plat of the land division may proceed in advance of such required improvements. Any lots created that are not intended for park purposes shall comply with the dedication and improvement provisions.

**ARTICLE V – SITE DEVELOPMENT STANDARDS**

**10.720 Public Parks Site Development Standards.**

The following standards apply to the Public Parks and development.

<b>PUBLIC PARKS SITE DEVELOPMENT STANDARDS</b>	
<b>Development Standards</b>	<b>Parks</b>
<b>Minimum and Maximum Area for Zoning (Acres)</b>	None
<b>Lot Area Range (Square Feet)</b>	
<b>Maximum Coverage Factor (See 10.706)</b>	
<b>Minimum Lot Width</b>	
<b>Minimum Lot Depth</b>	
<b>Minimum Lot Frontage</b>	
<b>Minimum Front &amp; Street Side Yard Building Setback</b>	10 feet, except 20 feet for vehicular entrances to garages or carports
<b>Minimum Side &amp; Rear Yard Building Setback</b>	4 feet except ½ foot for each foot in building height over 20 feet

<b>PUBLIC PARKS SITE DEVELOPMENT STANDARDS</b>	
<b>Development Standards</b>	<b>Parks</b>
<b>Maximum Building Height</b> (See 10.705)	35 feet <i>(may be up to 55 feet if approved through the applicable land use review process)</i>
<i>Courts for volleyball, basketball, tennis, or other noise producing sport activity must be located 50 feet from the nearest residential property unless the approving authority determines it is unnecessary.</i>	
<i>The terms used herein, such as lot width, lot depth, front yard, etc., are defined in Article I, Section 10.012.</i>	

**10.746 General Design Requirements for Parking.**

**(3) Parking Area Planters.**

It is the purpose of this subsection to create shade and visual relief for large expanses of parking.

- a. Parking areas exceeding 24 parking spaces shall contain areas of interior landscaping, such as planter islands or planter projections into the parking area, which comply with the planting schedule provided in Subsection 10.746 (3)f. and Section 10.780, Landscape and Irrigation Requirements, and as approved by the approving authority.
- b. Planters shall be dispersed throughout the parking area and contain, at minimum, the landscaping area square footage specified in the Planting schedule of Subsection 10.746 (3)f. Square footage of each parking area planter may vary; however, each parking area planter shall meet the soil volume requirements of Subsection 10.780 G(10)a.
- c. Prior to installing plant materials in parking area planters, the developer shall remove detrimental construction materials and prepare the soil within the planters in accordance with Subsection 10.780 G(9). If structural soils are necessary, areas under planned impervious surfaces surrounding planters, shall be prepared in accordance with Subsection 10.780 G(10)(a).
- d. So as to not obstruct driver vision, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between a height of three (3) feet and eight (8) feet above the top of the curb. The property owner shall maintain shrub and tree growth in planter areas to ensure shrubs are kept lower than three (3) feet and tree canopies are maintained above eight (8) feet.
- e. Trees planted in parking area planters shall have a moderate to broad spreading canopy.
- f. The minimum landscaped area within parking area planters and number of required plants per 24 spaces is as follows:

**Parking Area Planters**  
**Planting Schedule**

<i>Zoning District</i>	<i>Plants/ per 24 Spaces</i>	<i>trees/shrubs</i>	<i>Sq. Ft./ per 24 Spaces</i>
Industrial Zones	2	4	325

SFR (Nonresidential uses only),  
MFR zones, Commercial Zones,  
\*Public Zones

3 6

500

\*Shrub and ground cover within the parking lot planter bays in parks may be substituted with non-living ground cover if allowed by the approving authority (artificial turf not allowed).

\*\*\*\*

(9) **Screening.** Where parking, vehicle maneuvering, or loading areas abut a public street, there shall be provided a minimum ten (10) foot wide landscaping buffer.

Within public parks, shrub and groundcover within this area may be substituted with non-living ground cover if approved by the approving authority (artificial turf not allowed).

#### 10.780 Landscape and Irrigation Requirements.

##### A. Purpose.

The purpose of this section is to help ensure the aesthetic environment of the entire community, and to enhance the quality of life for all citizens.

##### B. General Provisions.

(1) Landscaping shall provide a variety of plant sizes, shapes, texture and color while being horticulturally compatible and minimizing irrigation reliance, thus conserving the public water supply.

(2) Landscaping shall be maintained in good health by the property owner in conformance with approved landscaping plans and shall not be reduced in area or number.

(3) Noncompliance with this section or approved plans is a violation of the Medford Land Development Code and is subject to a maximum fine of \$250 per day.

##### C. Applicability.

(1) The provisions of this section are applicable to all landscaping areas within commercial, industrial, institutional, or multiple-family developments and open space/landscaping tracts within all subdivisions, including single family residential.

a. Except as provided in subsection 10.780 C.(1)b., provisions of this section are not applicable to:

1. Single-family lots.
2. Duplex lots.
3. Individual townhome lots.
4. **Public Parks**

5. Future development sites, unless irrigated landscaping is placed thereon.

When irrigated landscaping is provided upon a future development site, all provisions of this section shall apply.

b. Covenants, Conditions and Restrictions (CC&Rs) recorded for private regulation of any development or subdivision, regardless of development type or zoning district, shall not establish any restriction inhibiting the use of water-conserving landscaping design, or require the installation of high water use landscape elements, as defined herein, upon

property governed by the CC&Rs.

**10.797 Street Frontage Landscaping Requirements.**

A. This section establishes the minimum landscaping requirements along all street frontages outside of the public right-of-way. Plans submitted to comply with this section shall be approved by the approving authority.

(1) For land divisions with houses that do not face an arterial street, an arterial street frontage landscape plan shall be submitted showing a vertical separation feature that is a minimum of eight (8) feet in height. The separation feature shall create a solid visual screen. A fence or wall shall be engineered to stand straight. The separation feature shall be reduced in height where otherwise required in a front or side yard or clear vision triangle. The Planning Commission may allow adjustments to the above requirement in response to topography.

(2) For all other street frontages the number of plants required for distances above or below one hundred (100) feet shall be prorated with the resulting numbers of plants rounded so that one-half or more shall be deemed to require a full plant. All required planting shall be located in the required yard area adjacent to the street unless otherwise approved by the approving authority.

(3) Existing plant materials which meet the requirements of this code may be counted as contributing to the total landscaping required by this section. Interstate 5 and other highway frontages shall be treated the same as city street frontage.

(4) The following table specifies the type and number of plants required by this section.

**Table 797-1. Frontage Landscaping—Materials and Quantities**

<u>Zoning District</u>	<u>Number of plants required per 100 feet of street frontage less driveways</u>	
	Trees	Shrubs
SFR (nonresidential uses), MFR, C-N, C-S/P, C-C, C-R, C-H, P-1	4	25
I-L, I-G, I-H	3	15

Frontage landscaping shall not be required for areas in public parks that do not have buildings within 20 feet from the adjacent right-of-way unless the approving authority determines it is necessary to buffer specific park activities.

**10.813 Agricultural Services and Animal Services**

\*\*\*

**C. Beekeeping.**

The City recognizes the many benefits of bees including pollination services and useable products

such as honey and wax. The keeping of bees is permitted in the single-family residential districts, ~~and the commercial, and industrial districts, and the public parks districts~~ in the city limits subject to the following standards:

**10.824 Wireless Communication Facilities.**

**B. Permitted Use.**

Wireless Communication Facilities that do not include a Wireless Communication Support Structure are permitted in all commercial, ~~and industrial zones, and public parks zones~~ and on parcels that contain legally established nonresidential uses within the SFR and MFR zones, subject to the design standards in Section 10.824(D). Only concealed wireless communication facilities are allowed within a Historic (H) Overlay District or on parcels containing a use or structure on the National Historic Register, subject to approval of the Historic Commission per Section 10.406; and on parcels containing a residential use, subject to the design standards in Section 10.824(D).

**10.833 Restaurants - Outdoor Eating Areas.**

Outdoor eating areas shall be allowed for restaurants in all commercial, ~~and industrial, and public parks~~ zoning districts subject to the following:

- (1) Compliance with all other provisions of this Chapter.
- (2) Historic Review or Site Plan and Architectural Review as applicable and approval when the outdoor eating area includes seating for more than 15 patrons.
- (3) Where adjacent or abutting a residential zone, outdoor activity shall only be allowed between the hours of 8:00 a.m. and 9:00 p.m.

**10.835 Residence for Caretaker or Watchman.**

One single-family residence for a caretaker, owner, operator, manager, or security guard is allowed for any industrial ~~use or public parks use~~ for purposes of security and protection of the principle use.

**10.840 Temporary Uses and Structures.**

- (3) Temporary Mobile Vendors.
  - a. Temporary Food Vendors (Outdoor).
    1. Application Requirements.
      - i. A business license pursuant to Chapter 8 shall be required.
      - ii. In addition to the requirements of Chapter 8, the applicant shall submit a site plan drawn to scale indicating the following:
        - (a) Dimensions of the temporary food vendor unit.
        - (b) Location of the temporary food vendor unit on the site.
        - (c) Paved vehicular access, including driveway location(s).
        - (d) Off-street vehicular parking spaces.
        - (e) A trash receptacle located within ten (10) feet of the temporary food vendor unit.
        - (f) Dimensions of the area to be occupied by the temporary food vendor unit, including any table(s), seating, and other exterior items, if applicable;

and

(g) Location of utility connections, if any.

2. Standards.

i. Locational and Size Standards.

(a) Temporary food vendors are permitted in the following zoning districts: C-S/P, C-N, C-C, C-H, C-R, I-L, and I-G-, and P-1.

(b) When within both the Central Business (C-B) and Historic Preservation (H) Overlays:

(1) The exterior length and width, when multiplied, shall be no more than 128 square feet, including any slide-outs, and excluding trailer tongue and bumper.

(2) Outdoor equipment, such as tables and chairs, shall not be permitted.

(c) In all other zones:

(1) The exterior length and width, when multiplied, shall be no more than 170 square feet, including any slide-outs, and excluding trailer tongue, and bumper.

(2) An additional 170 square feet is allowed for outdoor equipment.

(d) On City-owned property and right-of-way, temporary food vendor units shall obtain a permit pursuant to Chapter 2, and are exempt from the standards of 10.840(D)(3).

(e) At an Event of Public Interest, temporary food vendors per 10.840(D)(1) are exempt from the standards of 10.840(D)(3).

ii. General Standards.

(a) If the temporary food vendor unit is located on or adjacent to a privately-owned walkway, the minimum remaining unobstructed walkway width shall be five (5) feet.

(b) All food must be in a ready-to-eat condition when sold.

(c) Required parking spaces or access to required parking spaces shall not be displaced or obstructed.

(d) The temporary food vendor unit shall be located outside any required setbacks.

(e) Attached awnings are permitted if smaller than the size of the temporary food vendor unit.

(f) The temporary food vendor unit and all outdoor equipment shall be located on an improved surface.

(g) Temporary food vendors shall comply with the Fire Department's Outdoor Food Vendor Safety Checklist.

(h) Any utility connections require a building permit from the Building Safety Department.

b. Temporary Medical Services (Human or Animal) Vendors and Temporary Nonprofit Vendors (Outdoor).

1. Application Requirements.

i. A business license pursuant to Chapter 8 shall be required.

ii. In addition to the business license requirements of Chapter 8, the applicant shall submit a site plan drawn to scale, indicating the following:

- (a) Dimensions of the temporary vendor unit.
  - (b) Location of temporary vendor unit on the site.
  - (c) Paved vehicular access, including driveway location(s).
  - (d) Off street vehicular parking spaces.
  - (e) Location of utility connections, if any.
2. Standards.
- i. Locational and Size Standards:
    - (a) Temporary vendors shall be permitted in the following zoning districts: C-S/P, C-N, C-C, C-H, C-R, I-L, ~~and I-G-~~, and P-1.
    - (b) When within both the Central Business (C-B) and Historic Preservation (H) Overlays, the exterior length and width of the temporary vendor unit, when multiplied, shall be no more than 128 square feet, including any slide-outs, and excluding trailer tongue and bumper.
    - (c) In all other zoning districts, the exterior length and width of the temporary vendor unit, when multiplied, shall be no more than 300 square feet, including any slide-outs, and excluding trailer tongue and bumper.
  - ii. General Standards.
    - (a) If the temporary vendor unit is located on or adjacent to a privately-owned walkway, the minimum remaining unobstructed walkway width shall be five (5) feet.
    - (b) The temporary vendor unit shall be located on an improved surface.
    - (c) Required parking spaces or access to required parking spaces shall not be displaced or obstructed.
    - (d) The temporary vendor unit shall be located outside any required setbacks.
    - (e) Attached awnings are permitted if smaller than the size of the temporary vendor unit.
    - (f) Outdoor equipment such as tables and chairs shall not be permitted.
    - (g) Any utility connections require a building permit from the Building Safety Department.

## ARTICLE VI - SIGNAGE

### 10.1022 Exceptions to Permit Requirements.

The provisions of Article VI shall not apply to:

- (1) Traffic signs and all other signs erected or maintained by a municipal or governmental body or agency, including danger signs, railroad crossing signs, and signs of a non-commercial nature required by public laws, ordinances or statutes.
- (2) Signs on a truck, bus, car, boat, trailer or other motorized vehicle and equipment provided all the following conditions are adhered to:
  - (a) Primary purpose of such vehicle or equipment is not the display of signs.
  - (b) Signs are painted upon or applied directly to an integral part of the vehicle or equipment.
  - (c) Vehicle/equipment is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used in the daily function of a business/or

use.

(d) Vehicles and equipment are not used as static displays, advertising a product or service, for more than two (2) days in any location, nor utilized as storage, shelter or distribution points for commercial products or services for the general public.

(e) During periods of inactivity exceeding five work days, such vehicle/equipment is not so parked or placed that the signs thereon are displayed to the public. Vehicles and equipment engaged in active construction projects and the on-premise storage of equipment and vehicles offered to the general public for rent or lease shall not be subjected to this condition.

(3) Signs on Temporary Portable Storage Containers permitted through Section 10.840.D(6), provided all of the following conditions are adhered to:

(a) The primary purpose of such vehicle or equipment is not the display of signs.

(b) Signs are painted upon or applied directly to an integral part of the vehicle or equipment (the "sign" is a regular part of the portable storage container). Hanging banners, roof signs and/or attached sign structures are not allowed.

(c) Vehicle/equipment is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used in the daily function of a business/or use. (This section (3) effective through June 30, 2015.)

(4) Signs not exceeding three (3) square feet in area located in a commercial or industrial zone not to exceed four (4) signs for each business frontage.

(5) Signs not exceeding six (6) square feet in area and an overall height of six (6) feet in the Single-Family Residential Zoning Districts - (SFR 2, 4, 6, 10), ~~and~~ the Multiple-Family Residential Districts - (MFR 15, MFR 20, MFR 30), ~~and the Public Parks Zoning District - (P-1)~~, not to exceed two (2) signs per parcel.

(6) National and State flags. National and state flags shall be flown and displayed in a manner whereby they are not construed as attraction-gaining devices to advertise a product or use, or in a manner to otherwise draw attention of the traveling public to an establishment or sales office. Such displays shall conform to the criteria established in House Document 209 of the 91st Session of Congress.

(7) Signs Located in the Interior of any Building. Signs located in the interior of any building or within an enclosed lobby or court of any group of buildings, which are designed and located to be viewed by patrons only. Such signs may be illuminated and are not subject to the provisions of this chapter.

(8) Change of face. Where an existing sign is modified by change of message or design on the sign face, without any change to size or shape of the sign framework or structure. In Historic Preservation Overlay Zoning Districts, only the message may be changed without Historic Review.

(9) Window Signs. Signs located in windows, if they are mounted or painted upon the inside of windows within all commercial or industrial zoning districts.

(10) These types of Temporary Signs, which are in addition to any of the signs in subsections 1-8 above:

(a) Holiday Displays. Decorations or displays celebrating the occasion of traditionally accepted patriotic or religious holidays.

(b) Real Estate Signs. Signs erected on private property for the period of time that a site or structure is for sale, lease or rent. In all residential zones such signs shall be limited to six (6) square feet in area and a maximum height of six (6) feet. In all commercial and industrial zones

such signs shall be limited to thirty-two (32) square feet in area. Temporary real estate signs shall be limited to one (1) sign per frontage.

(c) Political Campaign Signs. Signs erected on private property no earlier than eight (8) weeks prior to any federal, state or local election and removed no later than seven (7) days after the applicable election. In all residential zones such signs shall be limited to six (6) square feet in area and a maximum height of six (6) feet per sign. In all commercial and industrial zones such signs shall be limited to thirty-two (32) square feet in area per sign.

(d) Signs not exceeding 32 square feet in area located in public parks advertising public events. Such signs are limited to no more than one sign per street frontage. Signs shall be removed within 7 days after the event.

(e) All other Temporary or Portable Signs require a permit.

**10.1150 Signs in the Public Parks (P-1) Zoning District: Basic Regulations.**

Signs shall be permitted only as follows in the P-1 zoning district:

(1) Ground Signs: Each parcel is permitted one (1) non-illuminated ground sign per vehicular entrance on a street, subject to the following limitations:

(a) Maximum Square Footage: 60 square feet per sign

(b) Maximum Height: 5 feet

(c) Minimum Setback: 15 feet from any property line

(d) Exempt: Ground signs within public parks and recreational facilities that are placed and located so as not to be viewed from the street are exempt from these provisions.

(e) Electronic Message Signs are permitted as a ground sign subject to the following limitations:

(i) Each parcel of land is permitted one (1) electronic message sign if the sign is 150 feet or farther from any residential zoning district. An electronic message sign located less than 150 feet from any lot in a residential zoning district shall require the approval of a Conditional Use Permit. Such sign must meet the other provisions of this section.

(ii) All text displayed on an electronic message sign must be static for a minimum of five seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.

(iii) All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night.

(iv) The conversion of an existing, conforming ground sign to an electronic message sign is permitted.

(v) The conversion of an existing, nonconforming ground sign to an electronic message sign is prohibited.

(2) Wall Signs (non-illuminated):

(a) Maximum Square Footage: 60 square feet per sign

(b) Maximum Height: No part of any wall sign shall be higher than the building height as defined in Section 10.705.

(c) Exempt: Wall signs within public parks and facilities which are placed and located so as not to be viewed from the street are exempt from these provisions.

(3) **Electronic Message Signs:** Electronic message signs are permitted as a wall sign subject to the following limitations:

(i) Each parcel of land is permitted one (1) electronic message sign if the sign is 150 feet or farther from any residential zoning district. An electronic message sign located less than 150 feet from any lot in a residential zoning district shall require the approval of a Conditional Use Permit. Such sign must meet the other provisions of this section.

(ii) All text displayed on an electronic message sign must be static for a minimum of five seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.

(iii) All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night.

(iv) The conversion of an existing, conforming wall sign to an electronic message sign is permitted.

(v) The conversion of an existing, nonconforming wall sign to an electronic message sign is prohibited.

**10.1160 Public-Parks District (P-1): Additional Special Signs.**

Additional Special Signs shall be permitted as follows:

**(1) Freeway Signs:**

(a) Freeway signs shall be permitted only on parcels or portions thereof that are located within the Freeway Overlay District per Section 10.365, and as shown on the official zoning map of the City of Medford.

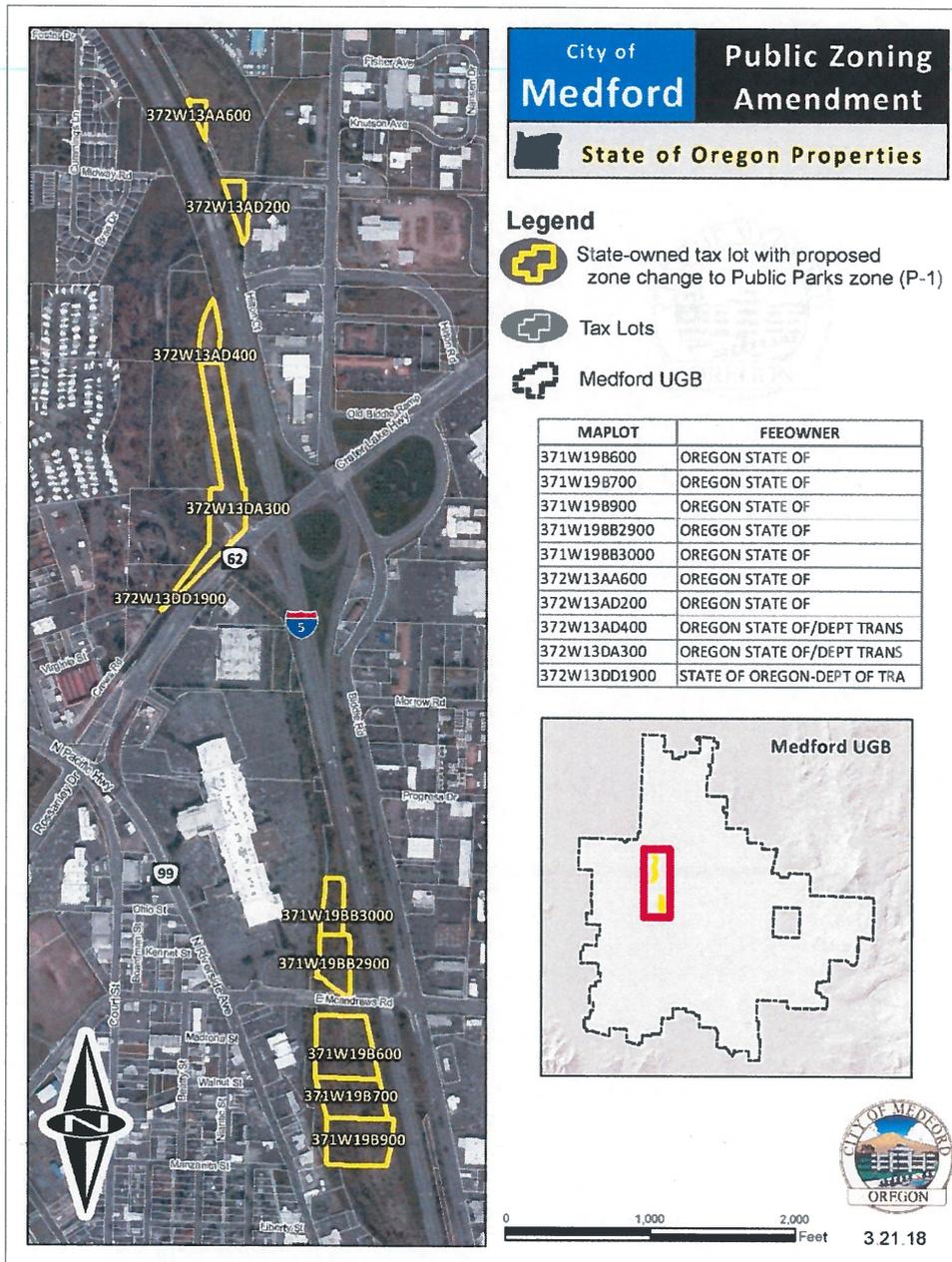
(b) One (1) sign not exceeding 250 square feet in area and 50 feet in height shall be permitted on a parcel located within the Freeway Overlay District. Each parcel is also permitted one (1) sign not exceeding 150 square feet in area and 20 feet in height.

(2) **Construction Sign:** One non-illuminated sign may be installed on each construction site after a building permit has been obtained for a construction project, and must be removed not later than two years after issuance of the building permit or upon completion of the project, whichever occurs sooner. The sign shall not exceed 50 square feet in area, and 14 feet in height.

(3) **Temporary Sign:** One temporary sign on each street frontage is allowed. Display period is limited to 30 days and is renewable upon application, but shall not exceed four (4) permits in one (1) calendar year. The area of each temporary sign shall not exceed 32 square feet. No part of any sign shall be higher than the building height as defined in Section 10.705.

# Exhibit F

## State Owned Properties Map





# Exhibit H

## Medford Fire Department Memo



### Medford Fire Department

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

### LAND DEVELOPMENT REPORT - PLANNING

To: Sarah Sousa

LD Meeting Date: 02/07/2018

From: Fire Marshal Kleinberg

Report Prepared: 02/02/2018

File #: DCA - 17 - 72

Associated File #'s: CP - 17 - 114  
ZC - 17 - 115

**Site Name/Description:**

A legislative amendment and major zone change to convert public park properties to proposed Public Parks zone. Comprehensive Plan Amendment to update two elements to reflect new Public Parks zone. General Land Use Plan Map amendment to change: 1) newer parks to the Parks and Schools designation, 2) 2801 Merriman Road from Parks and Schools to Urban Residential, and 3) 1061 Dillion Way from Heavy Industrial to General Industrial. Proposal also includes a Development Code Amendment to add regulations related to the Public Parks zone. Applicant, City of Medford, Planner, Sarah Sousa.

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

Development shall comply with access and water supply requirements in accordance with the Fire Code in affect at the time of development submittal.  
Fire apparatus access roads are required to be installed prior to the time of construction. The approved water supply for fire protection (hydrants) is required to be installed prior to construction when combustible material arrives at the site.  
Specific fire protection systems may be required in accordance with the Oregon Fire Code.  
This plan review shall not prevent the correction of errors or violations that are found to exist during construction. This plan review is based on the information provided only.  
Design and installation shall meet the Oregon requirements of the IBC, IFC, IMC and NFPA standards.

# Exhibit I

## Medford Water Commission Memo



BOARD OF WATER COMMISSIONERS

### *Staff Memo*

**TO:** Planning Department, City of Medford  
**FROM:** David Searcy Medford Water Commission Conservation Coordinator  
**SUBJECT:** DCA-16-072/CP-17-114/ZC-17-115

**PROJECT:** A legislative amendment and major zone change to convert public park properties to proposed Public Parks zone. Comprehensive Plan Amendment to update two elements to reflect new Public Parks zone. General Land Use Plan Map amendment to change: 1) newer parks to the Parks and School designation, 2) 2801 Merriman Road from Parks and Schools to Urban Residential, and 3) 1061 Dillon Way from Heavy Industrial to General Industrial. Proposal also includes a Development Code Amendment to add regulations related to the Public Parks zone.

**DATE:** February 7, 2018

I have reviewed the above project application as requested. Comments are as follows:

#### COMMENTS

Medford Water Commission (MWC) had initial concerns regarding Public Parks being exempted from Landscape and Irrigation Requirement code 10.780. However in a meeting with personnel of both Parks and Planning departments, MWC has been assured that the Parks Department internal planning governance to developing new areas is in line with the Landscape and Irrigation Requirement code.

# Exhibit J

## Planning Commission Study Session Minutes

### July 25, 2016



#### Planning Commission

## Minutes

From Study Session on July 25, 2016

The study session of the Medford Planning Commission was called to order at noon in the Lausmann Annex Room 151-157 on the above date with the following members and staff in attendance:

**Commissioners Present**

Patrick Miranda, Chair  
David McFadden, Vice Chair  
Tim D'Alessandro  
Joe Foley  
Bill Mansfield  
Mark McKechnie  
Jared Pulver

**Commissioners Absent**

David Culbertson, Excused Absence

**Staff Present**

Jim Huber, Planning Director  
Bianca Petrou, Assistant Planning Director  
Kelly Akin, Principal Planner  
Kevin McConnell, Deputy City Attorney  
John Adam, Principal Planner  
Chris Olivier, GIS Coordinator  
Sarah Sousa, Planner IV

**Subject:**

1. DCA-16-072 Public Zoning District Amendment

John Adam, Principal Planner, stated that this is just an early start and wanted feedback regarding the amendment.

Jim Huber, Planning Director, announced that this is Bianca Petrou, Assistant Planning Director, last meeting. She is retiring and her last day is Friday, July 29, 2016.

Sarah Sousa, Planner IV, reported that the public zoning district amendment will distinguish government facilities, schools and parks from all other zoning districts. The proposal will add two new zoning districts: 1) Public Government Facilities; and 2) Public Parks and Open Space.

The land that is being considered is owned and operated the federal, state and local governments. Included in the public zones are government offices, courthouses, fire and police stations, libraries, public schools, public parks, public open space (greenway), colleges and universities, utility facilities over 2 acres in area and the Rogue Valley International – Medford Airport. The public zones will not include public right-of-way, churches, fraternal orders, charter / private schools, utility sites less than 2 acres and special housing (Access / Housing Authority of Jackson County).

Some of the benefits are to identify on zoning map the location of government facilities, schools and parks and help differentiate these areas from the inventory of residential, commercial, and industrial land for city reporting purposes.

Planning Commission Study Session Minutes

July 25, 2016

In addition as staff moves forward they will be working with the Parks Department, Jackson County, Rogue Valley International – Medford Airport staff, utilities and others.

Other Code Sections will need to be revised and there will be a Comprehensive Plan amendment.

Staff used the model from the City of Bend schools and parks. Elementary and middle schools are permitted outright and high schools are conditional. Public parks are permitted outright and ball fields, sport complexes, and similar outdoor recreational that have night lighting or amplified sound systems are conditional.

This item will come back to the Planning Commission in another study session as a more complete package.

Commissioner McKechnie suggested clarifying as to whether or not all public parks are permitted outright and all ball fields, sport complexes, and similar outdoor recreational whether or not they have night lighting or amplified sound systems are conditional.

Mr. Adam stated that at this point the discussion is more centered on if there is zoning in place for parks does it need a conditional use permit or is the zoning enough that someday it will be developed as a park. The Parks Department does a lot of outreach beforehand. They invite neighbors to open houses and discuss what they are planning. Does the Planning Commission want two levels of a park, one with a playground and several ball fields that have no night lighting that would be a permitted use that goes through Site Plan and Architectural plan review, and then the ones that have lighting could be the conditional use permit? That is the differentiation that staff is asking their opinion on.

Commissioner Foley asked if the high schools were driven by the same thing? Mr. Adam replied yes.

Commissioner Mansfield stated that procedurally he assumes that if this goes into effect staff will need to do a zone change. Is that correct? Mr. Adam replied yes that staff would need to do zone change procedures.

Commissioner Pulver asked how do you determine the new zoning is consistent with the General Land Use Plan map? Mr. Adam stated they would define it that way. Define it as being anything that is commercial or residential can have public zoning when you define the parameters of the zoning.

The better way to think about this is the General Land Use Plan map is the future land use map. It does not necessarily reflect what is currently on the ground. The zoning map has the opportunity to have a more up-to-date and showing what is currently on the ground. That is as malleable and changeable as the ownership of the properties.

Planning Commission Study Session Minutes

July 25, 2016

Commissioner McKechnie stated that it would be the same thing as now. Whatever the zoning is now stays until an effort is made to change it. Is that correct? Mr. Adam stated that staff is proposing that the City undertakes the mass rezoning.

Vice Chair McFadden had concerns with the minimum and maximum area for zoning except two acres for utilities such as electrical substations or pump stations. It should also include reservoirs. Is the 2 acres minimum and what is the maximum? Private or public is not specified. Utility services are permitted in the government facilities but in the open space it is not. Actually open space is a place utilities often would want to go. He recommends that not being allowed in the open space be changed to permitted.

Mr. Adam stated the 2 acres is a minimum and there is no maximum. It depends on the size of the facility.

Commissioner Mansfield stated there is an Oregon statute that allows public utilities the right to use public street right-of-ways.

Commissioner Pulver needs help in understanding the true benefits of the amendment.

Mr. Adam reported that he is accustomed to seeing this in several other communities. He saw some benefits to it. It is his opinion that the undertaking is what gives everyone hesitation. It is the initial plunge but once it is on the map there is benefit to the public to be able to look at the map and tell where public utilities, parks etc. are located.

Commissioner Pulver commented that he does not think there are a lot of people spending time look at the zoning map. He is not opposed to the park designation with very limited uses associated with them. He struggles with the public facilities.

Commissioner Foley is concerned that there are no restrictions what you can do on the government property. If they own it they can do whatever permitted that may not be advantageous to the neighboring properties. The open space is good. Is the open space a quiet open space or a lot of activity i.e. ballfields, soccer fields etc.?

Chair Miranda stated that the designator on that is whether or not the facility is accessed during normal business or daylight hours or is it after hours where there will be lighting and sound for concerts and after school activities.

Chair Miranda reported that Mr. Adam mentioned that this would be an additional designation. For instance in residential there are multiple urban residential designations. This would be an additional designation that would be allowed in the residential districts? Mr. Adam replied yes and in commercial and industrial.

Commissioner McKechnie suggested making the 2 acre minimum to 1 acre minimum.

Planning Commission Study Session Minutes

July 25, 2016

Kelly Akin, Principal Planner, reported that where she came from government uses were permitted in any zoning district. It was a conditional use. Being able to site facilities wherever they are needed is a benefit to the community overall. As far as changing uses schools are conditional. The more problematic is what happens with surplus property that is now private.

Ms. Akin asked when talking about the open space is it just public open space or as we do the expansion areas the urban reserves will the 100 and 200 buffer yards also be designated as open space? Mr. Adam stated that they have talked about including them in the open space because they are not publically held but for a public purpose; the buffering. There might be some instances where they are publically held. They might be outlawed considering their size and the depth of them. They can be quite substantial. He is not sure if they are going there with them.

Staff is determined to get the parks zoning designation if nothing else at the end of the process.

Commissioner Pulver stated that the next time this comes to the Planning Commission he would like to see more dialogue in the table.

Mr. Huber reported that the findings for the Urban Growth Boundary will be before the City Council in a study session on Thursday, July 28, 2016. The City hired an attorney, Jeff Condit, to help review the findings. He will also be present at the study session. Assuming the City Council is content with the findings it will go be City Council at their public hearing on Thursday, August 18, 2016, for the adoption. After that it is submitted to the County.

Chair Miranda thanked Ms. Petrou for all her services and help she has given the Planning Commission. He has enjoyed working with her and hoped she enjoys her retirement.

The meeting was adjourned at 12:56 p.m.



Submitted by:  
Terri L. Rozzana  
Recording Secretary

# Exhibit K

## Planning Commission Study Session Minutes October 9, 2017



### Planning Commission

## Minutes

From Study Session on **October 9, 2017**

The study session of the Medford Planning Commission was called to order at 12:00 p.m. in the Lausmann Annex Room 151-157 on the above date with the following members and staff in attendance:

**Commissioners Present**

David McFadden, Vice Chair  
David Culbertson  
Joe Foley  
Bill Mansfield  
Mark McKechnie  
Jared Pulver

**Staff Present**

Kelly Akin, Assistant Planning Director  
Carla Paladino, Principal Planner  
Eric Mitton, Deputy City Attorney  
Sarah Sousa, Planner IV

**Commissioner Absent**

Patrick Miranda, Chair, Unexcused Absence  
E. J. McManus, Excused Absence  
Alex Poythress, Excused Absence

**Subject:**

**20.1 GF-17-122 Wholesale Marijuana In Community Commercial Zoning District**

Kelly Akin, Assistant Planning Director, stated that there is now a poultry ordinance. It allows six hens in the City of Medford. Peacocks, ostrich, emu and turkeys are not allowed.

Ms. Akin reported that staff received a request from James Scott, who is present today, owner of Oregon Grown Cannabis in Medford at the end of August. Oregon Grown Cannabis operates on the south side of Stewart Avenue, located near Columbus Avenue. Fire Station 2 was recently completed next door. Mr. Scott is requesting a code amendment to allow the wholesale trade of marijuana in the Community Commercial (C-C) zoning district.

As currently written, wholesale trade of marijuana is not permitted in the C-C zoning district. In October 2015, the code was amended to include marijuana related uses including production, processing, wholesale, laboratory and dispensaries. Special use regulations were also adopted outlining specific conditions related to marijuana uses. In December 2016, the code was amended to permit retail sales of marijuana in specific zoning districts. The code was amended again in May of this year to allow marijuana production and the manufacture of sugar and confectionary products in the C-H zone.

Wholesale trade of non-durable goods is not permitted in the C-C zone district. When marijuana uses were first introduced into the code it was considered equal to tomatoes and classified the various related uses accordingly. In this case, staff used classes 512

Planning Commission Study Session Minutes

October 9, 2017

(Drugs, Proprietaries, and Sundries), 516 (Chemicals and Allied Products), and 519 (Miscellaneous Nondurable Goods) as a basis to determine the appropriate location of marijuana related uses. These are not allowed in the C-C zone district.

In researching other cities, Ashland does not allow wholesale uses in the commercial zones but does in the industrial zones. Central Point allows retail sales but staff could not find information on wholesale uses. Roseburg allows wholesale uses in their industrial zones.

The policy staff has been working under related to citizen requests. The policy states that the Commission will initiate no more than two citizen requested text amendments in a calendar year. The Planning Commission has already done that. Also, staff's focus is on the Urban Growth Boundary expansion project. Based on those two factors, staff is recommending that this amendment not be initiated. Staff will place this item on the Thursday, November 14, 2017 agenda for the Planning Commission's decision.

The Thursday, October 12, 2017, Planning Commission meeting has been cancelled due to no business. There are no business items for Thursday, October 26, 2017, Planning Commission so that meeting may be cancelled.

Commissioner Pulver asked, when this comes before the Planning Commission, is it for the Planning Commission to direct staff to research this or to process it because the Commission thinks it has validity? Ms. Akin stated that if the Planning Commission initiates this it is important enough to add it into staff's workload.

Commissioner McKechnie asked Mr. Scott, what is the difference between retail and wholesale? Mr. Scott reported that the retail sells to the consumer. The only reason he is requesting this is that he constructed an FDA approved bank vault which is considered wholesale storage inside this dispensary. There is one camera to the OLCC designated to one rack in the vault. Wholesale is that he sells for farms. There would be no more traffic than what is there now.

Commissioner McKechnie asked, does a farm bring Mr. Scott cannabis in bulk and then Mr. Scott sells that cannabis bulk to other cannabis stores? Mr. Scott replied yes.

Mr. Scott asked, is there a variance allowed on his location? Ms. Akin reported no. Under the code he cannot apply for a variance to the use tables.

**20.2 DCA-16-072 / CP-17-114 / ZC-17-115 Public Zoning Amendment**

Sarah Sousa, Planner IV, reported that in July of 2016 there was a study session on public zoning. At that time, staff proposed two public zones that included zoning for parks, schools, government facilities, utilities, and the airport. The Planning Commission agreed that there was no need to rezone government buildings as uses are already

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allowed in commercial zones. Same is true for the airport, the uses are allowed outright in the light industrial zone. Also, the Commission could not see any real purpose in rezoning utilities. Staff generally agreed with those conclusions.

Staff scaled that back and is now proposing one new zoning district, the Public Parks Zone. This zone would only be applied to publically owned park properties and trails in Medford.

This would distinguish parks from other zoning districts. The current zoning map of Medford shows a lot of yellow residential zoning and red/pink commercial zoning. It will be more transparent to the public as to where the parks are in Medford. There is a General Land Use Plan Map (GLUP) designation for parks but not a matching zone. There is a GLUP designation for residential, commercial and industrial with corresponding zoning. Having a parks zone will be consistent with handling the other designations.

Having a parks zone is also helpful for reporting purposes and help to further refine the types of land in Medford. Two large parks will eventually be brought in with the proposed Urban Growth Boundary. Chrissy and Prescott Parks are over 1800 acres and it does not seem appropriate to annex them to the City and give them residential zoning.

Vice Chair McFadden asked, would putting them in the parks zone drop them out of the calculations for City density? Ms. Akin stated it drops them out of the buildable lands inventory.

The project includes four land use actions:

1. General Land Use Plan Map Amendment
  - Add the Parks Designation to newer parks in the system
  - Change the designation on two other properties
2. Major Zone Change
  - Convert park properties to Public Parks Zone
3. Development Code Amendment
  - Add new zoning with site development standards and permitted uses
4. Comprehensive Plan Amendment
  - Add description of Parks zone

Moving forward, staff will continue to work with the Parks Department, refine the Land Development Code amendments and present to the Planning Commission and City Council by the end of this year or early next year.

Staff would like the Planning Commission to consider whether continue reviewing parks as conditional use permits or through another type of review. It could be through the

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Planning Commission or the Site Plan and Architectural Commission. Currently, parks require a conditional use permit in the residential and commercial zones. The Parks zoning will imply that parks are the permitted use in the zone. Staff wants to maintain a higher level of review for parks with more active recreation, amplified noise, and field lighting. With existing parking getting updated and smaller parks getting developed, would an administrative review or director's decision be more appropriate for those situations?

Commissioner Foley does not think it is a bad idea in general. A conditional use permit for the smaller parks is a pain. His concern is some of the permitted uses. It is his opinion they are over extensive. There are too many permitted uses in the park that would require no review. Ms. Sousa reported that should have been clarified more. It would still require a Site Plan and Architectural Commission review. It is distinguishing between conditional and permitted.

Commissioner McKechnie stated that developing a school or government building it is not a park it is a building. It should not be categorized as a park if it is publicly owned. To him a park is an open space with play equipment. The uses do not fit.

Bill Mansfield reported that conditional use permits cost the tax payer's money to process. Isn't that a time honored system of letting the local folks that could be affected come in and say their peace? It seems to him that if these are set out in standards there may be situations that are detrimental to neighboring properties. Carla Paladino, Principal Planner, stated that under the parks zoning and if the Parks Department wanted to build a standard park, they would submit a staff report with a site plan, and the uses are already permitted, neighbors would be notified and then it would go to the director for approval. There would not be a hearing but there would still be an opportunity for comments from the public.

Vice Chair McFadden stated that parks are terrible neighbors. He feels more comfortable with the conditional use permit version than just the code.

Commissioner McKechnie reported that parks are not usually developed in an existing neighborhood. The park land is designated long before something else is built around it.

Ms. Sousa stated that the Parks Department does have neighborhood meetings when they are developing parks.

Commissioner McKechnie asked, regarding Cedar Links, was there a requirement to develop a park when the golf course was created? Ms. Akin reported no. The Parks Department acquired that property as the original developers were losing the property.

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Commissioner McKechnie stated that if there was a development with a park component that would get deeded to the City. The zone change would require a public hearing.

Vice Chair McFadden responded that later there would be developmental conditions.

Commissioner McKechnie added that if they wanted to add a basketball court or lights then that would require public comment.

Staff had discussed how to initiate the changes. As the Parks Department acquires park land in the future those lands would need to be changed. Would that require the Parks Department to submit an application or would the Planning Department annually inquire of the Parks Department what land have they acquired in the past year. Then staff could do an annual GLUP and zone change combination that would come before the Planning Commission. Making it more of a routine. Staff could write in the standard that they would notify neighbors within 250 feet of the property that is being converted.

Commissioner McKechnie thinks it would be easier for the Planning Commission every time the Parks Department acquired park land for them to submit an application.

Commissioner Pulver does not think this is the solution for the problem. He thinks there are other ways to designate where a park is other than creating a zone.

Commissioner Culbertson asked, why did the property on Merriman and Mason get switched to urban residential? Ms. Sousa reported that the school district no longer owns that property so it will be changed from parks and schools back to urban residential. A developer purchased the property.

Ms. Paladino heard from a few of the Commissioners that they are not sure about staff creating a park zone. Is that the consensus of the rest of the Commissioners?

Commissioner Foley, Commissioner McKechnie and Commissioner Culbertson thinks it makes sense to have a park zone.

Commissioner Pulver thinks it is inappropriate for one person to make the decision. Parks are one thing in one's head and another in reality. Saying all parks are the same is wrong. They are not. One may get noticed and write a letter to complain but it is different than having one's voice heard. That is part of the reasons this body exists. He disagrees with this zone. Ms. Paladino stated that is the process piece and staff can work on that piece.

Commissioner Foley asked, is Commissioner Pulver's concerns other than not wanting to add another complexity to it, if there was the right criteria so that there was review if

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something weird was happening, would that work? Commissioner Pulver replied, sure. Why are we going down this path to being with? It is supposed to lessen the work load but it seems like a lot of work to create something, in his mind, that does not need to be created in the first place.

The issue for Commissioner McKechnie came up when they had schools. Every time the school wanted to do something they had to go through a conditional use permit process which was a lot of time and money on their part for something that seemed reasonable and obvious. He thinks that is the impotence of this.

Commissioner Mansfield brought out the point about getting hearings for the people and Ms. Sousa make a good point that the Planning Director will do so but Commissioner Pulver thinks it should come before the Planning Commission.

Commissioner Culbertson thinks everything bears merit. Why can't the burdensome applications that come for something as simple as adding a swing set to a park be a desk decision? Why do paperwork and take up time to pull somebody off something? Maybe it comes as a small application for a partition that will be rubber stamped because it fits the box that the land use planning has created. If it is well within inside the bounds of the box and no one can punch a hole in the box even if a neighbor did not like it, it should be desk approved. There is no reason to take up the Planning Commission's time.

Commissioner McKechnie reported that the first decision is appealable.

Ms. Akin stated that appeals only go before the City Council.

Ms. Akins observation is that they do not often hear testimony for new parks but almost always hear testimony when changing a park. When they want to add something or revise something they hear from the neighbors.

**30. Adjournment**

The meeting was adjourned at 12:56 p.m.



Submitted by:

Terri L. Rozzana

Recording Secretary

# Exhibit L

## Planning Commission Study Session Minutes January 22, 2018



### Planning Commission

## Minutes

From Study Session on January 22, 2018

The study session of the Medford Planning Commission was called to order at 12:00 p.m. in the Lausmann Annex Room 151-157 on the above date with the following members and staff in attendance:

**Commissioners Present**

David McFadden, Vice Chair  
David Culbertson  
Joe Foley  
Bill Mansfield  
Mark McKechnie

**Staff Present**

Carla Paladino, Principal Planner  
Eric Mitton, Deputy City Attorney  
Sarah Sousa, Planner IV

**Commissioners Absent**

Patrick Miranda, Chair, Excused Absence  
E. J. McManus, Unexcused Absence  
Alex Poythress, Unexcused Absence  
Jared Pulver, Excused Absence

**Subject:**

**20.1 ZC-17-115 / DCA-16-072 / CP-17-114 – Public Parks Zoning District Amendment**  
Sarah Sousa, Planner IV, stated that the Planning Department is proposing to add a new zoning district, the Public Parks Zone, to the City of Medford. The Public Parks zone would be applied to publicly owned and park properties and trails in the City of Medford.

The purpose of the proposal is to distinguish parks from the other zoning districts; corresponding zone to the General Land Use Plan designation, reporting purposes and zone parks that are annexed with a Parks Zone.

There are two large parks within the proposed Urban Growth Boundary. Chrissy and Prescott Parks encompass approximately 1,800 acres. Having a Public Parks zone will allow these properties to be annexed and zoned as parks rather than residential land.

Today is the third study session on this topic. In July of 2016 was the first study session that staff proposed multiple public zones. Feedback from the Commission was not favorable on creating multiple public zones.

The second Planning Commission study session was October 2017. Staff proposed Planning Director level review for smaller parks. Feedback from the Commission was mixed but not necessarily favorable to the idea. Staff has removed that option.

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The current proposal is to have new parks reviewed under a new land use application. It would be similar to a Conditional Use Permit. It would be a Class "C" plan authorization with a public hearing before the Planning Commission. Revisions to parks originally approved under a conditional use permit would go back through a conditional use process. Trails would also go through a conditional use process.

Uses permitted in this new zone would have to be accessory to a park. Since the last time the Planning Commission reviewed this draft staff as added site development standards such as:

- Vehicular and Bicycle parking
- Special setback for noise producing sports courts (such as basketball courts) to residential properties
- Clarified which landscaping standards apply to parks

The next steps would be that it goes to the Planning Commission public hearing on February 22, 2018; City Council study session on March 8, 2018; and City Council public hearing on April 5, 2018.

For consideration of Park development review criteria:

- The proposed park or park building facility is located within the Public Park zone.
- The proposal complies with setbacks, lot coverage, off-street parking, signage, lighting, concealment of HVAC and trash, block length, landscaping (parking area planters, parking lot screening, and frontage landscaping) and other site development standards of the Code.
- The proposal applies with all other applicable provisions of all city ordinances or the Planning Commission has approved an exception as provided in Section 10.251.

Commissioner Foley asked, why run the existing parks through the conditional use process? Eric Mitton, Deputy City Attorney, had a concern with an existing conditional use permit that allows certain conditions that is permitted in the new Parks zone may have inadvertent consistencies in terms of the old conditional use permit becoming a nonconforming use with the current zoning and both existing in tandem. Legally it could be done either way. It is a matter of preference. Whether it is easier administratively for the existing conditional use permit to keep amending or convert them getting rid of the conditional use permit and it is not existing as a prior nonconforming use. At that point they are part of the new amendment and follows those rules.

Commissioner McKechnie thinks where all the conditional use permits are amended to be consistent or nonconforming. The hardest thing to administer is something that has been grandfathered.

Commissioner Mansfield thinks that some of the permitted uses are strange like Christmas tree sales, live crab sales and gas production. Vice Chair McFadden

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commented that the gas company has had facilities in City parks. Commissioner McKechnie reported that the Farmer's Market is held in a public park.

Commissioner McKechnie asked, what happens with the "Ps"? Ms. Sousa reported that if the "P" has a little "s" it is referenced in another code section.

There was discussion on beekeeping as a permitted use. The Parks Department would have to approve beekeeping in a public park.

Mr. Mitton stated that the Parks Department has the ultimate discretion to say no to any use regarding public parks. It is a permitted use as a zoning issue. If a property owner wants to put a permitted use they have to go through the process.

Commissioner Culbertson suggested language in the new amendment that states the Parks Department has discretion with backing.

Commissioner McKechnie's opinion is that that the 150 feet setback for basketball courts. Is unreasonably restrictive. 10 feet should be enough.

Vice Chair McFadden asked, what if a person takes an empty lot and turns it into a park. Does there need to be control on residential parcels of property used as a park but is not a City park? Ms. Sousa stated they would need a conditional use permit.

Commissioner Culbertson asked, when the State reviews the Urban Growth Boundary amendment properties that will be allowed for annexation, any of the lands dealing with the parks or the possibility of Chrissy or Prescott parks, take way from the lands the City said were the first lands to take a look at? Ms. Paladino reported that Chrissy and Prescott parks are part of the amendment. That is another roughly 1,800 acres that is allocated for parks.

Commissioner Mansfield stated that the permitted use for camps and recreational vehicle parks he is not opposed to but the City of Ashland is engaged in a battle with the homeless people. The City of Ashland prohibits the parking of recreational vehicles in parks to prevent homeless people parking there at night. He wonders if the City of Medford wants to recreate that kind of prohibition or not.

Does the Commission like the idea of the park development review and getting away from the conditional use permit allowing the Commission to review the site plan portion? The consensus of the Planning Commission was in favor.

Commissioner McKechnie commented that there is always on-street parking for parks. The City, as a rule, does not count on-street parking. Maybe they should start doing that.

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Commissioner Foley asked, what about bicycle parking? These are good goals to have but not necessarily right. Ms. Sousa stated that the Planning Commission would have the authority to apply the parking standard.

Commissioner Foley asked, is this tied to the Parks recommendation? Ms. Sousa reported this is from the Leisure Services Plan. She believes they will be in agreement. Staff will find out.

The Planning Commission is comfortable with where staff is going with this amendment.

**30. Adjournment**

The meeting was adjourned at 12:47 p.m.



Submitted by:

Terri L. Rozzana

Recording Secretary

# Exhibit M

## City Council Study Session Minutes

### March 8, 2018

#### MINUTES

March 8, 2018

6:00 p.m.

City Hall, Medford Room

411 W. 8th Street, Medford, Oregon

The Medford City Council Study Session was called to order at 6:00 p.m. in the Medford Room of the Medford City Hall on the above date with the following members and staff present:

Mayor Gary Wheeler; Councilmembers Clay Bearnson, Kay Brooks, Tim D'Alessandro, Dick Gordon, Tim Jackle, Kevin Stine, Kim Wallan, Michael Zarosinski

City Manager Brian Sjothun; City Attorney Lori Cooper; City Recorder Karen Spoons;

Councilmember Dick Gordon was absent.

#### Park Zone Direction

Sarah Sousa outlined the reasons behind creating a new zoning criteria entitled "Public Parks Zoning":

- Would more accurately reflect the use of the land as a park or trail
- Differentiates between residential, commercial, or industrial lands
- Planning Commission held three study sessions; also three meetings with the Parks Department
- Outlined proposed general land use plan map amendments for 1061 Dillon Way, 2801 Merriman Road and 12 newer parks in the system
- Land Development Code Amendment 1 Land Use approval 2 Park Development review (similar to a CUP)
- Private parks or parks not within the Public Parks zone would be subject to CUP
- Most uses would be accessory to a park
- Site Development Standards 3 < Clarified which landscaping standards apply to parks
- Added signage allowance
- Comprehensive Plan Amendment 4 Public Facilities Element 5 Parks, Recreation, and Leisure Services
- General Land Use Plan Element
- Staff will finalize project with Council's support
- If Council does not want to add a new Public Parks zone, the minor comprehensive plan map amendments would still be needed
- Next Steps 6 Finalize draft

•Planning Commission hearing on April 12, 2018

•Council hearing on May 17, 2018

•Staff sought direction from Council to move forward with the Public Parks zoning amendment

Council discussed: •Parks zone designations in Bend, Salem, Central Point

•Evident to the public where parks are located

•One public hearing for all changes presented

•Planning Director to make Type 2 Administrative decision with notice

•No buffer requirements were proposed, but usually includes landscaping or a wall between parks and residential areas

•Council agreed to zone creation as presented

The meeting adjourned at 6:40 p.m.

Karen M. Spoonts, MMC

City Recorder

# Exhibit N

## Planning Commission Minutes from April 12, 2018



### Planning Commission

## Minutes

From Public Hearing on **April 12, 2018**

The regular meeting of the Planning Commission was called to order at 5:30 PM in the City Hall Council Chambers on the above date with the following members and staff in attendance:

#### Commissioners Present

Patrick Miranda, Chair  
David McFadden, Vice Chair  
David Culbertson  
Joe Foley  
Bill Mansfield  
Mark McKechnie  
E.J. McManus  
Alex Poythress  
Jared Pulver

#### Staff Present

Kelly Akin, Assistant Planning Director  
Eric Mitton, Deputy City Attorney  
Carla Paladino, Principal Planner  
Terri Rozzana, Recording Secretary  
Dustin Severs, Planner III  
Steffen Roennfeldt, Planner III

**50.3 DCA-16-072 / CP-17-114 / ZC-17-115** The proposal is a four part project that includes the following land use applications: **1) A General Land Use Plan Map Amendment** to update the Comprehensive Plan Map by converting existing parks from their current GLUP designation to the Parks and Schools GLUP designation and make corrections to two other properties that are privately owned located on Merriman Road and Dillon Way; **2) A Major Zoning Map Amendment** to create a new Public Parks (P-1) zoning district and convert existing publicly owned park properties from their current zoning designation of residential, commercial, or industrial to the new zoning designation; **3) A Land Development Code Amendment** to amend various sections of Chapter 10 of the Municipal Code to add regulations, uses, and procedures associated with the new Public Parks (P-1) zoning district; and **4) A Minor Comprehensive Plan Amendment** to update two elements of the Comprehensive Plan to reflect the new Public Parks (P-1) zoning district.

Chair Miranda inquired whether any Commissioners have a conflict of interest or ex-parte communication they would like to disclose. None were disclosed.

Chair Miranda inquired whether anyone in attendance wishes to question the Commission as to conflicts of interest or ex-parte contacts. None were disclosed.

Carla Paladino, Principal Planner, stated that the code amendments and major zoning map amendments criteria can be found in the Medford Land Development Code Section 10.184 (2) & (3). The applicable criteria were included in the staff report, property owner

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notices and hard copies are available at the entrance of Council Chambers for those in attendance. Ms. Paladino gave a staff report.

Vice Chair McFadden stated that the properties that are State and County owned look like they have been committed for long term buildable lots. He assumes the State or County will not sell them leaving a vacant area in the middle of everything else. Ms. Paladino reported that staff received information from the County that they had no issues with the rezone. The County properties are along the Greenway so there is no change. Staff received comments back regarding the Oregon Department of Transportation (ODOT) properties in the exhibits provided today. They are not in favor of changing the ten properties. Those properties should not be noted as tax lots and should be noted as right-of-way. Staff submitted that information to the County yesterday. The County came back today and stated they have updated their assessor maps to show that. Staff's recommendation is to take those ten properties that are ODOT owned out.

Ms. Paladino continued with her staff report.

Exhibits M through R were emailed to the Planning Commission earlier today.

- Exhibit M: Parks Department email from Haley Cox
- Exhibit N: Parks Department suggested revisions to code amendments
- Exhibit O: Revised code language with Park Department edits and changes discussed with Parks Staff
- Exhibit P: Jackson County email
- Exhibit Q, Q-1, Q-2: Oregon Department of Transportation email and attachments
- Exhibit R – Engineering Department email comments

Commissioner Foley asked, what is the approving process today versus with the new zone? Ms. Paladino reported that the criteria will be different. It would be specific to Parks, consistent with the Leisure Services Plan, mitigation, etc. It mirrors the Conditional Use Permit process. Staff did not think it appropriate for a zone that calls out what the use is that an applicant would have to request special approval conditionally to get that use.

Commissioner McKechnie asked, are schools put in with Parks? Ms. Paladino stated that staff wanted to create a broad public district that would include government facilities, parks, schools, utilities and that was too much. The Planning Commission at the time noted that the proposal needed to be slimmed down. The focus now is just on parks. The zoning will not change for school designations that have the parks and school General Land Use Plan designation.

Commissioner McKechnie asked, if a building or school is in a park does that come to the Planning Commission or to the Site Plan and Architectural Commission for review? Ms. Paladino stated that the permitted use table identifies where it would go. Schools would

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go to the Site Plan and Architectural Commission for review. A park building would go before the Planning Commission.

Commissioner Mansfield stated the Ms. Paladino mentioned restaurants being a use in a park. He does not understand that. Why allow restaurants to be built in parks? Ms. Paladino stated there are those types of uses in other parks.

Chair Miranda did not understand police stations and fire departments on parkland. Ms. Paladino stated that Fire Station #3 is on parkland. Staff did not want to make anything nonconforming.

Vice Chair McFadden stated that on page 146 of the agenda packet he does not know the definition of a linear park. Ms. Paladino reported the example noted in the Leisure Services Plan of a linear park is the trail along Biddle Road.

Vice Chair McFadden had concerns that under permitted uses does the City see any need to specify renting out a park or provide sole use of a park other than the normal permit process? On the sports court and noise the 50 feet is too small. Under caretaker provision with a caretaker residence within the park, what are the setbacks? He was surprised that signs and lighted signs were included in parks.

Commissioner Pulver requested clarification of Exhibit O versus Exhibit E. Ms. Paladino clarified the revised code language beginning on page 5 of the new exhibits distributed earlier today.

Commissioner Pulver does Medford have a lot of City owned facilities leased to private parties such as an aquatic facility with a café. It is not the primary use of the building it would be part of the aquatic center. Ms. Paladino reported that is correct. It would be an accessory. A lot of the permitted uses could potentially be accessory. Police station or fire department would be a primary use.

Commissioner Pulver also is confused on schools. The intent is just for parks but for approved uses the schools are listed. Ms. Paladino gave an example why. The West Howard Park that is in the County may potentially become part of the City. There is a charter school approved on that site.

The Public Hearing was opened.

a. Raul Woerner, CSA Planning Ltd., 4497 Brownridge Terrace, Suite 101, Medford, Oregon, 97504. Mr. Woerner shared his thoughts. He has done a lot of work in jurisdictions throughout the states and many that have special protection, school and park zones. At times it complicates projects that may have been easy like a property line adjustment, land exchange or sale of excess property. Is there an alternative to approach

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the objective by taking the special permitting and making it clear that parks can be allowed as a permitted specialty use in all the zones they previously were rather than creating a zoning district? If you need to know where parks are put a note on the map. There are long term consequences requiring it to be in a zoning district. Streamline the permitting standard for parks. Zone changes always come with the issue of what to do with traffic. There are properties that are already commercially designated. How many of those have pipeline trips or trips credited in the transportation model that assume they are commercial because they are going to be down zoned? He suggested to bank those trips and get credits when dealing with ODOT in the future on facility projects. Maybe put it up for auction. He has a lot of other issues. What is good for the goose is good for the gander. If you have something for public parks have something for private parks.

Ms. Paladino followed up stating that staff talked to the Public Works Department about the issue of zone changes and whether or not to add it to the locational criteria. Mr. Woerner is correct about the ITE manual that talks about trips per uses would be less than residential or commercial. Their thought was since there is a lesser traffic impact there would not be any requirement for locational standards for the zone change.

In terms of allowance for parks on other zones staff is not changing that part of the permitted use table. For publically owned land staff would like to match parks and schools GLUP map designation and match that with the appropriate park zone. Staff is not going to rezone properties that are potentially private.

Commissioner McKechnie asked, when two parcels next to each other that are differently zoned and the zone runs on the property line, if a property line adjustment is done, does the zone automatically move with it? Ms. Paladino reported that the criteria for property line adjustment does not allow it to be a split zone. It would not move. There would have to be a zone change.

The Public Hearing was closed.

Motion: The Planning Commission, based on the findings and conclusions that all of the approval criteria are met or are not applicable, initiates the amendment, and forwards a favorable recommendation for approval of DCA-16-072, CP-17-114, to the City Council, and the Planning Commission approves ZC-17-115 without forwarding it to the City Council (see note below), including Exhibits M through R with the following changes:

- Modify header on report
- Modify number of properties from 144 to 132 & update table
- Remove 10 ODOT properties from proposal
- Use Exhibit O in place of Exhibit E
- Move criteria language in 10.295 (A) (5) to more suitable location

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**NOTE:** The proposed zone change is a Major Zone Change (Class A procedure) which provides for a Planning Commission recommendation and City Council approval. The Planning Commission does not have final approval authority on Class A applications. The ZC-17-115 application will be forwarded to City Council for approval.

Moved by: Vice Chair McFadden

Seconded by: Commissioner McKechnie

Commissioner Pulver commented that reading the minutes from previous study sessions he echoes some of Mr. Woerner's comments. He is not sure this is necessary or appropriate and has reservations as to the why. He appreciates staff's work. As far as permitted uses he struggles with some of the items on the list. He thinks they are too broad.

Roll Call Vote: Motion passed, 8-1, with Commissioner Pulver voting no.

# Exhibit O

## Email from Parks Department

### April 5, 2018

Hi Sarah and Carla,

Sorry to get this to you a bit later than expected. The items I was getting back to you about are below:

1. Sign size: 10.1160 1.b can we make the sign size larger with director approval? Also, freeway signs should not have to be in lieu of ground signs for a park as there may be multiple access points that need signage.
2. Building height: 35 and 55 is fine
3. Trails/pathways: 10.295 CUP should not be required for trails. We should be able to build trails in any Park Zone without Planning Commission review. The Riparian Corridor code requires a CUP for trails in riparian areas, and we are currently developing standards for trail development citywide.
4. Permitted Uses: Haven't thought of anything else!

We had Jay take a look over the language and he had a few suggestions, attached. Some of the items you may have already covered from our previous discussions. Let me know if you have questions about anything we're proposing.

Thanks for your work on this!

Haley

**Haley C. Cox**, EcoDistricts AP | Parks Planner  
City of Medford Parks, Recreation & Facilities Management  
701 North Columbus Avenue | Medford, Oregon 97501  
Phone: 541-774-2408 | Email: [haley.cox@cityofmedford.org](mailto:haley.cox@cityofmedford.org)

## Exhibit P

### Parks Department Suggested Revisions to Draft Code Text

**PUBLIC PARKS ZONING AMENDMENT  
Parks Department Suggested Changes  
(DCA-16-072/CP-17-114/ZC-17-115)**

(Blue indicates proposed language / Red strikeouts indicate words to be removed)

#### ARTICLE I – GENERAL PROVISIONS

##### 10.012 Definitions, Specific.

**Public Park.** An area or facility publicly owned which provides recreational opportunities for the general public. This includes future parkland as well as existing mini, neighborhood, community, special use, and linear parks.

#### ARTICLE II – PROCEDURAL REQUIREMENTS

##### 10.102 Plan Authorizations.

A plan authorization is a specific planning and development review process which sets forth specific conditions for development consistent with the policies, standards and criteria of the Comprehensive Plan and this chapter. Plan authorizations are categorized as follows:

##### Class A

Comprehensive Plan Amendment, Major  
Land Development Code Amendment  
Zoning Map Amendment, Major

##### Class B

Annexation  
Comprehensive Plan Amendment, Minor  
Transportation Facility Development  
Vacation

*See Review & Amendments Chapter of the Comprehensive Plan for definitions of "major" and "minor" Class A and B authorizations.*

##### Class C

Conditional Use Permit  
Exception  
Historic Review  
Land Division  
Planned Unit Development (PUD)  
Site Plan and Architectural Review  
Zoning Map Amendment, Minor (i.e., "Zone Change")  
Park Development Review

**10.122 Authority of the Planning Commission.**

The Planning Commission is hereby designated as the approving authority for the following actions:

	<b>Plan Authorization</b>	<b>Class</b>
1.	Zone Changes, except when applied by the City concurrent with annexation	"C"
2.	Planned Unit Developments, Preliminary PUD Plan	"C"
3.	Conditional Use Permits	"C"
4.	Exceptions	"C"
5.	Land Divisions, Tentative Plats	"C"
6.	<b>Park Development Review</b>	"C"

**10.146 Referral Agencies, Distribution.**

This Chapter employs the use of referral agencies for the review of those plan authorizations indicated below, as shown on the Schedule which follows:

- A. Major Comprehensive Plan Amendment
- B. Land Development Code Amendment
- C. Minor Comprehensive Plan Amendment
- D. Annexation, except as provided in Section 10.199
- E. Vacation
- F. Zone Change, Major and Minor
- G. Conditional Use Permit
- H. Exception
- I. Planned Unit Development
- J. Land Division
- K. Site Plan and Architectural Review
- L. Transportation Facility Development
- M. Historic Review
- N. Administrative (Class D) plan authorization
- O. **Park Development Review**

**10.157 Notification, Publication and On-Site Posting.**

(1) Publication. Unless otherwise indicated notification of all proposed actions shall be published in a newspaper of general circulation prior to the scheduled meeting date before the approving authority. The schedule of publication for each type plan authorization shall be as follows:

<b>Plan Authorization Classification</b>	<b>Specific Type</b>	<b>Publication Schedule</b>

A	All	No later than 10 days prior to the scheduled meeting date before the advisory agency. No later than 10 days prior to the scheduled public hearing date before the approving authority.
B	Annexation	Once each week for two successive weeks prior to the day of the hearing before the approving authority. Notice shall also be posted in four public places in the city for a like period.
B	Vacations	Once a week for two consecutive weeks prior to the date of the hearing before the approving authority. Within five days after publication of the first notice, the City Recorder shall cause to be posted at or near each end of the proposed vacation a copy of the notice which shall be headed "Notice of Street Vacation", "Notice of Plat Vacation" or "Notice of Plat and Street Vacation" as the case may be; the notice shall be posted in at least two conspicuous places in the proposed vacation area. The posting and first day of publication of such notice shall be not less than 14 days before the hearing.
B	Minor Comp. Plan Amendments [quasi-judicial], Transportation facility development	Shall be published in a newspaper of general circulation no later than 10 days prior to the scheduled meeting date before the approving authority.
C	Zone changes, Preliminary PUD plans, Conditional use permits, Exceptions, Land divisions, Park Development Review	Shall be published in a newspaper of general circulation no later than 10 days prior to the scheduled meeting date before the approving authority.
C	Site plan and architectural review, Historic review	Shall be posted in a public place no later than five days prior to the scheduled meeting date before the approving authority.
D		None

**10.158 Notification, Affected Property Owners.**

Notification shall be mailed to the applicant and all affected property owners no later than 20 days prior to the scheduled meeting date before the approving authority. All addresses for mailed notices shall be obtained from the latest property tax rolls of the Jackson County Assessor's office. Affected property owners for each type of plan authorization shall be determined as follows:

Plan Authorization Classification	Specific Types	Affected Property Owners
-----------------------------------	----------------	--------------------------

A		Generally not applicable to a legislative action unless it meets ORS 227.186 criteria (i.e., the change effectively rezones property.)
B	Vacations	All property owners within the area of a plat vacation or all abutting property and all attached real property within 200 feet laterally and 400 feet beyond the terminus of each right-of-way to be vacated.
B	Annexations, Minor Comp. Plan Amendments (quasi-judicial), Transportation Facility Development	All owners of property within the project boundaries plus all property owners within 200 feet of the project boundaries.
C	Zone Changes, Conditional Use Permits, Exceptions, Site Plan and Architectural Review, Land Divisions, Historic Review, <a href="#">Park Development Review</a>	All owners of property within the project boundaries plus all property owners within 200 feet of the project boundaries.
C	Preliminary PUD Plans	All owners of property within the project boundaries plus all property owners within 200 feet of the project boundaries. The owners of no less than seventy-five tax lots shall be notified. If seventy-five tax lots are not located within 200 feet of the exterior boundary of the PUD, the notification area shall be extended by successive 50-foot increments, until the minimum number of lots are included in the notification area. Owners of all tax lots within the extended notification area shall receive notice.
D		All owners of property within the project boundaries plus all property owners within 200 feet of the project boundaries.

**10.295 Park Development Review**

In order to ensure a harmonious transition between parkland and surrounding uses, a Park Development Review is required for new and expanded parks within the Public Parks zone. All parks and park facilities within the Public Parks zone previously approved under a Condition Use Permit are subject to the Park Development Review process [for any major modification \(as defined below\) to the prior CUP](#). Park Development Review is a procedural Class “C”, quasi-judicial decision, with the Planning Commission as the approving authority.

The following uses are subject to a Conditional Use Permit:

1. New or expanded parks outside of the Public Parks Zone
2. [New or expanded trails in all zones](#)

**Commented [JH1]:** Without this language added “anything” new at existing parks would require a new review. Definitely do not want that.

**Commented [JH2]:** We are creating a new process for this that will not be a conditional use permit.

**A. Park Development Review Criteria**

The approving authority (Planning Commission) shall approve a Park Development Review application if it can find the proposed park development conforms, or can be made to conform through the imposition of conditions, with all of the following criteria:

1. The proposed park or park building facility is located within the Public Park zone.
2. The proposal is substantially consistent ~~complies~~ with the Leisure Services Plan of the Comprehensive Plan.
3. The proposal complies with all applicable provisions of all city ordinances or the Planning Commission has approved an exception as provided in Section 10.251. Public works improvements and right-of-way dedications shall be found by the Planning Commission to be reasonably associated with impacts caused by the park or necessary for service to the park.
4. The proposal addresses the mitigation of impacts, if the Planning Commission finds impact mitigation to be necessary, as described in 10.295(B).
- 4.5. If a Park Development Review has been approved, or is submitted concurrently, with a proposed land division any required public works or utility improvements shall apply at the time of implementation of the Park Development. Final plat of the land division may proceed in advance of any required public or utility improvements; this provision is intended to make the process to acquire lands for future public parks straightforward and not trigger major utility and public works expenses as part of the park land acquisition process.

**Commented [JH3]:** This will solve the issue we talked about and allow land divisions for park lands without an need for public improvements until the park is actually constructed

**B. Special Conditions**

In authorizing a Park Development Review approval, the Planning Commission may impose any of the following conditions to ensure compliance with the standards of the code, and to otherwise ensure the general welfare of the surrounding area and the community as a whole:

1. Modify the manner in which the park operates, including restricting the time an activity may occur, restraints to minimize noise, vibration, air pollution, glare, and odor;
2. Establish a special setback;
3. Modify the height, size, bulk, or location of a building or other structure; This can be accomplished with changes in building orientation and articulation, surface materials, windows, doors, and other architectural features;
4. Designate the size, number, location, or nature of vehicular access points;
5. Modify the improvements within the street right-of-way;
6. Designate the size, location, screening, drainage, surfacing, or other improvement of the parking areas;
7. Designate the location, surfacing, or type of bicycle parking;
8. Limit or increase the number of vehicular and bicycle parking spaces;
9. Limit the number, size, location, height, or lighting of signs;
10. Limit the number, location, height, directional orientation, and intensity of exterior lighting;
11. Require the installation of landscaping, wall, or fences or other methods of screening and buffering; designate the size, height, location, or materials of fencing;

- 12. Increase or decrease the amount of landscaping on the site;
- 13. Protect, restore, and retain existing natural features.

**C. Modifications of a Park Development Review.**

1. Major Modification.

Any modification that is not a minor modification is a major modification. A request to substantially modify a Park Development Review shall be processed in the same manner as a request for a Park Development Review 10.295. For existing parks with CUP approvals issued prior to the creation of the Park Development Review process, the review shall be delimited to the new or expanded Park uses or development that have not previously been approved through the CUP process if such delimited review is requested by the Parks Director at the time the application is filed. The Planning Director may waive submittal requirements deemed unnecessary or inapplicable to the proposal.

2. Minor Modification.

A minor modification to an approved Park Development Review or prior CUP approval may be approved by the Planning Director provided the Planning Director determines that the modification does not constitute a major modification. The purpose of the determination is to assure that a modification does not significantly affect other property or uses; will not cause any deterioration or loss of any natural feature, nor significantly affect any public facility. A minor modification shall meet all of the following standards:

- (a) Meets all requirements of the Land Development Code and other legal requirements  
The nature of the modification is consistent with the type of park approved in the applicable prior CUP or the Park Development Review (neighborhood park, greenway/linear park, regional athletics facility, etc).
- (b) No relocation of vehicle access points and parking areas where the change will generate an impact that would adversely affect off-site or on-site traffic circulation.
- (c) No reduction or elimination of any significant natural resources (streams, creeks, landform), or any fencing and other screening material that was specifically required as a condition of approval.
- (d) Modifications to facilities and utilities conform to the adopted facility plans.
- (e) Modifications to any other components of the plan conform to standards of the Land Development Code
- (f) No modification to any condition of approval.

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**D. Expiration of a Park Development Review.**

(1) Within two (2) years following the final order date, substantial construction on the development shall be initiate completed, or if a use, the use shall have commenced operation. If a request for

an extension is filed with the planning department within one (2) years from the approval date of the final order, the approving authority (Planning Commission), may, upon written request by the applicant, grant a single extension of the expiration date for a period not to exceed one (1) year from the expiration date of the final order. An extension shall be based on findings that the facts upon which the Park Development Review was first approved have not changed to an extent sufficient to warrant refiling of the Park Development Review application.

~~(2) When it is the intent to complete an approved project in phases, the approving authority may authorize a time schedule for the issuance of building permits for a period exceeding one (1) year, but in no case shall the total time period for the issuance of building permits be greater than five (5) years without having to resubmit a new application for Park Development Review.~~

### ARTICLE III - ZONING DISTRICTS

It is the purpose of Article III to divide the City into zoning districts according to land use by type and intensity of development.

#### 10.300 Establishment of Zoning Districts.

This Code separates the city into ~~four~~ ~~three~~ basic use classifications, ~~16~~ 17 zoning districts, nine overlay districts, and five administrative mapping categories as follows:

##### A. RESIDENTIAL

SFR-00	Single-Family Residential	-	(1 dwelling unit per existing lot)
SFR-2	Single-Family Residential	-	(2 dwelling units per gross acre)
SFR-4	Single-Family Residential	-	(4 dwelling units per gross acre)
SFR-6	Single-Family Residential	-	(6 dwelling units per gross acre)
SFR-10	Single-Family Residential	-	(10 dwelling units per gross acre)
MFR-15	Multiple-Family Residential	-	(15 dwelling units per gross acre)
MFR-20	Multiple-Family Residential	-	(20 dwelling units per gross acre)
MFR-30	Multiple-Family Residential	-	(30 dwelling units per gross acre)

##### B. COMMERCIAL

C-S/P Commercial, Service and Professional Office

C-N Commercial, Neighborhood

C-C Commercial, Community

C-R Commercial, Regional

C-H Commercial, Heavy

##### C. INDUSTRIAL

I-L Industrial, Light

I-G Industrial, General

I-H Industrial, Heavy

##### D. PUBLIC

P-1 Public, Parks

##### ~~D~~.E. OVERLAY DISTRICTS

I-00 Limited Industrial

A-A Airport Approach

A-R Airport Radar

A-C Airport Area of Concern

- C-B Central Business
- E-A Exclusive Agriculture
- F Freeway
- S-E Southeast
- H Historic
- ~~E~~ F. ADMINISTRATIVE MAPPING CATEGORIES
- Downtown Parking
- Limited Service
- P-D Planned Unit Development
- R-Z Restricted Zoning
- Airport Fence Line

It is the intent in establishing the above districts to implement the “General Land Use Plan Element” of the *Comprehensive Plan*, and to achieve compatibility of adjacent land uses.

**10.314 Permitted Uses in Residential Land Use Classification.**

The following table sets forth the uses allowed within the residential land use classification by zoning district. Uses not identified herein are not allowed. (See Article I, Section 10.012, for the definition of each listed use.)

These symbols indicate the status of each listed use:

- “P” = Permitted Use.
- “C” = Conditional Use; permitted subject to approval of a Conditional Use Permit. (See Article II, Sections 10.246 - 10.250.)
- “X” = Prohibited Use .
- “s” = Special Use (See Article V, Sections 10.811- 10.900, Special Use Regulations)
- “EA” = Permitted only when within an EA (Exclusive Agriculture) overlay district.
- “PD” = Permitted Use if in a PD (Planned Unit Development).

PERMITTED USES IN RESIDENTIAL ZONING DISTRICTS	SFR 00	SFR 2	SFR 4	SFR 6	SFR 10	MFR 15	MFR 20	MFR 30	Special Use or Other Code Section(s)
<b>6. NONRESIDENTIAL SPECIAL USES</b>									
(a) Bed and Breakfast Inn	X	X	Cs	Cs	Cs	Ps	Ps	Ps	10.828
(b) Child Day Care Center	Cs	Cs	Cs	Cs	Cs	Cs	Cs	Cs	10.811
(c) Institutional Uses ( <del>Schools, Churches, Government Facilities—Excluding Storage or Repair Yards or Warehouses, Cemeteries, etc.</del> )	Cs	Cs	Cs	Cs	Cs	Cs	Cs	Cs	10.815-817
(d) Community Services	C	C	C	C	C	C	C	C	10.817

Facilities (Parks, Recreation, etc.)									
(e) Transit, Pedestrian, or Bicycle Facilities	P	P	P	P	P	P	P	P	10.747-810
(f) Utility Distribution Systems	Ps	10.830							
(g)(i) Agriculture, Agricultural Building, Livestock, Farm	EA	10.360-361							
(g (ii) Conditional Agricultural-Related Activities (On-Site Farm Product Sales, Small Winery, Public/Private Events)	EA/C	10.362							
(h) Riding Stable or Paddock (Private)	EA	10.813							
(i) Temporary Contractor's Office and/or Construction Equipment Shed	Ps	10.840							
(j) Temporary Model Home	Ps	10.840							
(k) Temporary Real Estate Office	Ps	10.840							
(l) Wireless Communication Support Structure	Cs	10.824							
(m) Wireless Communication Facilities, other than Support Structure	Ps	10.824							
(n) Beekeeping	Ps	Ps	Ps	Ps	Ps	X	X	X	10.813(C)

**10.325 Commercial, ~~and Industrial~~, and Public Land Use Classifications.**

The City's commercial, ~~and industrial~~, and public land is divided into ~~nine~~ **eight (8)** ~~commercial and industrial~~ zoning districts as follows:

- (1) Service Commercial and Professional Office ..... C-S/P
- (2) Neighborhood Commercial ..... C-N
- (3) Community Commercial ..... C-C
- (4) Heavy Commercial ..... C-H
- (5) Regional Commercial ..... C-R
- (6) Light Industrial ..... I-L

- (7) General Industrial..... I-G
- (8) Heavy Industrial..... I-H
- (9) Public Parks..... P-1

**10.333 Public Parks, (P-1)**

The P-1 district provides land for publicly owned open space, parkland, and trails. It is intended for city parks, recreational facilities, trails, and open space publicly owned and operated within the city.

**PROPOSED USES IN PARKS ZONE TO BE INSERTED INTO TABLE 10.337**

SIC #	USE	P=Permitted Ps = Special Use C=Conditional Use Cs=Conditional Use with special regulations	Additional Regulations
002	Public Parks, Recreation and Leisure Facilities and Services	P	PDR
0279	Beekeeping	Ps	The special use for beekeeping corresponds with Section 10.813
431	U S Postal Service	P	SPAC
481	Wireless Communication Support Structure	Cs	The special use references for Wireless Communication Support Structure and Wireless Communication Facilities, other than Support Structure, correspond with special uses 10.824
	Wireless Communication Facilities, other than Support Structure	Ps	
491	Electric Services	Ps	The special use references correspond with Section 10.830
492	Gas Production and Distribution	Ps	
493	Combination Utility Services	Ps	
494	Water Supply	Ps	
495	Sanitary Services	Ps	

SIC #	USE	P=Permitted Ps = Special Use C=Conditional Use Cs=Conditional Use with special regulations	Additional Regulations
5261	Christmas Tree Sales	Ps	The special use reference for the sale of Christmas trees corresponds with Section 10.840
543	Farmers Markets	P	
	<b>Eating and Drinking Places</b>		
5814	With Entertainment	P	SPAC
5815	Without Entertainment	P	SPAC
5816	With Outdoor Eating	Ps	Establishments with Outdoor Eating Areas correspond with Section 10.833
5817	Temporary Food Vendor	Ps	The special use reference for temporary food vendor corresponds with Section 10.840
5818	Small Food Vendor	Ps	Special Use for Small Food Vendors correspond with Section 10.823
703	Camps and Recreational Vehicle Parks	Ps	Subject to Park Development Review
792	Producers, Orchestras, Entertainers	P	SPAC
794	Commercial Sports	P	SPAC
799	Misc. Amusement, Recreational Services	P	SPAC
821	Elementary and Secondary Schools	P	SPAC
829	Schools & Educational Services, nec	P	SPAC
835	Child Day Care Services	Ps	The special use reference for child day care services corresponds with section 10.811
841	Museums and Art Galleries	P	SPAC

SIC #	USE	P=Permitted Ps = Special Use C=Conditional Use Cs=Conditional Use with special regulations	Additional Regulations
842	Botanical and Zoological Gardens	P	SPAC
881	Dwelling Units	Ps	The special use reference for public and industrial zones corresponds with Section 10.835
9221	Public Order and Safety (Police Stations)	P	SPAC
9224	Public Order and Safety (Fire Stations)	P	SPAC

**ARTICLE V – SITE DEVELOPMENT STANDARDS**

**10.720 Public Parks Site Development Standards.**

The following standards apply to the Public Parks and development.

PUBLIC ZONING DEVELOPMENT	
Development Standards	Parks
Minimum and	

<b>PUBLIC ZONING DEVELOPMENT</b>	
<b>Development Standards</b>	<b>Parks</b>
<b>Maximum Area for Zoning (Acres)</b>	None
<b>Lot Area Range (Square Feet)</b>	
<b>Maximum Coverage Factor (See 10.706)</b>	
<b>Minimum Lot Width</b>	
<b>Minimum Lot Depth</b>	
<b>Minimum Lot Frontage</b>	
<b>Minimum Front &amp; Street Side Yard Building Setback</b>	10 feet, except 20 feet for vehicular entrances to garages or carports
<b>Minimum Side &amp; Rear Yard Building Setback</b>	4 feet except ½ foot for each foot in building height over 20 feet
<b>Maximum Building Height (See 10.705)</b>	35 feet (may be up to 55 feet if approved through the Park Development Review process)
<p><i>Courts for volleyball, basketball, tennis, or other noise producing sport activity must be located 50 feet from the nearest residential property unless the approving authority determines it is unnecessary.</i></p> <p><i>The terms used herein, such as lot width, lot depth, front yard, etc., are defined in Article I, Section 10.012.</i></p>	

**10.746 General Design Requirements for Parking.**

**(3) Parking Area Planters.**

It is the purpose of this subsection to create shade and visual relief for large expanses of parking.

- a. Parking areas exceeding 24 parking spaces shall contain areas of interior landscaping, such as planter islands or planter projections into the parking area, which comply with the planting schedule provided in Subsection 10.746 (3)f. and Section 10.780, Landscape and Irrigation Requirements, and as approved by the approving authority.
- b. Planters shall be dispersed throughout the parking area and contain, at minimum, the landscaping area square footage specified in the Planting schedule of Subsection 10.746 (3)f. Square footage of each parking area planter may vary; however, each parking area planter shall meet the soil volume requirements of Subsection 10.780 G(10)a.
- c. Prior to installing plant materials in parking area planters, the developer shall remove detrimental construction materials and prepare the soil within the planters in accordance with Subsection 10.780 G(9). If structural soils are necessary, areas under planned impervious surfaces surrounding planters, shall be prepared in accordance with Subsection 10.780 G(10)(a).
- d. So as to not obstruct driver vision, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between a height of three (3) feet and eight (8) feet above the top of the curb. The property owner shall maintain shrub and tree growth in

planter areas to ensure shrubs are kept lower than three (3) feet and tree canopies are maintained above eight (8) feet.

e. Trees planted in parking area planters shall have a moderate to broad spreading canopy.

f. The minimum landscaped area within parking area planters and number of required plants per 24 spaces is as follows:

**Parking Area Planters**  
**Planting Schedule**

<i>Zoning District</i>	<i>Plants/ per 24 Spaces</i>		<i>Sq. Ft./ per 24 Spaces</i>
	<i>trees/shrubs</i>		
Industrial Zones	2	4	325
SFR (Nonresidential uses only), MFR zones, Commercial Zones, *Public Zones	3	6	500

\*Shrub and ground cover within the parking lot planter bays in parks may be substituted with non-living ground cover if allowed by the approving authority (artificial turf not allowed).

\*\*\*\*\*

(9) Screening. Where parking, vehicle maneuvering, or loading areas abut a public street, there shall be provided a minimum ten (10) foot wide landscaping buffer.

Within public parks, shrub and groundcover within this area may be substituted with non-living ground cover if approved by the approving authority (artificial turf not allowed).

**10.780 Landscape and Irrigation Requirements.**

**A. Purpose.**

The purpose of this section is to help ensure the aesthetic environment of the entire community, and to enhance the quality of life for all citizens.

**B. General Provisions.**

(1) Landscaping shall provide a variety of plant sizes, shapes, texture and color while being horticulturally compatible and minimizing irrigation reliance, thus conserving the public water supply.

(2) Landscaping shall be maintained in good health by the property owner in conformance with approved landscaping plans and shall not be reduced in area or number.

(3) Noncompliance with this section or approved plans is a violation of the Medford Land Development Code and is subject to a maximum fine of \$250 per day.

**C. Applicability.**

(1) The provisions of this section are applicable to all landscaping areas within commercial, industrial, institutional, or multiple-family developments and open space/landscaping tracts within all subdivisions, including single family residential.

a. Except as provided in subsection 10.780 C.(1)b., provisions of this section are not applicable to:

1. Single-family lots.
  2. Duplex lots.
  3. Individual townhome lots.
  4. Public Parks
  5. Future development sites, unless irrigated landscaping is placed thereon.  
 When irrigated landscaping is provided upon a future development site, all provisions of this section shall apply.
- b. Covenants, Conditions and Restrictions (CC&Rs) recorded for private regulation of any development or subdivision, regardless of development type or zoning district, shall not establish any restriction inhibiting the use of water-conserving landscaping design, or require the installation of high water use landscape elements, as defined herein, upon property governed by the CC&Rs.

**10.797 Street Frontage Landscaping Requirements.**

A. This section establishes the minimum landscaping requirements along all street frontages outside of the public right-of-way. Plans submitted to comply with this section shall be approved by the approving authority.

(1) For land divisions with houses that do not face an arterial street, an arterial street frontage landscape plan shall be submitted showing a vertical separation feature that is a minimum of eight (8) feet in height. The separation feature shall create a solid visual screen. A fence or wall shall be engineered to stand straight. The separation feature shall be reduced in height where otherwise required in a front or side yard or clear vision triangle. The Planning Commission may allow adjustments to the above requirement in response to topography.

(2) For all other street frontages the number of plants required for distances above or below one hundred (100) feet shall be prorated with the resulting numbers of plants rounded so that one-half or more shall be deemed to require a full plant. All required planting shall be located in the required yard area adjacent to the street unless otherwise approved by the approving authority.

(3) Existing plant materials which meet the requirements of this code may be counted as contributing to the total landscaping required by this section. Interstate 5 and other highway frontages shall be treated the same as city street frontage.

(4) The following table specifies the type and number of plants required by this section.

**Table 797-1. Frontage Landscaping—Materials and Quantities**

<u>Zoning District</u>	<u>Number of plants required per 100 feet of street frontage less driveways</u>	
	<u>Trees</u>	<u>Shrubs</u>
SFR (nonresidential uses), MFR, C-N, C-S/P, C-C, C-R, C-H, P-1	4	25
I-L, I-G, I-H	3	15

Frontage landscaping shall not be required for areas in public parks that do not have buildings within 20 feet from the adjacent right-of-way unless the approving authority determines it is necessary to buffer specific park activities.

#### 10.813 Agricultural Services and Animal Services

\*\*\*

##### C. Beekeeping.

The City recognizes the many benefits of bees including pollination services and useable products such as honey and wax. The keeping of bees is permitted in the single-family residential districts, ~~and~~ the commercial and industrial districts, and the public districts in the city limits subject to the following standards:

#### 10.824 Wireless Communication Facilities.

##### B. Permitted Use.

Wireless Communication Facilities that do not include a Wireless Communication Support Structure are permitted in all commercial, ~~and~~ industrial zones, and public zones and on parcels that contain legally established nonresidential uses within the SFR and MFR zones, subject to the design standards in Section 10.824(D). Only concealed wireless communication facilities are allowed within a Historic (H) Overlay District or on parcels containing a use or structure on the National Historic Register, subject to approval of the Historic Commission per Section 10.406; and on parcels containing a residential use, subject to the design standards in Section 10.824(D).

#### 10.833 Restaurants - Outdoor Eating Areas.

Outdoor eating areas shall be allowed for restaurants in all commercial, ~~and~~ industrial, and public zoning districts subject to the following:

- (1) Compliance with all other provisions of this Chapter.
- (2) Historic Review or Site Plan and Architectural Review as applicable and approval when the outdoor eating area includes seating for more than 15 patrons.
- (3) Where adjacent or abutting a residential zone, outdoor activity shall only be allowed between the hours of 8:00 a.m. and 9:00 p.m.

#### 10.835 Residence for Caretaker or Watchman.

One single-family residence for a caretaker, owner, operator, manager, or security guard is allowed for any industrial use or for public parks for purposes of security and protection of the principle use.

#### 10.840 Temporary Uses and Structures.

##### (3) Temporary Mobile Vendors.

###### a. Temporary Food Vendors (Outdoor).

###### 1. Application Requirements.

- i. A business license pursuant to Chapter 8 shall be required.
- ii. In addition to the requirements of Chapter 8, the applicant shall submit a site plan drawn to scale indicating the following:

- (a) Dimensions of the temporary food vendor unit.

- (b) Location of the temporary food vendor unit on the site.
  - (c) Paved vehicular access, including driveway location(s).
  - (d) Off-street vehicular parking spaces.
  - (e) A trash receptacle located within ten (10) feet of the temporary food vendor unit.
  - (f) Dimensions of the area to be occupied by the temporary food vendor unit, including any table(s), seating, and other exterior items, if applicable; and
  - (g) Location of utility connections, if any.
2. Standards.
- i. Locational and Size Standards.
- (a) Temporary food vendors are permitted in the following zoning districts: C-S/P, C-N, C-C, C-H, C-R, I-L, ~~and~~ I-G-, and P-1.
  - (b) When within both the Central Business (C-B) and Historic Preservation (H) Overlays:
    - (1) The exterior length and width, when multiplied, shall be no more than 128 square feet, including any slide-outs, and excluding trailer tongue and bumper.
    - (2) Outdoor equipment, such as tables and chairs, shall not be permitted.
  - (c) In all other zones:
    - (1) The exterior length and width, when multiplied, shall be no more than 170 square feet, including any slide-outs, and excluding trailer tongue, and bumper.
    - (2) An additional 170 square feet is allowed for outdoor equipment.
  - (d) On City-owned property and right-of-way, temporary food vendor units shall obtain a permit pursuant to Chapter 2, and are exempt from the standards of 10.840(D)(3).
  - (e) At an Event of Public Interest, temporary food vendors per 10.840(D)(1) are exempt from the standards of 10.840(D)(3).
- ii. General Standards.
- (a) If the temporary food vendor unit is located on or adjacent to a privately-owned walkway, the minimum remaining unobstructed walkway width shall be five (5) feet.
  - (b) All food must be in a ready-to-eat condition when sold.
  - (c) Required parking spaces or access to required parking spaces shall not be displaced or obstructed.
  - (d) The temporary food vendor unit shall be located outside any required setbacks.
  - (e) Attached awnings are permitted if smaller than the size of the temporary food vendor unit.
  - (f) The temporary food vendor unit and all outdoor equipment shall be located on an improved surface.
  - (g) Temporary food vendors shall comply with the Fire Department's Outdoor Food Vendor Safety Checklist.
  - (h) Any utility connections require a building permit from the Building Safety Department.

b. Temporary Medical Services (Human or Animal) Vendors and Temporary Nonprofit Vendors (Outdoor).

1. Application Requirements.

- i. A business license pursuant to Chapter 8 shall be required.
- ii. In addition to the business license requirements of Chapter 8, the applicant shall submit a site plan drawn to scale, indicating the following:
  - (a) Dimensions of the temporary vendor unit.
  - (b) Location of temporary vendor unit on the site.
  - (c) Paved vehicular access, including driveway location(s).
  - (d) Off street vehicular parking spaces.
  - (e) Location of utility connections, if any.

2. Standards.

i. Locational and Size Standards:

- (a) Temporary vendors shall be permitted in the following zoning districts: C-S/P, C-N, C-C, C-H, C-R, I-L, ~~and~~ I-G-, and P-1.
- (b) When within both the Central Business (C-B) and Historic Preservation (H) Overlays, the exterior length and width of the temporary vendor unit, when multiplied, shall be no more than 128 square feet, including any slide-outs, and excluding trailer tongue and bumper.
- (c) In all other zoning districts, the exterior length and width of the temporary vendor unit, when multiplied, shall be no more than 300 square feet, including any slide-outs, and excluding trailer tongue and bumper.

ii. General Standards.

- (a) If the temporary vendor unit is located on or adjacent to a privately-owned walkway, the minimum remaining unobstructed walkway width shall be five (5) feet.
- (b) The temporary vendor unit shall be located on an improved surface.
- (c) Required parking spaces or access to required parking spaces shall not be displaced or obstructed.
- (d) The temporary vendor unit shall be located outside any required setbacks.
- (e) Attached awnings are permitted if smaller than the size of the temporary vendor unit.
- (f) Outdoor equipment such as tables and chairs shall not be permitted.
- (g) Any utility connections require a building permit from the Building Safety Department.

## ARTICLE VI - SIGNAGE

### 10.1022 Exceptions to Permit Requirements.

The provisions of Article VI shall not apply to:

- (1) Traffic signs and all other signs erected or maintained by a municipal or governmental body or agency, including danger signs, railroad crossing signs, and signs of a non-commercial nature required by public laws, ordinances or statutes.
- (2) Signs on a truck, bus, car, boat, trailer or other motorized vehicle and equipment provided all the following conditions are adhered to:

(a) Primary purpose of such vehicle or equipment is not the display of signs.  
(b) Signs are painted upon or applied directly to an integral part of the vehicle or equipment.

(c) Vehicle/equipment is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used in the daily function of a business/or use.

(d) Vehicles and equipment are not used as static displays, advertising a product or service, for more than two (2) days in any location, nor utilized as storage, shelter or distribution points for commercial products or services for the general public.

(e) During periods of inactivity exceeding five work days, such vehicle/equipment is not so parked or placed that the signs thereon are displayed to the public. Vehicles and equipment engaged in active construction projects and the on-premise storage of equipment and vehicles offered to the general public for rent or lease shall not be subjected to this condition.

(3) Signs on Temporary Portable Storage Containers permitted through Section 10.840.D(6), provided all of the following conditions are adhered to:

(a) The primary purpose of such vehicle or equipment is not the display of signs.

(b) Signs are painted upon or applied directly to an integral part of the vehicle or equipment (the "sign" is a regular part of the portable storage container). Hanging banners, roof signs and/or attached sign structures are not allowed.

(c) Vehicle/equipment is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used in the daily function of a business/or use. (This section (3) effective through June 30, 2015.)

(4) Signs not exceeding three (3) square feet in area located in a commercial or industrial zone not to exceed four (4) signs for each business frontage.

(5) Signs not exceeding six (6) square feet in area and an overall height of six (6) feet in the Single-Family Residential Zoning Districts - (SFR 2, 4, 6, 10), ~~and~~ the Multiple-Family Residential Districts - (MFR 15, MFR 20, MFR 30), ~~and the Public Zoning District - (P-1)~~, not to exceed two (2) signs per parcel.

(6) National and State flags. National and state flags shall be flown and displayed in a manner whereby they are not construed as attraction-gaining devices to advertise a product or use, or in a manner to otherwise draw attention of the traveling public to an establishment or sales office. Such displays shall conform to the criteria established in House Document 209 of the 91st Session of Congress.

(7) Signs Located in the Interior of any Building. Signs located in the interior of any building or within an enclosed lobby or court of any group of buildings, which are designed and located to be viewed by patrons only. Such signs may be illuminated and are not subject to the provisions of this chapter.

(8) Change of face. Where an existing sign is modified by change of message or design on the sign face, without any change to size or shape of the sign framework or structure. In Historic Preservation Overlay Zoning Districts, only the message may be changed without Historic Review.

(9) Window Signs. Signs located in windows, if they are mounted or painted upon the inside of windows within all commercial or industrial zoning districts.

(10) These types of Temporary Signs, which are in addition to any of the signs in subsections 1-8 above:

(a) Holiday Displays. Decorations or displays celebrating the occasion of traditionally accepted patriotic or religious holidays.

(b) Real Estate Signs. Signs erected on private property for the period of time that a site or structure is for sale, lease or rent. In all residential zones such signs shall be limited to six (6) square feet in area and a maximum height of six (6) feet. In all commercial and industrial zones such signs shall be limited to thirty-two (32) square feet in area. Temporary real estate signs shall be limited to one (1) sign per frontage.

(c) Political Campaign Signs. Signs erected on private property no earlier than eight (8) weeks prior to any federal, state or local election and removed no later than seven (7) days after the applicable election. In all residential zones such signs shall be limited to six (6) square feet in area and a maximum height of six (6) feet per sign. In all commercial and industrial zones such signs shall be limited to thirty-two (32) square feet in area per sign.

(d) All other Temporary or Portable Signs require a permit.

**10.1150 Signs in Public-Parks (P-1) Zoning Districts: Basic Regulations.**

Signs shall be permitted only as follows in the P-1 zoning district:

(1) Ground Signs: Each parcel is permitted one (1) ground sign per vehicular entrance on a street, subject to the following limitations:

(a) Maximum Square Footage: 60 square feet per sign

(b) Maximum Height: 5 feet

(c) Minimum Setback: 15 feet from any property line

(d) Exempt: Ground signs within public parks and stadiums that are placed and located so as not to be viewed from the street are exempt from these provisions.

(2) Wall Signs:

(a) Maximum Square Footage: 60 square feet per sign

(b) Maximum Height: No part of any wall sign shall be higher than the building height as defined in Section 10.705.

(c) Exempt: Wall signs within public parks and stadiums which are placed and located so as not to be viewed from the street are exempt from these provisions.

(3) Electronic Message Signs: Electronic message signs are a conditional use. A Conditional Use Permit may authorize one electronic message signs as a permitted ground or wall sign. Regardless of the number of street frontages, one of the permitted ground or wall signs may be an electronic message sign, provided it complies with the following provisions:

(i) Electronic message signs shall apply for and receive approval for a Conditional Use Permit pursuant to Section 10.250.

a. The electronic message sign shall be considered as an element of the CUP for the use.

b. Existing conditional uses shall apply for an amendment to their existing approved CUP to request an electronic message sign, pursuant to Section 10.250.

c. The expiration of a CUP shall require the removal of the electronic message sign.

(ii) Maximum Size: 20 square feet

(iii) Maximum Height: 5 feet if a ground sign. If a wall sign, shall not be higher than the building height as defined in Section 10.705.

(iv) All text displayed on an electronic message sign must be static for a minimum of five seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to

animated images and images which move, or give the appearance of movement.

(v) All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night, consistent with Section 10.764, *Glare*.

(vi) The conversion of an existing, conforming ground or wall sign to an electronic message sign is permitted.

(vii) The conversion of any existing, nonconforming ground or wall sign to an electronic message sign is prohibited.

**10.1160 Public-Parks District (P-1): Additional Special Signs.**

Additional Special Signs shall be permitted as follows:

(1) Freeway Signs:

(a) Freeway signs shall be permitted only on parcels or portions thereof that are located within the Freeway Overlay District per Section 10.365, and as shown on the official zoning map of the City of Medford.

(b) One (1) sign not exceeding 250 square feet in area and 50 feet in height shall be permitted on a parcel located within the Freeway Overlay District. Each parcel is also permitted one (1) sign not exceeding 150 square feet in area and 20 feet in height. Such signs are permitted in lieu of all ground signs permitted in the underlying zoning district, as listed under the Basic Regulations.

(2) Construction Sign: One non-illuminated sign may be installed on each construction site after a building permit has been obtained for a construction project, and must be removed not later than two years after issuance of the building permit or upon completion of the project, whichever occurs sooner. The sign shall not exceed 50 square feet in area, and 14 feet in height.

(3) Temporary Sign: One temporary sign on each street frontage is allowed. Display period is limited to 30 days and is renewable upon application, but shall not exceed four (4) permits in one (1) calendar year. The area of each temporary sign shall not exceed 32 square feet. No part of any sign shall be higher than the building height as defined in Section 10.705.

## Exhibit Q

### Email from Oregon Department of Transportation

**Sarah K. Sousa**

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**From:** STRADTNER Janell <Janell.STRADTNER@odot.state.or.us>  
**Sent:** Wednesday, April 11, 2018 3:03 PM  
**To:** Carla G. Paladino; Sarah K. Sousa  
**Subject:** P-1 zone on ODOT properties  
**Attachments:** Roll Map 1A-22-33 Ladd's Best Estimate.pdf; Roll Map 8B-8-18 Ladd's Best Estimate.pdf

Carla and Sarah:

Our right of way folks in the Salem headquarters office sent me the attached roll maps showing that all of the properties proposed for the P-1 zone change are in fact part of ODOT's right of way. Since they are part of ODOT's right of way they would not be subject to the proposed zone change.

We request that all of the proposed zone changes to the ODOT properties be removed from further consideration.

Also, So this isn't an issue in the future could you please pass this on to county cartographer so they can make the changes to show all of the tax lots as ODOT right of way?

If you have any questions feel free to call me.

Thank you.

**Janell Stradtner**

Transportation Planner, ODOT Region 3  
3500 NW Stewart Parkway, Rsbrg 97470  
541.957.3521

[janell.stradtner@odot.state.or.us](mailto:janell.stradtner@odot.state.or.us)

## Exhibit R

### Email from Jackson County

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**From:** Steve Lambert <LamberSM@jacksoncounty.org>  
**Sent:** Tuesday, April 10, 2018 10:23 AM  
**To:** Ted Zuk; Sarah K. Sousa  
**Subject:** RE: public parks zoning in Medford

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Hi Sarah-

This is fine with us, as these properties are already encumbered by grants requiring them to be used for public parks purposes. The zone change should be of no effect to us.

Steve

**From:** Ted Zuk  
**Sent:** Sunday, April 8, 2018 11:59 AM  
**To:** 'Sarah K. Sousa' <Sarah.Sousa@cityofmedford.org>  
**Cc:** Steve Lambert <LamberSM@jacksoncounty.org>  
**Subject:** RE: public parks zoning in Medford

Hi Sarah,

I had staff look at the proposal and they also contacted Steve Lambert at Jackson County Parks and there were no concerns or questions raised.

Steve – Correct me if I am wrong on any of this.

Thanks  
Ted

**Ted Zuk, CBO**  
**Development Services Director**  
**Building Official / Code Enforcement Supervisor**



**JACKSON COUNTY**

**Development Services**

10 South Oakdale Ave., Rm 100

Medford, OR 97501

PH: 541-774-6921

Fax: 541-774-6948

[zuktj@jacksoncounty.org](mailto:zuktj@jacksoncounty.org)

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**From:** Steve Lambert <LamberSM@jacksoncounty.org>  
**Sent:** Thursday, March 29, 2018 3:29 PM  
**To:** Craig Anderson  
**Cc:** Sarah K. Sousa; Ted Zuk  
**Subject:** RE: public parks zoning in Medford

Works for me.

---

Steve

**Steve Lambert**  
**Parks Program Manager**  
**Jackson County Parks**  
**7520 Table Rock Rd.**  
**Central Point, OR 97502**  
**(541) 774-6303**

**From:** Craig Anderson  
**Sent:** Tuesday, March 27, 2018 9:30 AM  
**To:** Steve Lambert <LamberSM@jacksoncounty.org>  
**Cc:** 'Sarah.Sousa@cityofmedford.org' <Sarah.Sousa@cityofmedford.org>; Ted Zuk <ZukTJ@jacksoncounty.org>  
**Subject:** FW: public parks zoning in Medford

Hello Steve,

Could you please review the attached information from the City of Medford concerning the potential rezoning of Bear Creek Greenway properties owned by Jackson County? We have no concerns with their proposed changes. Thank you.

Craig



**Craig Anderson**  
*Senior Planner*  
10 South Oakdale Ave., Rm 100  
Medford, Oregon 97501-2902  
[AndersCM@jacksoncounty.org](mailto:AndersCM@jacksoncounty.org)  
[www.jacksoncounty.org](http://www.jacksoncounty.org)  
(541) 774-6918 phone  
(541) 774-6791 fax

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**From:** Ted Zuk  
**Sent:** Tuesday, March 27, 2018 9:01 AM  
**To:** Craig Anderson <[AndersCM@jacksoncounty.org](mailto:AndersCM@jacksoncounty.org)>  
**Subject:** FW: public parks zoning in Medford

Hi Craig

Please take a look at this and get back to me with a response to send Sarah sometime today.

Thanks  
Ted

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**From:** Sarah K. Sousa [<mailto:Sarah.Sousa@cityofmedford.org>]  
**Sent:** Wednesday, March 21, 2018 4:48 PM  
**To:** Ted Zuk <[ZukTJ@jacksoncounty.org](mailto:ZukTJ@jacksoncounty.org)>  
**Subject:** EXT: public parks zoning in Medford

Hi Ted,

I was given your name as a contact person for Jackson County by Kelly Madding.

The City of Medford is working on a project to convert existing parks and trails in Medford to a new Public Parks zone. In doing this work, we have realized there are six county-owned properties that are proposed for conversion to this new parks zone (see attached map). It appears they are all part of the Bear Creek greenway. There is nothing changing on these sites other than zoning to more accurately reflect the use as a park or trail.

I have a proposed zoning map showing the new zone as well as code language drafted for the city's Land Development Code related to park standards. If this is information you would like to review, please let me know and I will send it to you.

Please let me know if you would like more information or if you have any questions or concerns.

Thanks,  
Sarah

Sarah Sousa

Planner IV | City of Medford - Planning Department  
200 S. Ivy Street | Medford, OR 97501 | 541.774.2380

## Exhibit S

### Email from the Engineering Division of the Public Works Department

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**From:** [Alex T. Georgevitch](#)  
**To:** [Douglas E. Burroughs](#); [Carla G. Paladino](#)  
**Cc:** [Kelly A. Akin](#); [Matt H. Brinkley](#)  
**Subject:** RE: Parks Zone with edits  
**Date:** Wednesday, April 11, 2018 8:03:54 PM

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All,

I think I am okay with the language in 10.295(B)(5) but think the lot that won't be a park needs to include reserve acreage designation or have it's public improvements completed. Language should be added to explain this so there is no misunderstanding later.

Thanks

Alex

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**From:** Douglas E. Burroughs  
**Sent:** Wednesday, April 11, 2018 2:38 PM  
**To:** Alex T. Georgevitch; Carla G. Paladino  
**Cc:** Kelly A. Akin; Matt H. Brinkley  
**Subject:** RE: Parks Zone with edits

Carla,

I'm forwarding this to Alex, as he should be the one to comment on this item.

Alex,

Do you have any concerns about Carla's question below? I think that you should also look at 10.295 (A)(3). I'm not sure of the intent of this addition. Also, on 10.295 (A)(5), it seems that there is already a way to defer improvements on a land division in the way of a "Reserve Acreage" designation.

Another item that may need additional clarification is 10.295 (B)(5).

Thanks,

Doug

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**From:** Carla G. Paladino  
**Sent:** Tuesday, April 10, 2018 4:40 PM  
**To:** Douglas E. Burroughs; Kelly A. Akin; Matt H. Brinkley  
**Subject:** Parks Zone with edits

Hi Doug and Kelly,

The Parks Department provided input on changes they would like to make to the Parks Zone project going to PC Thursday night.

Doug, I would like your take on the addition of 10.295 (A)(5) on page 5. Is this something Engineering can support?

Matt and Kelly, this version is Planning's proposed text plus Parks additions/deletions. It is easier to read than just reading the changes from Parks. Please read this version instead of the one I sent earlier and let me know if you have time to discuss before Thursday.

I am hoping to go over my questions back to Haley tomorrow and then send out this version to the PC along with their original markup version.

Thank you all,  
Carla

Carla G. Angeli Paladino  
Principal Planner - Long Range Division  
City of Medford Planning Department  
Lausmann Annex  
200 South Ivy Street, Medford, Oregon 97501  
541-774-2395 (direct)

Office Line: 541-774-2380  
Fax: 541-618-1708  
[www.ci.medford.or.us](http://www.ci.medford.or.us)

# Exhibit T

## Email from CSA Planning

**From:** Raul [<mailto:raul@csaplanning.net>]  
**Sent:** Friday, April 27, 2018 3:33 PM  
**To:** [montero-associates@charter.net](mailto:montero-associates@charter.net); [montero\\_associates@q.com](mailto:montero_associates@q.com)  
**Subject:** Medford - Proposed Public Parks zoning district

My reasons for recommending against the adoption of a separate zoning district for public parks are as follows:

- Public parks are city-owned real estate assets. To the extent that the proposed change in zoning will disallow potential uses under current zoning, a “down-zoning” will result. Although the current use may be for a park, the City may in the future have good reason to sell, exchange, collateralize or otherwise dispose of land assets. A fiduciary responsibility of the City should be to preserve the value of its assets
- Zoning district boundaries require zoning map change to move – they do not move with underlying property line adjustments. If the City wants to adjust a common property line with an owner of adjacent private land, a zone change would be needed to accompany the property line adjustment in order that the private owner will not receive land zoned for public park ownership and the city would likely want the land it receives to have the park zoning in place. Parcels should not be split-zoned pursuant to the City’s zoning standards. Corresponding comprehensive plan (GLUP Map) amendments may also be necessary in some cases. Additional time and expense to obtain zone change and GLUP Map amendment approval is substantial and would be unnecessary without a separate parks zoning district.
- Even boundary corrections to parks where mis-mapped on the zoning map will require a zoning map correction. Again, additional cost and time will be incurred.
- Existing city parkland now zoned for very intensive uses, such as commercial, may not qualify for rezoning back to commercial in the future (should the City want to offload surplus or unsuitable park land) if Category “A” facilities become more constrained in the future and/or other requirements for upzoning cannot be met (e.g., Transportation Planning Rule, Employment Lands Rule under Goal 9, etc...). Do not take it for granted that existing commercial zones will be easily restored.
- The City has separate parks maps to help people know where parks are located. A separate zone is not necessary for that purpose.
- Conditional use permitting requirement would not be necessary if the City simply reclassifies parks as “Ps – Permitted subject to Special Standards” in all zones and adopts a special parks permitting procedure and standards – very much like what is proposed as procedure for permitting parks in the public parks zone. A separate zoning district is not necessary to do so.

I am a strong supporter of City parks. It is for that reason that I recommend that the park permitting regulations be streamlined within the context of the existing zoning map system and that the City not adopt a separate zone for public parks that will make it more time consuming and expensive to adjust park land inventory as needed in the future. If the City does decide that it still wants to adopt a separate zone, then it should consider some way to preserve credits for any reduction in potential trip generation for property that it downzones for this purpose. Perhaps the credits could be auctioned so that proceeds may be used for park or transportation improvements – or used to negotiate with ODOT on other matters.

Véry truly yours,

CSA Planning, Ltd.  
Raul Woerner  
(541) 779-0569

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# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.5

[www.cityofmedford.org](http://www.cityofmedford.org)

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**DEPARTMENT:** Planning Department  
**PHONE:** (541) 774-2380  
**STAFF CONTACT:** Matt Brinkley, AICP, CFM, Planning Director

**AGENDA SECTION:** Public Hearings  
**MEETING DATE:** June 7, 2018

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## **COUNCIL BILL 2018-55**

An ordinance approving a minor amendment to the General Land Use Plan (GLUP) Map of the *Medford Comprehensive Plan* by re-designating certain parks and trails from their current GLUP designations to the Parks and Schools designation and approving corrections to the GLUP designations of two properties.

## **SUMMARY AND BACKGROUND**

Council is requested to consider a proposal to amend the General Land Use Plan (GLUP) map from their current GLUP designations to the Parks and Schools designation and make corrections to the GLUP designations of two properties that are privately owned.

It is the Planning Department's intent to update the City's General Land Use Plan map annually, or as necessary, to change recently acquired parkland to the Parks and Schools designation and also make any necessary corrections.

The Planning Commission recommended approval by an 8-1 vote on April 12, 2018 (file. no. CP-17-114).

## **PREVIOUS COUNCIL ACTIONS**

This amendment was presented and discussed with the City Council at the March 8, 2018 study session.

## **ANALYSIS**

The City regulates land uses using a two map system. The first is the General Land Use Plan map that identifies broad categories of land uses such as residential, commercial and industrial. The second is the zoning map that identifies specific zones such as Single-Family Residential – 2 (SFR-2) or Community Commercial (C-C). The proposal will update the General Land Use Plan map related to the Parks and Schools designation as it relates to publicly owned parks and trail sites.

The plan includes changing newer park properties and trails (31 parcels total) from their current General Land Use Plan designation to the Parks and School designation. This group includes: Cedar Links Park, Pear Blossom Park, additions to Donahue Frohnmayer Park, and segments of Lazy, Larson Creek, and Lone Pine Creek Trails. Park sites such Oregon Hills, Fichtner-Mainwaring, and Holmes are some of the existing locations that currently have the Parks and Schools GLUP designation. The City's parks and trails inventory has changed over the years and this amendment is an opportunity to reflect those changes on the map.

In addition, two corrections will be made to the General Land Use Plan map. One property located at 1061 Dillon Way will be re-designated from the Heavy Industrial to General Industrial. This is consistent with the current Light Industrial zoning of the property. The second correction is for 2801 Merriman Road, which has a Parks and Schools designation, but is no longer owned by the Medford School District. The current owner would like to develop it with single family homes. The proposed amendment would apply the Urban Residential designation to this property, which is consistent with the development pattern within the surrounding area.

The proposal is consistent with the City's Comprehensive Plan and with the process outlined in Chapter 10 of the Medford Municipal Code.



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.5

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## FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None.

## TIMING ISSUES

None.

## COUNCIL OPTIONS

- Approve the ordinance as presented
- Modify the ordinance as presented
- Decline to approve the ordinance as presented and direct staff regarding further action

## STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

## SUGGESTED MOTION

I move to adopt the ordinance authorizing the change of the General Land Use Plan map designations as described in the City Council Report dated May 31, 2018 and as recommended by the Planning Commission.

## EXHIBITS

Ordinance  
City Council Report, including Exhibits A-E

ORDINANCE NO. 2018-55

AN ORDINANCE approving a minor amendment to the General Land Use Plan (GLUP) Map of the *Medford Comprehensive Plan* by re-designating certain parks and trails from their current GLUP designations to the Parks and Schools designation and approving corrections to the GLUP designations of two properties.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. That a minor amendment to the GLUP Map of the *Medford Comprehensive Plan* by re-designating certain parks and trails from their current GLUP designations to the Parks and Schools (PS) designation is hereby approved.

Section 2. That a minor amendment to the GLUP Map of the *Medford Comprehensive Plan* to change the designation of 1061 Dillon Way from Heavy Industrial (HI) to General Industrial (G1) is hereby approved.

Section 3. That a minor amendment to the GLUP Map of the *Medford Comprehensive Plan* to change the designation of 2801 Merriman Road from Parks and Schools (PS) designation to Urban Residential (UR) designation is hereby approved.

Section 3. The approval is based upon the Findings of Fact and Conclusions of Law included in the City Council Report dated May 31, 2018, attached as Exhibit A and incorporated herein.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor



City of Medford

# Planning Department

*Working with the community to shape a vibrant and exceptional city*

## **CITY COUNCIL REPORT**

Class-B quasi-judicial decision: **General Land Use Plan Map Amendment**

Project Public Parks General Land Use Plan Map Amendment

File no. CP-17-114

To City Council *for June 7, 2018 hearing*

From Sarah Sousa, Planner IV

Reviewer Carla Angeli Paladino, Principal Planner

Date May 31, 2018

### **PROPOSAL**

The proposal would amend the General Land Use Plan (GLUP) map by re-designating newer parks and trails from their current GLUP designations to the Parks and Schools designation and making corrections to the GLUP designations of two properties that are privately owned.

### **AUTHORITY**

This proposal includes a Class-B quasi-judicial General Land Use Plan Map Amendment. The Planning Commission is authorized to recommend, and the City Council to approve, amendments to the General Land Use Plan map under Medford Municipal Code Sections 10.102–122, 10.165, and 10.185.

### **BACKGROUND**

The plan includes changing newer park properties and trails (31 parcels total) from their current General Land Use Plan designation to the Parks and School designation. This group of properties includes: Cedar Links Park, Pear Blossom Park, additions to Donahue Frohnmayer Park, and segments of Lazy Creek, Larson Creek, and Lone Pine Creek Trails.

In addition, two corrections will be made to the General Land Use Plan map. One property located at 1061 Dillon Way will be re-designated from Heavy Industrial to the General Industrial designation. This is consistent with the current Light Industrial zoning of the property. The second correction will be made for 2801 Merriman Road, which has a Parks and Schools designation but is no longer owned by the Medford School District. The current owner would like to develop it with single family homes. The proposed amendment would apply the Urban Residential designation to this property, which is

consistent with the development pattern within the surrounding area and would accommodate new development.

A list of the properties to be re-designated are provided in the table below. Note: Numbers 20 & 21 in the table represent 14 tax lots.

Proposed GLUP Change Taxlots						
ID	MAPLOT	FEEOOWNER	Existing GLUP	Proposed GLUP	Description	Acres
1	361W31A1800	SINGLER GRACE L TRUSTEE ET	HI	GI	Singler Property to GI GLUP	1.00
2	372W13BB500	OWEN F B INC	PS	UR	Owen Property to UR GLUP	2.85
3	371W19BB2800	MEDFORD CITY OF	CM/PS	PS	Bear Creek Greenway McAndrews Trailhead Area	0.32
4	371W16BC300	MEDFORD CITY	UR	PS	Cedar Links Park	5.42
5	371W21BB3000	CITY OF MEDFORD	UR	PS	McAndrews Greenway & Open Space	0.70
6	371W20BD800	MEDFORD PARKS & REC FOUNDATI	UR	PS	Donahue-Frohnmayr Park	1.34
7	371W20BD2102	MEDFORD CITY OF	UH	PS	Donahue-Frohnmayr Park	2.50
8	372W25CA1700	MEDFORD CITY OF	SC	PS	Elm/Main/Columbus Park	0.21
9	371W30BB4700	MEDFORD URBAN RENEWAL AGENC	CC	PS	Pear Blossom Park Block 2	0.09
10	371W30BB4800	MEDFORD URBAN RENEWAL AGENC	CC	PS	Pear Blossom Park Block 2	0.24
11	371W30BB4900	MEDFORD URBAN RENEWAL AGENC	CC	PS	Pear Blossom Park Block 2	0.12
12	371W30BB5000	MEDFORD URBAN RENEWAL AGENC	CC	PS	Pear Blossom Park Block 2	0.23
13	371W30BB7500	MEDFORD URBAN RENEWAL AGENC	CC	PS	Pear Blossom Park Block 1	0.69
14	371W29DD5500	CITY OF MEDFORD	UR	PS	Lazy Creek Greenway	0.05
15	371W29DD400	MEDFORD CITY OF	UR	PS	Lazy Creek Greenway	0.51
16	371W29DD400	MEDFORD CITY OF	UR	PS	Lazy Creek Greenway	2.43
17	371W33A604	MEDFORD CITY OF	UR	PS	Larson Creek Greenway	2.71
18	371W20BD199	CITY OF MEDFORD	UR	PS	Donahue-Frohnmayr Park	0.07
19	371W17BD1700	CITY OF MEDFORD	UH	PS	Lone Pine Creek Future Greenway	1.02
20	371W33B 405, 406, A4601	CITY OF MEDFORD	CM/SC/UR	PS	Larson Creek Greenway	5.66
21	372W12D 9401-10401	CITY OF MEDFORD	GI	PS	Lone Pine Creek Greenway	2.65

## ANALYSIS

The City's General Land Use Plan map identifies parkland with a Parks & Schools designation. The City's parks and trails inventory has changed over the years and this amendment is an opportunity to accurately document those changes.

The properties to be re-designated include newly developed parks or trails, recently acquired land that will be developed as parks and recreational facilities, or segments of trails with the Greenway Overlay that needed updating. The table above lists the properties to be re-designated and includes a description of the associated park or trail.

Two properties on the list involve corrections that are needed to improve consistency between GLUP and zoning map designations. The property located at 2801 Merriman Drive was previously owned by the Medford School District. As it was no longer needed for school purposes, the district sold the property. The current owner would like to subdivide the property for single family homes. Changing the General Land Use Plan map designation from Parks and Schools to Urban Residential is consistent with the zoning and will allow future development. The second property in need of correction is 1061 Dillon Way. This property was annexed to the City with County zoning. It was converted to the City's Light Industrial zone in 2009 as part of the County to City Zoning Project (ZC-08-

089). However, the current Heavy Industrial General Land Use Plan map designation is not consistent with the Light Industrial zoning. A correction is required to fix this error. The proper GLUP map designation for the property is General Industrial.

### **RECOMMENDED ACTION**

Based upon the Findings of Facts that all applicable approval criteria are met, adopt the ordinance for approval of CP-17-114, per the City Council Report dated May 31, 2018, including Exhibits A through E.

### **EXHIBITS**

- A Findings of Fact
- B Proposed General Land Use Plan Map
- C Medford Fire Department Memo received February 7, 2018
- D Medford Water Commission Memo received February 7, 2018
- E Planning Commission Minutes from April 12, 2018  
Vicinity map for Merriman Road property  
Vicinity map for Dillon Way property

**CITY COUNCIL AGENDA: JUNE 7, 2018**

# Exhibit A

## Findings of Fact

### Applicable Criteria – General Land Use Plan Map Amendment

For the applicable criteria the Medford Municipal Code Section 10.184(1) redirects one to the criteria in the “Review and Amendments” chapter of the Comprehensive Plan. The applicable criteria in this action are those for map amendments. The criteria are set in *italics* below; findings and conclusions are in roman type.

*Comprehensive Plan, Review and Amendments chapter: Amendments [to Map Designations] shall be based on the following [criteria 1–7]:*

- 1. A significant change in one or more Goal, Policy, or Implementation Strategy.*

#### Findings

There are 31 properties proposed to be changed from their current residential, commercial, or industrial designations to the Parks and Schools designation. These properties are all newly developed parks or recently acquired parkland. In the past, the Parks and Schools designation has been added to the General Land Use Plan map as new park properties are acquired and developed by the City. This action will assign the appropriate GLUP designation to these properties on an annual basis or as needed.

The annual assignment of park properties with the Parks and Schools GLUP map designation is an optimal time to make corrections to the General Land Use Plan map. Two corrections proposed at this time are for 2801 Merriman Drive and 1061 Dillon Way. The first one is more of an update to the Merriman property as it is no longer owned by the Medford School District and therefore needs the designation changed from Parks and Schools back to Urban Residential. This is consistent with the existing Single Family Residential – 6 dwelling units per gross acre zoning on the property. The second property on Dillon Way is zoned Light Industrial but has the Heavy Industrial General Land Use Plan map designation. This property was annexed to the City with County zoning. It was converted to the City’s Light Industrial zone in 2009 as part of the County to City Zoning Project (ZC-08-089). At that time, the City gave it the Light Industrial zone even though the General Land Use Plan map designation is Heavy Industrial. In order to fix this oversight, a change is required at this time to align the Light Industrial zoning with the correct General Industrial designation.

Conclusions

The City will go through the General Land Use Plan map amendment process annually, or as necessary, to properly designate parks and recreation facilities. The properties proposed for conversion are all newer parks or recently acquired parkland. They include Cedar Links Park, Pear Blossom Park, additions to Donahue Frohnmyer Park, and segments of Lazy and Larson Creek Trails. The other two changes are corrections needed to the General Land Use Plan map. Formalizing the process by which park properties are converted to the Parks and Schools designation is consistent with the proper land use process. This criterion is met.

2. *Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.*

Findings – General Land Use Plan Map Amendment

The proposed General Land Use Plan map amendments do not relate to unpredicted population trends, housing, or employment needs.

Conclusions

This criterion does not apply.

3. *The orderly and economic provision of key public facilities.*

Findings – General Land Use Plan Map Amendment

Water, storm drainage, sewer, and transportation is available or will be made available to the existing sites under their current zoning. The Public Works Department has reviewed the subject changes and have found that no additional impacts will be created for the system by the changes to the designations.

Conclusion

Sufficient facilities exist to accommodate the proposed classification change. This criterion is met.

4. *Maximum efficiency of land uses within the current urbanizable area.*

Findings – General Land Use Plan Map Amendment

The subject park properties currently have General Land Use Plan map designations that do not accurately reflect the land use. The residential, commercial, and industrial designations these properties currently have does not demonstrate an efficiency of land uses. However, the Parks and Schools designation added to the park properties helps to distinguish them from the other land classes.

The property on Merriman Road is no longer being used as a school property. The Parks and Schools designation does not fit this particular site any more. The single family residential zoning clarifies that the most appropriate designation for the property is Urban Residential. This will allow this property within the city to develop to its potential number of units, which is the most efficient use of the land.

The property on Dillon Way was part of the City's rezone project to ensure County zoned lots were given City zoning. However, the General Land Use designation of Heavy Industrial does not correspond with the Light Industrial zone. This error needs correction by the City.

### Conclusions

Changing the newer park properties to the Parks and Schools General Land Use Plan map designation helps to clarify that this land is not developable in the inventory of land classes. Removing this same classification from the Merriman property, which is no longer used for school purposes, will allow it to develop to the residential densities under its current zoning. The property on Dillon Way is also a correction needed by the City. These changes promote maximum efficiency of land uses. This criterion is met.

### *5. Environmental, energy, economic and social consequences.*

#### Findings – General Land Use Plan Map Amendment

*Environmental* – Parks and trails provide for open space which aids in the protection of trees, riparian areas, wetlands, and other environmentally sensitive areas.

*Energy* – There are no discernable energy consequences related to the amendments.

*Economic* – There are no discernable economic consequences as a result of the proposed changes other than the property on Merriman Road. The Merriman Road property will likely develop into a multi-lot subdivision which will provide positive economic benefits for the owner and the City. The owner will be able to build/and or sell buildable lots. The City will benefit from additional housing, as well as receive additional revenue for system development charges, permits, property taxes, and utility fees.

*Social* – The additional changes to the General Land Use Plan map provides a more accurate description of the type of land use to occur on the properties. This designation of land is set aside for uses that benefit the public. There are no perceived social benefits to the changes to the Merriman Road or Dillon Way properties.

### Conclusions

The changes proposed to the General Land Use Plan map do not have environmental or energy consequences. There are no known positive economic benefits to the amendments other than to the property on Merriman Road. The Merriman Road property will be able to develop to Single Family Residential – 6 dwelling units per gross acre standards once the designation is changed back to Urban Residential. This will benefit the owner and the city economically. The only social impacts to the changes are positive in that the newer parks in the City will be designated as parks on the General Land Use Plan map. Parks provide aesthetic and recreational value to cities; therefore this land should have special designation. This criterion is met.

6. *Compatibility of the proposed change with other elements of the City Comprehensive Plan.*

### Findings – General Land Use Plan Map Amendment

The City's Comprehensive Plan describes the type of land under each General Land Use Plan map category. The Public Facilities Element and the General Land Use Plan Element both describe public parks under the Parks and Schools designation. Adding the newer parks to the inventory is in compliance with the Comprehensive Plan.

In regards to the privately owned properties being changed, their current General Land Use Plan designation no longer is relevant and needs to be updated. Changing the designation for the Merriman property is consistent with the Comprehensive Plan as this property is no longer used or owned by a school. The current zoning on the property (Single Family Residential – 6 dwelling units per gross acre) aligns with the Urban Residential designation, which is what is proposed with the amendment.

The property on Dillon Way is in need of correction in order to comply with the Comprehensive Plan. The Heavy Industrial designation does not correspond with the Light Industrial zoning. It is the City's responsibility to change this designation because the zoning on the property was changed in 2009 as part of the County to City Zoning Project. Changing the designation to General Industrial complies with the corresponding Light Industrial zone.

### Conclusions

All of the proposed General Land Use Plan map amendments are consistent with what is prescribed in the City's Comprehensive Plan. This criterion is met.

7. *All applicable Statewide Planning Goals.*

The following demonstrate conformity with the applicable Statewide Planning Goals.

**Goal 1—Citizen Involvement**

Findings – General Land Use Plan Map Amendment

Goal 1 requires the City to have a citizen involvement program that sets the procedures by which affected citizens will be involved in the land use decision process, including participation in the quasi-judicial revision of the Comprehensive Plan. The City of Medford has an established citizen-involvement program consistent with Goal 1 that includes public review of proposed General Land Use Plan map amendments by the Planning Commission and City Council.

Conclusions

By following the standard notification and comment procedure, the City provided adequate opportunities for citizen input. Goal 1 is satisfied.

**Goal 2— Land-use Planning**

Findings – General Land Use Plan Map Amendment

The City has a land use planning process and policy framework in the form of a Comprehensive Plan and development regulations in Chapter 10 of the Municipal Code. These are the bases for decisions and actions.

Conclusions

The proposed amendment adheres to the land use process identified in the City's code, which in turn complies with the Statewide Planning goal. Goal 2 is found to be satisfied.

**Goal 3—Agricultural Lands does not apply in this case.**

**Goal 4—Forest Lands does not apply in this case.**

**Goal 5—Natural Resources, Scenic & Historic Areas, and Open Spaces does not apply in this case.**

**Goal 6—Air, Water, and Land Resources Quality does not apply in this case.**

**Goal 7—Areas Subject to Natural Hazards does not apply in this case.**

**Goal 8—Recreation Needs**

Findings- General Land Use Plan Map Amendment

This goal relates to the City's responsibility for meeting the community's recreational needs today and into the future. The Leisure Services Plan within the Comprehensive

Plan describes the number and types of parks and trails the City requires. The General Land Use Plan map changes to incorporate recently built parks or newly acquired parkland to the Parks and Schools designation is part of the process by which the City calculates the number of recreational acres within the City to ensure compliance with this goal.

Conclusions

The proposed changes support this goal. Goal 8 is satisfied.

**Goal 9**—Economic Development does not apply in this case.

**Goal 10**—Housing does not apply in this case.

**Goal 11**—Public Facilities and Services

Findings – General Land Use Plan Map Amendment

Refer to findings under Goal 8 above.

Conclusions

Refer to conclusions under Goal 8 above.

**Goal 12**—Transportation does not apply in this case.

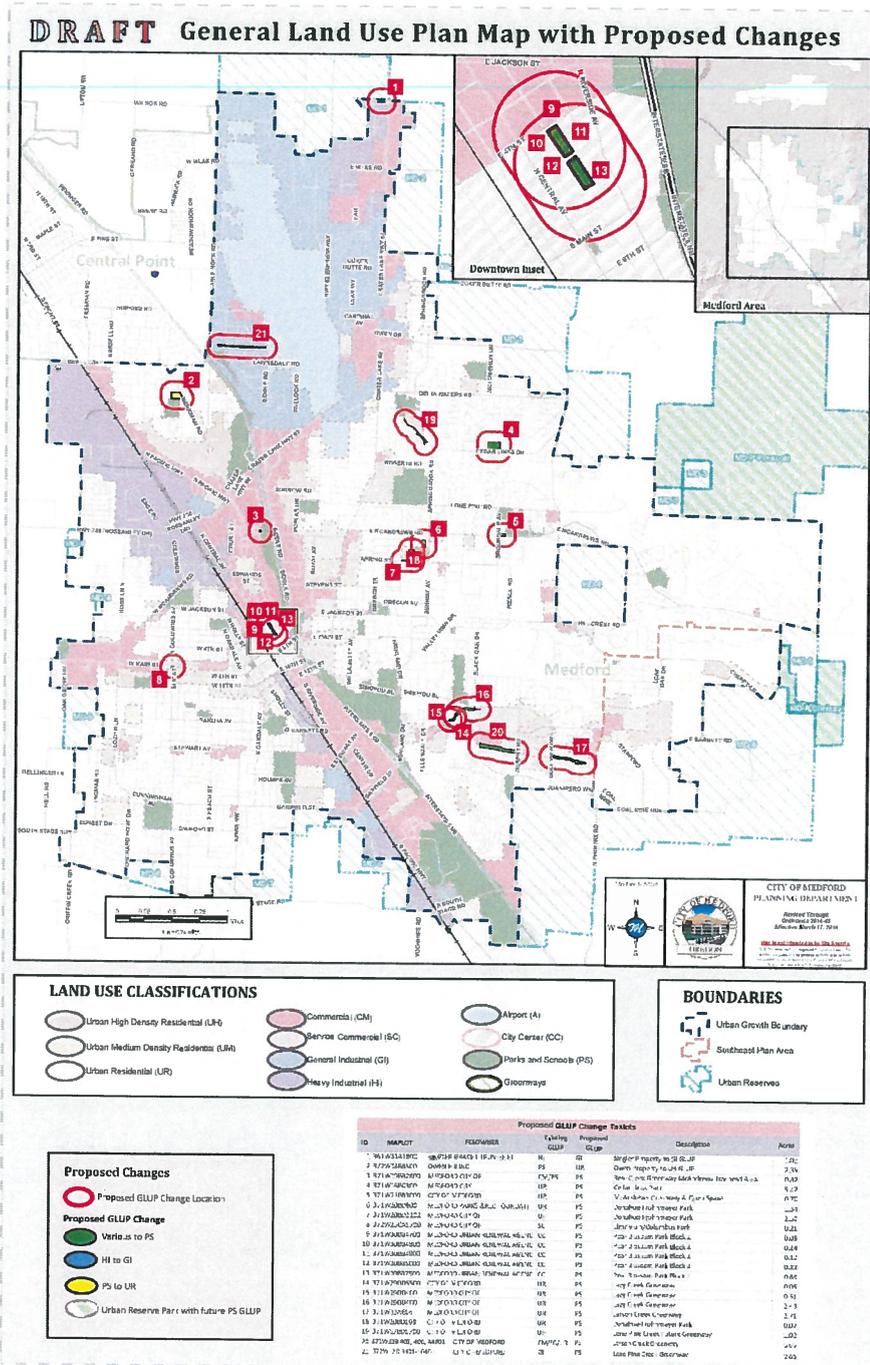
**Goal 13**—Energy Conservation does not apply in this case.

**Goal 14**—Urbanization does not apply in this case.

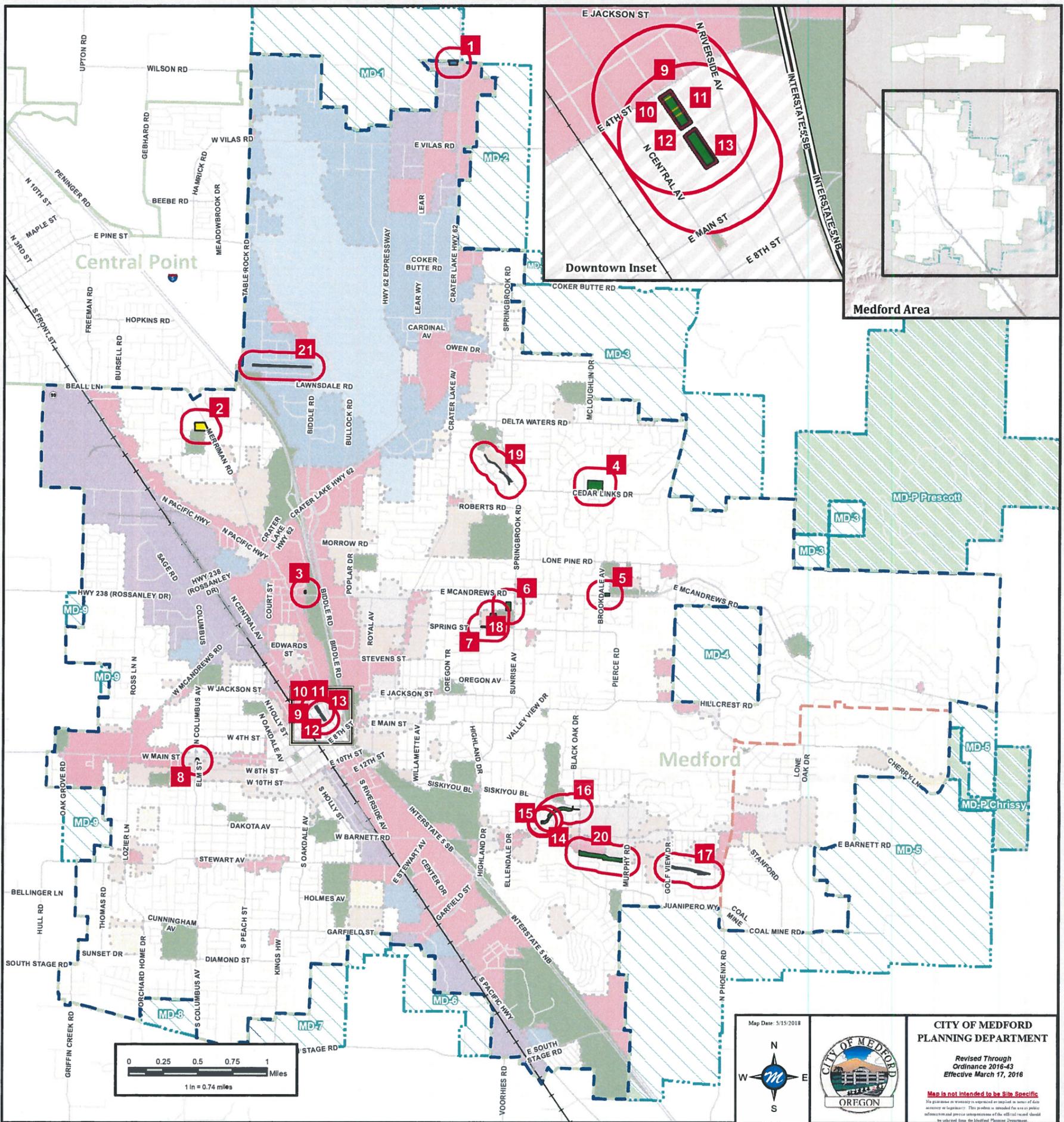
**Goals 15–19** do not apply to this part of the State.

# Exhibit B

## Proposed General Land Use Plan Map



# DRAFT General Land Use Plan Map with Proposed Changes



## LAND USE CLASSIFICATIONS

- Urban High Density Residential (UH)
- Commercial (CM)
- Airport (A)
- Urban Medium Density Residential (UM)
- Service Commercial (SC)
- City Center (CC)
- Urban Residential (UR)
- General Industrial (GI)
- Parks and Schools (PS)
- Heavy Industrial (HI)
- Greenways

## BOUNDARIES

- Urban Growth Boundary
- Southeast Plan Area
- Urban Reserves

## Proposed Changes

- Proposed GLUP Change Location
- Proposed GLUP Change**
- Various to PS
- HI to GI
- PS to UR
- Urban Reserve Park with future PS GLUP

## Proposed GLUP Change Taxlots

ID	MAPLOT	FEEOWNER	Existing GLUP	Proposed GLUP	Description	Acres
1	361W31A1800	SINGLER GRACE L TRUSTEE ET	HI	GI	Singler Property to GI GLUP	1.00
2	372W13BB500	OWEN F B INC	PS	UR	Owen Property to UR GLUP	2.85
3	371W19BB2800	MEDFORD CITY OF	CM/PS	PS	Bear Creek Greenway McAndrews Trailhead Area	0.32
4	371W16BC300	MEDFORD CITY	UR	PS	Cedar Links Park	5.42
5	371W21BB3000	CITY OF MEDFORD	UR	PS	McAndrews Greenway & Open Space	0.70
6	371W20BD800	MEDFORD PARKS & REC FOUNDATI	UR	PS	Donahue-Frohnmayr Park	1.34
7	371W20BD2102	MEDFORD CITY OF	UH	PS	Donahue-Frohnmayr Park	2.50
8	372W25CA1700	MEDFORD CITY OF	SC	PS	Elm/Main/Columbus Park	0.21
9	371W30BB4700	MEDFORD URBAN RENEWAL AGENC	CC	PS	Pear Blossom Park Block 2	0.09
10	371W30BB4800	MEDFORD URBAN RENEWAL AGENC	CC	PS	Pear Blossom Park Block 2	0.24
11	371W30BB4900	MEDFORD URBAN RENEWAL AGENC	CC	PS	Pear Blossom Park Block 2	0.12
12	371W30BB5000	MEDFORD URBAN RENEWAL AGENC	CC	PS	Pear Blossom Park Block 2	0.23
13	371W30BB7500	MEDFORD URBAN RENEWAL AGENC	CC	PS	Pear Blossom Park Block 1	0.69
14	371W29DD5500	CITY OF MEDFORD	UR	PS	Lazy Creek Greenway	0.05
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16	371W29DD400	MEDFORD CITY OF	UR	PS	Lazy Creek Greenway	2.43
17	371W33A604	MEDFORD CITY OF	UR	PS	Larson Creek Greenway	2.71
18	371W20BD199	CITY OF MEDFORD	UR	PS	Donahue-Frohnmayr Park	0.07
19	371W17BD1700	CITY OF MEDFORD	UH	PS	Lone Pine Creek Future Greenway	1.02
20	371W33B 405, 406, A4601	CITY OF MEDFORD	CM/SC/UR	PS	Larson Creek Greenway	5.66
21	372W12D 4001-10401	CITY OF MEDFORD	GI	PS	Lone Pine Creek Greenway	2.65

# Exhibit C

## Medford Fire Department Memo



### Medford Fire Department

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

### LAND DEVELOPMENT REPORT - PLANNING

To: Sarah Sousa

LD Meeting Date: 02/07/2018

From: Fire Marshal Kleinberg

Report Prepared: 02/02/2018

File #: DCA - 17 - 72

Associated File #'s: CP - 17 - 114

ZC - 17 - 115

**Site Name/Description:**

A legislative amendment and major zone change to convert public park properties to proposed Public Parks zone. Comprehensive Plan Amendment to update two elements to reflect new Public Parks zone. General Land Use Plan Map amendment to change: 1) newer parks to the Parks and Schools designation, 2) 2801 Merriman Road from Parks and Schools to Urban Residential, and 3) 1061 Dillion Way from Heavy Industrial to General Industrial. Proposal also includes a Development Code Amendment to add regulations related to the Public Parks zone. Applicant, City of Medford, Planner, Sarah Sousa.

DESCRIPTION OF CORRECTIONS	REFERENCE
----------------------------	-----------

<p><u>Approved as Submitted</u> Meets Requirement: No Additional Requirements</p>	
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Development shall comply with access and water supply requirements in accordance with the Fire Code in affect at the time of development submittal.

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

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

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

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

## Exhibit D

# Medford Water Commission Memo



BOARD OF WATER COMMISSIONERS

### *Staff Memo*

**TO:** Planning Department, City of Medford

**FROM:** David Searcy Medford Water Commission Conservation Coordinator

**SUBJECT:** DCA-16-072/CP-17-114/ZC-17-115

**PROJECT:** A legislative amendment and major zone change to convert public park properties to proposed Public Parks zone. Comprehensive Plan Amendment to update two elements to reflect new Public Parks zone. General Land Use Plan Map amendment to change: 1) newer parks to the Parks and School designation, 2) 2801 Merriman Road from Parks and Schools to Urban Residential, and 3) 1061 Dillon Way from Heavy Industrial to General Industrial. Proposal also includes a Development Code Amendment to add regulations related to the Public Parks zone.

**DATE:** February 7, 2018

I have reviewed the above project application as requested. Comments are as follows:.

#### **COMMENTS**

Medford Water Commission (MWC) had initial concerns regarding Public Parks being exempted from Landscape and Irrigation Requirement code 10.780. However in a meeting with personnel of both Parks and Planning departments, MWC has been assured that the Parks Department internal planning governance to developing new areas is in line with the Landscape and Irrigation Requirement code.

# Exhibit E

## Planning Commission Minutes (excerpt from April 12, 2018)



### Planning Commission

## Minutes

From Public Hearing on April 12, 2018

The regular meeting of the Planning Commission was called to order at 5:30 PM in the City Hall Council Chambers on the above date with the following members and staff in attendance:

#### Commissioners Present

Patrick Miranda, Chair  
David McFadden, Vice Chair  
David Culbertson  
Joe Foley  
Bill Mansfield  
Mark McKechnie  
E.J. McManus  
Alex Poythress  
Jared Pulver

#### Staff Present

Kelly Akin, Assistant Planning Director  
Eric Mitton, Deputy City Attorney  
Carla Paladino, Principal Planner  
Terri Rozzana, Recording Secretary  
Dustin Severs, Planner III  
Steffen Roennfeldt, Planner III

**50.3 DCA-16-072 / CP-17-114 / ZC-17-115** The proposal is a four part project that includes the following land use applications: **1) A General Land Use Plan Map Amendment** to update the Comprehensive Plan Map by converting existing parks from their current GLUP designation to the Parks and Schools GLUP designation and make corrections to two other properties that are privately owned located on Merriman Road and Dillon Way; **2) A Major Zoning Map Amendment** to create a new Public Parks (P-1) zoning district and convert existing publicly owned park properties from their current zoning designation of residential, commercial, or industrial to the new zoning designation; **3) A Land Development Code Amendment** to amend various sections of Chapter 10 of the Municipal Code to add regulations, uses, and procedures associated with the new Public Parks (P-1) zoning district; and **4) A Minor Comprehensive Plan Amendment** to update two elements of the Comprehensive Plan to reflect the new Public Parks (P-1) zoning district.

Chair Miranda inquired whether any Commissioners have a conflict of interest or ex-parte communication they would like to disclose. None were disclosed.

Chair Miranda inquired whether anyone in attendance wishes to question the Commission as to conflicts of interest or ex-parte contacts. None were disclosed.

Carla Paladino, Principal Planner, stated that the code amendments and major zoning map amendments criteria can be found in the Medford Land Development Code Section 10.184 (2) & (3). The applicable criteria were included in the staff report, property owner

Planning Commission Minutes

April 12, 2018

notices and hard copies are available at the entrance of Council Chambers for those in attendance. Ms. Paladino gave a staff report.

Vice Chair McFadden stated that the properties that are State and County owned look like they have been committed for long term buildable lots. He assumes the State or County will not sell them leaving a vacant area in the middle of everything else. Ms. Paladino reported that staff received information from the County that they had no issues with the rezone. The County properties are along the Greenway so there is no change. Staff received comments back regarding the Oregon Department of Transportation (ODOT) properties in the exhibits provided today. They are not in favor of changing the ten properties. Those properties should not be noted as tax lots and should be noted as right-of-way. Staff submitted that information to the County yesterday. The County came back today and stated they have updated their assessor maps to show that. Staff's recommendation is to take those ten properties that are ODOT owned out.

Ms. Paladino continued with her staff report.

Exhibits M through R were emailed to the Planning Commission earlier today.

- Exhibit M: Parks Department email from Haley Cox
- Exhibit N: Parks Department suggested revisions to code amendments
- Exhibit O: Revised code language with Park Department edits and changes discussed with Parks Staff
- Exhibit P: Jackson County email
- Exhibit Q, Q-1, Q-2: Oregon Department of Transportation email and attachments
- Exhibit R – Engineering Department email comments

Commissioner Foley asked, what is the approving process today versus with the new zone? Ms. Paladino reported that the criteria will be different. It would be specific to Parks, consistent with the Leisure Services Plan, mitigation, etc. It mirrors the Conditional Use Permit process. Staff did not think it appropriate for a zone that calls out what the use is that an applicant would have to request special approval conditionally to get that use.

Commissioner McKechnie asked, are schools put in with Parks? Ms. Paladino stated that staff wanted to create a broad public district that would include government facilities, parks, schools, utilities and that was too much. The Planning Commission at the time noted that the proposal needed to be slimmed down. The focus now is just on parks. The zoning will not change for school designations that have the parks and school General Land Use Plan designation.

Commissioner McKechnie asked, if a building or school is in a park does that come to the Planning Commission or to the Site Plan and Architectural Commission for review? Ms. Paladino stated that the permitted use table identifies where it would go. Schools would

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Planning Commission Minutes

April 12, 2018

go to the Site Plan and Architectural Commission for review. A park building would go before the Planning Commission.

Commissioner Mansfield stated the Ms. Paladino mentioned restaurants being a use in a park. He does not understand that. Why allow restaurants to be built in parks? Ms. Paladino stated there are those types of uses in other parks.

Chair Miranda did not understand police stations and fire departments on parkland. Ms. Paladino stated that Fire Station #3 is on parkland. Staff did not want to make anything nonconforming.

Vice Chair McFadden stated that on page 146 of the agenda packet he does not know the definition of a linear park. Ms. Paladino reported the example noted in the Leisure Services Plan of a linear park is the trail along Biddle Road.

Vice Chair McFadden had concerns that under permitted uses does the City see any need to specify renting out a park or provide sole use of a park other than the normal permit process? On the sports court and noise the 50 feet is too small. Under caretaker provision with a caretaker residence within the park, what are the setbacks? He was surprised that signs and lighted signs were included in parks.

Commissioner Pulver requested clarification of Exhibit O versus Exhibit E. Ms. Paladino clarified the revised code language beginning on page 5 of the new exhibits distributed earlier today.

Commissioner Pulver does Medford have a lot of City owned facilities leased to private parties such as an aquatic facility with a café. It is not the primary use of the building it would be part of the aquatic center. Ms. Paladino reported that is correct. It would be an accessory. A lot of the permitted uses could potentially be accessory. Police station or fire department would be a primary use.

Commissioner Pulver also is confused on schools. The intent is just for parks but for approved uses the schools are listed. Ms. Paladino gave an example why. The West Howard Park that is in the County may potentially become part of the City. There is a charter school approved on that site.

The Public Hearing was opened.

a. Raul Woerner, CSA Planning Ltd., 4497 Brownridge Terrace, Suite 101, Medford, Oregon, 97504. Mr. Woerner shared his thoughts. He has done a lot of work in jurisdictions throughout the states and many that have special protection, school and park zones. At times it complicates projects that may have been easy like a property line adjustment, land exchange or sale of excess property. Is there an alternative to approach

Planning Commission Minutes

April 12, 2018

the objective by taking the special permitting and making it clear that parks can be allowed as a permitted specialty use in all the zones they previously were rather than creating a zoning district? If you need to know where parks are put a note on the map. There are long term consequences requiring it to be in a zoning district. Streamline the permitting standard for parks. Zone changes always come with the issue of what to do with traffic. There are properties that are already commercially designated. How many of those have pipeline trips or trips credited in the transportation model that assume they are commercial because they are going to be down zoned? He suggested to bank those trips and get credits when dealing with ODOT in the future on facility projects. Maybe put it up for auction. He has a lot of other issues. What is good for the goose is good for the gander. If you have something for public parks have something for private parks.

Ms. Paladino followed up stating that staff talked to the Public Works Department about the issue of zone changes and whether or not to add it to the locational criteria. Mr. Woerner is correct about the ITE manual that talks about trips per uses would be less than residential or commercial. Their thought was since there is a lesser traffic impact there would not be any requirement for locational standards for the zone change.

In terms of allowance for parks on other zones staff is not changing that part of the permitted use table. For publically owned land staff would like to match parks and schools GLUP map designation and match that with the appropriate park zone. Staff is not going to rezone properties that are potentially private.

Commissioner McKechnie asked, when two parcels next to each other that are differently zoned and the zone runs on the property line, if a property line adjustment is done, does the zone automatically move with it? Ms. Paladino reported that the criteria for property line adjustment does not allow it to be a split zone. It would not move. There would have to be a zone change.

The Public Hearing was closed.

Motion: The Planning Commission, based on the findings and conclusions that all of the approval criteria are met or are not applicable, initiates the amendment, and forwards a favorable recommendation for approval of DCA-16-072, CP-17-114, to the City Council, and the Planning Commission approves ZC-17-115 without forwarding it to the City Council (see note below), including Exhibits M through R with the following changes:

Modify header on report

Modify number of properties from 144 to 132 & update table

Remove 10 ODOT properties from proposal

Use Exhibit O in place of Exhibit E

Move criteria language in 10.295 (A) (5) to more suitable location

Planning Commission Minutes

April 12, 2018

**NOTE:** The proposed zone change is a Major Zone Change (Class A procedure) which provides for a Planning Commission recommendation and City Council approval. The Planning Commission does not have final approval authority on Class A applications. The ZC-17-115 application will be forwarded to City Council for approval.

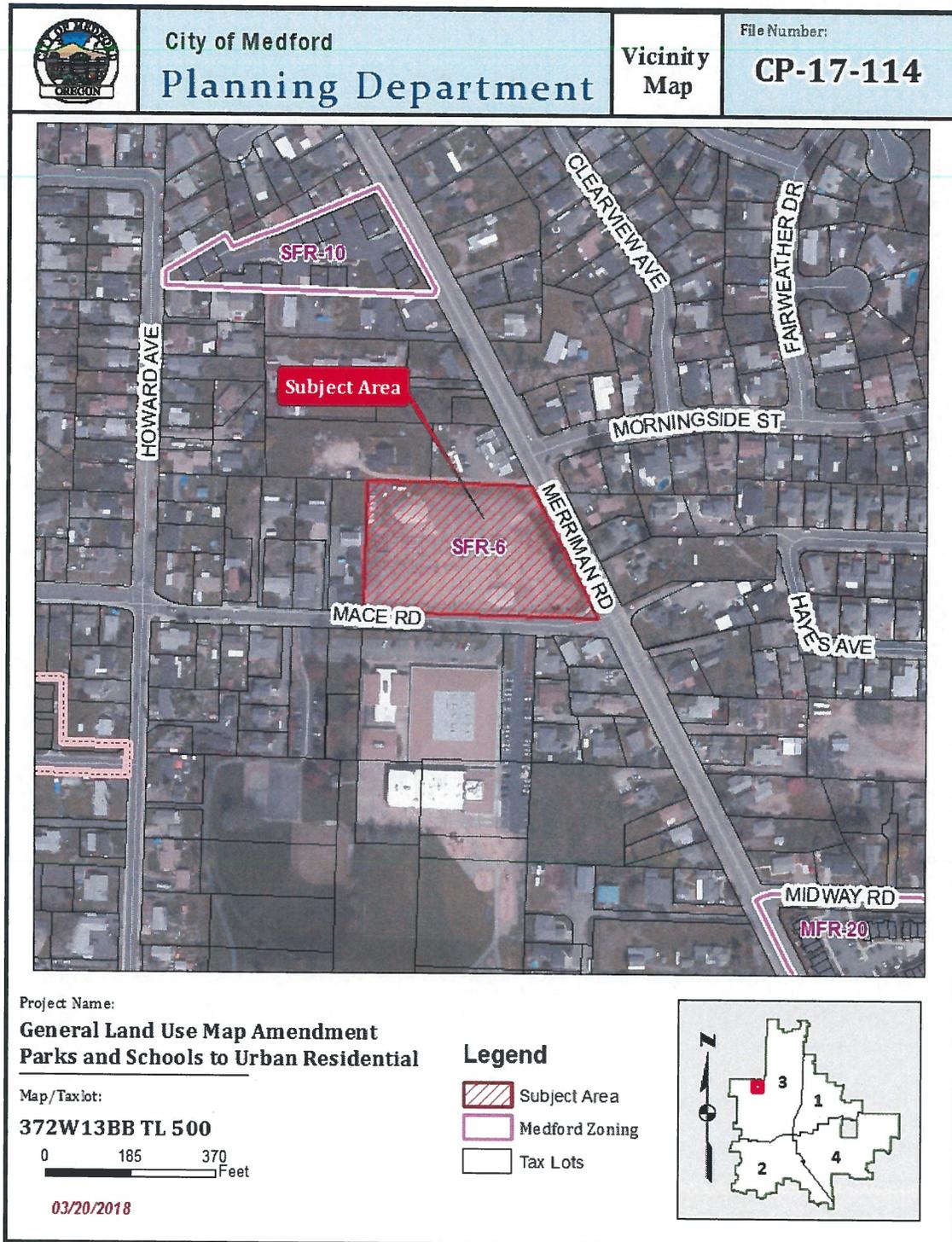
Moved by: Vice Chair McFadden

Seconded by: Commissioner McKechnie

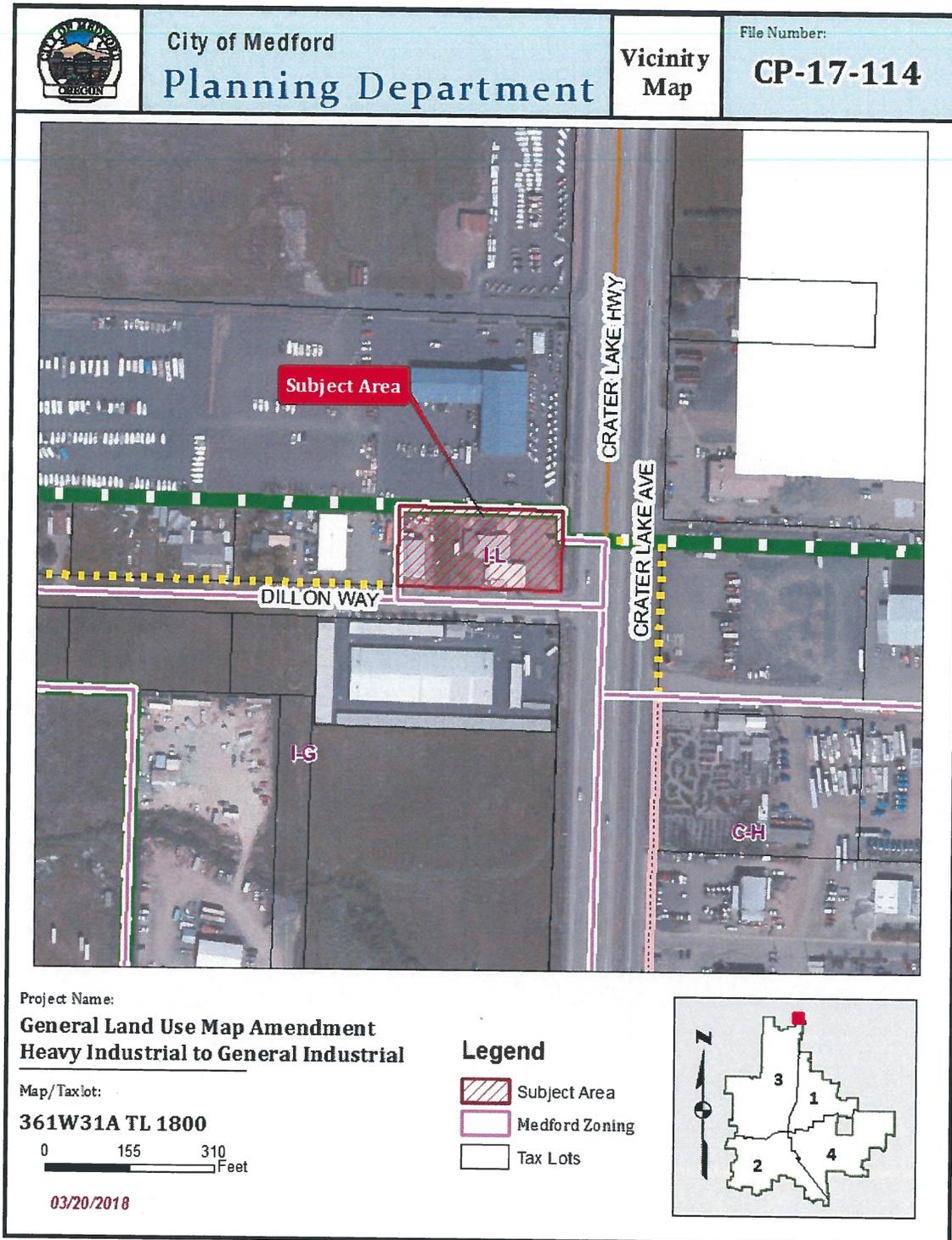
Commissioner Pulver commented that reading the minutes from previous study sessions he echoes some of Mr. Woerner's comments. He is not sure this is necessary or appropriate and has reservations as to the why. He appreciates staff's work. As far as permitted uses he struggles with some of the items on the list. He thinks they are too broad.

Roll Call Vote: Motion passed, 8-1, with Commissioner Pulver voting no.

# Vicinity Map for Merriman Road Property



# Vicinity Map for Dillon Way Property





# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.1

www.cityofmedford.org

**DEPARTMENT:** Fire  
**PHONE:** (541) 774-2306  
**STAFF CONTACT:** Justin Bates, Deputy Fire Chief

**AGENDA SECTION:** Consent Calendar  
**MEETING DATE:** June 7, 2018

## **COUNCIL BILL 2018-46**

An ordinance authorizing execution of an Intergovernmental Agreement with Jackson County Fire District 3 for automatic aid response planning.

## **SUMMARY AND BACKGROUND**

Council is requested to consider an Intergovernmental Agreement (IGA) with Jackson County Fire District 3 for fire department automatic aid (closest forces) response planning. Automatic aid ensures that the closest fire department resource is dispatched to an emergency based on GPS location technology regardless of jurisdictional boundaries. The IGA would formalize automatic aid agreements already in place.

## **PREVIOUS COUNCIL ACTIONS**

Council Bill 2018-46, item 60.6 was on the May 17, 2018 Council Meeting Consent Calendar and was continued for the June 7, 2018 meeting.

## **ANALYSIS**

Fire Department mutual aid agreements have been in place for many years sharing assistance during large scale events that exceed the capacity of Medford Fire Department resources. Informal automatic aid cooperation with neighboring fire departments have been utilized recently to get the closest fire engine to an emergency regardless of jurisdictional boundaries using GPS and computer dispatching technology.

All agencies involved, as well as the citizens benefit from the sharing of fire department resources using an automatic aid system. This agreement would increase the capacity of each agency to mitigate multiple incidents at a time without expending additional funding for fire department equipment or personnel. This Intergovernmental Agreement would formalize the automatic aid cooperation currently being used with Jackson County Fire District 3.

## **FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

No financial impact. Equipment and personnel resources are monitored to ensure mutual benefit of both parties.

## **TIMING ISSUES**

None

## **COUNCIL OPTIONS**

- Approve the ordinance.
- Modify the ordinance.
- Deny the ordinance and provide staff with direction.

## **STAFF RECOMMENDATION**

Staff recommends approval of the Intergovernmental Agreement.

## **SUGGESTED MOTION**

I move to approve ordinance for the Intergovernmental Agreement between the City of Medford and Jackson County Fire District 3 for automatic aid.

## **EXHIBITS**

- Ordinance
- Intergovernmental Agreement

ORDINANCE NO. 2018-46

AN ORDINANCE authorizing execution of an Intergovernmental Agreement with Jackson County Fire District 3 for automatic aid response planning.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That execution of an Intergovernmental Agreement with Jackson County Fire District 3, for automatic aid response planning, which is on file in the City Recorder's office, is hereby authorized.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor

**INTERGOVERNMENTAL AGREEMENT  
FOR  
AUTOMATIC AID AND EMERGENCY RESPONSE SERVICES**

THIS AGREEMENT, is made and entered into on this first day of \_\_\_\_\_, by and between Medford Fire-Rescue (City of Medford) and Fire District 3, through their duly authorized Mayor, City Manager or Board Director, to provide for automatic assistance for fires and other types of emergency incidents as described under the terms of this agreement.

**RECITALS**

**Whereas**, Oregon Revised Statutes (ORS) Chapter 190 authorizes units of local government to enter into written agreements with other units of local government for any or all of the functions and activities of a party to the agreement, and

**Whereas**, the participating cities, towns and fire districts of the Automatic Aid System seek to provide the most efficient, safe, and effective fire-rescue-emergency medical services to their communities, and

**Whereas**, policy statements for automatic assistance in fire protection and response to other emergencies have existed between specific municipalities and governmental jurisdictions, and

**Whereas**, under the oversight of the Rogue Valley Fire Chiefs Association, the Mutual Aid System has been in existence to provide the highest levels of services in conjunction with the most effective use of local fire department resources working collaboratively through intergovernmental cooperation; and

**Whereas**, the Automatic Aid System Participants are committed to demonstrate public equity through the reasonable commitment and distribution of resources within their jurisdiction to ensure that no participant unfairly benefits at the expense of the other participants, and

**Whereas**, it is the desire of the Automatic Aid System participants joining in this agreement to continue and improve the nature and coordination of emergency assistance to incidents that threaten loss of life or property within the geographic boundaries of their respective jurisdictions, and

**Whereas**, it is further the determination of each of the parties hereto that the decision to enter into this Automatic Aid Agreement constitutes a fundamental governmental policy of the parties hereto which is automatic in nature, and includes the determination of the proper use of the resources available with respect to the providing of governmental services and the utilization of existing resources of each of the parties hereto, including the use of equipment and personnel, and

**Whereas**, it is the desire of these municipalities and governmental jurisdictions to maintain a "closest forces" automatic aid response for emergency response services.

## AGREEMENT

That the Automatic Aid System participants executing this agreement agree to dispatch their respective assigned fire department units on an automatic basis. The Computer Aided Dispatch and Automatic Vehicle Locator system will automatically determine the closest available, most appropriate unit(s) regardless of jurisdictional boundaries. Each jurisdiction agrees that such unit(s) will respond.

1. It is agreed that the scope of this agreement includes automatic assistance in responding to fires, medical emergencies, hazardous materials incidents, rescue and extrication situations and other types of emergency incidents that are within the standard scope of services provided by fire departments in the Automatic Aid System. The scope of this agreement is not intended to include assistance for pre-planned or special events requiring additional staffing needs.
2. If at any time while this Automatic Aid Agreement is in effect, if a party to the Automatic Aid Agreement closes a fire station, or reduces the level of fire, medical or emergency services provided within its municipal or jurisdictional boundaries, the party closing said fire station or reducing services will give a minimum of 90 days' notice to all other parties to this Automatic Aid Agreement.
3. Agree to maintain compatible equipment and encourage the development of cooperative procedures and protocols.
4. Nothing in this agreement shall limit the ability of any or all of the parties from agreeing to participate in more specific contracts for services, mutual assistance or automatic response; nor shall this prohibit any party from providing emergency assistance to another jurisdiction which is not a participant in this agreement.
5. Each participating municipality or fire district shall retain ownership of any equipment or property it brings to the performance of this agreement and shall retain ultimate control of its employees. If at any time it is determined that communications infrastructure is necessary to meet the operational requirements of the automatic aid response system, the jurisdiction's fire department will assist Emergency Communications of Southern Oregon (ECISO) in facilitating all necessary steps to implement sufficient communications infrastructure, including the authorizations, agreements, access, etc.
6. Each Automatic Aid System participant commits to meet regularly to discuss issues and develop policies or protocols to improve coordinated response reliability. The Fire Chief may designate a representative with decision making authority.
7. Participants in this automatic aid agreement do further agree to the following standard service criteria as the primary response system elements of this automatic aid agreement:
  - A. The Automatic Aid System will use a Computer Aided Dispatch (CAD) system that automatically selects the closest, most appropriate unit(s) for dispatch to include Battalion Chiefs. The CAD system shall be a centralized, totally integrated unit dispatch/status keeping system.
  - B. The Automatic Aid System allows the closest, most appropriate emergency response unit to an

emergency to be dispatched automatically - regardless of the jurisdiction where the emergency occurs or the jurisdictional affiliation of the response unit. The dispatch system utilizes Automatic Vehicle Location (AVL) equipment to discern the location of emergency response units and a computerized Geographic Information System (GIS) to discern the location of the emergency call. The AVL and GIS systems allow the dispatch system to match the closest response unit to the emergency and recommend it for dispatch within the Automatic Aid System boundaries. All Automatic Aid System participants shall ensure its staffed engines, ladders, tenders and wildland brush units are equipped with AVLs'.

- C. The automatic aid system utilizes a preplanned system of communications. Communications support for participants includes the provision of a main dispatch and multiple tactical radio frequencies, a Mobile Computer Terminal (MCT) system, a station alerting system, direct communication lines between each participating fire station and the Dispatch Center, and a paging system. These systems are in place and supported by the Dispatch Center.
- D. All participants will use standard command procedures. A standardized Incident Management System (IMS) provides for efficient management of the emergency and for the safety of firefighters through the use of standard terminology, reporting relationships, and support structures. The Incident Management System and associated standard operating procedures adopted for use by all Automatic Aid participants are the Rogue Valley Fire Rescue Standing Orders.
- E. Participants shall use the same set of procedures for Incident Management and minimum company standards (basic evolutions used by the fire service). Participants shall explore opportunities for joint training. Participants that do not attend joint training opportunities on a regular basis, as determined by the signors of this agreement, will be automatically removed from this agreement.
- F. To ensure compatibility of equipment, participants shall maintain a mutually agreed upon inventory of equipment (based upon minimum NFPA standards), including hoses, couplings, pump capacity, communications equipment, and will maintain the minimum standard amount of equipment on each type of apparatus (as recommended by related NFPA Standards).
- G. Participants shall utilize the Valley-wide apparatus numbering system and standardized terminology for apparatus and fire stations.
- H. Participants shall use standardized response criteria (i.e. pre-established type and number of apparatus that will be automatically dispatched based on type of call as per standard NFPA and ISO recommendations). The dispatch system can tailor the response to specific types of incidents by jurisdiction or part of a jurisdiction. This includes the capability to automatically dispatch selected specialty units.

- I. Participants recognize the importance of service delivery and personnel safety issues. The minimum staffing level for response is two fully trained personnel. The minimum staffing level for engines and ladders is three fully trained personnel. Engine & Ladder staffing may be reduced to less than 3 personnel for short periods of time under special circumstances. Specialty units such as Interface engines, wildland units, tenders, tactical tenders, rescues, etc. may have staffing of less than 3 personnel. Command Staff unit staffing of 1 Chief Officer is acceptable.
  - J. To ensure safety, all participants agree that they will follow the standard operating procedures and command procedures of the Rogue Valley Fire Rescue Standing Orders. Departments shall use safety officers that will follow standardized procedures as recommended by NFPA. Staff filling the role of safety officer shall participate in joint training.
  - K. Participants agree to the use of specialized unit resources. The assignment of a specialized unit to an incident relies on predefined response levels to specific types of incidents, the closest specialized unit to the call, and/or any special call for resources made by an incident commander that is not pre-programmed in the CAD system. This includes, but is not limited to, hazardous materials support, technical rescue support, loss control, rehab, command, utility, brush, and water tenders.
  - L. Participants agree that automatic aid is reciprocal. While automatic aid does not ensure that a community will receive the exact same amount of assistance as it gives, it does mean that all participants will provide assistance outside its jurisdictional boundaries and that the level of service delivered within the Automatic Aid System will be comparable.
  - M. The amount of automatic aid given and received by each participant of this agreement will be tracked on a monthly basis with a rolling 12 month look-back. If significant long term trends develop in the gap between automatic aid given vs received then the participants of this agreement will meet to evaluate strategies to reduce that gap.
  - N. Participants shall define "time of dispatch" as the point in time at which the Dispatch Center has notified the station or (responding unit if out of station) of the call through the station alert system, radio, or MDC.
  - O. Participants shall measure "response time" from the time of dispatch to time of arrival on-scene.
  - P. Calls outside the response boundaries of the Automatic Aid Response System will be considered mutual aid where such written agreements remain under the supervision of the Rogue Valley Fire Chiefs Association. Requests for and responses to mutual aid will be at the sole discretion of the departments involved.
8. No term or provision of this Agreement is intended to, or shall, create any rights in any person, firm, corporation or other entity not a party hereto, and no such person or entity shall have any cause of action hereunder.

9. Except as specifically agreed to by both parties for a particular incident, neither party shall be reimbursed by the other party for any costs incurred pursuant to this agreement. In the event of Declared Disasters, participants may apply for reimbursements from County, State and Federal agencies.
10. The parties further understand that this agreement supersedes any previous Automatic Aid Agreement between any of the parties hereto.
11. The parties also recognize that it is the responsibility of each participating party to ensure that their employees are notified in accordance with the provisions of Oregon Workers Compensation Law, specifically, ORS or any amendment thereto, and that all such notices as required by such laws shall be posted in accordance with said law.
12. No term or provision in this agreement is intended to create a partnership, joint venture or agency arrangement between any of the parties.
13. The parties to this agreement hereby agree that other departments dispatched by Emergency Communications of Southern Oregon may be added to this Automatic Aid Agreement upon approval of their governing body and the governing bodies of all signors.
14. This Automatic Aid Agreement shall be reviewed by all parties every five years or as deemed necessary.

#### **REVIEW, EVALUATION, AND QUALITY ASSURANCE**

Both parties shall notify the other as soon as possible of incidents that affect the quality of service delivery under this agreement. Both parties agree to work diligently towards resolving any issues that may arise for the mutual benefit of the parties.

#### **LIABILITY/INDEMNITY**

- A. To the extent permitted by the Oregon Tort Claims Act and the Oregon Constitution, Fire District 3 shall defend, indemnify and hold harmless Medford Fire-Rescue, and each of Medford Fire-Rescue's elected officials, officers, agents and employees, from and against any and all losses, claims, actions, costs, judgments, damages or other expenses resulting from injury to any person (including injury resulting in death) or damage to property (including loss or destruction), of whatever nature, arising out of or incident to the performance of this agreement by Fire District 3, including, but not limited to, any acts or omissions of Fire District 3's officers, employees, agents, volunteers and others, if any, designated by Fire District 3 to perform services under this agreement.
- B. Fire District 3 shall not be held responsible for any losses, claims, actions, costs, judgments, damages or other expenses directly, solely and proximately caused by the negligence of Medford Fire-Rescue.
- C. To the extent permitted by the Oregon Tort Claims Act and the Oregon Constitution, Medford Fire-Rescue shall defend, indemnify and hold harmless Fire District 3, and each of its elected official, officers, agents and employees, from and against any and all losses, claims, actions, costs, judgments, damages or other expenses resulting from injury to any person (including injury resulting in death) or damage to property (including loss or

destruction), of whatsoever nature, arising out of or incident to the performance of this agreement by Medford Fire-Rescue, including but not limited to, the acts and omissions of Medford Fire-Rescue's employees, agents, volunteers and others, if any, designated by Medford Fire-Rescue to perform services under this agreement.

- D. Medford Fire-Rescue shall not be held responsible for any losses, claims, actions, costs, judgments, damages or other expenses directly, solely and proximately caused by the negligence of District 3.
- E. This section does not confer any right to indemnity on any person or entity other than the parties, waive any right of indemnity or contribution from any person or entity; or waive any governmental immunity.

**DEFAULT**

- A. A party to this agreement who has cause to believe that the other party is in default of the terms or conditions of this agreement, shall give the party alleged to be in default written notice of said default, and allow not less than ten (10) days for the default to be cured. If the default is not cured within that time, the following remedies are available to the parties:
  - Declare this agreement to be terminated, at which time the provisions of Termination of this agreement shall be complied with.
  - Request arbitration of any dispute pursuant to ORS 190.710 to ORS 190.800.
  - If not resolved in arbitration, bring an action in the Jackson County Circuit Court to enforce any provision of this agreement.
- B. Each of the above remedies is deemed to be cumulative and non-exclusive of any other remedy.

**TERMINATION**

- A. This agreement may be terminated by either party, without cause, by the terminating party giving the other party written notice of its intention to terminate this agreement. Such notice shall be given at least six (6) months prior to the termination of this agreement, although, by mutual consent of the parties, this agreement may be terminated on shorter notice.

**ENTIRE AGREEMENT**

- A. This written agreement is the entire agreement of the parties hereto regarding the subject matter of this agreement and contains all of the terms and conditions of the agreement between the parties. All prior agreements, for the services aforementioned, understandings or the like, whether written or verbal, are superseded by this agreement and shall be of no force or effect whatsoever. Any amendment to this agreement shall be in writing and signed by the representatives of the parties as duly authorized by the governing body of each party.

**EXECUTION**

A. The execution of this agreement by each of the undersigned is done pursuant to the authorization of the governing body of each party, voted upon in an open meeting in accordance with Oregon Law, and each person executing this agreement hereby certifies that they are authorized to execute this agreement on behalf of Fire District 3 or Medford Fire-Rescue. In witness whereof, the parties, through their duly authorized representatives, have executed this Agreement on the date or dates set forth below.

IN WITNESS WHEREOF, this Agreement is executed on the year and date first above written.

City of Medford

Jackson County Fire District #3

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.2

www.cityofmedford.org

**DEPARTMENT:** Finance/City Manager's Office  
**PHONE:** (541) 774-2003  
**STAFF CONTACT:** Brian Sjothun, City Manager

**AGENDA SECTION:** Consent Calendar  
**MEETING DATE:** June 7, 2018

## COUNCIL BILL 2018-56

An ordinance establishing an Audit Committee of the City Council.

### SUMMARY AND BACKGROUND

The Council is requested to consider approving an ordinance establishing an Audit Committee for the City of Medford, which will serve as a sub-committee to the Budget Committee. Over the course of the past couple of years, staff has received requests to consider the formation of an Audit Committee. There is increasing emphasis on internal controls in both the public and private sectors. The Government Finance Officers Association states that, "The best way for the governing body to oversee management's performance in regard to internal controls as they relate to accounting and financial reporting is to establish an audit committee."

### PREVIOUS COUNCIL ACTIONS

On May 3, 2018, Council provided direction to staff on the draft duties and language to be contained in a ordinance for formal consideration by Council.

### ANALYSIS

Staff presented example assignments and duties of other agencies along with recommendations from the Government Finance Officers Association at the February 8, 2018 meeting of the Budget Committee. The committee should be formally established through an enabling ordinance or ordinance and possibly codified within the Medford Municipal Code. Council provided direction to staff on May 3, 2018 to bring this item forward as a ordinance.

Such action to establish the committee should detail; committee establishment, membership, term of office, meetings and power of duties. Each agency has established varying differences in regards to the role of such committee. However, there are certain aspects that are common themes in regards to roles and duties within the examples reviewed by staff:

- Membership will consist of one Council member and two Budget Committee members
  - Ideally, all members should possess or obtain a basic understanding of governmental financial reporting and auditing.
  - Committee should have sufficient members, no fewer than three, for meaningful discussion and deliberation.
- To ensure that the auditor of the City's financial statements is truly independent of management.
- To provide an objective perspective on matters related to internal controls and the audit of the financial statements.

The proposed ordinance to establish the Audit Committee reflects comments made by the Mayor and Council during the April group meetings as well as the May 3, 2018 Council meeting.

### FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None. The Audit Committee will be appointed per the adopted ordinance and coordinate review of financial statements with Moss Adams LLP, who was awarded a two year contract to perform annual audits and financial statements for the City of Medford and Medford Urban Renewal Agency on May 17, 2018.



**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

Item No: 60.2

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**TIMING ISSUES**

Approval of the ordinance is needed prior to the Budget Committee meeting that is scheduled for July 26, 2018.

**COUNCIL OPTIONS**

- Approve the ordinance as presented.
- Modify the ordinance as presented.
- Deny the ordinance and provide direction to staff.

**STAFF RECOMMENDATION**

Staff recommends approval of the ordinance.

**SUGGESTED MOTION**

I move to approve the ordinance establishing an Audit Committee for the City of Medford.

**EXHIBITS**

Ordinance

ORDINANCE NO. 2018-56

AN ORDINANCE establishing an Audit Committee of the City Council.

WHEREAS, there is an increasing emphasis on internal controls in both the public and private corporate sectors; and

WHEREAS, the presence of an Audit Committee is viewed by the professional associations of certified public accountants and finance officers as a means of strengthening internal controls; and

WHEREAS, the City's current independent auditor, Moss Adams LLP, recommends the establishment of a City Council Audit Committee; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. That the Audit Committee shall be composed of four members, one of whom shall be a member of the Council and two of whom shall be current citizen members of the Budget Committee, with the final member being an at-large position with experience in reviewing audits, banking, and or financial reports.

Section 2. The Chair of the Budget Committee shall appoint the Audit Committee's two citizen members.

Section 3. The Council President shall nominate one of its members to serve on the Audit Committee. The nomination shall occur at a regular or special meeting of the City Council at which a quorum of the Council is present. The Council President will also appoint the at-large position who will be selected through the regular recruitment for community boards and commissions process.

Section 4. The Budget Committee member's role on the Audit Committee shall be limited to the duties and responsibilities that relate directly to the annual financial report and audit.

Section 5. The purpose of the Audit Committee is to:

- A. Ensure that the auditor of the City's financial statements is truly independent from City management, and
- B. Provide an objective perspective on matters related to internal controls and the audit of the financial statements, and
- C. Provide a communications link between management, the independent auditor, and the City Council.

Section 6. That in fulfilling the Audit Committee's purpose, typical responsibilities shall include:

- A. Assisting in the selection of the independent auditor.
- B. Communicating with the independent auditor, as needed, with regard to issues or

questions of internal control and proper application of accepted accounting principles.

- C. Reviewing the results of the financial statements audit with the independent auditor and management, and monitoring to ensure any significant findings or deficiencies disclosed in the audit are reviewed and corrected as needed.
- D. Assisting the independent auditor in presentation of the annual audit to the City Council.
- E. Monitoring the performance of the independent auditor and communicating with management and the City Council about the same.
- F. Reviewing and responding to any confidential submission by employees of concerns regarding questionable accounting or auditing matters, or suspected fraud or related ethics issues.
- G. As part of the above activities, meeting with the independent auditors, the Chief Financial Officer, City Manager, and City Attorney as deemed appropriate for fulfilling its role.
- H. At a minimum, meeting prior to the beginning of the annual audit and to review the draft findings and report of the annual audit and letter to management, prior to presentation of the annual report to the City Council.

Section 7. The term of office of the Audit Committee members shall be a term of four years. There is no limit on the number of terms a member of the Audit Committee may serve. The members' terms shall be staggered such that only one member's four-year term concludes each year. The Chair of the Budget Committee shall appoint a replacement if a citizen member's position on the Audit Committee becomes vacant. The Council President shall nominate one of its members to serve if a Council member's position on the Audit Committee becomes vacant. The nomination shall occur at a regular or special meeting of the City Council at which a quorum of the Council is present.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.3

[www.cityofmedford.org](http://www.cityofmedford.org)

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**DEPARTMENT:** Parks, Recreation, Facilities  
**PHONE:** (541) 774-2483  
**STAFF CONTACT:** Rich Rosenthal, Director

**AGENDA SECTION:** Consent Calendar  
**MEETING DATE:** June 7, 2018

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## **COUNCIL BILL 2018-57**

An ordinance authorizing execution of a Facility Use Agreement with Coyote Trails School of Nature for use of the U.S. Cellular Community Park Nature Center.

## **SUMMARY AND BACKGROUND**

The Parks, Recreation and Facilities Management Department requests approval of a Facility Use Agreement with Coyote Trails School of Nature that supersedes its current lease of the Nature Center in U.S. Cellular Community Park.

## **PREVIOUS COUNCIL ACTIONS**

On September 1, 2005, Council approved Council Bill 2005-191, authorizing a 10-year lease agreement with Jefferson Nature Center for development and improvements to the building and property located within U.S. Cellular Community Park.

On November 11, 2011, Council approved Council Bill 2011-213, authorizing the reassignment of a lease with the Jefferson Nature Center to Coyote Trails School of Nature for use of a building and property within U.S. Cellular Community Park for 10 years with an option to renew.

## **ANALYSIS**

The Parks, Recreation and Facilities Department seeks approval of a Facility Use Agreement (FUA) with Coyote Trails School of Nature (CTSN) that would terminate and succeed the 10-year Nature Center lease between the parties that was approved by Council in 2011.

The new agreement was requested by CTSN as a result of its recent strategic planning process that reorganized and reprioritized its resources. CTSN no longer has the ability to cover ongoing costs associated with maintaining the 2,300-square-foot former Heitkamp Ranch house and 10-acre grounds in the heart of U.S. Cellular Community Park (USCCP). However, under the terms of the proposed FUA, CTSN would continue to have priority access to Nature Center grounds and rooms to provide high-quality, low-cost community education programs and events that connect citizens to nature.

If the FUA is approved, the Department would inherit maintenance of a substantially improved building and riparian area. Since 2011, CTSN invested over \$219,000 to repair and renovate the Nature Center, including installation of a new roof, flooring, a solar pavilion, a domed outdoor classroom, ADA-compliant ramps and walkways, parking lot lighting, irrigation, gates, trails, pathways, gardens and other features. CTSN's efforts and partnerships over the years assisted the City with implementation of enhancements identified in the Bear Creek Master Plan for that area.

In addition to preserving environmental education programming to the greatest extent possible, the Department intends to utilize the facility to house an on-site USCCP caretaker to serve as the park's "eyes and ears" when staff are not present. In addition, the Department would have the ability generate revenue from facility rentals and recreation programs at the Nature Center, either independently or in partnership with CTSN.



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.3

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In exchange for the value of access to the Nature Center space, CTSN will remain responsible for care of special use areas, including the Monarch butterfly wing trail, gardens and bird feeders – specialized areas that have higher-than-standard levels of routine maintenance.

The annual utility fees associated with the Nature Center operation are approximately \$2,400, which can be absorbed within the Facilities Division operating budget. CTSN paid up to \$20,000 annually for grounds maintenance services, but the financial impact to the Department for this responsibility will be minimal given the existing park maintenance assets at USCCP.

The Facilities Division conducted a comprehensive facility inspection and no major facility flaws were identified as a result of CTSN's excellent ongoing care and maintenance.

The Parks and Recreation Commission voted unanimously to recommend Council approval of the FUA.

## **FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

City to assume maintenance of Nature Center complex, approximately \$2,400 per year, charged to Facility Management and Park Maintenance funds. Costs to be offset by facility rental and recreation program revenues.

## **TIMING ISSUES**

The City would assume responsibility for facility and grounds maintenance upon approval.

## **COUNCIL OPTIONS**

Approve the ordinance.

Deny the ordinance and provide staff with direction.

## **STAFF RECOMMENDATION**

Staff recommends approval of the ordinance.

## **SUGGESTED MOTION**

I move to approve the Facility Use Agreement with Coyote Trails School of Nature for usage of the Nature Center building and property within U.S. Cellular Community Park.

## **EXHIBITS**

Ordinance

Facility Use Agreement

Nature Center map

ORDINANCE NO. 2018-57

AN ORDINANCE authorizing execution of a Facility Use Agreement with Coyote Trails School of Nature for use of the U.S. Cellular Community Park Nature Center.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. That execution of a Facility Use Agreement with Coyote Trails School of Nature for use of the U.S. Cellular Community Park Nature Center, which is on file in the City Recorder's office, is hereby authorized.

Section 2. The term of this Facility Use Agreement shall be for 5 years.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor

FACILITY USE AGREEMENT  
NOT A LEASE

This agreement is made this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by and between the City of Medford, a municipal corporation of the State of Oregon, hereinafter known as "CITY" and Coyote Trails School of Nature, hereinafter known as "CTSN".

The agreement outlines the conditions of CTSN use of the U.S. Cellular Community Park Nature Center identified in Exhibits A and B.

**1. TERM AND TERMINATION**

This agreement terminates and supersedes the Nature Center lease between the parties approved by the Medford City Council on Nov. 3, 2011.

This agreement will run through June 30, 2023. The agreement may be terminated or amended by the CITY for cause. CTSN will be given a thirty (30) day written notice prior to termination.

**2. INTERESTS OF PARTIES**

- a. This agreement shall not be construed to create any leasehold interest in or by any entity. The Nature Center shall be and at all times remain a public recreation facility owned, maintained and managed by the CITY. Usage areas shall be available for public use when not scheduled for use by CTSN.
- b. CTSN to receive year-round priority use of the Nature Center grounds and rooms necessary to continue existing high-quality, low-cost community education programs, services and events that connect citizens to nature.
- c. Facility availability is subject to unforeseen factors, including but not limited to facility condition and emergency use, as determined by the CITY.
- d. CTSN staff and volunteers assisting with on-site programs must complete and pass a criminal history check processed by the CITY. Individuals who do not consent to a background check or those who fail background checks based on City criteria are not permitted to participate in the provision of CTSN programs and services at the Nature Center.
- e. CTSN programs and services shall not conflict with rooms and areas assigned to CITY staff or the facility caretaker.
- f. CITY responsible for facility and grounds maintenance (with the exception of areas designated in Section 3(g) and site security).

### 3. CONDITIONS OF USE

- a. CTSN shall utilize its authorized facility use areas in a clean and orderly manner that complies with applicable local, state and national building, safety and health codes, laws and ordinances.
- b. CITY staff may enter and inspect facility usage areas at any time. CTSN must furnish CITY with three duplicate keys for any locked storage areas.
- c. Facility modifications or improvements proposed by CTSN must be submitted to the CITY for written pre-approval. If approved, CTSN is responsible for all associated costs, building permits or land use approvals, unless CITY opts to financially participate in the proposed project. All contracts (as defined in ORS 279A.010(z)) initiated by CTSN for facility modifications or improvements shall comply with all public contracting requirements contained in ORS Chapters 279A, 279B, and 279C and elsewhere, including but not limited to public bidding and payment of prevailing wage rates for public works contracts as required by ORS 279C.365 and ORS 279C.800-870.
- d. CTSN is responsible for custodial needs associated with its operations, including damage that may occur as a result of CTSN staff, volunteer or customer use of the Nature Center.
- e. CTSN agrees to maintain its usage areas to a standard based on facility appearance and/or existing conditions, as approved by the CITY, upon final approval of the Agreement.
- f. CITY to provide water, electricity, sewer and trash disposal utilities to the Nature Center. Utility usage related to CTSN operations must be reasonable and economical. CITY reserves the right to assess utility reimbursement fees in the event of abnormal levels of service as a result of CTSN operations.
- g. CTSN to be responsible for coordination, management and ongoing maintenance of the following areas outlined in Exhibit A:
  - Monarch Waystation Butterfly Wing Trail (Area 1)
  - Birdboxes, Duckboxes and Feeders (Area 8)
  - Pollinator Garden (Area 10)
  - Edible plant garden(s) or containers

### 4. INDEMNITY AND INSURANCE

- a. CTSN is responsible for meeting CITY insurance requirements as determined by the Risk Manager.

CTSN agrees that it is solely responsible for any damage to CITY property as well as any damages arising out of death or bodily injury to persons or any other liability or

damages resulting from or in connection with its operation, and that CTSN will hold CITY harmless from any claim, liability, damages or obligation arising therefrom and indemnify CITY for the amount of any obligation it may incur on account thereof or arising therefrom. CTSN shall not be required to indemnify CITY against liability for damage arising out of death or bodily injury to persons or damage to property caused solely by the negligence of CITY.

CTSN shall obtain at its own expense and maintain continuously in effect during the term of this Agreement the following minimum insurance:

- (1) Commercial General Liability Insurance on an "occurrence" policy form covering Bodily Injury and Property Damage, Products/Completed Operations, Personal & Advertising Injury, and blanket Contractual Liability. Such insurance shall be primary and non-contributory, and provide limits of at least \$1,000,000 per Occurrence and a General Aggregate of at least \$2,000,000. "*The City of Medford*" shall be named an Additional Insured by endorsement.
- (2) ~~Commercial Automobile Liability Insurance for Bodily Injury and Property Damage covering owned, non-owned, rented, and hired autos. Such insurance shall provide a combined single limit per accident of at least \$1,000,000. Per Bonnie Huard 4-13-18~~
- (3) Workers Compensation Insurance meeting statutory requirements of Oregon Workers Compensation Law must be provided by CTSN (and any sub-contractor CTSN may use) for any subject workers, as well as Employers Liability Insurance with limit of at least \$500,000. If CTSN is statutorily exempt from the requirement to provide Workers Compensation Insurance, CTSN shall complete, sign, and submit the City's form for *Declaration of Exemption from Oregon Statutory Workers Compensation* in lieu of Workers Compensations Insurance.

CTSN shall submit to CITY certificates of insurance for all policies listed above at time of this Agreement, and at each subsequent insurance renewal for the life of this Agreement. Certificate must include Additional Insured Endorsement for General Liability Insurance. Certificates of insurance for current coverage or activated tail coverage for Professional Liability Insurance, because it is a claims-made coverage, shall continue to be submitted to CITY for two (2) years following the effective term of this Agreement. Certificate Holder (and additional insured for General Liability) shall be shown as: City of Medford, 411 West 8<sup>th</sup> Street, Medford, OR 97501. *Any request for exemption from this requirement must be in writing and approved by the CLIENT'S Risk Manager.*

CTSN is responsible to assure that CITY receives a required thirty (30) days written notice prior to cancellation of, material change to, exhaustion of aggregate limits of, or intent not to renew any insurance policy for coverage required in this Agreement. Ten (10) days will be accepted for cancellation due to non-payment

of premium. CTSN shall itself provide the written notice in the event that its insurance companies will not or do not provide such notice. Failure to maintain proper insurance and/or provide timely notification of a change in coverage is grounds for potential immediate termination of this contract.

Notwithstanding insurance requirements stated or any modifications made thereto, in no case shall the presence or absence of any insurance coverage, or any insurance policy limit, provision, term, or condition reduce the obligations of CTSN for liability granted generally by law or specifically in the terms of this Agreement. In no case shall CITY be responsible for any amount of CTSN self-insurance, or any retention, deductible, or coinsurance amount required by CTSN's insurance policies.

**E. Consideration**

- a. The value of CTSN facility usage is determined to be offset by the value of maintenance and management of intensive-labor areas identified in Section 3(g).

**F. Additional Assignment**

CTSN may not assign this agreement or sublet the premises without written consent from the CITY.

**5. MEETINGS**

CTSN management and CITY facilities management staff shall coordinate a joint inspection of the Nature Center on or around Oct. 1 and Feb. 1 of each year, or as requested by the parties.

IN WITNESS WHEREOF, the CITY and ACCESS have caused this agreement to be executed for and on their behalf by their duly authorized officer(s) on the day and year first above written.

CITY OF MEDFORD, OREGON

COYOTE TRAILS

By: \_\_\_\_\_

By: \_\_\_\_\_

Title \_\_\_\_\_

Title \_\_\_\_\_



# Welcome to Coyote Trails Nature Center

## Bienvenidos

Your Nature Center is open M-F 11am-4pm  
and for classes. Grounds open dawn to dusk.

Page 177

### 1 Monarch Waystation Butterfly Wing Trail

*Estaciones de Alimentación para los Monarcas*  
*Huellas de Alas de Mariposa*  
Gardens filled with milkweed and other flowers that a multitude of butterflies, bees and even hummingbirds enjoy. Jardines llenos de algodoncillo y otras flores en donde una multitud de mariposas, abejas y colibríes se pueden disfrutar.

### 2 See Solar Pavilion *Pabellón Solar*

### 3 Kiosk *Kiosco*

A beautiful structure built with trees we harvested along with old doors we recycled. It houses the solar inverters. Una hermosa estructura construida con árboles cosechados junto con viejas puertas recicladas. Alberga los inversores solares.

### 4 Picnic Shelter *Refugio de la Comida Campesra*

Built in honor of Jean Marie Chinn (Puritzer), it is completely ADA accessible for all of our friends to use and enjoy. Construido en honor de Jean Marie Chinn (Puritzer), es completamente ADA accesible para todos nuestros amigos para usar y disfrutar.

### 5 Bike Racks *Bastidores de Bicicletas*

Made locally for us, we thought, "Why can't bike racks be functional works of art?" Hecho localmente para nosotros, pensamos, "¿Por qué no pueden ser una funcional las bastidores de bicicletas?"

### 6 Tracking Box *Caja de Huellas Animales*

A giant sandbox where animals leave their tracks. Look at the tracks to see who came to visit. Una caja de arena gigante donde los animales zoran y dejan sus huellas. Observa las huellas para ver quien vino de visita.

### 7 Wingspan Sign *Muestra de Envergadura de Alas*

Hold your outstretched arms up against the wingspans on this sign. Are you closer to a hummingbird, a hawk or a condor? Muestra las alas extendidas en contra de la envergadura en este diagrama. ¿Estás más cerca de un colibrí, un halcón o un cóndor?

### 8 Birdboxes, Duckboxes and Feeders *Cajas para Pájaros, Aves y Alimentadores*

View birds and ducks up close as they feed and nest... Observa las pájaros y los patos de cerca y cómo se alimentan y anidan.

### 9 See Walnut Trees *Árboles de Nuez*

### 10 Pollinator Garden *Jardín de Polinización*

Built for the birds and bees but open to everyone. Come sit under the arbor and enjoy! Construido para los pájaros y las abejas, pero abierto a todo el mundo. Ven a sentarte bajo el cenador y disfruta!

### 11 Bioswale *Canal de Filtración Biológica*

Filled with vegetation and designed to remove silt and pollution from surface runoff water (like the road). Línea de vegetación y diseñado para eliminar los sedimentos y la contaminación del agua de escorrentía superficial (por ejemplo, de la carretera).

### 12 See Hiking Trails *Rutas de senderismo*

### 14 Riparian Habitat *Hábitat Ribereño*

Restored to support the banks of Bear Creek and keep its flowing waters clean and cool for fish and other aquatic animals. Restaurado para apoyar a las bancas de Bear Creek y mantener que su agua fluya limpia y fresca para los peces y otros animales acuáticos.

### 13 Native Meadow *El Prado Nativo*

A place where we teach traditional living skills like fire by friction, shelter building and bird language. Un lugar donde enseñamos habilidades de la vida tradicional como hacer fuego por fricción, la construcción de refugios y el lenguaje de las aves.

### 12 Hiking Trails *Rutas de senderismo*

Spend 16 minutes or an hour walking our level, mostly shaded trails... enjoy! Pasa 15 minutos o una hora caminando por nuestros senderos llanos y generalmente sombreados... disfrútalos!

### 16 Salmon Spawning *El Desova de Salmón*

This is where salmon return to spawn. They have been making this trip back from the ocean for thousands of years. Aquí es donde vuelven los salmónes para desovar. Han hecho este viaje durante miles de años.

### 2 Solar Pavilion *Pabellón Solar*

The panels atop this pavilion harness the sun to create all of the energy we use on-site. Los paneles solares de este pabellón capturan el sol para crear toda la energía que usamos en este sitio.

### 9 Walnut Trees *Árboles de Nuez*

The City of Medford named these the 2014 Trees of the Year. They are roughly 100 feet tall and more than 100 years old. En 2014 la ciudad de Medford las nombró "árboles del año". Tienen alrededor de 100 metros de altura y más de 100 años de antigüedad.

### 13 See Native Meadow *El Prado Nativo*

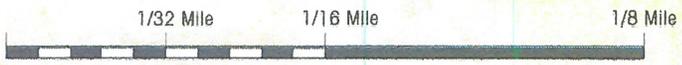
### 14 See Riparian Habitat *Hábitat Ribereño*

### 15 See Salmon Spawning *El Desova de Salmón*

### 16 Otter Slide Rock Outcrop *Roca deslizante para Nutria*

A natural rock shelf on Bear Creek that is a terrific spot for aquatic wildlife viewing. Una plataforma de roca natural en Bear Creek que es un lugar excelente para observar la fauna acuática.

### 17 Dome *Cúpula*



Graphic: Brian Tomlin



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.4

www.cityofmedford.org

**DEPARTMENT:** Finance  
**PHONE:** (541) 774-2090  
**STAFF CONTACT:** Donna Holtz, Interim Finance Director

**AGENDA SECTION:** Consent Calendar  
**MEETING DATE:** June 7, 2018

## **COUNCIL BILL 2018-58**

A resolution certifying that the City of Medford is eligible to receive state-shared revenues and elects to receive state-shared revenues for fiscal year 2018-19.

## **SUMMARY AND BACKGROUND**

Council is requested to consider a resolution certifying the City of Medford is eligible to receive state shared revenues, and elects to receive state shared revenues for the fiscal year 2018-2019. Two public hearing are required as a part of the process.

ORS 221.770 requires cities to pass a resolution or ordinance each year stating their eligibility and desire to receive state shared revenue funds. The law also requires cities to certify that two public hearings were held. The first, before the Budget Committee, discloses possible uses of these funds. The second, before Council at budget adoption states the proposed uses of funds in relation to the entire budget. Both required public hearings were held as a part of the budgeting process in May and June of 2017.

## **PREVIOUS COUNCIL ACTIONS**

On April 24, 2017 - City Budget Committee held a public hearing on the proposed uses of the state shared revenue for the 2017-2019 biennium. Council held a second public hearing on June 15, 2017 as a part of the budget adoption process. These are the two public hearings required in order to be eligible to receive state shared revenues.

On June 15, 2017 – Council approved Resolution 2017-58 certifying the City of Medford is eligible to receive state-shared revenues and elects to receive state-shared revenues for the fiscal year 2017-2018.

## **ANALYSIS**

This is an annual election and must be approved by council and filed with the state in order to receive state revenue sharing funds. There are five sources of state shared revenues: gas tax, alcohol tax, cigarette tax, marijuana and state shared revenue. Gas tax revenue received by the City is restricted to building and maintaining our transportation system. The other four shared revenues are not restricted and are therefore accounted for in the General Fund. The largest departments within the General Fund are Police, Fire and Parks & Recreation. The budget was recommended for approval by the Budget Committee on May 11, 2017.

## **FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

The City expects to receive \$6.7 million in state shared revenue in fiscal year 2018-2019. The General Fund will receive an estimated \$2.0 million which is 3% of its total annual revenue. The Gas Tax Fund will receive an estimated \$4.6 million which is 84% of its annual revenue.

## **TIMING ISSUES**

The declaration must be completed and filed prior to July 1, 2018

## **COUNCIL OPTIONS**

- Approve the resolution as presented.
- Modify the resolution as presented.
- Deny the resolution and provide direction to staff.



**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

Item No: 60.4

[www.cityofmedford.org](http://www.cityofmedford.org)

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**STAFF RECOMMENDATION**

Staff recommends approval of the resolution.

**SUGGESTED MOTION**

I move to approve the resolution which certifies the City of Medford is eligible to receive state shared revenues and elects to receive state shared revenues for fiscal year 2018-2019.

**EXHIBITS**

Resolution

State Certification

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RESOLUTION NO. 2018-58

A RESOLUTION certifying that the City of Medford is eligible to receive state-shared revenues and elects to receive state-shared revenues for fiscal year 2018-19.

WHEREAS, ORS 221.760 provides as follows:

“The officer responsible for disbursing funds to cities under ORS 323.455, 366.785 to 366.820 and 471.805 shall disburse funds in the case of a city located within a county having more than 100,000 inhabitants according to the most recent federal decennial census, only if the officer reasonably is satisfied that the city meets the requirements set out in subsection (2) of this section, or if the city provides four or more of the following municipal services:

- (a) Police protection
- (b) Fire protection
- (c) Street construction, maintenance and lighting
- (d) Sanitary sewers
- (e) Storm sewers
- (f) Planning, zoning and subdivision control
- (g) One or more utility services...”;

WHEREAS, the city officials recognize the desirability of assisting the state officer responsible for determining the eligibility of cities to receive such funds in accordance with ORS 221.760; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEDFORD, OREGON:

- (1) That the City of Medford hereby certifies that it provides the following municipal services enumerated in Section 1, ORS 221.760:

- (a) Police protection
- (b) Fire protection
- (c) Street construction, maintenance and lighting
- (d) Sanitary sewers
- (e) Storm sewers
- (f) Planning, zoning and subdivision control
- (g) One or more utility services

- (2) That the City of Medford hereby elects to receive state shared revenues for fiscal year 2018-19 and certifies that the public hearings required by ORS 221.770 have been

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completed prior to July 1, 2018.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor



RETURN TO:

DEPARTMENT OF ADMINISTRATIVE SERVICES  
SHARED FINANCIAL SERVICES  
ATTN Valya Rizzo  
155 COTTAGE ST NE  
SALEM OR 97301-3972

RESOLUTION NO. \_\_\_\_\_

Whereas, ORS 221.760 provides as follows:

Section 1. The officer responsible for disbursing funds to cities under ORS 323.455, 366.785 to 366.820 and 471.805 shall, in the case of a city located within a county having more than 100,000 inhabitants according to the most recent federal decennial census, disburse such funds only if the city provides four or more of the following services:

- (1) Police protection
- (2) Fire protection
- (3) Street construction, maintenance, and lighting
- (4) Sanitary sewer
- (5) Storm sewers
- (6) Planning, zoning, and subdivision control
- (7) One or more utility services

and

Whereas, city officials recognize the desirability of assisting the state officer responsible for determining the eligibility of cities to receive such funds in accordance with ORS 221.760, now, therefore,

Be it resolved, that the City of MEDFORD hereby certifies that it provides the following four or more municipal services enumerated in Section 1, ORS 221.760:

- |   |                              |
|---|------------------------------|
| <input type="checkbox"/> Police protection _____                            | One or more utility services |
| <input type="checkbox"/> Fire protection _____                              | not checked off on left:     |
| <input type="checkbox"/> Street construction, maintenance, & lighting _____ |                              |
| <input type="checkbox"/> Sanitary sewer _____                               | _____                        |
| <input type="checkbox"/> Storm Sewers _____                                 | _____                        |
| <input type="checkbox"/> Planning, zoning, and subdivision control _____    | _____                        |

Approved by the City of MEDFORD

this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Attest:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Recorder



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.5

www.cityofmedford.org

**DEPARTMENT:** Finance  
**PHONE:** (541) 774-2090  
**STAFF CONTACT:** Donna Holtz, Interim Finance Director

**AGENDA SECTION:** Consent Calendar  
**MEETING DATE:** June 7, 2018

## COUNCIL BILL 2018-59

An ordinance making the annual ad valorem property tax levy of the City of Medford for fiscal year 2018-19.

## SUMMARY AND BACKGROUND

Council is requested to consider an ordinance making the annual ad valorem property tax levy of the City of Medford for fiscal year 2018-2019 and the assessment of unpaid sewer fees.

ORS 294.435 requires the governing body to declare by resolution or ordinance the tax amount or tax rate to be levied. Additionally, the resolution or ordinance must declare the tax limitation category into which the tax is placed. The City's proposed tax levy is as follows:

General Government Limitation	Permanent Rate	\$5.2953
Excluded from limitation	General Bonds	\$450,000
Special Assessments, Fees and Charges	Unpaid Sewer Fees	\$150,000 (estimated)

The permanent rate will raise approximately \$39.4 million in taxes depending upon final assessed value and the collection rate.

## PREVIOUS COUNCIL ACTIONS

The City Council has consistently levied the maximum permanent rate of \$5.2953 per \$1,000 of assessed value. A resolution to establish and categorize taxes at the rate of \$5.2953 was presented to the Budget Committee and it was unanimously approved by the committee on May 11, 2017.

On June 15, 2017 – Council approved Ordinance 2017-56 making the annual ad valorem property tax levy of the City of Medford for the fiscal year 2017-2018.

## ANALYSIS

This is an annual levy and must be approved by the council and filed with Jackson County before July 15, 2018. The resolution to establish and categorize taxes at the rate of \$5.2953 per \$1,000 of assessed value was presented to the Budget Committee and was recommended for approval on May 11, 2017.

## FINANCIAL AND/OR RESOURCE CONSIDERATIONS

The total estimated revenue from property tax is \$39.4 million.

## TIMING ISSUES

The declaration must be completed and filed with Jackson County prior to July 15, 2018.

## COUNCIL OPTIONS

- Approve the ordinance as presented.
- Modify the ordinance as presented.
- Deny the ordinance and provide direction to staff.



**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

Item No: 60.5

[www.cityofmedford.org](http://www.cityofmedford.org)

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**STAFF RECOMMENDATION**

Staff recommends approval of the ordinance.

**SUGGESTED MOTION**

I move to approve the ordinance which declares and categorizes the tax for the City of Medford for the fiscal year July 1, 2018 to June 30, 2019.

**EXHIBITS**

Ordinance

Department of Revenue Certification of Tax Levy Form LB-50

State Certification

ORDINANCE NO. 2018-59

AN ORDINANCE making the annual ad valorem property tax levy of the City of Medford for fiscal year 2018-19.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. The City Council of the City of Medford hereby determines, makes and declares the ad valorem property taxes provided for in the adopted budget for the fiscal year commencing July 1, 2018, and levies these taxes upon all taxable property within the city as provided by law. The following is the itemization and categorization of taxes which make up the aggregate levy:

Description of Levy:	Subject to Measure 5 Limits-General Government <u>Rate per \$1,000 of Assessed Value</u>	<u>Not Subject to Measure 5 Limits Amount of Levy in Total Dollar Amount Levied</u>
<b>Permanent Rate:</b> Rate of ad valorem property taxation levy within permanent rate limitation	\$5.2953	
<b>General Obligation Bond Debt Service:</b> Levy for bonded indebtedness or interest thereon not subject to Measure 50		\$450,000
<b>Special Assessments, Fees, and Charges:</b> Estimate of unpaid sewer fees (final amount to be submitted in August).		\$150,000

Section 2. The City of Medford hereby certifies that the City's permanent rate limit in dollars and cents per \$1,000 is \$5.2953.

Section 3. The Finance Director is hereby authorized and directed to certify to the County Clerk and County Assessor of Jackson County, Oregon, and the Department of Revenue in Salem, Oregon, the levy of taxes made by this ordinance pursuant to Form LB-50 attached as Exhibit A and

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incorporated by reference.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

APPROVED: \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor

# Notice of Property Tax and Certification of Intent to Impose a Tax, Fee, Assessment, or Charge on Property

# FORM LB-50 2018-2019

To assessor of Jackson County

• Be sure to read instructions in the current Notice of Property Tax Levy Forms and Instructions booklet.

Check here if this is an amended form.

The City of Medford has the responsibility and authority to place the following property tax, fee, charge, or assessment on the tax roll of Jackson County. The property tax, fee, charge, or assessment is categorized as stated by this form.

411 W. 8th Street Medford OR 97501 June 15, 2018  
Mailing address of district City State ZIP code Date submitted

Donna Holtz Interim Finance Director 541-774-2090 finance@cityofmedford.org  
Contact person Title Daytime telephone number Contact person e-mail address

**CERTIFICATION**— You must check one box if you are subject to Local Budget Law.

- The tax rate or levy amounts certified in Part I are within the tax rate or levy amounts approved by the budget committee.
- The tax rate or levy amounts certified in Part I were changed by the governing body and republished as required in ORS 294.456.

**PART I: TAXES TO BE IMPOSED**

	Subject to General Government Limits		
	Rate —or— Dollar Amount		
1. Rate per \$1,000 or total dollar amount levied (within permanent rate limit) ... 1	5.2953		
2. Local option operating tax ..... 2	N/A		Excluded from Measure 5 Limits
3. Local option capital project tax ..... 3	N/A		
4. City of Portland Levy for pension and disability obligations ..... 4	N/A		
5a. Levy for bonded indebtedness from bonds approved by voters prior to October 6, 2001 ..... 5a			Dollar Amount of Bond Levy
5b. Levy for bonded indebtedness from bonds approved by voters after October 6, 2001 ..... 5b		450,000.00	
5c. Total levy for bonded indebtedness not subject to Measure 5 or Measure 50 (total of 5a + 5b) ..... 5c		450,000.00	

**PART II: RATE LIMIT CERTIFICATION**

6. Permanent rate limit in dollars and cents per \$1,000 ..... 6	5.2953
7. Election date when your new district received voter approval for your permanent rate limit ..... 7	
8. Estimated permanent rate limit for newly merged/consolidated district ..... 8	

**PART III: SCHEDULE OF LOCAL OPTION TAXES**— Enter all local option taxes on this schedule. If there are more than two taxes, attach a sheet showing the information for each.

Purpose (operating, capital project, or mixed)	Date voters approved local option ballot measure	First tax year levied	Final tax year to be levied	Tax amount —or— rate authorized per year by voters
N/A				

**PART IV: SPECIAL ASSESSMENTS, FEES, AND CHARGES**

Description	Subject to General Government Limitation	Excluded from Measure 5 Limitation
1 Unpaid Sewer Fees		150,000.00
2		

If fees, charges, or assessments will be imposed on specific property within your district, you must attach a complete listing of properties, by assessor's account number, to which fees, charges, or assessments will be imposed. Show the fees, charges, or assessments uniformly imposed on the properties. If these amounts are not uniform, show the amount imposed on each property. **The authority for putting these assessments on the roll is ORS 454.225.** (Must be completed if you have an entry in Part IV.)

(see the back for worksheet for lines 5a, 5b, and 5c)  
**File with your assessor no later than JULY 15, unless granted an extension in writing.**

# Notice of Property Tax and Certification of Intent to Impose a Tax, Fee, Assessment, or Charge on Property

# FORM LB-50 2018-2019

To assessor of Jackson County

• Be sure to read instructions in the current Notice of Property Tax Levy Forms and Instructions booklet.

Check here if this is an amended form.

The City of Medford has the responsibility and authority to place the following property tax, fee, charge, or assessment on the tax roll of Jackson County. The property tax, fee, charge, or assessment is categorized as stated by this form.

<u>411 W. 8th Street</u> <small>Mailing address of district</small>	<u>Medford</u> <small>City</small>	<u>OR</u> <small>State</small>	<u>97501</u> <small>ZIP code</small>	<u>June 15, 2018</u> <small>Date submitted</small>
<u>Donna Holtz</u> <small>Contact person</small>	<u>Interim Finance Director</u> <small>Title</small>	<u>541-774-2090</u> <small>Daytime telephone number</small>	<u>finance@cityofmedford.org</u> <small>Contact person e-mail address</small>	

**CERTIFICATION**— You **must** check one box if you are subject to Local Budget Law.

- The tax rate or levy amounts certified in Part I are within the tax rate or levy amounts approved by the budget committee.
- The tax rate or levy amounts certified in Part I were changed by the governing body and republished as required in ORS 294.456.

**PART I: TAXES TO BE IMPOSED**

	Subject to General Government Limits		
	Rate —or— Dollar Amount		
1. Rate per \$1,000 or total dollar amount levied (within permanent rate limit) ... 1	5.2953		
2. Local option operating tax ..... 2	N/A		Excluded from Measure 5 Limits
3. Local option capital project tax ..... 3	N/A		
4. City of Portland Levy for pension and disability obligations ..... 4	N/A		
5a. Levy for bonded indebtedness from bonds approved by voters <b>prior</b> to October 6, 2001 ..... 5a			
5b. Levy for bonded indebtedness from bonds approved by voters <b>after</b> October 6, 2001 ..... 5b			450,000.00
5c. Total levy for bonded indebtedness not subject to Measure 5 or Measure 50 (total of 5a + 5b) ..... 5c			450,000.00

**PART II: RATE LIMIT CERTIFICATION**

6. Permanent rate limit in dollars and cents per \$1,000 ..... 6	5.2953
7. Election date when your new district received voter approval for your permanent rate limit ..... 7	
8. <b>Estimated</b> permanent rate limit for newly <b>merged/consolidated</b> district ..... 8	

**PART III: SCHEDULE OF LOCAL OPTION TAXES**— Enter all local option taxes on this schedule. If there are more than two taxes, attach a sheet showing the information for each.

Purpose (operating, capital project, or mixed)	Date voters approved local option ballot measure	First tax year levied	Final tax year to be levied	Tax amount —or— rate authorized per year by voters
N/A				

**PART IV: SPECIAL ASSESSMENTS, FEES, AND CHARGES**

Description	Subject to General Government Limitation	Excluded from Measure 5 Limitation
1 Unpaid Sewer Fees		150,000.00
2		

If fees, charges, or assessments will be imposed on specific property within your district, you must attach a complete listing of properties, by assessor's account number, to which fees, charges, or assessments will be imposed. Show the fees, charges, or assessments uniformly imposed on the properties. If these amounts are not uniform, show the amount imposed on each property.

**The authority for putting these assessments on the roll is ORS** 454.225 **.** (Must be completed if you have an entry in Part IV.)

(see the back for worksheet for lines 5a, 5b, and 5c)  
File with your assessor no later than **JULY 15**, unless granted an extension in writing.



# Oregon

Kate Brown, Governor

**Department of Administrative Services**

Enterprise Goods and Services, Shared Financial Services

155 Cottage St. NE

Salem, OR 97301-3972

(503)373-0314

FAX (503)373-1273

**RETURN TO:**

**DEPARTMENT OF ADMINISTRATIVE SERVICES**

**SHARED FINANCIAL SERVICES**

**ATTN Valya Rizzo**

**155 COTTAGE ST NE**

**SALEM OR 97301-3972**

## **AN ORDINANCE/RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES**

The City of     **MEDFORD**     ordains as follows:

Section 1. Pursuant to ORS 221.770, the city hereby elects to receive state revenues for fiscal year 2018-2019.

Passed by the Common Council the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Approved by the Mayor this \_\_\_\_\_ day \_\_\_\_\_, 2018.

Mayor \_\_\_\_\_

Attest \_\_\_\_\_

I \*certify that a public hearing before the Budget Committee was held on May 11, 2017 (Biennial Budget), ~~2018~~ and a public hearing before the City Council was held on June 15, 2017, ~~2018~~, giving citizens an opportunity to comment on use of State Revenue Sharing.

\_\_\_\_\_  
City Recorder

\* NOTE: Please return certification only. We do not need copies of notices.



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.6

[www.cityofmedford.org](http://www.cityofmedford.org)

**DEPARTMENT:** Legal Department  
**PHONE:** (541) 774-2020  
**STAFF CONTACT:** Eric Mitton, Deputy City Attorney

**AGENDA SECTION:** Consent Calendar  
**MEETING DATE:** June 7, 2018

## **COUNCIL BILL 2018-60**

A resolution affirming the Public Works Director's administrative decision requiring the repair of a defective sidewalk located at Wolf Run Drive and Eagle Trace Drive.

## **SUMMARY AND BACKGROUND**

An appeal of the Public Works administrative decision informing David and Elahe Young that the sidewalks in the common area of the development at Wolf Run Drive and Eagle Trace Drive are defective and need to be repaired was considered by the City Council on May 17, 2018. The Council denied the appeal.

## **PREVIOUS COUNCIL ACTIONS**

On May 18, 2017, this appeal was continued at the appellant's request.

On June 15, 2017, this appeal was tabled so that staff could issue new notice to the homeowners association's registered agent as listed with the Secretary of State's Office.

On May 17, 2018, the Council completed the public hearing and voted to deny the appeal.

## **ANALYSIS**

Section 3.010 of the Medford Municipal Code requires property owners to inspect and maintain all sidewalks abutting their property in a condition safe for use by the public at all times. The Medford Municipal Code further states that if any property owner, by their neglect to perform any duty required by this section, causes injury or damage to any person or property, they shall be liable to the individual suffering such injury or damage and indemnify the City for all damages it has been compelled to pay in such cases.

Appellant did not dispute the existence of the sidewalk defects. Council determined that David and Elahe Young were the appropriate party for the City to assess if those defects are not abated. Whether Dr. Young can then seek reimbursement from property owners whose properties abut the property in question is not a question that Council resolved or needed to resolve as part of this proceeding.

## **FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

None.

## **TIMING ISSUES**

None.

## **COUNCIL OPTIONS**

Approve the resolution.

Modify the resolution.

Deny the resolution and provide staff direction.



**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

Item No: 60.6

[www.cityofmedford.org](http://www.cityofmedford.org)

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**STAFF RECOMMENDATION**

Staff recommends approval of the resolution.

**SUGGESTED MOTION**

I move to approve the resolution denying the appeal of an administrative decision regarding the defective sidewalk and curb ramp at Wolf Run Drive and Eagle Trace Drive.

**EXHIBITS**

Resolution

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RESOLUTION NO. 2018-60

A RESOLUTION affirming the Public Works Director's administrative decision requiring the repair of a defective sidewalk located at Wolf Run Drive and Eagle Trace Drive.

WHEREAS, the Public Works Director's administrative decision requiring the repair of a defective sidewalk located at Wolf Run Drive and Eagle Trace Drive pursuant to section 3.010 of the Medford Municipal Code was appealed by David and Elahe Young; and

WHEREAS, a public hearing was held on May 17, 2018, and the City Council affirmed the Public Works Director's decision pertaining to the need to repair the defective sidewalk; now therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEDFORD, OREGON:

Section 1. The City Council finds there is substantial evidence in the record affirming the Public Works Director's decision requiring the repair of a defective sidewalk located at Wolf Run Drive and Eagle Trace Drive.

Section 2. The property owners shall indemnify the City of Medford from any liability associated with the unsafe sidewalk.

Section 3. The appeal is hereby denied.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.7

[www.cityofmedford.org](http://www.cityofmedford.org)

**DEPARTMENT:** Public Works/City Manager's Office  
**PHONE:** (541) 774-2100/(541) 774-2084  
**STAFF CONTACT:** Cory Crebbin, Public Works Director/Kelly Madding, Deputy City Manager

**AGENDA SECTION:** Consent Calendar  
**MEETING DATE:** June 7, 2018

## **COUNCIL BILL 2018-61**

An ordinance authorizing execution of an amendment to Intergovernmental Agreement No. 29863 with the Oregon Department of Transportation (ODOT) to authorize the transfer and replenishment of City street utility funds in the amount of \$500,000, to allow ODOT to complete the Interstate 5 Oregon Welcome Center.

## **SUMMARY AND BACKGROUND**

The City Council is requested to consider an amendment to Intergovernmental Agreement (IGA) No. 29863 authorizing transfer and replenishment of City street utility funds to and from the Oregon Department of Transportation (ODOT) in the amount of \$500,000 allowing ODOT to complete the Interstate 5 Oregon Welcome Center.

## **PREVIOUS COUNCIL ACTIONS**

In May 2014, ODOT representatives presented a study session to the City Council wherein the fund transfer was explained and reviewed.

On June 19, 2014, the Council approved Resolution 2014-83 authorizing the first of three transfers and replenishment of City street utility funds to and from ODOT to complete the Interstate 5 Oregon Welcome Center in the amount of \$500,000.

On June 4, 2015, the Council approved Resolution 2015-57 adopting the budget for the 2015/2017 biennium, which included two additional transfers and replenishments, each in the amount of \$500,000, to complete the Interstate 5 Oregon Welcome Center.

## **ANALYSIS**

In 2014, the City and ODOT entered into an agreement to fund exchange \$1.5 million over a three-year period to pay for construction of the Oregon Welcome Center at I-5, Mile Point 12.5 near Crowson Road, south of the City of Ashland's urban growth boundary. The state constitution restricts the Welcome Center from using all Gas Tax funds for its construction. To comply with the state constitution, ODOT transferred Gas Tax funds to the City in exchange for street maintenance funds, which are permissible under state law to pay for the construction. Under the agreement, \$500,000 per year was received from ODOT's Gas Tax fund and exchanged for \$500,000 of the City's Street Utility fund. This occurred in July of 2015, 2016 and 2017 for a total of \$1.5 million.

ODOT recently bid the Rest Area and Welcome Center with bids coming in higher than their budget. They are requesting one more \$500,000 fund exchange in July 2018.

## **FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

There is no net financial impact to the City. The City's expenditure of \$500,000 from the Street Utility Fund will be offset by revenue from ODOT in the amount of \$500,000. The supplemental budget for this meeting includes recognition of the additional revenue and offsetting expenditure to ODOT.

## **TIMING ISSUES**

Time is of the essence. The agreement states the funds will be transferred in July 2018.



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.7

[www.cityofmedford.org](http://www.cityofmedford.org)

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## COUNCIL OPTIONS

- Approve the resolution as presented.
- Modify and approve resolution.
- Deny the resolution and provide direction to staff.

## STAFF RECOMMENDATION

Approve the resolution amending IGA No. 29863 authorizing transfer and replenishment of City Street utility funds to and from the Oregon Department of Transportation (ODOT) in the amount of \$500,000 allowing ODOT to complete the Interstate 5 Oregon Welcome Center.

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## SUGGESTED MOTION

I move to approve the resolution amending IGA No. 29863 authorizing transfer and replenishment of City Street utility funds to and from the Oregon Department of Transportation (ODOT) in the amount of \$500,000 allowing ODOT to complete the Interstate 5 Oregon Welcome Center.

## EXHIBITS

Resolution

Contract documents are available in the City Recorder's Office

ORDINANCE NO. 2018-61

AN ORDINANCE authorizing execution of an amendment to Intergovernmental Agreement No. 29863 with the Oregon Department of Transportation (ODOT) to authorize the transfer and replenishment of City street utility funds in the amount of \$500,000, to allow ODOT to complete the Interstate 5 Oregon Welcome Center.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That execution of an amendment to Intergovernmental No. 29863 with the Oregon Department of Transportation (ODOT) to authorize the transfer and replenishment of City street utility funds in the amount of \$500,000, to allow ODOT to complete the Interstate 5 Oregon Welcome Center, which is on file in the City Recorder's office, is hereby authorized.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.1

www.cityofmedford.org

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**DEPARTMENT:** Planning **AGENDA SECTION:** Ordinances & Resolutions  
**PHONE:** (541) 774-2380 **MEETING DATE:** June 7, 2018  
**STAFF CONTACT:** Matt Brinkley, AICP CFM, Planning Director

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## COUNCIL BILL 2018-62

An ordinance repealing and replacing section 5.555 of the Medford Municipal Code pertaining to the keeping of poultry.

## SUMMARY AND BACKGROUND

Council is requested to consider a proposal to amend Section 5.555 (Keeping of Poultry) of the Municipal Code. The ordinance that added Section 5.555 to the Municipal Code was adopted by the City Council on October 5, 2017, with an effective date of January 1, 2018. On January 4, 2018, the Council adopted a new ordinance to postpone the effective date of Section 5.555 to July 1, 2018. Staff was recently directed by the City Council to draft alternative code language for Section 5.555 which the Council can consider, and potentially adopt as an amendment to the current Section 5.555 regulations prior to them taking effect on July 1, 2018. (DCA-17-102)

## PREVIOUS COUNCIL ACTIONS

The City Council added Section 5.555 (Keeping of Poultry) to the Municipal Code through the adoption of Ordinance No. 2017-109 on October 5, 2017. The effective date of Section 5.555 was subsequently postponed to July 1, 2018 through the Council's adoption of Ordinance No. 2017-145 on January 4, 2018.

## ANALYSIS

The proposal provides the following two alternatives to the existing regulations contained in Section 5.555 (Keeping of Poultry) of the Municipal Code. Both alternatives propose that the maximum number of allowed poultry be capped at twenty (20), but would allow more birds to be kept when compared with the current maximum of six (6).

Alternative 1: the number of allowed poultry is based on a sliding scale dependent on lot size.

Alternative 2: the number of allowed poultry is based on the provision of a poultry enclosure containing a minimum of six (6) square feet of area for each allowed poultry.

Both alternatives also include the following revisions from the current code:

- Any keeping of poultry is to be solely for personal use, and any related commercial activity is prohibited.
- Areas of confinement must still be outside the required front yard setback, but no provision regarding visibility from a public street.
- Expanded definitions of nuisances (e.g. odors, noise, unsanitary conditions).
- Requirement that any harvesting of poultry be carried out in a humane manner, and any remains disposed of in a sanitary manner.

## FINANCIAL AND/OR RESOURCE CONSIDERATIONS

There is potential for code enforcement resources to be expended in the enforcement of Section 5.555, as has been the case in past enforcement of chicken-related of nuisance complaints.

The adoption of prescriptive standards regulating the number of animals that may be kept on a property, as well as several other provisions designed to protect public health and animal welfare, will aid in limiting the amount of time spent by code enforcement on the matter by providing code enforcement officers with clear guidance as to what does and does not constitute a violation of the municipal code.



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.1

[www.cityofmedford.org](http://www.cityofmedford.org)

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## **TIMING ISSUES**

The provisions of Section 5.555 will become enforceable on July 1, 2018. If Council desires to avoid enforcement of those standards, they will need to be repealed or otherwise modified as quickly as possible.

## **COUNCIL OPTIONS**

- Approve one of the ordinances as presented
- Amend either of the ordinances and approve one
- Decline to approve either of the ordinances as presented, and direct staff regarding further action

## **STAFF RECOMMENDATION**

Staff recommends adoption of prescriptive standards, but has not taken a position on the precise nature of those standards.

## **SUGGESTED MOTION**

I move to approve the ordinance permitting the keeping of chickens for personal household use on legally developed residential properties, subject to the regulations and limitations listed within.

## **EXHIBITS**

Ordinances

## ORDINANCE NO. 2018-62

AN ORDINANCE repealing and replacing section 5.555 of the Medford Municipal Code pertaining to the keeping of poultry.

## THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 5.555 of the Medford Code is hereby repealed and replaced to read as follows:

## 5.555 Keeping of Poultry.

~~(1) No person shall keep poultry on residential property, or on property legally developed as residential property, except in compliance with all of the following regulations and limitations and all other applicable provisions of the Medford Municipal Code:~~

- ~~a. No more than six (6) allowed poultry shall be kept or maintained on any single parcel.~~
- ~~b. Roosters are prohibited.~~
- ~~c. All allowed poultry must be confined to the property, and any compound, pen, run, shed, or fenced area of confinement shall not be located closer than 20 feet to a dwelling on any abutting parcel.~~
- ~~d. No compound, pen, run, shed, or fenced area of confinement shall be located within the required front yard setback, or be visible from a public street.~~
- ~~e. The owner of the allowed poultry shall maintain the property in a safe condition (including but not limited to keeping heat lamps the minimum manufacturer specified distance from flammable materials, and using electrical systems appropriate for an outdoor use); and in a sanitary condition (in accordance with Section 5.500). The construction and/or use of any compound, pen, run, shed, or fenced area of confinement shall comply with any applicable building and/or fire codes.~~

~~(2) As used in this section, "allowed poultry" means chickens, ducks, geese, swans and all other domesticated fowls or birds of comparable size.~~

~~(3) No person shall keep ostriches, emus, peacocks, turkeys, or similar birds on a residential property, or on property legally developed as residential property.~~

~~(4) Any violation of this section, or any odors, noise, or other unsanitary conditions which disrupt neighboring properties shall be declared a public nuisance, and may be abated in the manner provided for in Sections 5.520 through 5.535.~~

~~(5) Violation of this section constitutes a violation. Every day in which the violation exists constitutes a separate violation.~~

**(1) No person shall keep poultry on residential property, or on property legally developed as residential property, except in compliance with all of the following regulations and limitations and all other applicable provisions of the Medford Municipal Code:**

- a. Any keeping of poultry shall be solely for personal use, and any related commercial activity is prohibited.**
- b. Allowed poultry may be kept in the following numbers:**
  - i. No more than six (6) allowed poultry shall be kept or maintained on lots less than one-half acre in size.**
  - ii. No more than twelve (12) allowed poultry shall be kept or maintained on lots between one-half (1/2) and one (1) acre in size.**
  - iii. On lots more than one (1) acre in size, up to four (4) additional allowed poultry may be kept or maintained for every additional one-half (1/2) acre; however, in no case shall the number exceed twenty (20) allowed poultry.**

- c. **Roosters are prohibited.**
  - c. **All allowed poultry must be confined to the property, and any compound, pen, run, shed, or fenced area of confinement shall not be located closer than 20 feet to a dwelling on any abutting parcel.**
  - d. **No compound, pen, run, shed, or fenced area of confinement shall be located within the required front yard setback.**
  - e. **The owner of the allowed poultry shall maintain the property in a safe condition (including but not limited to keeping heat lamps the minimum manufacturer-specified distance from flammable materials, and using electrical systems appropriate for an outdoor use). The construction and/or use of any compound, pen, run, shed, or fenced area of confinement shall comply with any applicable building and/or fire codes.**
  - f. **The owner of the allowed poultry shall not cause or allow an offensive odor of poultry or poultry manure to emanate to any other property. "Offensive odor of poultry or poultry manure" means an odor of poultry or poultry manure that is offensive to an ordinary, reasonable person under the totality of the circumstances. Factors to be considered may include the intensity, duration, and frequency of the odor, whether the odor is continuous or intermittent, and the circumstances in which the odor is smelled.**
  - g. **The owner of the allowed poultry shall not cause or allow poultry noise which disturbs the comfort and repose of any person in the vicinity.**
  - h. **The owner of the allowed poultry shall not cause or allow an offensive infestation or accumulation of flies or other insects which emanates to any other property. "Offensive infestation or accumulation of flies or other insects" means an infestation or accumulation of flies or other insects that is offensive to an ordinary, reasonable person under the totality of the circumstances. Factors to be considered may include the intensity, duration, and frequency of the insects, whether their presence is continuous or intermittent, and the circumstances in which the insects accumulate.**
  - i. **Any harvesting of allowed poultry that is carried out on the property must be done in a humane manner, and any remains shall be disposed of in a sanitary manner.**
- (2) **As used in this section, "allowed poultry" means chickens, ducks, geese, swans, and all other domesticated fowls or birds of comparable size.**
- (3) **No person shall keep ostriches, emus, peacocks, turkeys, or similar birds on a residential property, or on property legally developed as residential property.**
- (4) **Any violation of this section shall be declared a public nuisance, and may be abated in the manner provided for in Sections 5.520 through 5.535.**
- (5) **Violation of this section constitutes a violation. Every day in which the violation exists constitutes a separate violation.**

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2018

\_\_\_\_\_  
Mayor

NOTE: Matter in bold is new. Matter ~~struck-out~~ is existing law to be omitted. Three asterisks ( \* \* \* ) indicate existing law which remains unchanged by this ordinance but was omitted for the sake of brevity.

## ORDINANCE NO. 2018-62

AN ORDINANCE repealing and replacing section 5.555 of the Medford Municipal Code pertaining to the keeping of poultry.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 5.555 of the Medford Code is hereby repealed and replaced to read as follows:

**5.555 Keeping of Poultry.**

~~(1) No person shall keep poultry on residential property, or on property legally developed as residential property, except in compliance with all of the following regulations and limitations and all other applicable provisions of the Medford Municipal Code:~~

- ~~a. No more than six (6) allowed poultry shall be kept or maintained on any single parcel.~~
- ~~b. Roosters are prohibited.~~
- ~~c. All allowed poultry must be confined to the property, and any compound, pen, run, shed, or fenced area of confinement shall not be located closer than 20 feet to a dwelling on any abutting parcel.~~
- ~~d. No compound, pen, run, shed, or fenced area of confinement shall be located within the required front yard setback, or be visible from a public street.~~
- ~~e. The owner of the allowed poultry shall maintain the property in a safe condition (including but not limited to keeping heat lamps the minimum manufacturer specified distance from flammable materials, and using electrical systems appropriate for an outdoor use); and in a sanitary condition (in accordance with Section 5.500). The construction and/or use of any compound, pen, run, shed, or fenced area of confinement shall comply with any applicable building and/or fire codes.~~

~~(2) As used in this section, "allowed poultry" means chickens, ducks, geese, swans and all other domesticated fowls or birds of comparable size.~~

~~(3) No person shall keep ostriches, emus, peacocks, turkeys, or similar birds on a residential property, or on property legally developed as residential property.~~

~~(4) Any violation of this section, or any odors, noise, or other unsanitary conditions which disrupt neighboring properties shall be declared a public nuisance, and may be abated in the manner provided for in Sections 5.520 through 5.535.~~

~~(5) Violation of this section constitutes a violation. Every day in which the violation exists constitutes a separate violation.~~

**(1) No person shall keep poultry on residential property, or on property legally developed as residential property, except in compliance with all of the following regulations and limitations and all other applicable provisions of the Medford Municipal Code:**

- a. Any keeping of poultry shall be for personal use, and any related commercial activity is prohibited.**
- b. The maximum number of allowed poultry is twenty (20). All poultry must be provided with an enclosure that is designed to be easily accessed, cleaned, and maintained, and must consist of at least six (6) square feet for each allowed poultry.**
- c. Roosters are prohibited.**
- c. All allowed poultry must be confined to the property at all times, and no enclosure or structure associated with the poultry shall be located within 20 feet of a dwelling on any abutting parcel.**
- d. No enclosure, compound, pen, run, shed, or fenced area of confinement shall be**

- located within the required front yard setback.
- e. **The owner of the allowed poultry shall maintain the property in a safe condition (including but not limited to keeping heat lamps the minimum manufacturer-specified distance from flammable materials, and using electrical systems appropriate for an outdoor use). The construction and/or use of any compound, pen, run, shed, or fenced area of confinement shall comply with any applicable building and/or fire codes.**
- f. **The owner of the allowed poultry shall not cause or allow an offensive odor of poultry or poultry manure to emanate to any other property. "Offensive odor of poultry or poultry manure" means an odor of poultry or poultry manure that is offensive to an ordinary, reasonable person under the totality of the circumstances. Factors to be considered may include the intensity, duration, and frequency of the odor, whether the odor is continuous or intermittent, and the circumstances in which the odor is smelled.**
- g. **The owner of the allowed poultry shall not cause or allow poultry noise which disturbs the comfort and repose of any person in the vicinity.**
- h. **The owner of the allowed poultry shall not cause or allow an offensive infestation or accumulation of flies or other insects which emanates to any other property. "Offensive infestation or accumulation of flies or other insects" means an infestation or accumulation of flies or other insects that is offensive to an ordinary, reasonable person under the totality of the circumstances. Factors to be considered may include the intensity, duration, and frequency of the insects, whether their presence is continuous or intermittent, and the circumstances in which the insects accumulate.**
- i. **Any harvesting of allowed poultry that is carried out on the property must be done in a humane manner, and any remains shall be properly disposed of in a sanitary manner.**

**(2) As used in this section, "allowed poultry" means chickens, ducks, geese, swans, and all other domesticated fowls or birds of comparable size.**

**(3) No person shall keep ostriches, emus, peacocks, turkeys, or similar birds on a residential property, or on property legally developed as residential property.**

**(4) Any violation of this section shall be declared a public nuisance, and may be abated in the manner provided for in Sections 5.520 through 5.535.**

**(5) Violation of this section constitutes a violation. Every day in which the violation exists constitutes a separate violation.**

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2018

\_\_\_\_\_  
Mayor

NOTE: Matter in bold is new. Matter ~~struck-out~~ is existing law to be omitted. Three asterisks ( \* \* \* ) indicate existing law which remains unchanged by this ordinance but was omitted for the sake of brevity.



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.2

[www.cityofmedford.org](http://www.cityofmedford.org)

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**DEPARTMENT:** Parks, Recreation, Facilities      **AGENDA SECTION:** Ordinances and Resolutions  
**PHONE:** (541) 774-2483      **MEETING DATE:** June 7, 2018  
**STAFF CONTACT:** Rich Rosenthal, Director

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## **COUNCIL BILL 2018-63**

An ordinance authorizing execution of a five-year Prescott Park Road Use and Maintenance License Agreement between the City of Medford and Burl Brim Excavation, Inc.

## **SUMMARY AND BACKGROUND**

City Council is asked to approve an ordinance authorizing a Prescott Park Road Use and Maintenance License agreement with Burl Brim Excavation, Inc.

## **PREVIOUS COUNCIL ACTIONS**

On May 6, 2004, Council Bill 2004-86 was approved, authorizing the execution of a five-year Prescott Park Road Use and Maintenance License Agreement between the City of Medford and Burl Brim Excavation, Inc.

On October 17, 2013, Council Bill 2013-86 was approved, authorizing the execution of a five-year Prescott Park Road Use and Maintenance License Agreement between the City of Medford and Burl Brim Excavation, Inc.

## **ANALYSIS**

Burl Brim Excavation, Inc. operates a gravel pit on privately owned property on the slopes of Roxy Ann Peak. The gravel pit is adjacent to Prescott Park, and for the past 14 years, the City has provided Brim with a Road Use and Maintenance License for use of Roxy Ann Road on City property and through City-held right-of-way easements in order to access its operation.

The current License expires on June 30, 2018, and Department staff have worked with Mr. Brim on crafting another five-year License. The proposal is substantially similar to the expiring agreement, but Brim and City staff have examined and clarified several key considerations in Section 5, including:

- Annual Road Use Fee
- In-Kind Payment
- Maintenance
- Repair
- Dust Retardant
- Hauling Hours/Penalty

In summary, the City receives a minimum of \$15,000 of in-kind value in materials and maintenance from Brim each year in exchange for the road-use License because Roxy Ann Road serves as the exclusive ingress and egress to the gravel pit. Although the mixture of aggregate truck traffic on the road in close proximity with Prescott Park patrons is not ideal, it is reasonable to conclude that the City cannot prohibit or restrict truck traffic from conducting business at the gravel pit in the absence of other viable routes. The agreement, however, places reasonable time, place and manner conditions on the vehicles accessing the gravel pit, such as hauling hours of operation, dust retardant, and a prohibition of engine braking.

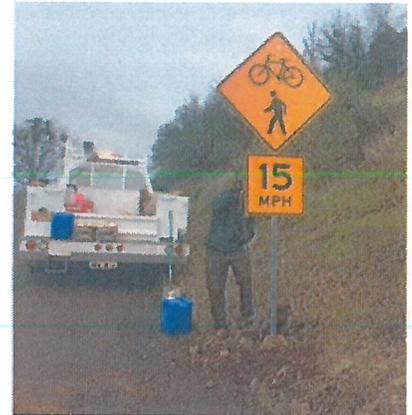


# CITY OF MEDFORD AGENDA ITEM COMMENTARY

www.cityofmedford.org

Item No: 80.2

The City has taken steps to better address enforcement and dust-control concerns heard from park visitors and neighbors. The park will soon be inside the City's urban growth boundary, which will allow Medford Police, in addition to the Jackson County Sheriff, to have a higher level of law-enforcement presence. To this end, park maintenance staff have posted speed-limit signs and shared-road advisories along the haul route. Additionally, in an effort to control dust, staff are working with Brim on a capital improvement plan in a separate agreement to chip-seal all or portions of the three-mile stretch of unpaved roadway starting with the lower section closest to residences, as resources permit.



According to Jackson County records, gravel pit operations on Roxy Ann date back to 1937, and the current route was likely constructed to access the operation. Brim, in partnership with the City since 2004, has vastly improved road conditions and accessibility to recreational amenities. If the agreement is not approved, the City could lose Brim's annual in-kind contribution toward road maintenance.

In October 2017, Jackson County approved the gravel pit owner's Type 3 land-use application to increase the area of rock extraction, which is projected to extend gravel pit operations an additional 10-15 years depending on the pace of development in and around Medford.

The Parks and Recreation Commission conducted hearings on May 8 and May 22 to provide ample opportunity for public input on the proposal. Three citizens attended the meetings to provide input. As a result of a 4-4 vote on whether to recommend Council approval of the agreement, the Commission was unable to reach a consensus on forwarding a recommendation to Council.

## **FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

City to receive at least \$15,000 in rock and in-kind services from Brim Excavation on an annual basis for the duration of the agreement.

## **TIMING ISSUES**

The current agreement expires June 30, 2018. The proposed License would begin July 1, 2018.

## **COUNCIL OPTIONS**

Approve the ordinance as presented.  
Deny the ordinance and provide staff with direction.

## **STAFF RECOMMENDATION**

Staff recommends approval of the ordinance.

## **SUGGESTED MOTION**

I move to approve the Prescott Park Road Use and Maintenance License Agreement with Brim Excavation, Inc.

## **EXHIBITS**

Ordinance  
Prescott Park Road Use and Maintenance License Agreement  
Prescott Park Road Use and Maintenance License Comparison  
Prescott Park Road and Trail map

ORDINANCE NO. 2018-63

AN ORDINANCE authorizing execution of a five-year Prescott Park Road Use and Maintenance License Agreement between the City of Medford and Burl Brim Excavation, Inc.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That execution of a five-year Prescott Park Road Use and Maintenance License Agreement between the City of Medford and Burl Brim Excavation, Inc., which is on file in the City Recorder's office, is hereby authorized.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor

PRESCOTT PARK  
ROAD USE AND MAINTENANCE LICENSE AGREEMENT

This Agreement is made this \_\_\_\_ day of \_\_\_\_\_, 2018 between CITY OF MEDFORD, an Oregon municipal corporation, called "City," and BURL BRIM EQUIPMENT LEASING, INC., DBA BRIM AVIATON, called "Brim."

RECITALS

1. City owns the southwest quarter of the northeast quarter of Section 14 in Township 37 South, Range I West of the Willamette Meridian in Jackson County, Oregon, being a part of Roxy Ann Peak and portrayed on attached Exhibit A.
2. Brim wishes to use Roxy Ann Road within Prescott Park for access to the neighboring gravel pit that Brim operates under a lease from the property owner. City has determined that such use is in the public interest if Brim will share in the maintenance of the park road system with other public and private agencies that use the roads for access to their facilities and conducts operations in a manner that respects the primary use of the land as a park for the enjoyment of recreationists.
3. City in consideration of the obligations undertaken by Brim, grants to Brim for a term of five years ending June 30, 2023, the right to use Roxy Ann Road within Prescott Park for access to the gravel pit located on the slopes of Roxy Ann Butte except as further provided in Section 5. Either party may terminate this agreement by providing 180 days written notice to the other party, with the exception of circumstances outlined in Section 5-i.
4. Definitions: The following definitions are to be taken in the context of the Agreement.
  - a. The Road: The unpaved section of Roxy Ann Road within Prescott Park leading to the Brim gravel pit.
  - b. Park Road System: All unpaved roads and parking areas within Prescott Park.
  - c. Annual Road Maintenance: Road maintenance work, including equipment, materials and labor necessary to maintain or improve the present condition of the road. Damage caused by extremely unusual weather, such as a storm exceeding a 50-year expectancy, is excluded.
  - d. Damage Caused by Brim: Accidental or intentional damage to the road surface, structure, or appurtenances (such as culverts) caused by Brim's maintenance or use.
  - e. Damage Caused by Others: Accidental or intentional damage to the road surface, structure, or appurtenances (such as culverts) not caused by Brim or its customers.

- f. Damage Caused by Natural Causes: Damage caused by “acts of god” such as extreme weather events, earthquakes, etc.
  - g. Aggregate Trucks: Trucks used for the hauling of aggregate rock to and from the pit for sale or operations.
  - h. Operations Traffic : Vehicles used by employees for operations related to the pit, including employee vehicles but excluding aggregate trucks as defined previously.
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5. Brim and City agree to the following conditions as consideration for this license:
- a. Annual Usage Fee. The annual road use fee is \$15,000.
  - b. In-Kind Contribution. In lieu of cash payment for the annual road use fee, Brim to provide City up to 2,000 tons of crushed aggregate annually, conforming to Oregon Department of Transportation specifications for "3/4-minus Base Rock" at a discounted rate of \$6.90/ton. In addition to providing a discounted rock rate, Brim to haul, place, compact and grade material on the Park Road System as needed, at no cost to the City.
  - c. Maintenance. City and Brim shall jointly inspect the condition of the Road at least twice a year, on the following occasions: Spring, as soon as the ground conditions are dry enough for road maintenance to be practical, generally April 15; Fall, prior to onset of winter rains, generally October 1; and following weather events that negatively impact Road conditions. Following each inspection, a jointly agreeable schedule of work will be established in writing. Brim will conduct annual Road maintenance.
  - d. Repair: Brim will repair at its expense all "Damage Caused by Brim" as soon as practical. City is responsible for repair of "Damage Caused by Others." Parties to share repair costs of the Road in the event of Damage from Natural Causes.
  - e. Brim shall apply dust retardant to the Park Road System used by gravel pit traffic to prevent moderate to high levels of dust caused by motor vehicle traffic. Such retardant shall only be water or a retardant permitted by DEQ or other state or federal regulations. Brim to reimburse City for 25 percent of annual Lignin or other approved oil dust retardant application cost.
  - f. Brim shall comply with all park closures required by city, state or federal agencies and strictly follow applicable conditions when operating under a legal exemption to total shut-down.
  - g. All aggregate hauling traffic shall occur between the hours of 7 a.m. and 5 p.m., Monday through Friday. All operations traffic will follow general park use hours as

specified in the Administrative Regulation outlining park use. No aggregate hauling operations are permitted on weekends and the following eight days: New Year's Day, Martin Luther King Day, Memorial Day, Labor Day, Independence Day, Thanksgiving Day, day after Thanksgiving Day, and Christmas Day. Penalties for violation of aggregate hauling traffic hours and dates listed will result in a \$100 fine for each occurrence that can be documented by the Medford Parks and Recreation Department. Brim will be notified of such penalties via writing. Examples of appropriate proof of violations would be visual confirmation by Department staff, or video and pictures that are date stamped. Operations traffic is not subject to the hours and date restrictions listed for loaded aggregate truck traffic. In the event of an emergency, exceptions to hours of operation may be granted by the City.

- h. Engine brakes (also known as "Jake brakes") shall not be used within Prescott Park and the City Limits (by City Ordinance) except in an emergency where life or property is threatened. Brim to communicate engine brake and Road speed restrictions to its staff and customers via signage at the gravel pit exit.
  - i. If Brim violates any condition of this agreement the City may, after providing 90 days written notice, terminate this agreement. In that event, Brim shall be required to obtain a court order directing City to grant access to the gravel pit.
  - j. By signing this agreement, Brim is not waiving any constitutional rights he or his company has to use the Road.
6. During the life of this Agreement , Brim shall maintain the following minimum insurance:
- a. Commercial General Liability Insurance on an "occurrence" policy form covering Bodily Injury and Property Damage, Products/Completed Operations, Personal & Advertising Injury, and blanket Contractual Liability. Such insurance shall be primary and non-contributory, and provide limits of at least \$1,000,000 per Occurrence and a General Aggregate of at least \$2,000,000. *"The City of Medford and its officers, employees and agents while acting within the scope of their duties as such"* shall be named an Additional Insured by endorsement.
  - b. Commercial Automobile Liability Insurance for Bodily Injury and Property Damage covering owned, non-owned, rented, and hired autos. Such insurance shall provide a combined single limit per accident of at least \$1,000,000.
  - c. Workers Compensation Insurance meeting statutory requirements of Oregon Workers Compensation Law must be provided by Brim (and any sub-contractor CONTRACTOR may use) for any subject workers, as well as Employers Liability Insurance with limit of at least \$500,000.
  - d. If Brim is statutorily exempt from the requirement to provide Workers Compensation Insurance, Brim shall complete, sign, and submit the City's form for *Declaration of*

***Exemption from Oregon Statutory Workers Compensation*** in lieu of Workers  
Compensations Insurance.

- e. Brim shall submit to City certificates of insurance for all policies listed above at time of this Agreement, and at each subsequent insurance renewal for the life of this Agreement. Certificate must include Additional Insured Endorsement for General Liability Insurance. Certificates of insurance for current coverage or activated tail coverage for Professional Liability Insurance, because it is a claims-made coverage, shall continue to be submitted to City for two (2) years following the effective term of this Agreement. Certificate Holder (and additional insured for General Liability) shall be shown as: City of Medford, 411 West 8<sup>th</sup> Street, Medford, OR 97501. *Any request for exemption from this requirement must be in writing and approved by the CITY'S Risk Manager.*
  - f. Brim is responsible to assure that City receives a required thirty (30) days written notice prior to cancellation of, material change to, exhaustion of aggregate limits of, or intent not to renew any insurance policy for coverage required in this Agreement. Ten (10) days will be accepted for cancellation due to non-payment of premium. Brim shall itself provide the written notice in the event that its insurance companies will not or do not provide such notice. Failure to maintain proper insurance and/or provide timely notification of a change in coverage is grounds for potential immediate termination of this contract.
  - g. Notwithstanding insurance requirements stated or any modifications made thereto, in no case shall the presence or absence of any insurance coverage, or any insurance policy limit, provision, term, or condition reduce the obligations of the Brim for liability granted generally by law or specifically in the terms of this Agreement. In no case shall City be responsible for any amount of Brim self-insurance, or any retention, deductible, or coinsurance amount required by Brim's insurance policies.
7. No assignment of any rights hereunder shall be valid without the advance written consent of City.

IN WITNESS WHEREOF, the parties hereto have executed this agreement the day and year first above written.

CONTRACTOR:

BURL BRIM EQUIPMENT LEASING, INC.

CITY OF MEDFORD

DBA BRIM AVIATION

By: \_\_\_\_\_

By: \_\_\_\_\_

Burl Brim, Pres.

Gary H. Wheeler

P.O. Box 3009

c/o City Manager

Ashland, OR 97520

411 W. 8th Street

Tax ID# 93-1108962

Medford, OR 97501

Approved as to form:

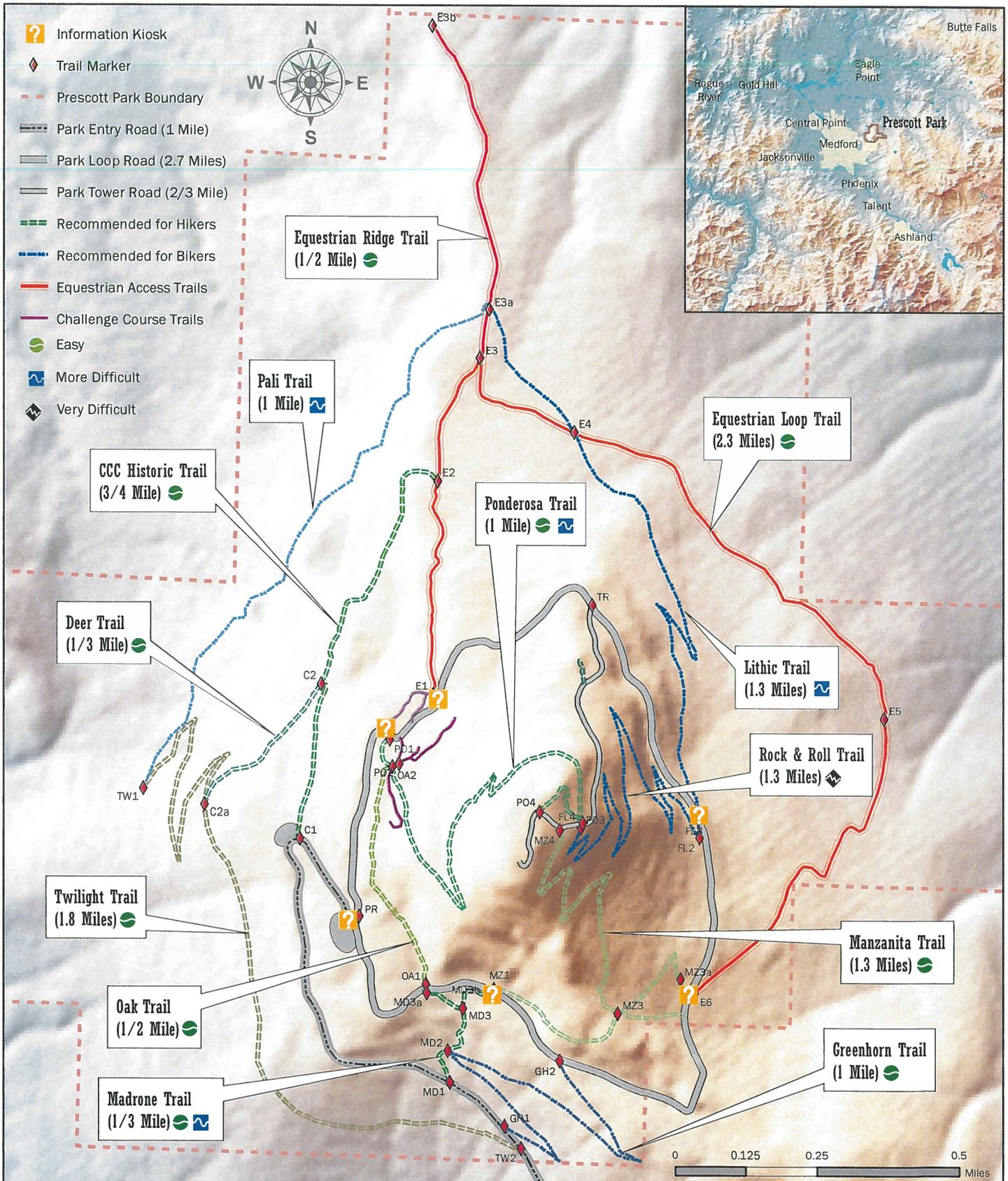
\_\_\_\_\_  
City Attorney

Prescott Park Road Use and Maintenance License Agreement Comparison

Category	1991-96 Agreement (Virgil Anderson)	1996-2001 Agreement (Anderson/Wes Norton)	2004-08 Agreement (Brim)	2011 Amendments (Brim)	2013-18 Agreement (Brim)	Proposed 2018-23 Agreement
Annual Road Use Fee	Value starting at \$600 with \$100 annual increases	Value starting at \$1,300 with \$100 annual increases	Valued at \$10,000. Adjusted each December based on Portland CPI.	Extension of terms in 2004 agreement	Valued at \$10,000. Adjusted each December based on Portland CPI.	Valued at \$15,000 per year.
In-Kind Payment		Norton responsible for supplying and applying "pit material" on the road as required and as directed by the City	Brim shall place up to 2,000 tons of ¾-minus base rock on the park road system. City shall pay \$5/ton for the hauled, placed, graded and compacted rock. Up to 100 tons on any road within the park; up to 1,900 on road between pit and Hillcrest Road.	Value of rock established at \$6.50/ton, installed.	Brim shall place up to 1,538 tons of ¾" minus rock on the road system. City shall pay Brim \$6.70/ton for the hauled, placed, graded and compacted rock.	Brim shall place up to 2,000 tons of ¾-minus base rock per year for park road system at a cost of \$6.90/ton. Brim to haul, place, compact and grade material as needed, at no charge. [Total discounted rock rate and in-kind value equal to or in excess of \$15,000.]
Maintenance	"Anderson will share in the maintenance of the park road system with other public and private agencies who use the roads for access to their facilities"	Norton to perform all annual road maintenance from Hillcrest to gravel pit at its expense.	Bi-annual joint inspections. Development of jointly agreeable schedule of work. Brim to perform all annual road maintenance.		Bi-annual joint inspections. Development of jointly agreeable schedule of work. Brim to perform all annual road maintenance.	Bi-annual joint inspections. Development of jointly agreeable schedule of work. Brim to coordinate road maintenance unless otherwise directed by City.
Repair			Brim to repair all damage caused by Brim at its expense; City responsible for repair damage caused by others.		Brim to repair all damage caused by Brim at its expense; City responsible for repair damage caused by others.	Brim to repair all damage caused by Brim at its expense; City responsible for repair damage caused by others. Parties to share repair costs in the event of damage from natural causes.
Dust Retardant		Norton responsible for applying City-approved dust retardant.	Brim to apply dust retardant/water adequate to retard visible dust plumes behind haul trucks during all times of haul operations (no frequency specified).		Brim to apply water dust retardant adequate to retard visible dust plumes behind haul trucks (no frequency specified). Brim to contribute \$5,000 annually toward application of Lignin oil; City to fund the balance.	Brim to apply water dust retardant adequate to retard visible dust plumes behind haul trucks. Brim to reimburse City for 25 percent of annual cost of Lignin oil application.
Hauling Hours/Penalty		7 a.m.- 5 p.m., weekdays, except holidays. Rock hauling limited to 24 round-trips per day.	7 a.m.- 5 p.m., weekdays, except holidays.	Established \$100 fine for each violation that can be documented by City. Operations traffic not subject to aggregate truck restrictions.	7 a.m.- 5 p.m., weekdays, except holidays for aggregate truck traffic. \$100 fine for each violation that can be documented by City.	7 a.m.- 5 p.m., weekdays, except holidays for aggregate truck traffic. \$100 fine for each violation that can be documented by City. Exceptions to hours of operation subject to City approval in the event of an emergency.
Engine Brakes			Prohibited		Prohibited	Prohibited. Brim to communicate road use engine braking and speed restrictions to customers via on-site signage.
Breach of Contract Remedy			City may terminate after providing 30 days written notice for cause		City may terminate after providing 90 days written notice for cause	City may terminate after providing 90 days written notice for cause



# Exhibit A PRESCOTT PARK ROAD & TRAIL MAP





# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.3

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**DEPARTMENT:** Public Works  
**PHONE:** (541) 774-2100  
**STAFF CONTACT:** Cory Crebbin, Director

**AGENDA SECTION:** Ordinances and Resolutions  
**MEETING DATE:** June 7, 2018

## **COUNCIL BILL 2018-32**

An ordinance amending sections 4.405, 4.718, 4.735, 4.761, 4.807, and 4.1200 of the Medford Municipal Code pertaining to Sanitary Sewer, Storm Drain, and Street Utility fees.

## **SUMMARY AND BACKGROUND:**

The City contracted with the FCS Group to review Sewer Collection, Storm Drain and Street utility fees, and provide recommended actions. This proposed ordinance includes utility fee adjustments for the next three years consistent with the FCS Group recommendations.

The commencement of the storm drainage fee for new development is changed from approval of the building's foundation to either final building approval or Certificate of Occupancy, whichever occurs first.

The Pedestrian Street Light fee was raised in March, 2008; the increase was not reflected in Code.

The City offers a "vacancy certification" to non-residential customers that removes the street and parks utility fees when a property or portion thereof is vacant. Vacancy certifications are valid for three months and the property owner or manager is required to notify the City to extend the certification. Customers often forget to notify the City and want fees credited to the date the suite became vacant. Currently the MMC limits the retroactive credit to three months. City Utility Billing Services staff now contacts customers in advance of the vacancy certificate expiration date to remind them to renew. Because responsible parties now receive a renewal reminder it is proposed to eliminate the retroactive credit.

## **PREVIOUS COUNCIL ACTIONS**

On November 20, 2014, Council approved Council Bill 2014-144 amending sanitary sewer, storm drain and street utility fees.

On November 9, 2017, the FCS Group presented the results of its financial study and recommended rate adjustments at a Council Study Session.

On April 19, 2018, Council continued this item to June 7, 2018.

On May 31, 2018 utility fees were discussed at a Council Study Session.

## **ANALYSIS**

### Utility Rate Adjustments (Sections 4.405, 4.718 and 4.761)

This ordinance will adjust the Sanitary Sewer, Storm Drain and Street utility fees in phases over the next three years. The proposed utility rates will fund maintenance and capital improvement projects that will maintain or improve existing infrastructure at the lowest life-cycle cost. The proposed rates are the result of a 20-year projection of revenue and expenses; increased costs of



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construction and maintenance are included in the rate analysis. The proposed rates are consistent with the Council’s direction provided during the Study Session on November 9, 2017.

Specific impacts for each Public Works utility fee are as follows:

Sanitary Sewer

This ordinance will increase the sewer collection portion of the monthly Sanitary Sewer utility bill by 11% per year in July 2018 and July 2019, and 10% in July 2020. The dollar impact varies by customer; sample impacts are shown below.

Customer Class	Current Sewer	Proposed 2018	Proposed 2019	Proposed 2020
Single Family	\$20.47	\$21.92	\$23.53	\$25.15
Multi-Family – 5 units	\$40.50	\$44.51	\$48.87	\$52.27
McDonalds Equivalent	\$128.66	\$142.45	\$155.66	\$164.37
Wal-Mart Equivalent	\$324.74	\$356.59	\$389.15	\$409.47

The City charges a \$0.03 billing fee to the Regional Treatment Plant to recover costs of including their fees on the utility bill, which is added to the rates charged to customers. This rate has been in effect since 2012. The current utility billing software is unable to split the Regional Rate Committee portion of the rate from the billing fee portion. In order for the City to receive its revenue, the \$0.03 billing fee has been added to the City of Medford sewer rates in the billing system and deducted from the Regional Rate Committee rate. There is no impact to customers as a result of this change.

Storm Drain

This ordinance will increase the monthly Storm Drain utility bill by 1% in July 2018, with no further changes proposed in 2019 or 2020. The dollar impact varies by customer; sample impacts are shown below.

Customer Class	Current Storm Drain	Proposed 2018	Proposed 2019	Proposed 2020
Single Family	\$10.15	\$10.25	\$10.25	\$10.25
Multi-Family – 5 units	\$16.33	\$16.48	\$16.48	\$16.48
McDonalds Equivalent	\$55.99	\$56.51	\$56.51	\$56.51
Wal-Mart Equivalent	\$1,640.63	\$1,656.30	\$1,656.30	\$1,656.30

Code is clarified to remove unnecessary rounding when calculating Equivalent Residential Units (ERUs).

Street

This ordinance will increase the monthly Trip End fee by 9% each year for three years beginning in July 2018. The proposed increases are considerably less than those proposed at the study



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session (28%, 23% and 23%) due to additional staff analysis. The dollar impact varies by customer; sample impacts are shown below.

Customer Class	Current Street	Proposed 2018	Proposed 2019	Proposed 2020
Single Family	\$7.35	\$8.01	\$8.73	\$9.52
Multi-Family-5 units	\$25.92	\$28.25	\$30.78	\$33.55
McDonalds Equivalent	\$200.00	\$217.84	\$237.34	\$258.51
Wal-Mart Equivalent	\$2,716.77	\$2,959.14	\$3,224.05	\$3,511.51

Total

The total impact of the three proposed fee increases are shown below.

Customer Class	Current Public Works Fees	Proposed 2018	Proposed 2019	Proposed 2020
Single Family	\$37.97	\$40.18	\$42.51	\$44.92
Multi-Family	\$82.75	\$89.24	\$96.13	\$102.30
McDonalds Equivalent	\$384.65	\$416.80	\$449.51	\$479.39
Wal-Mart Equivalent	\$4,142.14	\$4,972.03	\$5,269.50	\$5,577.28

Other Changes (Sections 4.405(9), 4.807 and 4.1200)

Section 4.405(9) is clarified to state that utility rate changes are effective July 15.

Section 4.735 is revised to change the commencement date of the storm drainage fee for new development from approval of the building's foundation to final building approval or Certificate of Occupancy, whichever occurs first. While this will result in a small reduction of revenue, it will be offset by efficiencies in staff time as considerable effort is expended tracking projects through development to assess and then revise the utility fee.

Section 4.807 is revised to show the Pedestrian Street Light rate change which incorporates the 2018 increase. Section 4.809 permits the rate to be adjusted each year by the Portland, Oregon MSA Consumer Price Index (CPI). The December 31, 2017 CPI increased 3.9%, which is a \$0.21 per month increase for customers who have a Pedestrian Street Light.

Section 4.1200(3) (a) is revised to eliminate the retroactive three month vacancy certification credit when customers fail to notify the City in a timely manner that a suite is vacant. City Utility Billing Services staff contact customers who have vacancy certificates in advance of the certificate's expiration to remind them of the need to renew. The MMC is clear that customers are responsible for notifying the City that a unit is vacant. Given that customers receive a reminder in advance of the certificate's expiration and that they are responsible for notifying the City, a three-month retroactive credit should not be necessary.



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**FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

Total revenue is anticipated to increase by the following amounts each year compared to fiscal year 17/18:

	<b>FY18/19</b>	<b>FY19/20</b>	<b>FY20/21</b>
Sanitary Sewer Utility Fund (502):	\$440,000	\$530,000	\$530,000
Storm Drain Utility Fund (501):	\$ 57,500	\$ 5,300	\$0
Street Utility Fund (500):	\$590,000	\$645,000	\$705,000

**TIMING ISSUES**

None.

**COUNCIL OPTIONS**

- Approve the ordinance.
- Modify the ordinance.
- Deny the ordinance and provide direction to staff regarding level-of-service adjustments to meet available resources.

**STAFF RECOMMENDATION**

Approve the ordinance adjusting Public Works' utility fees and eliminating the retroactive vacancy certification credit.

**SUGGESTED MOTION**

I move to approve the ordinance amending sections 4.405, 4.718, 4.735, 4.761, 4.807 and 4.1200 of the Medford Municipal Code (MMC) related to the Sanitary Sewer, Storm Drain and Street Utility fees and other clarification language.

**EXHIBITS**

Ordinance

ORDINANCE NO. 2018-32

AN ORDINANCE amending sections 4.405, 4.718, 4.735, 4.761, 4.807, and 4.1200 of the Medford Municipal Code pertaining to Sanitary Sewer, Storm Drain, and Street Utility fees.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 4.405 of the Medford Municipal Code is amended to read as follows:

4.405 Sewer Rates.

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(3) Single-Family Residential Sewer Service.

The rate per account per month shall be a flat rate.

	<del>2013</del>	<del>2015</del>	<del>2016</del>	<del>2017</del>		<u>2018</u>		<u>2019</u>	
City of Medford	\$10.01	\$11.51	\$12.32	\$13.18	\$13.21	\$13.18	\$14.66	\$13.18	\$16.27
Regional Rate Committee	\$5.84	\$6.31	\$6.78	\$7.29	\$7.26	\$7.83	\$7.81	\$8.42	\$8.39
	<u>2020</u>								
	<b>\$17.89</b>								
	<b>\$8.39</b>								

(4) Multiple-Family Residential Sewer Service.

The rate per account per month shall be the total of the Base and Gallonage charges as follows. The rates per month in (a) and (b) shall also include each mobile home space in a mobile home park.

(a) Base Charge - The rate per month shall be:

	<del>2013</del>	<del>2015</del>	<del>2016</del>	<del>2017</del>		<u>2018</u>		<u>2019</u>	
City of Medford	\$13.74	\$15.80	\$16.91	\$18.09	\$18.12	\$18.09	\$20.11	\$18.09	\$22.32
Regional Rate Committee	\$2.11	\$2.30	\$2.47	\$2.65	\$2.62	\$2.85	\$2.82	\$3.05	\$3.02
	<u>2020</u>								
	<b>\$24.55</b>								
	<b>\$3.02</b>								

(b) Gallonage Charge - For each 1,000 gallons of water delivered to the premises as determined in (c), the rate shall be:

	<del>2013</del>	<del>2015</del>	<del>2016</del>	<del>2017</del>	<u>2018</u>	<u>2019</u>	<u>2020</u>
City of Medford	\$0.57	\$0.66	\$0.70	\$0.75	\$0.75	\$0.75	\$1.04
Regional Rate Committee	\$0.60	\$0.67	\$0.72	\$0.77	\$0.83	\$0.89	\$0.86

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(5) Non-Residential Service.

The rate per account per month shall be total of Base and Gallonage charges as follows:

(a) Base Charge - The rate per month shall be:

	<del>2013</del>	<del>2015</del>	<del>2016</del>	<del>2017</del>	<u>2018</u>	<u>2019</u>	<u>2020</u>
City of Medford	\$13.74	\$15.80	\$16.91	\$18.09	\$18.09	\$20.11	\$22.32
Regional Rate Committee	\$2.11	\$2.30	\$2.47	\$2.65	\$2.85	\$2.82	\$3.02
	<b>\$3.02</b>						

(b) Gallonage Charge - For each 1,000 gallons of water delivered to the premises with the exceptions described in (d) below, the rate shall be:

	<u>2013</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
City of Medford	\$0.57	\$0.66	\$0.70	\$0.758	\$0.7586	\$0.7595	\$1.04
Regional Rate Committee	\$0.60	\$0.67	\$0.72	\$0.774	\$0.8380	\$0.8986	\$0.86

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(6) Extra Strength Commercial, Hospital and Industrial Sewer Service Surcharge.

The rate per sewer service per month shall be as follows:

	<u>2013</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
City of Medford	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Regional Rate Committee	\$0.23	\$0.28	\$0.30	\$0.32	\$0.34	\$0.36	\$0.36

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(7) Recreation Vehicle Waste Dumping Station.

The rate for each recreational vehicle waste dumping station shall be as follows:

	<u>2013</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>
City of Medford	\$20.86	\$23.99	\$25.67	\$27.4750	\$27.47	\$30.52
Regional Rate Committee	\$23.88	\$25.70	\$27.63	\$29.7067	\$31.93	\$31.90
						\$34.32
						\$34.29
						<u>2020</u>
						\$37.25
						\$34.29

per dumping facility per month, in addition to other sewer charges as prescribed in Subsection (6) above, for commercial or industrial sewer service to the location.

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(9) Review of Rates.

The sewer charges established in this section of the City Code shall be reviewed as necessary. The rates may be revised to reflect actual costs of operation, maintenance, replacement and financing of the treatment works and sewage collection system. Charges are to be equitable with regard to each user's contribution to the total wastewater loading rate. The sanitary sewer rate changes listed above shall become effective on ~~March 1, 2013, for single family residential service and July 1, 2013, for all other service, respectively. In 2015, 2016, 2017, 2018 and 2019 rate changes are effective~~ July 15 for all services.

SECTION 2. Section 4.718 of the Medford Municipal Code is amended to read as follows:

4.718 Basis for Determining Storm Drain Fee.

(1) The basis for determining the monthly Storm Drain fee is as follows:

(a) Single family residential properties will be charged 1 ERU per month.

(b) Mobile Home Parks will be charged 6 ERUs per acre per month.

(c) The number of ERUs to be charged for all other properties not included in (a) or (b) above will be determined by measurement of the impervious area divided by 3,730 ~~and carried to two decimals, with the third decimal truncated.~~ Area measurements may be determined from City building permit applications or aerial mapping records.

(2) Effective July 15 of each year below, the rate per ERU for accounts with no runoff control measures shall be as follows:

<u>2013</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
\$7.71	\$8.87	\$9.49	\$10.15	\$10.25	\$10.25	\$10.25

(3) Effective July 15 of each year below, the rate per ERU for accounts with runoff control measures shall be as follows:

<u>2013</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
\$5.41	\$6.22	\$6.66	\$7.12	\$7.19	\$7.19	\$7.19

SECTION 3. Section 4.735 of the Medford Municipal Code is amended to read as follows:

4.735 New Development and Annexation.

(1) Monthly storm drainage utility fees for new development will commence upon ~~approval of the building's foundation~~ **final building approval or Certificate of Occupancy, whichever occurs first**. Areas that are annexed to the City or under contract to annex shall become subject to the storm drain utility fee and storm drainage SDC on the date of annexation or the date of the annexation contract, whichever comes first.

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SECTION 3. Section 4.761 of the Medford Municipal Code is amended to read as follows:

4.761 Imposition of Utility Fee.

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(d) Effective July 15 of each year below, except as noted, the rates shall be as follows:

	<del>2015</del>	<del>03/15/2016</del>	<del>2016</del>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
Residential	\$0.960	\$0.670	\$0.727	\$0.768	\$0.837	\$0.912	\$0.994
Non-Residential	\$0.601	\$0.420	\$0.456	\$0.482	\$0.525	\$0.572	\$0.623

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SECTION 4. Section 4.807 of the Medford Municipal Code is amended to read as follows:

4.807 Imposition of Pedestrian-Scale Street Light Fee.

There is hereby imposed upon the responsible party for each and every City utility account of a single-family residential subdivision or for each pedestrian street light in a multi-family or commercial development that meets the criteria for a benefiting property, as described in Section 4.803, ~~an initial pedestrian scale street light fee of Four Dollars and fifty cents (\$4.50) per month~~. This fee is deemed reasonable and is necessary to pay for the operations and maintenance of

pedestrian-scale street lights within the City. ~~The effective starting date of this fee will be March 1, 2003, and will first appear on utility bills delivered in April 2003.~~

<u>3/1/2003</u>	<u>3/1/2006</u>	<u>3/1/2007</u>	<u>3/1/2008</u>
\$4.50	\$4.75	\$5.00	\$5.34

SECTION 5. Section 4.1200 of the Medford Municipal Code is amended to read as follows:

4.1200 Billing, Collection and Enforcement of Utility Fees.

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(3) Street, sewer and parks utility fees shall not be assessed during any period when the account is closed and the premises are unoccupied and unused.

(a) Street and park fees will not be assessed to a vacant unit within a commercial, non-residential property provided the property owner has notified the City that the unit is vacant. ~~If the property owner fails to notify the City, fees may be waived retroactively from the date notice is received for a period not to exceed three (3) months.~~ Vacancy certifications are valid for three (3) months; if the unit remains vacant, the property owner shall be responsible for renewing the vacancy certification. The responsible party shall notify the City within 10 days of the property or unit becoming occupied again.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

APPROVED: \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor

NOTE: Matter in **bold** is new. Matter ~~struck out~~ is existing law to be omitted. Three asterisks (\*\*\*) indicate existing law which remains unchanged by this ordinance but was omitted for the sake of brevity.