



## Medford City Council Meeting

# Agenda

July 19, 2018

6:00 P.M.

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

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**10. Roll Call**

**20. Recognitions, Community Group Reports**

20.1 Employee Recognition

20.2 Medford Kiwanis Club Playground Check Presentation

20.3 Friends of Medford Parks and Recreation Awards

20.4 Quarterly Travel Medford Update by Eli Matthews

20.5 ACCESS Shelter Update by Pam Norr

**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 Consideration of an appeal of an administrative decision regarding the defective sidewalk at 1405 Oleander Street and 1701 Covina Avenue.

40.2 Consideration of an appeal of an administrative decision regarding a Street Tree Permit decision for 1309 Alex Way.

40.3 Consideration of an appeal of an administrative decision regarding the defective sidewalk at 714 Palm Street.

40.4 Consideration of an appeal of the Planning Commission decision to approve the modification of a Conditional Use Permit to allow a "firewood ministry" at Westminster Presbyterian Church located at 2000 Oakwood Drive.

**50. Approval or Correction of the Minutes of the July 5, 2018 Regular Meeting**

**60. Consent Calendar**

60.1 COUNCIL BILL 2018-84 A resolution granting the property owner of 602 S. Central Avenue a six-month extension to complete hazardous sidewalk repairs.

- 60.2 COUNCIL BILL 2018-85 A resolution reversing the Park and Recreation Director's Street Tree Permit decision denying the removal of a tree and the tree well located at 101 N. Central Avenue, adjacent to Central Art Supply.
- 60.3 COUNCIL BILL 2018-86 An ordinance amending sections 10.108, 10.110, 10.124, 10.142, 10.182, 10.200, repealing sections 10.111, 10.161, 10.224-1, 10.295, and adding section 10.185 of the Medford Municipal Code to clarify sections pertaining to the Public Parks zoning district and procedural requirements for land use.
- 60.4 COUNCIL BILL-2018-87 An ordinance authorizing execution of two quitclaim deeds to release City interest in property impacted by the Oregon 62 Expressway Project adjacent to airport property.
- 60.5 COUNCIL BILL 2018-88 An ordinance authorizing execution of an Agreement between the City of Medford and Teamsters Local 223 representing Water Reclamation Division Operators and Laborers concerning wages, hours, fringe benefits, and other working conditions retroactive from July 1, 2018, through June 30, 2020.
- 60.6 COUNCIL BILL 2018-89 An ordinance authorizing execution of an Agreement between the City of Medford and Teamsters Local 223 representing Medford Municipal Mechanics concerning wages, hours, fringe benefits, and other working conditions retroactive from July 1, 2018, through June 30, 2020.

**70. Items Removed from Consent Calendar**

**80. Ordinances and Resolutions**

- 80.1 COUNCIL BILL 2018-90 An ordinance repealing sections 2.428 2,429, adding sections 2.451, 2.452, 2.454, and 2.457 of the Medford Municipal Code to create a Transportation Commission and alter other transportation related committees to be effective January 1, 2019.

**90. Council Business**

- 90.1 Proclamations issued: None
- 90.2 RVTD Funding via MPO
- 90.3 Arts Commission Appointment
- 90.4 Committee Reports and Communications

**100. City Manager and Staff Reports**

- 100.1 Further reports from City Manager

**110. Adjournment**



**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

Item No: 40.1

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**DEPARTMENT:** Public Works  
**PHONE:** (541) 774-2100  
**STAFF CONTACT:** Cory Crebbin, Director

**AGENDA SECTION:** Public Hearings  
**MEETING DATE:** July 19, 2018

**PUBLIC HEARING**

Consideration of an appeal of an administrative decision regarding the defective sidewalk at 1405 Oleander Street and 1701 Covina Avenue.

**SUMMARY AND BACKGROUND:**

On May 7, 2018, Public Works sent letters to Mr. and Mrs. Masuko of 1405 Oleander Street and to Mr. and Mrs. Pell of 1701 Covina Ave informing them that the sidewalk fronting their properties is defective and needs to be repaired. They do not dispute that the sidewalk needs to be repaired. The issue is that the defective sidewalk is on the border of their properties. The Pell's believe it is the Masuko's responsibility to repair the sidewalk as it is their trees that are causing the damage. They are willing to share the costs to repair one "section". The Masuko's are requesting three items:

- 1) A determination of how much of the sidewalk is their responsibility.
- 2) An unspecified time extension to complete repairs.
- 3) The City to complete the work and allow the Masuko's to make payments at less than 18% interest per year.

**PREVIOUS COUNCIL ACTIONS**

None.

**ANALYSIS**

Section 3.010 of Medford's Municipal Code (MMC) requires owners of property within the City to inspect and maintain all sidewalks abutting their property in a condition safe for use by the public at all times. The code further states that if any property owner by his neglect to perform any duty required by this section causes injury or damage to any person or property, he shall be liable to the person suffering such injury or damage and indemnify the City for all damages it has been compelled to pay in such case.

Staff inspected the site and determined that the defect is on the frontage of 1701 Covina Avenue, but the entire panel is lifted with a majority of the panel abutting 1405 Oleander Street. Per MMC 3.015(3) the City Engineer requires entire panels to be replaced. In this situation Staff recommends each party be responsible for 50% of the cost of repair and the affected property owners be given 30 days to complete repairs or the City will make the repair and bill them.

Unpaid assessments levied by the City bear an interest rate of 18% per MMC 3.470(2). The City Recorder can reduce the interest rate if the property owner agrees to a payment plan.

**FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

None.

**TIMING ISSUES**

None

**COUNCIL OPTIONS**

- Approve the appeal.
- Modify the appeal.
- Deny the appeal and provide direction to staff regarding repair of the defective sidewalk.



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**STAFF RECOMMENDATION**

Staff recommends each party be responsible for 50% of the cost of repair and the affected property owners be given 30 days to complete repairs.

**SUGGESTED MOTION**

I move to require each property owner to be responsible for 50% of the cost of repair for the defective sidewalk at 1405 Oleander Street and 1701 Covina Avenue.

**EXHIBITS**

Photos showing defective sidewalk

Letters



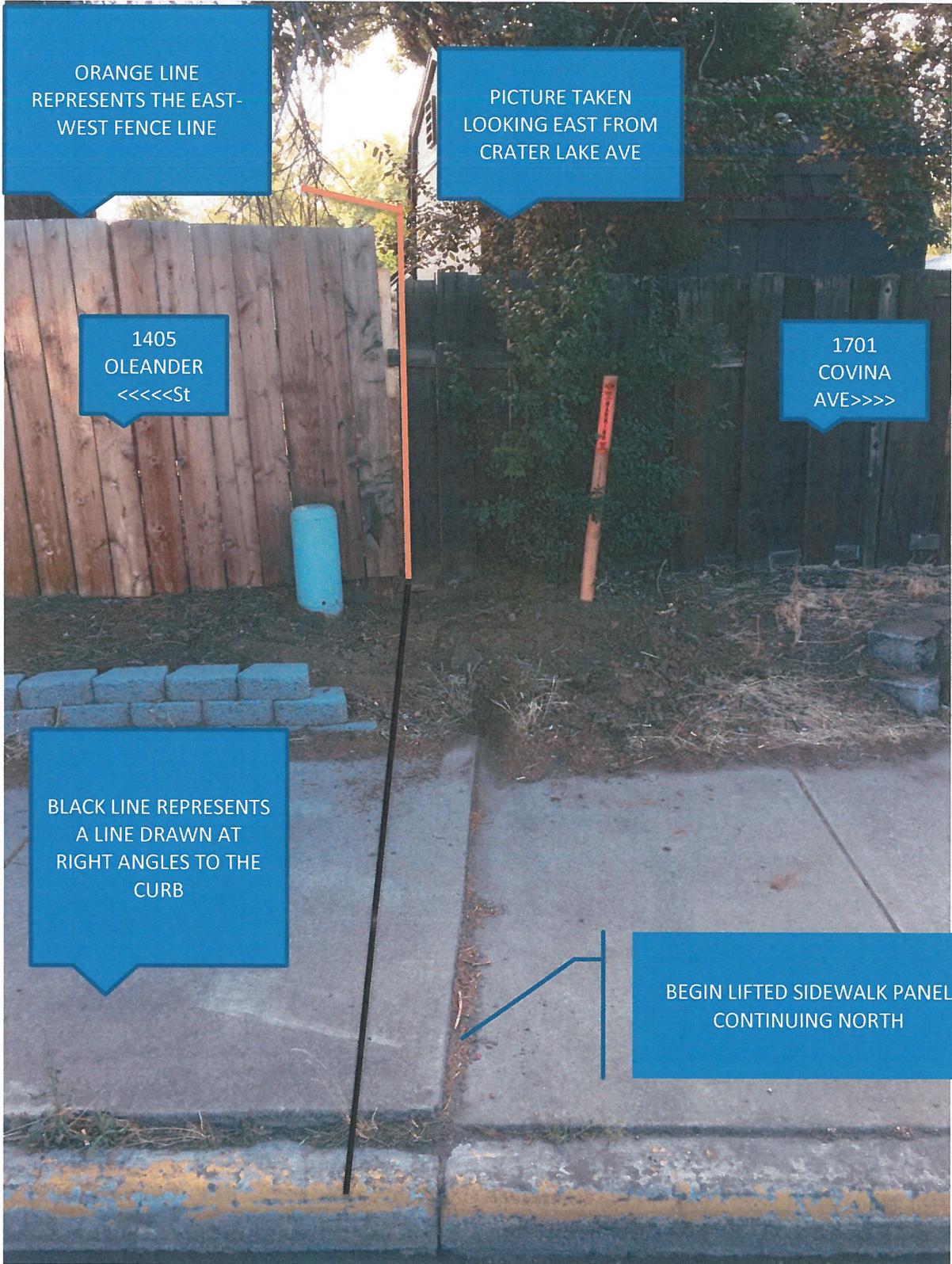
Photo 1: Photo taken on Covina showing sidewalk defect measurement



Photo 2: Photo taken on Oleander showing depth of defect



Photo 3: Photo taken on Oleander showing measurement



ORANGE LINE  
REPRESENTS THE EAST-  
WEST FENCE LINE

PICTURE TAKEN  
LOOKING EAST FROM  
CRATER LAKE AVE

1405  
OLEANDER  
<<<<<St

1701  
COVINA  
AVE>>>>

BLACK LINE REPRESENTS  
A LINE DRAWN AT  
RIGHT ANGLES TO THE  
CURB

BEGIN LIFTED SIDEWALK PANEL  
CONTINUING NORTH



## CITY OF MEDFORD

PUBLIC WORKS DEPARTMENT  
ENGINEERING & DEVELOPMENT DIVISION

200 S. IVY STREET  
MEDFORD, OREGON 97501  
[www.ci.medford.or.us](http://www.ci.medford.or.us)

TELEPHONE (541) 774-2100  
FAX (541) 774-2552  
[pwrokseng@cityofmedford.org](mailto:pwrokseng@cityofmedford.org)

May 7, 2018

MASUKO BENJAMIN/MAGGIE  
1405 OLEANDER ST  
MEDFORD, OR 97504

Re: Defective Sidewalk at 1405 OLEANDER ST & Case # 18-960

We have received a complaint regarding the condition on the sidewalk abutting property owned by you at the above address.

As stated in Section 3.010 of the Medford Municipal Code, property owners are responsible for maintaining all public sidewalks abutting their property. Any injuries sustained by the public as a result of this defective condition are the liability of the property owner.

The sidewalk in question must be repaired or replaced within 30 days of this letter. If you need more than 30 days to complete the repairs, a one-time 90-day extension may be granted by the Public Works Director. A written request or e-mail needs to be submitted to the Engineering Division of Public Works at the above address briefly explaining the basis for your request, within 10 days of receiving this notice. This is the only notice you will receive. If the sidewalk is not repaired in 30 days or by the end of the extension period, the City may hire a contractor to do the work with the costs being assessed to you. These costs would include payments to the contractor plus engineering and administrative costs. Non-payment of these costs will result in a lien being placed on the property, at 18% interest per year.

A permit is required and can be obtained from the Engineering Division office at 200 S. Ivy St, 2<sup>nd</sup> floor, or from the City of Medford's Public Works homepage at [www.ci.medford.or.us](http://www.ci.medford.or.us).

### **Right to Appeal**

If you disagree with our determination that the sidewalk is defective, you may appeal for a hearing before the City Council. A WRITTEN REQUEST MUST BE MAILED to the City Recorder at 411 W. 8<sup>th</sup> St, Medford, OR 97501 within ten (10) days of receipt of this letter. The request needs to include your reason for opposing the repair of the sidewalk.

Please call 774-2100 if you have any questions or would like our inspector to contact you.

Sincerely,

Lorraine Peterson  
Public Works Business Mgr

LP/lis

To whom it may concern,

We are requesting an appeal for the sidewalk repair maintenance letter that we received at 1405 Oleander St Medford Oregon 97504 Case # 18-960 requesting we fix the sidewalk behind our property on Crater lake Ave.

We are requesting this appeal for 3 reasons

Property line determination. How much of the side sidewalk is our responsibility?

Time extension: We are requesting additional time for the completion of the repairs to be done.

Financing for the repairs of the sidewalk. We are unable to find a contractor that is able to do the project and take payments for the work. We are asking for city to complete the work and allow us to make payments at a lower than 18% interest rate.

Thank you for you time and consideration.

Benjamin Masuko  
1405 Oleander St  
Medford Oregon 97504  
541-816-2847



City of Medford

# Office of the City Recorder

*Medford ~ A Fantastic Place to Live, Work & Play*

May 24, 2018

Benjamin and Maggie Masuko  
1405 Oleander Street  
Medford, OR 97504

Re: Appeal of Administrative Decision

The Medford City Council will consider an appeal of the Public Works administrative decision concerning sidewalk repairs for **1405 Oleander Street**.

The public hearing on this matter will be scheduled for the regular city council meeting on **July 19, 2018 at 6 p.m.** at the Medford City Hall Council Chambers, 411 W. 8<sup>th</sup> Street. The City Council will hear evidence on the appeal to determine whether to grant your request pertaining to repair of the sidewalk.

You may contact the Recorder's Office at 774-2017 with any questions regarding this appeal hearing.

Sincerely,

Karen M. Spoonts, MMC  
City Recorder

cc: Mayor/Council  
Public Works Department  
Legal Department

411 West 8<sup>th</sup> Street, Medford, OR 97501

Tel. 541.774.2017 • email: [cityrecorder@cityofmedford.org](mailto:cityrecorder@cityofmedford.org) • Fax 541.618.1700

[www.cityofmedford.org](http://www.cityofmedford.org)



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.2

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**DEPARTMENT:** Parks, Recreation & Facilities  
**PHONE:** (541) 774-2690  
**STAFF CONTACT:** Adam Airoidi, Parks Supervisor

**AGENDA SECTION:** Public Hearings  
**MEETING DATE:** July 19, 2018

## PUBLIC HEARING

Consideration of an appeal of an administrative decision regarding a Street Tree Permit decision for 1309 Alex Way.

## SUMMARY AND BACKGROUND

Bill and Victoria Bright requested a Street Tree Permit to remove a tree from the public right-of-way at 1309 Alex Way because tree roots are displacing the sidewalk. The tree removal request was denied based on criteria set forth in Medford Municipal Code (MMC) sections 6.725, 6.730, and the Street Tree Removal Criteria. This administrative decision is being appealed to the City Council for resolution.

## PREVIOUS COUNCIL ACTIONS

On February 1, 1996, City Council approved Ordinance 8026, enacting MMC 6.725 pertaining to street tree standards.

On February 1, 1996, City Council approved Ordinance 8026, enacting MMC 6.730 outlining responsibility for care and maintenance of landscaping in the right-of-way.

On June 6, 2013, City Council approved Council Bill 2013-83, approving revisions to MMC 6.730.

## ANALYSIS

The requested street tree permit was denied because the proposed actions are in conflict with adopted standards for trees on public property (MMC 6.725, 6.730) or the Tree Committee-approved Street Tree Removal Criteria.

The tree in question is a 15-year-old, 20-foot-high Japanese zelkova (*Zelkova serrata*) that was planted in conjunction with the development of the subdivision. The tree is growing in a planter strip abutting the sidewalk and curb on Alex Way. When mature, this tree could reach 45 feet in height and 30 feet in crown width. The species installed in the streetscape was selected to provide long term aesthetic, social, and environmental benefits to the community.

The purpose of street trees are to:

- Improve air quality.
- Moderate temperature.
- Reduce stormwater runoff.
- Improve health, aesthetics and property value.

MMC 6.725 requires any action taken with regard to street trees in the public right-of-way must abide by the adopted standards. According to the Street Tree Removal Criteria, root pruning or root barriers are the preferred mitigation options. The tree inspection conducted by certified arborist Adam Airoidi on May 16 found surface roots responsible for the damage to the sidewalk. Root pruning was recommended as a way to mitigate the sidewalk issue and preserve the tree.

The property owner received notice from Public Works Engineering to repair the sidewalk, prompting the Bright's request to remove the tree. If the removal permit appeal is denied, the owner would be issued a permit to prune the roots affecting the sidewalk in conjunction with the concrete repair.



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Based on the Code, staff recommends upholding its denial of tree removal. However, should Council approve tree removal, the property owner should be responsible for replacement of the tree under MMC 6.725.

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

The property owner is financially responsible for the maintenance of the tree and sidewalk.

## **TIMING ISSUES**

None.

## **COUNCIL OPTIONS**

Uphold the Street Tree Permit decision as presented.

Modify the Street Tree Permit decision as presented, direct staff as to appropriate course of action.

Reverse the Street Tree Permit decision as presented, authorizing the owner to remove and replace the tree.

## **STAFF RECOMMENDATION**

Staff recommends upholding the Street Tree Permit decision.

## **SUGGESTED MOTION**

I move to uphold the Street Tree Permit decision for the street tree at 1309 Alex Way as presented.

## **EXHIBITS**

Photo 1- Japanese zelkova at 1309 Alex Way looking south

Photo 2- Japanese zelkova at 1309 Alex Way with surface roots recommended for pruning

Photo 3- Defective sidewalk at 1309 Alex Way with engineering measure and street tree

Photo 4- Engineering measurement of defective sidewalk at 1309 Alex Way

Public Works Notice to Property Owners

Medford Municipal Codes 6.725, 6.730

Street Tree Removal Criteria

Street Tree Permit Application

Street Tree Permit Appeal documents



Photo 1- Japanese zelkova at 1309 Alex Way looking south



Photo 2- Japanese zelkova at 1309 Alex Way with surface roots recommended for pruning



Photo 3- Defective sidewalk at 1309 Alex Way with engineering measure and street tree



Photo 4- Engineering measurement of defective sidewalk at 1309 Alex Way



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PUBLIC WORKS DEPARTMENT  
ENGINEERING & DEVELOPMENT DIVISION

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pwrokseng@cityofmedford.org

TELEPHONE (541) 774-2100  
FAX (541) 774-2552

May 7, 2018

BRIGHT WILLIAM L/VICTORIA M  
5035 AUGUST ST  
SAN DIEGO, CA 92110

Re: Defective Sidewalk at 1309 Alex Way & Case # 18-946

We have received a complaint regarding the condition on the sidewalk abutting property owned by you at the above address.

As stated in Section 3.010 of the Medford Municipal Code, property owners are responsible for maintaining all public sidewalks abutting their property. Any injuries sustained by the public as a result of this defective condition are the liability of the property owner.

The sidewalk in question must be repaired or replaced within 30 days of this letter. If you need more than 30 days to complete the repairs, a one-time 90-day extension may be granted by the Public Works Director. A written request or e-mail needs to be submitted to the Engineering Division of Public Works at the above address briefly explaining the basis for your request, within 10 days of receiving this notice. This is the only notice you will receive. If the sidewalk is not repaired in 30 days or by the end of the extension period, the City may hire a contractor to do the work with the costs being assessed to you. These costs would include payments to the contractor plus engineering and administrative costs. Non-payment of these costs will result in a lien being placed on the property, at 18% interest per year.

A permit is required and can be obtained from the Engineering Division office at 200 S. Ivy St, 2<sup>nd</sup> floor, or from the City of Medford's Public Works homepage at [www.ci.medford.or.us](http://www.ci.medford.or.us).

**Right to Appeal**

If you disagree with our determination that the sidewalk is defective, you may appeal for a hearing before the City Council. A WRITTEN REQUEST MUST BE MAILED to the City Recorder at 411 W. 8<sup>th</sup> St, Medford, OR 97501 within ten (10) days of receipt of this letter. The request needs to include your reason for opposing the repair of the sidewalk.

Please call 774-2100 if you have any questions or would like our inspector to contact you.

Sincerely,

Lorraine Peterson  
Public Works Business Mgr

LP/lr



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

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## MMC 6.725 Permit Required

- (1) No person other than a city department employee shall plant, prune, root prune, remove, cut above ground, or otherwise disturb any tree on public property without prior written permission of the Parks and Recreation Director. The person obtaining the permit shall abide by the adopted standards.
- (2) The permit application shall include the following information: A site or plat drawing showing the number of trees to be planted, pruned or removed; location, grade, species, cultivar or variety of trees to be planted or pruned; reason for pruning or removal; method of planting or maintenance; and other information to enable the Manager to assure compliance with the adopted standards.
- (3) The permit is free and is valid for 90 days from the date of issuance.
- (4) Any person removing a tree must also remove the stump to a depth of six inches below ground level.
- (5) Any tree removed must be replaced. All replacement trees shall be a minimum of 1-3/4" caliper in size. All replacement trees must be chosen from a list of designated street trees provided by the city.
- (6) Whenever any tree is planted or maintained contrary to the provisions of Sections 6.700 to 6.750, the Manager may remove or maintain the tree in accordance with the adopted standards. Any cost to the City of such removal or maintenance shall be assessed to the owner of abutting property or other person who failed to comply with the requirements of these sections. The Manager may revoke any permit for any violation of the provisions of Section 6.700 to 6.750.  
[Added, Sec. 1, Ord. No. 8026, Feb. 1, 1996.]

## MMC 6.730 Owners to Maintain Landscaping in Right-of-Way

- 1) The owners of property abutting streets other than arterial and collector streets in residential zoning districts within the City shall be responsible for the care and maintenance, including trimming, pruning and spraying of trees and shrubs or other landscaping located on the public right of way and for repairing damage done to a street, sidewalk or curb by the roots of any tree or shrub located on the public right of way adjacent to the private real property owned by the property owner. No material shall be used in the public right-of-way which may be washed off any landscaped area and interfere with drainage in gutters or storm drain pipes. Bark mulch applied within public right-of-way medians or planter strips shall be of shredded texture. Bark nuggets or chips shall not be applied.
- 2) All owners of property within the City shall be responsible for the following:
  - a) Trimming, pruning and spraying trees on private property that overhang a public right of way.
  - b) Repairing damage done to a street, sidewalk or curb by the roots of any tree or shrub on private property.
  - c) Removing trees and shrubs on private property that have been declared a public nuisance.
  - d) Maintenance of all vegetation within the right-of-way abutting the property.
- 3) If any property owner by the owner's neglect to perform any duty required by this section causes injury or damage to any person or property, that owner shall be liable to the person suffering such injury or damage and shall indemnify the City for all damages the City has been compelled to pay in such case. Such damages may be collected in a civil action against the property owner.
- 4) Maintenance required by this section shall be done in accordance with the adopted standards and permit requirements.



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

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- 5) The person working on trees or landscaping on public property shall be responsible for removing all debris from the site by sunset of the same day.

[Added, Sec. 1, Ord. No. 8026, Feb. 1, 1996; Amd. Ord. No. 2003-293, Nov. 20, 2003; Amd. Ord. No. 2004-20, Feb. 5, 2004; Amd. Ord. No. 2013-83, June 6, 2013.]

## City of Medford Street Tree Removal Criteria

Street trees in the public right-of-way are a natural public resource and are managed and maintained for the purpose of securing and promoting the public health, safety, and general welfare of persons in the City of Medford. Owners of property abutting streets are responsible for the care and maintenance of trees located in the public right-of-way (6.730). An application for street tree removal permit may be approved when the adjacent property owner has sufficiently demonstrated that the detriment from the continuing presence of a tree outweighs the public benefit provided by the tree (6.725). Trees that are determined to be dead, high risk, incurably or infectiously diseased, or are an "inappropriate species" as designated by the City are automatic candidates for removal. Any tree that is removed from the right-of-way must be replaced (6.725).

The following factors shall not be considered as criteria for removal of a street tree:

- The cost of routine tree maintenance including pruning, watering, fertilizing, and spraying as necessary
- Normal maintenance activities such as the raking of leaves and flowers and annual cleaning of gutters
- Turf and other landscape conflicts
- Potential future costs to public infrastructure or private property which can be avoided by root pruning and root barriers
- Hazards that can be controlled or eliminated through appropriate pruning or maintenance

*Adopted by the Tree Committee June 14, 2016*



**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

Item No: 40.2

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**MEDFORD**  
**PARKS & RECREATION**

HEALTHY LIVES. HAPPY PEOPLE. STRONG COMMUNITY.

**STREET TREE PERMIT APPLICATION**

PRUNING • REMOVAL • PLANTING

Application for Permit to:  Prune  Remove <sup>OR</sup>  Plant  Root prune

OFFICIAL USE ONLY			
Date Received: 6/21/2018	Case Number:	T/A Number:	
Approved	Denied X	Conditionally approved*	Date: 6/21/2018
*Permission is granted according to the application with the following conditions:			

**Applicant Information:**

Property Owner Name Bill Bright Phone (510) 772-8127  
 Mailing Address 5035 August St. San Diego, CA 92110  
 Applicant Name \_\_\_\_\_ Phone \_\_\_\_\_  
 Mailing Address \_\_\_\_\_  
 Tree Address 1305/1309 Alex Way Medford, OR 97501

**Tree Condition:**

Species Japanese Zelkova (Zelkova serrata) Size 9" Number \_\_\_\_\_  
 Reason for permit and scope of work to be performed:  
Tree roots are "pushing up" the sidewalk.

Please provide a map or drawing showing: street, sidewalk, trees, utility lines, sewer, water, and lights below.



CONTINUOUS IMPROVEMENT | CUSTOMER SERVICE  
 701 N. COLUMBUS AVE. | MEDFORD, OR 97501 | 541.774.2400  
 WWW.PLAYMEDFORD.COM | PARKS@CITYOFMEDFORD.COM



COMMUNITY ENRICHMENT EXCELLENCE EXCEPTIONAL CUSTOMER SERVICE INNOVATION



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

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Under Municipal Code 6.725 any tree removed must be replaced.

Yes	No	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Confirmed City Right-of-Way
<input checked="" type="checkbox"/>	<input type="checkbox"/>	The owner of the property is aware of the situation
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is this a shared tree on the property line?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	I am aware that I must replace any tree removed in the right-of-way

Please indicate the following site conditions to aid in proper replacement tree selection.

Planting strip width (between sidewalk and curb) unknown

Other landscaping in planting strip no

Is there underground irrigation? Yes  No

### Right-of-way Work Plan:

Arborist/Tree Service Name \_\_\_\_\_ Phone \_\_\_\_\_

City Business License No \_\_\_\_\_ Expiration Date \_\_\_\_\_

Return Fax and/or Email \_\_\_\_\_

A list of Contractors prequalified to work in City Right-of-Way is available at the City Engineering Department or at: [http://www.ci.medford.or.us/Files/PreQual\\_Phone\\_List.pdf](http://www.ci.medford.or.us/Files/PreQual_Phone_List.pdf)

Permitted tree removal requires grinding of stump to six inches below grade and replanting of an approved street tree from the Selected Street Tree List. All new and replacement Street Trees must be a minimum of 1 N" caliper.

[http://www.ci.medford.or.us/Files/Selected\\_Street\\_Tree\\_List.pdf](http://www.ci.medford.or.us/Files/Selected_Street_Tree_List.pdf)

I certify that this information is true and accurate to the best of my knowledge.

Applicant signature W.L. Bright

Name W.L. BRIGHT Date 6-21-18

OFFICIAL USE ONLY	
Application Received by Parks and Recreation Department on:	6/21/2018
Reviewed by:	Adam Airoidi
Authorized signature <u>[Signature]</u>	Date 6/21/2018

"Creating Healthy Lives, Happy People & A Strong Community"

701 N. Columbus Ave • Medford, OR 97501 • (541) 774-2400  
www.ci.medford.or.us parks@cityofmedford.org



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.2

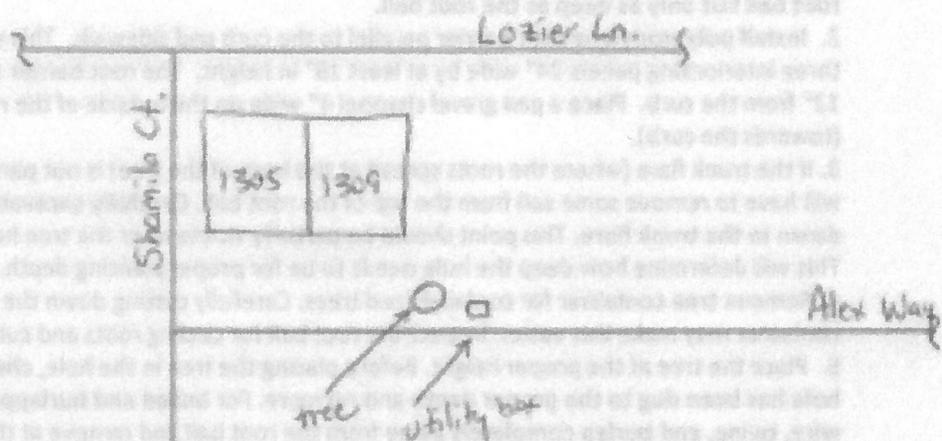
www.ci.medford.or.us



## CITY OF MEDFORD STREET TREE PLANTING STANDARD

Proper planting of street trees will maximize the chances of survival and promote long-term health. Check for underground utilities before planting by calling 503-325-2344.

1. Dig a shallow, broad planting hole. Make the hole at least two times the diameter of the root ball but only as deep as the root ball.
2. Inspect the hole. There should be no backfill material in the hole. The hole should be at least 18" wide by 18" deep. The hole should be at least 12" from the curb. There should be a 6" gap between the hole and the curb.
3. If the hole has been dug in a concrete curb, the hole should be at least 12" from the curb. The hole should be at least 18" wide by 18" deep. The hole should be at least 12" from the curb. There should be a 6" gap between the hole and the curb.
4. Place the tree in the hole. The tree should be at least 18" from the curb. The hole should be at least 18" wide by 18" deep. The hole should be at least 12" from the curb. There should be a 6" gap between the hole and the curb.
5. Backfill the hole with soil. The soil should be at least 18" from the curb. The hole should be at least 18" wide by 18" deep. The hole should be at least 12" from the curb. There should be a 6" gap between the hole and the curb.
6. Water the tree immediately after planting with a minimum of 25 gallons of water. Keep the soil moist but not saturated, watering at least once a week through the growing season.
7. Water the tree weekly during the first year. The soil should be at least 18" from the curb. The hole should be at least 18" wide by 18" deep. The hole should be at least 12" from the curb. There should be a 6" gap between the hole and the curb.
8. Place mulch around the base of the tree. A 2- to 4-inch layer is ideal. Be sure to keep an area 2-4" from the trunk free of mulch.
9. Water the tree immediately after planting with a minimum of 25 gallons of water. Keep the soil moist but not saturated, watering at least once a week through the growing season.
10. Water the tree weekly during the first year. The soil should be at least 18" from the curb. The hole should be at least 18" wide by 18" deep. The hole should be at least 12" from the curb. There should be a 6" gap between the hole and the curb.
11. Place the tree in the hole. The tree should be at least 18" from the curb. The hole should be at least 18" wide by 18" deep. The hole should be at least 12" from the curb. There should be a 6" gap between the hole and the curb.
12. Backfill the hole with soil. The soil should be at least 18" from the curb. The hole should be at least 18" wide by 18" deep. The hole should be at least 12" from the curb. There should be a 6" gap between the hole and the curb.
13. Water the tree immediately after planting with a minimum of 25 gallons of water. Keep the soil moist but not saturated, watering at least once a week through the growing season.
14. Water the tree weekly during the first year. The soil should be at least 18" from the curb. The hole should be at least 18" wide by 18" deep. The hole should be at least 12" from the curb. There should be a 6" gap between the hole and the curb.
15. Place mulch around the base of the tree. A 2- to 4-inch layer is ideal. Be sure to keep an area 2-4" from the trunk free of mulch.



"Creating Healthy Lives, Happy People & A Strong Community"

301 N. Columbia Ave. Medford, OR 97504  
www.ci.medford.or.us



**CITY OF MEDFORD  
AGENDA ITEM COMMENTARY**

Item No: 40.2

www.ci.medford.or.us

May 18, 2018

City of Medford City Council  
411 W. 8<sup>th</sup> St.  
Medford, OR 97501

**RECEIVED**

**MAY 22 2018**

**CITY MANAGER'S OFFICE**

Re: Sidewalk Case #18-946

To Whom It May Concern:

We received a letter stating that there is an issue with the sidewalk abutting our property located at 1309 Alex Way. The issue is that one or more roots are "pushing" the sidewalk up. The tree in question is located between the street and the sidewalk. I called Public Works Manager, Lorraine Peterson, and was advised to bring this to the attention of City Council. With that said, we wish to exercise our right to appeal for the following reasons:

1. Because of the tree's location, it was originally planted by the City of Medford. Since the City planted it, that species of tree must have been reviewed and approved for planting – growth size, watering requirements root structure, etc.
2. To confirm the issue stated above in the first paragraph, we requested a site visit from the City of Medford's Arborist (Adam). After his visit, Adam called us to report that one main root and possibly two smaller roots are causing the issue. He recommended chopping the roots off and pulling them out. When asked if the issue would return, his response was it absolutely could. In other words, the roots will grow back. I asked if we could remove the tree and plant another suitable tree without an invasive root system. His response was "No, the tree is mature and it can not be replaced."

In summary, we have been asked to correct and pay for an issue which was caused by a tree previously approved by the City to be planted in that location. Also, we are not being granted the approval to correct the problem once and for all. Instead, the City is asking us to perform a short-term fix and revisit (pay for fix again) every 3-5 years. This does not make any sense to me. I am aware there is a municipal code which states these types of issues are the responsibility of the homeowner. Due to #1 above, at most this is a shared responsibility between us and the City of Medford. We should work together to resolve the issue once and for all. Please contact me at C(510) 772-8127 to discuss.

Regards,

*W.A. Bright*

Bill Bright



**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

Item No: 40.2

www.ci.medford.or.us



City of Medford

**Office of the City Recorder**

*Medford ~ A Fantastic Place to Live, Work & Play*

June 6, 2018

Bill and Victoria Bright  
5035 August Street  
San Diego, CA 92110

Re: Appeal of Administrative Decision

The Medford City Council will consider an appeal of the Public Works administrative decision concerning sidewalk repairs for **1309 Alex Way**.

The public hearing on this matter will be scheduled for the regular city council meeting on **July 19, 2018 at 6 p.m.** at the Medford City Hall Council Chambers, 411 W. 8<sup>th</sup> Street. The City Council will hear evidence on the appeal to determine whether to grant your request pertaining to repair of the sidewalk.

You may contact the Recorder's Office at 774-2017 with any questions regarding this appeal hearing.

Sincerely,

Karen M. Spoonts, MMC  
City Recorder

cc: Mayor/Council  
Public Works Department  
Legal Department  
Cathie Roemmich (representing appellant)

411 West 8<sup>th</sup> Street, Medford, OR 97501

Tel. 541.774.2017 • email: [cityrecorder@cityofmedford.org](mailto:cityrecorder@cityofmedford.org) • Fax 541.618.1700

[www.cityofmedford.org](http://www.cityofmedford.org)



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.3

www.cityofmedford.org

**DEPARTMENT:** Public Works  
**PHONE:** (541) 774-2100  
**STAFF CONTACT:** Cory Crebbin, Director

**AGENDA SECTION:** Public Hearings  
**MEETING DATE:** July 19, 2018

## **PUBLIC HEARING**

Consider an appeal of an administrative decision regarding the defective sidewalk at 714 Palm Street.

## **SUMMARY AND BACKGROUND:**

On May 8, 2018, Public Works sent a letter to Ms. Roberts informing her that the sidewalk abutting 714 Palm Street is defective and needs to be repaired. Ms. Roberts does not dispute that the sidewalk needs to be repaired. She believes the property owner at 712 Palm Street should be responsible for the repair as the sidewalk was damaged when her neighbor removed a tree.

## **PREVIOUS COUNCIL ACTIONS**

None.

## **ANALYSIS**

Section 3.010 of Medford's Municipal Code (MMC) requires owners of property within the City to inspect and maintain all sidewalks abutting their property in a condition safe for use by the public at all times. The code further states that if any property owner by his neglect to perform any duty required by this section causes injury or damage to any person or property, he shall be liable to the person suffering such injury or damage and indemnify the City for all damages it has been compelled to pay in such case.

The MMC is clear that property owners are responsible for sidewalk maintenance. Who pays for the repair is a matter between Ms. Roberts and her neighbor.

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

None.

## **TIMING ISSUES**

None

## **COUNCIL OPTIONS**

- Approve the appeal.
- Modify the appeal.
- Deny the appeal and provide direction to staff regarding repair of the defective sidewalk.

## **STAFF RECOMMENDATION**

Deny the appeal of an administrative decision regarding the defective sidewalk at 714 Palm Street.

## **SUGGESTED MOTION**

I move to deny the appeal of an administrative decision regarding the defective sidewalk at 714 Palm Street.

## **EXHIBITS**

Photos  
Appeal letters





6-11-18

City Recorder -

I would like to appeal for a hearing to determine if I am responsible for much needed repairs to the sidewalk in front of my home on 714 Palm St, Medford.

I do agree that the sidewalk is in desperate need of repair - however,

This damage occurred when the property owner of 712 Palm St. had a tree removed. The people she hired were not professional & fell this tree damaging the sidewalk, my front lawn & shrubbery.

I do have pictures to support this!

For this reason I feel the responsibility of repairs should lie on the the property owner of 712 Palm St.

Thank you for considering my appeal

Wendy Roberts  
714 Palm St  
Medford, OR 97501

RECEIVED

JUN 13 2018

CITY OF MEDFORD  
CITY RECORDER'S OFFICE



City of Medford

# Office of the City Recorder

*Medford ~ A Fantastic Place to Live, Work & Play*

June 14, 2018

Wendy Roberts  
714 Palm Street  
Medford, OR 97501

Re: Appeal of Administrative Decision

The Medford City Council will consider an appeal of the Public Works administrative decision concerning sidewalk repairs for **714 Palm Street**.

The public hearing on this matter will be scheduled for the regular city council meeting on **July 19, 2018 at 6 p.m.** at the Medford City Hall Council Chambers, 411 W. 8<sup>th</sup> Street. The City Council will hear evidence on the appeal to determine whether to grant your request pertaining to repair of the sidewalk.

You may contact the Recorder's Office at 774-2017 with any questions regarding this appeal hearing.

Sincerely,

Karen M. Spoonts, MMC  
City Recorder

cc: Mayor/Council  
Public Works Department  
Legal Department

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411 West 8<sup>th</sup> Street, Medford, OR 97501

Tel. 541.774.2017 • email: [cityrecorder@cityofmedford.org](mailto:cityrecorder@cityofmedford.org) • Fax 541.618.1700

[www.cityofmedford.org](http://www.cityofmedford.org)



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.4

www.ci.medford.or.us

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

**AGENDA SECTION:** Public Hearings  
**MEETING DATE:** July 19, 2018

## **PUBLIC HEARING**

Consideration of an appeal of the Planning Commission decision to approve the modification of a Conditional Use Permit to allow a "firewood ministry" at Westminster Presbyterian Church located at 2000 Oakwood Drive.

## **SUMMARY AND BACKGROUND**

Consideration of an appeal of the Planning Commission decision to approve the modification of a Conditional Use Permit to allow a "firewood ministry" at Westminster Presbyterian Church located at 2000 Oakwood Drive. The appellant contends that the Planning Commission erred in its decision to approve the proposal as (1) the use is not permitted under Medford Municipal Code 10.314(6), and (2) the Commission failed to impose sufficient mitigation requirements in the conditions of approval to satisfy the approval criteria. (File No. CUP-18-026)

## **PREVIOUS COUNCIL ACTIONS**

The City Council has not previously considered this item.

## **ANALYSIS**

An Executive Summary has been prepared by staff and included as Exhibit A.

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

None identified.

## **TIMING ISSUES**

Under Medford Land Development Code (MLDC) Section 10.166, the approving authority shall take final action on an application within 120 days after the application is deemed complete. ORS 227.178(1) further requires that, "...the governing body of a city...shall take final action on an application...including resolution of all appeals...within 120 days after the application is deemed complete." The 120th day for this application is August 11, 2018. The City Council must render its decision by that date.

## **COUNCIL OPTIONS**

In an appeal of a land use decision, the City Council typically has the four options listed below. In this case, there is a fifth option. The Notice of Appeal does not contain the information required in Medford Land Development Code 10.052(3). The City Council could dismiss the appeal.

1. Affirm the decision of the Planning Commission.
2. Reverse the decision of the Planning Commission. If the Council does this, the Council must specify the reasons for reversal.
3. Modify the decision of the Planning Commission and specify the reasons for such modification.
4. Remand the decision back to the Planning Commission with an explanation of the error and the action necessary to rectify the error. Given the constraints of the 120-day rule, this is not an option unless the applicant concurs and agrees to extend the 120-day limit.
5. Dismiss the appeal having found that the Appellant's Notice of Appeal does not contain the minimum information required by Section 10.052(3) of the Medford Land Use Development.

## **STAFF RECOMMENDATION**

Staff recommends that the City Council affirm the decision of the Planning Commission, having found that there is substantial evidence in the record to support the decision of the Planning Commission and that the Planning Commission did not commit any legal errors in reaching its decision.



**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

**Item No: 40.4**

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**SUGGESTED MOTION**

I move to affirm the Planning Commission's decision to approve a modification of CUP-18-026.

**EXHIBITS**

Executive Summary dated July 12, 2018, including Exhibits 1 through 6

## Executive Summary

Consideration of an appeal of the Planning Commission approval of a revision of an existing CUP to allow for a firewood ministry accessory use of Westminster Presbyterian Church located at 2000 Oakwood Drive on the southeast corner of Oakwood Drive and South Barneburg Drive within a SFR-4 (Single Family Residential – four dwelling units per gross acre) zoning district. The appellant contends that the Planning Commission erred in its decision to approve the proposal as (1) the use is not permitted under Medford Municipal Code 10.314(6), and (2) the Commission failed to impose sufficient mitigation requirements in the conditions of approval to satisfy the approval criteria. (CUP-18-026)

Dated: July 12, 2018

### Vicinity Map



### **What are the issues before the City Council?**

- Did the Planning Commission err in its decision to approve the project?
- Did the Planning Commission impose sufficient mitigation requirements? (Notice of Appeal, Exhibit 1)

### **City Council Scope of Review**

The City Council's scope of review is listed in Medford Land Development Code Section 10.053 and is summarized below.

*Upon review, the City Council:*

- *Shall not re-examine issues of fact, and*
- *Shall limit its review to determining:*
  - *Whether there is substantial evidence to support the findings of the tribunal which heard the matter, or*
  - *If errors in law were committed by such tribunal.*
- *Review shall be limited to those issues set forth in the notice of appeal.*
- *Review shall be based on the record of the initial proceedings.*

### **Chronology**

1. On March 2, 2018, Westminster Presbyterian Church (Applicant) submitted a Conditional Use Permit (CUP) application to revise the existing CUP to allow Project Warm, a "firewood ministry" on the church campus. The subject site is located on the block bounded by Oakwood Drive, Groveland Avenue, Woodlawn Drive and S Barneburg Road (file no. CUP-18-026).
2. On March 16, 2018, the application was deemed complete.
3. On April 26, 2018, the Planning Commission held a public hearing on CUP-18-026. The Commission heard the staff report and received verbal testimony. Written testimony from the Appellant, Susan Lee, was submitted on April 26, 2018, and attached to the Planning Commission Report dated April 26, 2018, as Exhibit O. The oral decision of the Commission was to conditionally approve CUP-18-026.
4. On May 10, 2018, the Commission adopted the Final Order conditionally approving CUP-18-026.
5. On May 11, 2018, the action letter was mailed, setting the final appeal date of May 25, 2018.
6. On May 25, 2018, the City received an appeal of the Planning Commission decision to approve application CUP-18-026 from Ms. Lee (Appellant) (Exhibit 1). Appellant has standing in this matter.
7. Per Medford Land Development Code Section 10.052, the appeal hearing before the City Council must be set at its next regular meeting that falls not less than 14 days after the date

the appeal is filed. The appeal hearing date would have been scheduled for June 21, 2018; however, on May 29, 2018, the applicant authorized a 28-day extension of time to allow the hearing to be scheduled for July 19, 2018. The 120<sup>th</sup> day is August 11, 2018.

### **Medford Land Development Code Criteria**

The applicable approval criteria are found in Medford Land Development Code (MLDC) Section 10.248, Conditional Use Permit Criteria.

#### ***Medford Land Development Code §10.248 Conditional Use Permit Criteria.***

*The approving authority (Planning Commission) must determine that the development proposal complies with either of the following criteria before approval can be granted.*

- (1) The development proposal will cause no significant adverse impact on the livability, value, or appropriate development of abutting property, or the surrounding area when compared to the impacts of permitted development that is not classified as conditional.*
- (2) The development proposal is in the public interest, and although the development proposal may cause some adverse impacts, conditions have been imposed by the approving authority (Planning Commission) to produce a balance between the conflicting interests.*

*In authorizing a conditional use permit the approving authority (Planning Commission) may impose any of the following conditions:*

- (1) Limit the manner in which the use is conducted, including restricting the time an activity may take place, and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.*
- (2) Establish a special yard or other open space or lot area or dimension requirement.*
- (3) Limit the height, size, or location of a building or other structure.*
- (4) Designate the size, number, location, or nature of vehicle access points.*
- (5) Increase the amount of street dedication, roadway width, or improvements within the street right-of-way.*
- (6) Designate the size, location, screening, drainage, surfacing, or other improvement of parking or truck loading area.*
- (7) Limit or otherwise designate the number, size, location, height, or lighting of signs.*
- (8) Limit the location and intensity of outdoor lighting, or require its shielding.*
- (9) Require screening, landscaping, or other facilities to protect adjacent or nearby property, and designate standards for installation or maintenance thereof.*
- (10) Designate the size, height, location, or materials for a fence.*
- (11) Protect existing trees, vegetation, water resources, wildlife habitat, or other significant natural resources.*

**10.249 Conditional Use Permits, Mitigation of Impacts.**

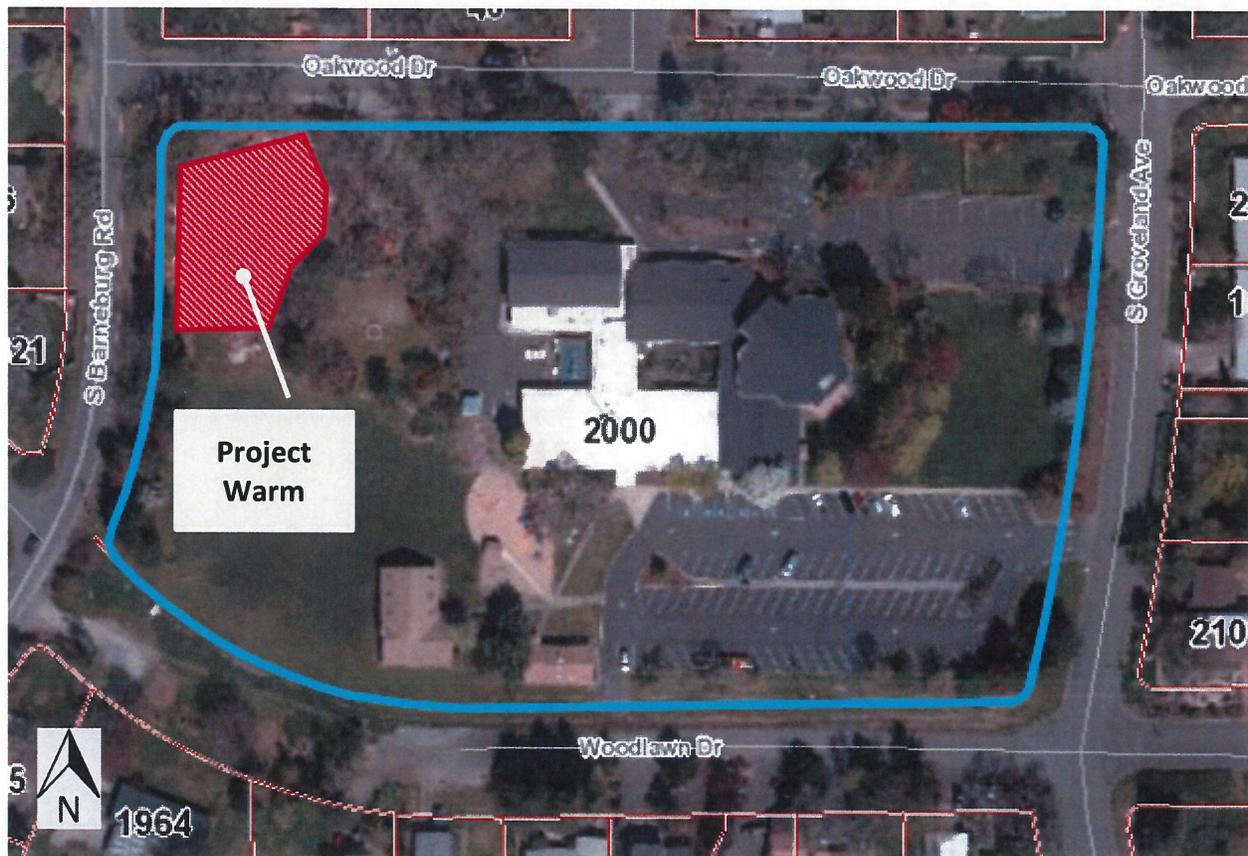
*Development requiring the mitigation of impacts under Section 10.248(2), Conditional Use Permit Criteria, must do one of the following:*

- (1) Preserve unique assets of interest to the community.*
- (2) Provide a public facility or public nonprofit service to the immediate area or community.*
- (3) Otherwise provide a use or improvement that is consistent with the overall needs of the community in a location that is reasonably suitable for its purpose.*

**Project Summary**

The applicant, Westminster Presbyterian Church, proposes Project Warm, a firewood ministry that cuts, splits and dries firewood and then delivers it to those in need. The church campus is bounded by Oakwood Drive, S Groveland Avenue, Woodlawn Drive and S Barneburg Road. Project Warm occupies approximately one-half acre at the northwesterly corner of the 5.76 acre site.

The church campus is located in an area zoned SFR-4 (Single Family Residential, four dwelling units per gross acre). The neighborhood is fully developed to density.



### **Authority of the Planning Commission**

The Planning Commission is the approving authority for Conditional Use Permits (MLDC 10.122). Churches are permitted as conditional uses in MLDC 10.314(6)(c). The purpose of Conditional Use Permits is found in MLDC 10.246:

*A development classified as a conditional use shall be given special review via this process in order to assure its appropriateness for the site and allow for adjustment to be made to assure its compatibility with adjacent land uses.*

CUP's are implemented via the application of the approval criteria in MLDC 10.248 and the use of discretionary authority embedded in the section. In this case, the Commission applied conditions of approval to screen Project Warm from view as authorized in MLDC 10.248(9).

The Planning Commission found the proposal met the second criterion which requires additional findings under MLDC 10.249. In this case the Commission found that Project Warm is a public nonprofit service to the community and met the standard in MLDC 10.249(2).

### **Notice of Appeal (Exhibit 1)**

MLDC 10.052 lists the required content of all notices of appeal (excerpt below – \*\*\* indicates omitted language). The Notice of Appeal demonstrates compliance with MLDC 10.052(1) and (2); however, the Appellant did not address the requirements of MLDC 10.052(3).

#### *10.052 Notice of Appeal.*

*All notices of appeal shall be signed by the appellant or his agent and shall contain:*

- (1) An identification of the decision sought to be reviewed, including the date of the decision.*
- (2) A statement demonstrating that the appellant has standing to appeal as required by Section 10.051, Appeals.*
- (3) A statement of the specific grounds which the appellant relies on as the basis for the appeal. If the appellant contends that the findings of fact made by the approving authority are incorrect or incomplete, the notice shall specify the factual matters omitted or disputed. If the appellant contends that the decision is contrary to ordinance, statute or other law, such errors shall be specifically identified in the notice along with the specific grounds relied upon for review.*

\*\*\*

The Notice of Appeal neither specifies *factual matters omitted or disputed* nor contends that the decision is contrary to ordinance, statute or other law as required in MLDC 10.052(3). The Appellant did specifically identify a number of concerns in her letter to the Planning Commission dated April 26, 2018, and included in the Planning Commission record as Exhibit "O". In the

Notice of Appeal dated May 25, 2018, the Appellant did not allege that the Commission failed to consider or address any of these concerns in particular. She did not contend, for example, that the Planning Commission failed to address alleged problems with rodents. The Notice of Appeal does not state any *specific grounds relied upon* by the Appellant as a basis for appeal; rather, the Appellant refers to the entire record as the basis for the appeal without stating how the Commission erred in reaching its decision. Staff, therefore, has concluded that the Appellant's failure to provide a Notice of Appeal that meets the bare minimum requirements established for a Notice of Appeal by Section 10.052(3) renders this appeal invalid as a matter of law. Practically speaking, this same failure unfairly burdens City Council in its review of this appeal by forcing it to invent the basis of appeal for the Appellant.

The Notice of Appeal also requests that all communications between staff and applicant be placed in the record. However, the record on review is limited to the record before the Planning Commission as per MLDC 10.052 ("Review shall be based on the record of the initial proceedings.").

The City Council's scope of review in MLDC 10.053 is limited to determining whether there is substantial evidence in the record to support the Planning Commission's findings or if the Commission committed errors in law. Prior to addressing these questions, the City Council could determine that the appeal itself fails to meet the minimum standards for an appeal, and dismiss the appeal because the Notice of Appeal does not contain the required information making it impossible for the Council to respond. However, in good faith staff will address the two issues that the Appellant raised verbally – use and vermin.

#### *Non-Permitted Use*

1. The Appellant contends the use is prohibited in the SFR-4 zoning district.

#### Staff Response:

The MLDC classifies uses in three ways – permitted (P), conditional (C), or not permitted (X). Below is an excerpt of the use table in MLDC 10.314(6). The "Cs" indicates institutional uses are permitted conditionally subject to special use standards in MLDC 10.815 – 10.817. (The special use standards for churches include 30-foot building setbacks and location on standard residential, collector or arterial streets.)

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

Processing wood products is not a permitted primary use in any residential zone. It is an industrial use permitted in the industrial zones. Likewise, food pantries are not permitted as primary uses in the residential zones but are allowed in the industrial and heavy commercial zones. Neither use could be established as a primary use at that subject location. In the Planning Commission Report, staff noted that Project Warm is, "... akin to a food pantry which is commonly associated with religious institutions" (Exhibit 2, p. 4). Both ministries – food distribution and Project Warm – are accessory uses to the primary institutional use and permissible as such. Because Project Warm is an accessory use to a church which is the predominant use of that parcel, instead of being a stand-alone wood processing operation, it is not prohibited by the language upon which Appellant relies. In contrast, the language in the table above would prevent a storage yard from being able to operate under a Conditional Use Permit as a standalone storage yard where that storage yard is a primary or principal land use. As documented in the Planning Commission Report, Project Warm firewood storage yard does not operate as a principal land use; the principal land use is that of church, and the storage yard is clearly subordinate to that land use.

*Vermin*

2. The Appellant contends the use has caused an increase in rodent population in the neighborhood and effectively contends that the Planning Commission’s conditions did not create the required balance between that alleged increase and the conflicting public interests (i.e., providing free home heating during the winter months to families in need in the City of Medford and Jackson County).

Staff Response:

The Appellant provided evidence that her dog was attacked by an unknown wild animal of unknown origin and that she has experienced rodents on her property. The Appellant did not provide any evidence that the rodent population has increased as a result of Project Warm, or that the rodent population has grown larger throughout the surrounding vicinity.

The Applicant provided evidence of a contract with an exterminator that provides quarterly service to Westminster Presbyterian Church. (Exhibit C 3 of 6 to Exhibit 2). In the staff report, staff had recommended a condition of approval requiring ongoing pest control. In its motion, the Commission struck the condition noting the Applicant already has the service.

**Summary**

The Notice of Appeal does not contain the information required in MLDC 10.052(3) and the City Council could find that the appeal is invalid and dismiss the appeal upon those grounds. Be that as it may, staff analyzed the record and the merits of the Appellant's allegations with regard to the two issues the Appellant raised verbally at the public hearing – the non-permitted use and vermin.

Based upon substantial testimony from volunteers, beneficiaries, and other community members, the Planning Commission found that the application met the approval criterion at MLDC 10.248(2) and the purpose at MLDC 10.249(2). The Commission applied conditions of approval it deemed necessary to mitigate the identified impacts. Specifically, the Planning Commission required increased visual screening of the operation and mandated compliance with municipal noise requirements.

Appellant summarily raised several other issues in her written testimony, which she did not further develop at hearing. Appellant raised concerns about traffic, access, and parking, but provided no evidence that the traffic issues related to Project Warm were a noticeable increase over the other traffic associated with the Westminster Presbyterian Church. Appellant asserted that chainsaws can damage hearing, but offered no testimony that her hearing was damaged or that it was at risk of damage based upon operations at the Church. Appellant raised the issue of whether using wood to heat homes is detrimental to the City's air quality, but did not address why this issue should result in denial of the application, given that using wood to heat homes is lawful. Appellant questioned whether the trees being used for the operation were a disease vector to trees in the neighborhood, but offered no evidence of harm to trees in the neighborhood, and no evidence of disease in the wood used for Project Warm. Appellant argued that "those benefitting from the wood lot operation are not solely City of Medford residents," but did not articulate why that should result in denial of the application. Appellant argued that "Alternative sources should be sought to address the heating challenges for the poor," but did not provide evidence that currently-existing alternative sources completely fulfill the home heating needs of local needy families. Based upon the lack of evidence provided in relation to these other concerns, their lack of development in the record, and the other testimony offered

in the record, there is evidence in the record to support the Planning Commission's conclusion that Project Warm is in the public interest, and the conditions imposed balance any adverse impacts of the operation.

### City Council Options

1. The City Council could dismiss the appeal as it does not contain the required information in MLDC 10.052(3).
2. If it does not dismiss the appeal, the City Council will need to determine if there is substantial evidence in the record to support the decision of the Planning Commission. The options are:
  - a. If the Council finds that there is substantial evidence in the record to conclude that the Planning Commission decision was correct and that the evidence in the record supports the Commission's findings, then the Council should affirm the decision.
  - b. If the Council finds that the evidence in the record demonstrates that the decision was in error or that there is not substantial evidence to support the decision, then based upon substantial evidence in the record the City Council should:
    - i. Reverse the decision. If the Council does this, the Council must specify the reasons for reversal; or
    - ii. Modify the decision and specify the reasons for such modification; or
    - iii. Remand the decision back to the Planning Commission with an explanation of the error and the action necessary to rectify the error. Given the constraints of the 120-day rule, this is not an option unless the Applicant concurs and agrees to extend the 120-day limit.

### Recommendation

The City Council can dismiss the appeal based on the lack of information and specificity.

Should the City Council not dismiss the appeal, there is a single question before the Council: Did the Planning Commission err in its decision to approve the Conditional Use Permit application to allow Project Warm?

The City Council can find that the Planning Commission did not err in its decision to because no legal error was committed and there is sufficient evidence in the record to support the Planning Commission decision to conditionally approve the application.

### EXHIBITS

- 1 Notice of Appeal received May 25, 2018
- 2 Planning Commission Final Order and Planning Commission Report dated April 26, 2018, with all exhibits

- 3 PowerPoint Presentation to the Planning Commission dated April 28, 2016
  - 4 Excerpt of the Planning Commission Minutes of April 26, 2018
  - 5 Excerpt of the Planning Commission Minutes of May 10, 2018
  - 6 Action Letter dated May 11, 2018
-

05/25/18

I am requesting an appeal of PC.  
CUP-18-026, decided May 10, 2018  
and mailed on 05/11/18.

I have standing based on my  
written and oral testimony at  
the April 26, 2018 planning commission.

My appeal is based on the  
contents of my oral and written  
testimony and all materials written or oral  
presented at the public hearing  
by myself, staff, applicants, planning  
commissioners, and the taped record  
of the same. Also correspondence  
between myself and city staff on  
this matter.

Susan Lee

Susan Lee  
34 Glen Oak Ct.  
Medford OR 97504

541 326 2794 (cell)

CITY OF MEDFORD  
EXHIBIT # 1 p.1 of 4  
File # CUP-18-026  
APPEAL

**RECEIVED**  
MAY 25 2018  
CITY OF MEDFORD  
CITY RECORDERS OFFICE



## Planning Commission

# Minutes

From Public Hearing on April 26, 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  
Joe Foley  
Bill Mansfield  
Mark McKechnie  
E.J. McManus  
Alex Poythress

### Staff Present

Kelly Akin, Assistant Planning Director  
Eric Mitton, Deputy City Attorney  
Alex Georgevitch, City Engineer  
Greg Kleinberg, Fire Marshal  
Terri Rozzana, Recording Secretary  
Dustin Severs, Planner III  
Liz Conner, Planner II

### Commissioners Absent

David Culbertson, Excused Absence  
Jared Pulver, Excused Absence

### 10. Roll Call

### 20. Consent Calendar/Written Communications.

**20.1 ZC-18-018** Final Order for a request for a zone change of a 0.88-acre parcel located at 2131 W Main Street from Community Commercial (C-C) to Heavy Commercial (C-H) (372W26DA TL 400). (Marigold Enterprises, LLC, Applicant; Rogue Planning & Development Services, Agent; Dustin Severs, Planner).

**20.2 LDP-18-015** Final Order for a request for tentative plat approval of a proposed three-lot partition on a 0.45-acre parcel located at 403 North Ross Lane within the SFR-6 (Single-Family Residential – 4 to 6 dwelling units per gross acre) zoning district (372W26AA 3900). (Craig Horton, Applicant; Richard Stevens & Associates, Agent; Steffen Roennfeldt, Planner).

Motion: The Planning Commission adopted the consent calendar as submitted.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Foley

Voice Vote: Motion passed, 6–1, with Commissioner McKechnie opposing.

### 30. Minutes

**30.1.** The minutes for April 12, 2018, were approved as submitted.

EX. 1 p 2 of 4

b. Philip Yates, 126 North 1<sup>st</sup> Street, Talent, Oregon, 97540. Mr. Yates works for Access and they recommended approximately 115 households to the Project Warm program because their only form of major heat was wood heat. The need continues. This is a gift to the community.

c. Ralph Henney, 1918 Oregon Avenue, Medford, Oregon, 97504. Mr. Henney is one of the volunteers at the wood lot. There are neighbors that walk their pets through the wood lot. If the area is closed off with a fence they will not be able to enjoy the lot. The hedge is doing what it is supposed to.

d. Catherine Dauterman, 2101 Oakwood Drive, Medford, Oregon, 97504. Ms. Dauterman lives across the street from the church. She has lived there 13 years and has never seen a rodent. They are great neighbors.

e. Dan Mapes, P. O. Box 1224, Shady Cove, Oregon, 97539. Mr. Mapes is part of the wood program and has been for 20 years. He has never had a complaint from anyone in the community or the surrounding neighborhoods about the wood operation.

f. Ken Newcomb, 777 Mendolia Way, Central Point, Oregon, 97502. Mr. Newcomb is an occasional volunteer with Project Warm. This project is needed in the community. Staff raised noise control. The volunteers are only active Tuesday and Thursday mornings. Rodents are a community wide issue.

g. Susan Lee, 34 Glen Oak Court, Medford, Oregon, 97504. Ms. Lee is before the Commission to request they deny the application. City Code Section 10.314 prohibits this type of activity in the neighborhood. While it allows schools, churches and government facilities it references exclusion to storage, repair yards or warehouses. In Code Section 10.012 exterior storage is defined as outdoor storage of fuel, raw materials, products and equipment. In the case of lumberyards, exterior storage includes all impervious materials stored outdoors. In the case of truck terminals, exterior storage includes all trucks, truck beds, and truck trailers stored outdoors.

Staff has indicated on page 91 of the agenda packet that processing wood products is not a permissible use in any residential zone. However, staff found this ministry to be akin to a food bank which is commonly associated with religious institutions.

If the Commission approves this they are setting a precedent that every church in the community could have this or similar activities outdoors.

There have been a lot of comments regarding these issues. There are other issues she submitted written testimony with regards to that. She encouraged the Commission to read it.

Ex. 1 p. 3 of 4

She has had an increase in rodent population in her neighborhood.

h. Peter Noyes, 20 S. Barneburg Road, Medford, Oregon, 97504. Mr. Noyes has donated his services for physical examinations for the Boy Scouts and have helped them in their Fall Festival for the community. This church is doing a wonderful thing. It makes him upset to hear someone say what a horrible thing they are doing.

Mr. Mitton addressed Code Section 10.314 stating the respectfully he believes Ms. Lee is misreading that provision. One cannot have a property in an SFR-4 zone owned by a church where its primary use was exterior storage. As an accessory use to their predominant use that is subordinate to their predominate use that is different. Code Section 10.314(6) excludes warehouses. If it was read that any sort of warehouse use no matter how subordinate to a church is prohibited in a church that would mean that no church can have a single room set aside for holding food to distribute to the needy. He does not think the Code was ever meant to do. He does not think a church could build a warehouse on its own lot in a residential zone and have it as a food distribution center. It is legally proper to approve this as part of the Conditional Use Permit that the church already has. It is subordinate to the overall church operation.

In terms of visual screening, the most important thing is that there be a clear record of what is considered a sufficient screen and what is not. Code Enforcement needs guidance as to how much of a screen meets the standard of a Conditional Use Permit modification and how much is insufficient. Right now the record states there are gaps in the Photinia. Mr. Mitton recommended making specific findings if the Photinia is to be the approved screen, such as gaps up to 24 inches are acceptable or Photinia in the current density as shown in the presented photographs. The Commission has heard discussion of both fence screening on the outside of the parcel and encircling the wood lot. It would be important to clarify whether the fence needs to completely encircle or on the exterior is sufficient to meet the conditions. All these are discretionary conditions.

Kelly Akin, Assistant Planning Director, requested Mr. Mitton address precedence. Mr. Mitton stated that there was a concern raised about setting precedent. Precedent is an issue that weighs in on court proceedings. When a statute has been interpreted one way a court cannot go against that unless a higher court states that is not what the statute means. A board like this is not bound by this. These are case by case determinations. If there is a decision this evening that this particular wood pile is permissible that is driven by the facts of this application, it does not mean this Commission has to approve every Conditional Use Permit for every church going forward.

Mr. Noyes asked, is there a law or order on the books in Medford, that a wood pile has to have a fence around it or has to be obscured from view? Mr. Mitton reported there is not rule that every single wood pile has to have a fence. When there is a situation that is

Ex. 1 p 4 of 4

BEFORE THE MEDFORD PLANNING COMMISSION  
STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF PLANNING COMMISSION FILE CUP-18-026 APPLICATION FOR A )  
 ) ORDER  
CONDITIONAL USE PERMIT SUBMITTED BY WESTMINSTER PRESBYTERIAN CHURCH )

ORDER granting approval of a request for a conditional use permit for *Westminster Presbyterian Church*, described as follows:

A revision of an existing CUP to allow for a firewood ministry accessory use of Westminster Presbyterian Church located at 2000 Oakwood Drive on the southeast corner of Oakwood Drive and South Barneburg Drive within a SFR-4 (Single Family Residential – four dwelling units per gross acre) zoning district (371W29BD TL 3700).

WHEREAS:

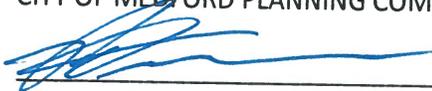
1. The Planning Commission has duly accepted the application filed in accordance with the Land Development Code, Section 10.246 and 10.247; and,
2. The Medford Planning Commission has duly held a public hearing on the matter of an application for a conditional use permit for *Westminster Presbyterian Church*, as described above, with a public hearing a matter of record of the Planning Commission on April 26, 2018.
3. At the public hearing on said application, evidence and recommendations were received and presented by the applicant's representative and Planning Department staff; and,
4. At the conclusion of said public hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded, granted a conditional use permit for *Westminster Presbyterian Church*, as described above.

THEREFORE LET IT BE HEREBY ORDERED that the application for *Westminster Presbyterian Church*, as described above, stands approved in accordance per the Planning Commission Report dated April 26, 2018.

AND LET IT FURTHER BE OF RECORD that the action of the Planning Commission in approving this request for *Westminster Presbyterian Church*, as described above, is hereafter supported by the findings referenced in the Planning Commission Report dated April 26, 2018.

Accepted and approved this 10th day of May, 2018.

CITY OF MEDFORD PLANNING COMMISSION

  
\_\_\_\_\_  
Planning Commission Chair

ATTEST:

  
\_\_\_\_\_  
Planning Department Representative

CITY OF MEDFORD  
EXHIBIT # 2  
File # CUP-18-026  
APPEAL



## PLANNING COMMISSION REPORT

for a Type-C quasi-judicial decision: **Conditional Use Permit**

Project Westminster Presbyterian Church – Project Warm  
Applicant: Barnabus Sprinkle

File no. CUP-18-026

Date April 26, 2018

### BACKGROUND

#### Proposal

Consideration for a revision of an existing CUP to allow for a firewood ministry accessory use of Westminster Presbyterian Church located at 2000 Oakwood Drive on the southeast corner of Oakwood Drive and South Barneburg Drive within a SFR-4 (Single Family Residential – four dwelling units per gross acre) zoning district (371W29BD TL 3700).

#### Vicinity Map



#### Subject Site Characteristics

Zoning	SFR-4	Single-family residential (4 dwelling units per gross acre)
GLUP	UR	Urban Residential
Use	Church	

Surrounding Site Characteristics

<i>North</i>	Zone:	SFR-4
	Use:	Single family dwellings
<i>South</i>	Zone:	SFR-4
	Use:	Single family dwellings
<i>East</i>	Zone:	SFR-4
	Use:	Single family dwellings
<i>West</i>	Zone:	SFR-4
	Use:	Single family dwellings

Related Projects

- CUP-72-116 Church Parking Area
- CUP-78-293 YMCA of Medford Children Center
- CUP-80-346 Sanctuary Addition
- CUP-95-005 Parking Lot Expansion

Applicable Criteria

**Medford Municipal Code §10.248 Conditional Use Permit Criteria.**

The approving authority (Planning Commission) must determine that the development proposal complies with either of the following criteria before approval can be granted.

- (1) The development proposal will cause no significant adverse impact on the livability, value, or appropriate development of abutting property, or the surrounding area when compared to the impacts of permitted development that is not classified as conditional.
- (2) The development proposal is in the public interest, and although the development proposal may cause some adverse impacts, conditions have been imposed by the approving authority (Planning Commission) to produce a balance between the conflicting interests.

In authorizing a conditional use permit the approving authority (Planning Commission) may impose any of the following conditions:

- (1) Limit the manner in which the use is conducted, including restricting the time an activity may take place, and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.
- (2) Establish a special yard or other open space or lot area or dimension requirement.
- (3) Limit the height, size, or location of a building or other structure.
- (4) Designate the size, number, location, or nature of vehicle access points.

On October 31, 2017, City of Medford Code Enforcement received a complaint from a neighbor that raised concerns about the wood stockpile, specifically rodents and compatibility with the neighborhood and suitability with the zoning. (Exhibit I)

Churches are conditional uses in the residential zoning districts. In Medford Land Development Code (MLDC) Section 10.246:

*A development classified as a conditional use shall be given special review via this process in order to assure the appropriateness for the site and allow for adjustment to be made to assure its compatibility with adjacent land uses.*

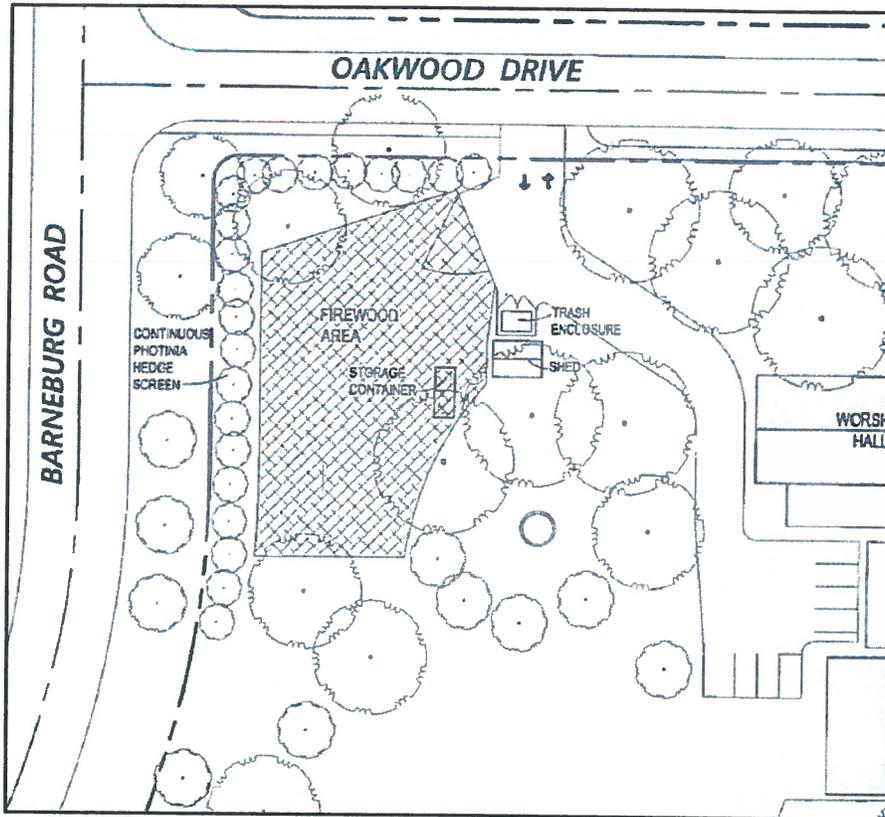
Processing wood products is not a permissible use in any residential zone; however, staff found this particular ministry to be akin to a food bank which is commonly associated with religious institutions. The applicant applied for the modification to the existing CUP based on this determination.

#### *Project Warm*

The Applicant's findings (Exhibit C) state that the Project Warm ministry has been operational for the past 38 years. Activities occur within daylight hours Monday through Saturday, usually only a few days per week. It is operated entirely by volunteers.

Project Warm activities are limited to the northwesterly corner of the 5.76 acre site and consume approximately one-half acre (Exhibit B, excerpt below). A red-tip Photinia hedge of varying height is located along S Barneburg Road and Oakwood Drive between the driveway and Barneburg. The hedge has not yet reached its mature height of roughly nine to twelve feet tall. There is a chain link fence and gate with slats between the trash enclosure and Oakwood Drive and an additional non-view obscuring gate, but the area is not otherwise fenced or screened.

Exhibit B Excerpt



The City of Medford aerial photos below show the area where the wood is processed and stored. Photos were taken during various times of the year in 2007, 2010, 2013 and 2016.



2007 City of Medford Aerial Photo



2010 City of Medford Aerial Photo

- (5) Increase the amount of street dedication, roadway width, or improvements within the street right-of-way.
- (6) Designate the size, location, screening, drainage, surfacing, or other improvement of parking or truck loading area.
- (7) Limit or otherwise designate the number, size, location, height, or lighting of signs.
- (8) Limit the location and intensity of outdoor lighting, or require its shielding.
- (9) Require screening, landscaping, or other facilities to protect adjacent or nearby property, and designate standards for installation or maintenance thereof.
- (10) Designate the size, height, location, or materials for a fence.
- (11) Protect existing trees, vegetation, water resources, wildlife habitat, or other significant natural resources.

#### **10.249 Conditional Use Permits, Mitigation of Impacts.**

Development requiring the mitigation of impacts under Section 10.248(2), Conditional Use Permit Criteria, must do one of the following:

- (1) Preserve unique assets of interest to the community.
- (2) Provide a public facility or public nonprofit service to the immediate area or community.
- (3) Otherwise provide a use or improvement that is consistent with the overall needs of the community in a location that is reasonably suitable for its purpose.

#### **ISSUES AND ANALYSIS**

##### Background

Westminster Presbyterian Church is located on the block surrounded by Oakwood Drive, S Groveland Avenue, Woodlawn Drive and S Barneburg Road in east Medford. It is within a residential area with detached single family residences fully developed to SFR-4 density. As it is surrounded by streets there are no abutting residential properties.

Westminster Presbyterian Church was established in the Rogue Valley in 1958. As listed above, a number of Conditional Use Permits have been approved for the site, dating back to 1972 when the parking lot was built. The Church has a variety of ministries that provide service to the community including Project Warm, which is a ministry that distributes free firewood to low-income households for home heating. Activities related to Project Warm are the subject of this application.



2013 City of Medford Aerial Photo



2016 City of Medford Aerial Photo

Logs and downed trees are donated by various sources and delivered to the site where the wood is processed. (There are typically two to six volunteers on site at a time, but there could be as many as 12.) The volunteers process the whole logs and trees into split firewood and stack it for it to become seasoned, or dried. The seasoning process reduces the smoke while it is being burned.

Last year the ministry delivered over 250 truck or trailer loads of firewood – roughly 150 cords – to residents within the community. (A cord measures 4 feet by 4 feet by 8 feet, or 128 cubic feet.) Project Warm has delivered approximately 100 cords from October 2017 till the present. This year their delivery total is approximately 170 cords.

#### Neighborhood Impacts

Staff has identified four impacts; each is discussed below. The Planning Commission has authority to mitigate adverse impacts in MLDC 10.248(2) as listed above. Staff has proposed mitigation for each identified impact and included said measures as conditions of approval on Exhibit A.

#### *Aesthetics and Visibility*

The wood stored on site is in varying states of being processed, from large logs and trees to firewood to piles of chips. Staff approximates that the piles of wood were approximately 6 feet in height at the site visit of April 17, 2018. The Applicant's findings (Exhibit C) state that once the logs are processed they are stacked on pallets and allowed to season for use the next winter.

As noted above and shown in the photos (Exhibit J), the site is partially screened with a Photinia hedge. The living screen is attractive and can be effective; however, living screens require maintenance and die over time. Combinations of wood fencing and landscape screens are common in the surrounding area.

Proposed Mitigation – Aesthetics and Visibility:

Staff recommends that the processing area shown on the site plan be enclosed with a view-obscuring fence placed behind the Photinia hedge. The material may be wood or masonry and a minimum of six feet in height. Chain link with or without slats is not an acceptable screening material. Additionally, the Photinia hedge (or a similar species) and fence/wall screening should be maintained in good condition as long as Project Warm is active.

Staff recommends limiting the height of the stacked wood so that it does not exceed the height of the surrounding screening.

**Decision: To maintain a Photinia or other similar vegetation hedge to be an overall height of six feet to eight feet, that has no gaps greater than 24 inches within 24 months. And to limit the height of the stacked wood to no greater than six feet.**

*Rodent Control*

One of the complaints issued regarding Project Warm is a proliferation of rats. The Church maintains a contract with a professional exterminator to prevent rodent nesting. A letter confirming the existing contract has been provided as Exhibit C.

Proposed Mitigation – Rodent Control:

Staff recommends that the Church retain a contract with a professional exterminator as long as Project Warm is active.

**Decision: Remove requirements to maintain a professional exterminator on contract.**

*Noise*

Project Warm's primary source of processing equipment is small scale power tools such as chain saws and wood splitters. The ministry's hours of operation are between 8:00 a.m. and 6:00 p.m. as stated in the Applicant's findings (Exhibit C).

Proposed Mitigation - Noise:

A condition of approval has been included to refrain from violating the noise ordinance contained in Medford Municipal Code Section 5.225.

No other issues were identified by staff.

## FINDINGS AND CONCLUSIONS

Staff has reviewed the applicant's findings and conclusions (Exhibit C) and recommends the Commission adopt the findings with the following modifications:

- (2) *The development proposal is in the public interest, and although the development proposal may cause some adverse impacts, conditions have been imposed by the approving authority (Planning Commission) to produce a balance between the conflicting interests.*

*In authorizing a conditional use permit the approving authority (Planning Commission) may impose any of the following conditions:*

- (1) *Limit the manner in which the use is conducted, including restricting the time an activity may take place, and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.*
- (2) *Establish a special yard or other open space or lot area or dimension requirement.*
- (3) *Limit the height, size, or location of a building or other structure.*
- (4) *Designate the size, number, location, or nature of vehicle access points.*
- (5) *Increase the amount of street dedication, roadway width, or improvements within the street right-of-way.*
- (6) *Designate the size, location, screening, drainage, surfacing, or other improvement of parking or truck loading area.*
- (7) *Limit or otherwise designate the number, size, location, height, or lighting of signs.*
- (8) *Limit the location and intensity of outdoor lighting, or require its shielding.*
- (9) *Require screening, landscaping, or other facilities to protect adjacent or nearby property, and designate standards for installation or maintenance thereof.*
- (10) *Designate the size, height, location, or materials for a fence.*
- (11) *Protect existing trees, vegetation, water resources, wildlife habitat, or other significant natural resources.*

### **10.249 Conditional Use Permits, Mitigation of Impacts.**

*Development requiring the mitigation of impacts under Section 10.248(2), Conditional Use Permit Criteria, must do one of the following:*

- (1) *Preserve unique assets of interest to the community.*
- (2) *Provide a public facility or public nonprofit service to the immediate area or community.*

- (3) *Otherwise provide a use or improvement that is consistent with the overall needs of the community in a location that is reasonably suitable for its purpose.*

**Conclusion:**

The Planning Commission can find that Project Warm is a service that is in the public interest as it provides heating assistance to low income households. Wood storage and processing do cause adverse impacts as described in the staff report and applicant's findings (Exhibit C). The Planning Commission can find that the conditions of approval in Exhibit A are authorized in MLDC 10.248(2)(1), (9) and (10) above and necessary to mitigate the identified adverse impacts. Further, as required in MLDC 10.249, the Planning Commission can find that the Westminster Presbyterian Church provides Project Warm as a public nonprofit service to the community.

**RECOMMENDED ACTION**

Adopted the findings as modified by staff, found that the proposal meets the criterion at MLDC 10.248(2) and directed staff to prepare the final order for approval of CUP-18-026 per the Planning Commission report dated April 26, 2018, including Exhibits A-1 through O.

**EXHIBITS**

- A-1 Conditions of Approval dated April 26, 2018**
- B** Maps received March 02, 2018
  - a. Site Plan received March 02, 2018
  - b. Zoning Map received March 02, 2018
  - c. Assessors Map received March 02, 2018
- C** Applicants findings and conclusions received March 02, 2018
- D** Letter from Clarence Newhall received April 10, 2018
- E** City of Medford Public Works memo received April 4, 2018
- F** City of Medford Fire Department Memo received April 4, 2018
- G** City of Medford Building Department Memo received April 4, 2018
- H** Medford Water Commission Memo received April 4, 2018
- I** Email from Deputy City Attorney dated March 22, 2018
- J** Site photos taken April 17, 2018
- K** **Petition Supporting Project Warm received April 23, 2018**
- L** **Letters from neighbors received April 23, 2018**
- M** **Letters from recipients received April 23, 2018**
- N** **Letter from Kathleen Odom received April 24, 2018**
- O** **Letter from Susan Lee received April 26, 2018**  
Vicinity map

**MEDFORD PLANNING COMMISSION**



Patrick Miranda, Chair

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**PLANNING COMMISSION AGENDA:**

**APRIL 26, 2018**  
**May 10, 2018**

**EXHIBIT A-1**  
**Conditions of Approval**

CUP-18-026  
Westminster Presbyterian Church Project Warm  
April 26, 2016

**DISCRETIONARY CONDITIONS**

1. The Photinia hedge (or a similar species) along the street frontages shall be an overall height of six to eight feet with no gaps in hedge greater to 24 inches within 24 months.
2. The height of the stacked wood shall not exceed six (6) feet.

**CODE-REQUIRED CONDITION**

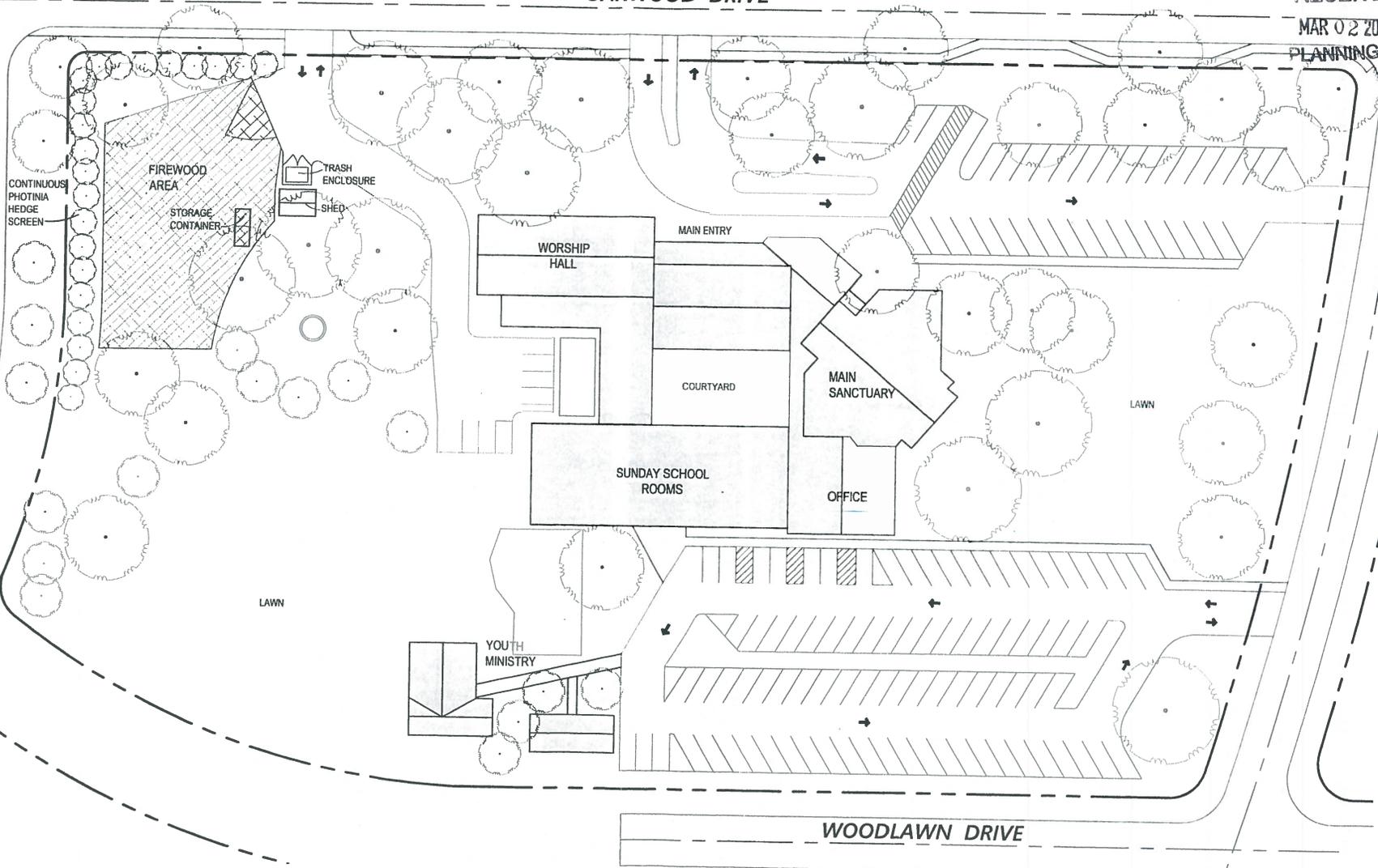
3. The applicant shall refrain from violating the noise ordinance contained in Medford Municipal Code Section 5.225.

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PLANNING DEPT

OAKWOOD DRIVE

GROVELAND AVE

BARNEBURG ROAD



Page 57

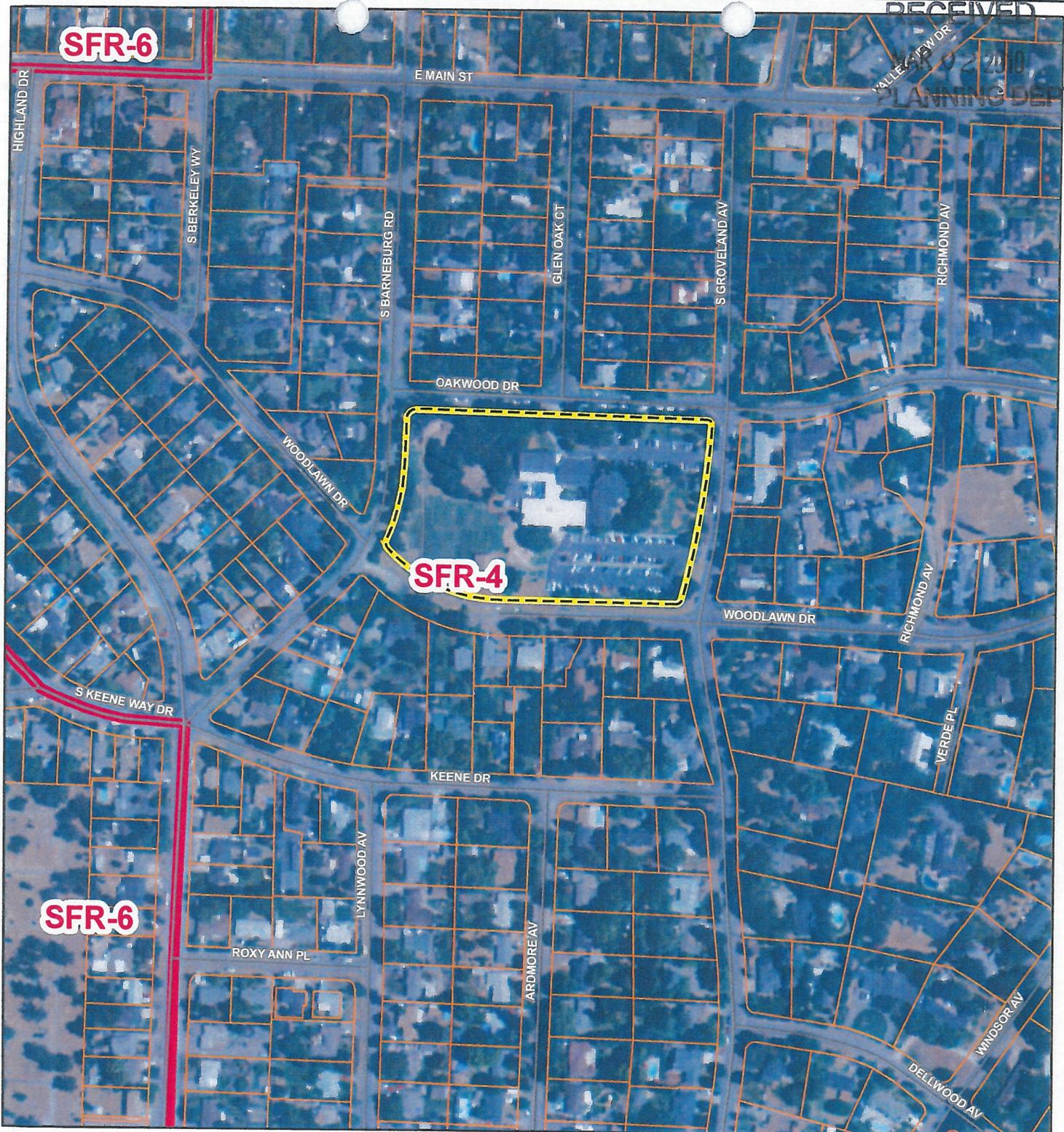
**WESTMINSTER PRESBYTERIAN CHURCH - FIREWOOD ACTIVITY CUP**

2000 OAKWOOD DRIVE MEDFORD, OR 39 1W 29BD TL 3700

CITY OF MEDFORD - 0"  
EXHIBIT #  
DATE: 2/16/2018  
File # CUP-18-026

CITY OF MEDFORD  
EXHIBIT # B (A)  
File # CUP-18-026

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PLANNING DEPT



-  Subject
-  Tax Lots
-  Medford Zoning

### Zoning Map

2016 Aerial



Westminster Presbyterian Church  
37-1W-29BD tax lot 3700



CSA Planning LTD

300 150 300 Feet

**CITY OF MEDFORD**  
**EXHIBIT # B(5)**  
**File # CUP-18-026**

02-28-2018 Source: CSA Planning, Ltd; City of Medford GIS; Jackson County GIS

12



FINDINGS OF FACT AND CONCLUSIONS OF LAW  
BEFORE THE MEDFORD PLANNING COMMISSION

IN THE MATTER OF AN AMENDMENT )  
TO THE CONDITIONAL USE PERMIT )  
FOR WESTMINSTER PRESBYTERIAN )  
CHURCH TO ALLOW FIREWOOD )  
MINISTRY AS AN ACCESSORY USE ON )  
PROPERTY LOCATED AT 2000 )  
OAKWOOD DRIVE, IN THE CITY OF )  
MEDFORD OREGON )

APPLICANT'S EXHIBIT 1

**APPLICATION:** Request to amend a previously approved Conditional Use approved for Westminster Presbyterian Church to allow an accessory use for the operation of a firewood ministry located at 2000 Oakwood Drive on the southeast corner of Oakwood Drive and S Barneburg Drive within a SFR-4 (residential - 4 units per acre) district.

**APPLICANT:** Westminster Presbyterian Church  
2000 Oakwood Drive  
Medford, OR 97504

**A. BACKGROUND INFORMATION**

Westminster Presbyterian Church has served the Rogue Valley since 1958 and in this location for over 50 years. Westminster has a variety of ministries of service including a food pantry, youth programs, counseling center, and firewood ministry.

The firewood ministry, "Project Warm," has operated for the past 38 years to assist low-income households with free firewood for home heating. It takes place in the northwest corner of the church property. Donated logs are received, cut, split, and stacked for seasoning, then delivered to households requesting assistance.

This ministry has operated for decades without complaint, until recently. The city notified us that distributing wood is not covered within our current Conditional Use Permits for the church and preschool. Therefore, the church has filed this amendment to allow this accessory firewood ministry to continue.

The subject property is identified as Tax Lot 3700 on Jackson County Tax Assessor's Map 37 1W 29BD.

## **B. PROPOSAL AND SCOPE OF APPLICATION**

The applicant proposes to continue operating a firewood ministry on the northwest corner of the property.

This revision would allow the "Project Warm" firewood ministry to continue offering free firewood to low-income residents for home heating. Last year, the ministry delivered over 250 truck or trailer loads (roughly 150 cords) of firewood to residents in need. Since October this year, they have delivered 170 loads (roughly 100 cords).

The ministry operates entirely by volunteers. Logs and downed trees are donated to the ministry from various sources, including neighbors, other property owners, Oregon Department of Transportation, and the City of Medford Parks and Recreation Department. Volunteers cut these logs into "rounds" of reasonable length, and then split the rounds into firewood. The split firewood is stacked neatly on pallets to "season" (dry out) for up to a year. Sometimes tarps are used to keep the seasoning wood from getting wet during the rainy season. This seasoning greatly reduces smoke when the firewood is burned. During cold weather, seasoned wood is distributed to needy homes throughout the Rogue Valley for home heating. People request wood by leaving a telephone message, and then volunteers bring a pickup load (between 1/3-1/2 of a cord) to them. Recipients do not pick up their own wood. All operations happen within daylight hours.

Operations occur within daylight hours Monday through Saturday, usually a few days per week. Roughly 8-12 volunteers conduct this ministry, usually 2-6 volunteers at a time. This is a small percentage of the people who visit the church and preschool on a daily basis. The machinery used is a gas-powered wood splitter and 3 to 5 chainsaws. All machinery is operated between the hours of 8am and 6pm; typically the machinery is operated 4-6 hours per week.

This ministry has operated for decades without complaint. Westminster does have a board of elders who will listen to any neighborhood concerns or complaints and respond accordingly.

## **C. Findings of Fact**

The Medford Planning Commission has considered the following facts that are pertinent to the application requesting approval of a revision to a Conditional Use Permit. The following section discusses individual elements of the firewood ministry and operation that have the potential to cause impacts that could be considered to be adverse. A discussion of each of these elements has been included to show how the applicant has considered each of those potential factors together with the mitigation measures that have been included so that there is a balance between the public interest of the firewood ministry and the interests of the adjacent properties. As a note, in the past 38 years there have been no complaints from any neighbors.

### Traffic

Oakwood Drive is not a Major Collector Street. All vehicular trips to and from the site will take place during daylight hours, well before the p.m. peak hour period of trip generation. This use

will generate minimal traffic on the order of less than 10 trips per day at a peak time with an average approaching 3 trips per day.

#### Access

Vehicular access is from Oakwood Drive from a paved driveway, ending in a small paved parking lot of six spaces near the site. As the site is typically served by 2-4 volunteers at a time, this driveway provides adequate access. This is the only driveway on this block of Oakwood Drive between Glen Oak Court and Barneburg Drive, so the ministry's traffic does not impede other drivers. This block of Oakwood Drive does have a sidewalk for pedestrian access; Barneburg does not have a sidewalk.

#### Parking

The driveway ends in a small parking lot of 6 spaces. In addition, the church property has two other parking lots totaling nearly 100 spaces, including spaces marked for disabled parking with ADA access. On-street parking is also allowed on Oakwood Drive.

#### Aesthetics and Neighbor Visibility

The firewood lot is screened with a hedge of red-tip photinia with a mature height between 9 and 12 feet high. The hedge is between 15 and 25 feet from the street in all directions. Inside the hedge, logs are piled for splitting. Once split, the firewood is piled for stacking, and then neatly stacked on pallets to allow air penetration for seasoning, until it is distributed. The church property overall has a landscape plan including trees, shrubs, open lawns and a waterfall feature utilized by neighbors as a local park. The property is an attractive asset to the neighborhood.

#### Rodent Control

The church maintains a contract with a professional exterminator company to prevent rodent nesting. The church building is closest to the firewood site, and has not experienced rodent incursion.

#### Noise (equipment usage)

The primary source of noise from the firewood ministry is power equipment, including saws and a splitter. These operate a few hours per week. As stated earlier the applicant stipulates that all outdoor activities will start no earlier than 8:00 a.m. and cease by 6:00 p.m. at the latest.

#### Lighting/Glare

The wood lot does not have outdoor lighting, and operates only during daylight hours.

Site Elements

This large subject parcel is approximately 5.76 acres or 251,000 square feet. It is surrounded by smaller lots of single family homes. Though used for a church for more than 50 years, it retains SFR-4 zoning.

The wood ministry occurs on the northwest corner of the church property. The area used for the firewood ministry is a slightly irregular shape roughly 100 feet by 150 feet, approximately one third of acre, adjacent to Oakwood Drive and S Barneburg Road. This area is screened by photinia hedge that was installed about 7 years ago; this hedge will reach a mature height of 9-12 feet and is currently 5-8 feet tall. Additional screening is supplied by numerous oak and pine trees. The hedge is set back from the street by 15 feet or more in every direction, and the wood itself is set back by at least 20 feet. Inside the wood lot are piles of logs, rounds, and split wood, and neat stacks of firewood for seasoning. There is a small storage unit for equipment. A fire extinguisher is kept in the equipment shed, and the doors to the shed are open during equipment usage.

Adjacent Uses

- North – Single-family residences in an SFR-4 zoning district, these residences were generally constructed in the 1940s, 50s and 60s with some other decades mixed in on lots of approximately .2 acres.
- East – Single-family residences in an SFR-4 zoning district, these residences were generally constructed in the 1940s, 50s and 60s with some other decades mixed in on lots of approximately .2 acres up to half an acre.
- West – Single-family residences in an SFR-4 zoning district, these residences were generally constructed in the 1940s, 50s and 60s with some other decades mixed in on lots of approximately .3 acres up to half an acre.
- South – Single-family residences in an SFR-4 zoning district, these residences were generally constructed in the 1940s, 50s and 60s with some other decades mixed in on lots of approximately .2 acres up to ¾ of an acre.

Previous Land Use Approvals:

The subject site has been home to Westminster Presbyterian Church for many years. During that time, multiple conditional use permit authorizations have occurred on the site. Planning File No. CUP-80-346 approved an 8,270 square foot sanctuary addition. Planning File CUP-94-5 approved an expansion of an existing parking lot and a 1,524 square feet of church expansion; the site plan from this CUP serves as the site plan base from which the site plan for this CUP was created.

Potential Impacts to Livability, Value and Appropriate Development:

Applicant herewith provides the following testimony with respect to impacts on livability, value and appropriate development when compared to other uses not classified as conditional.

**Livability:** Applicant believes there is minimal potential for impacts to livability from the firewood ministry. In the first instance, this ministry has existed for many years (the church did not realize a CUP amendment was required) and only in the very recent history has any complaint been lodged against the use. This history alone is excellent evidence that the use will not cause adverse impacts on livability of the area. Moreover, the hours of the operation are during normal daylight midday hours and even single family houses often operate light power equipment that are equivalent to lawnmower and a few chainsaws during typical weeks. Nevertheless, this land use action did prompt the church to evaluate the use to further identify opportunities to be good neighbors. Specifically, the Church intends to limit wood pile/wood stack height to the mature height of the photinia which is nine feet and to install a new more "residential in nature" cedar fence gate to the firewood ministry area. Additional measures to assure livability include two-onsite fire extinguishers and open quarterly contract with an exterminator that has been in place for many years to assure the firewood ministry is not vermin nuisance.

**Value:** There is no reason to expect running of an occasional running of power equipment and the stacking of wood in a screened area will adversely affect the value of property in the area. Especially, in light of the fact that this use is an accessory use to the broader church use that presents a relatively low intensity use with a very attractive grounds with significant open space for the neighborhood to enjoy.

**Appropriate Development:** Applicant believes there is nothing about the firewood ministry on a third of an acre that will prevent, in any way, the development and use approve of property consistent with the SFR-4 zoning in the area.

Public Benefits that Accrue from the Firewood Ministry: There clear benefits to the community from the accessory Firewood Ministry use, such as the following:

- a. Free fuel sources for economically disadvantaged people throughout Jackson County.
- b. Central location to dispose of large diameter tree waste near that does not require long hauls outside the City and where the waste is but to beneficial use.

#### **D. APPLICANT'S SUBMITTALS**

- Exhibit 1 Findings of Fact and Conclusions of Law
- Exhibit 2 Assessor's Map showing Subject Site
- Exhibit 3 Zoning Map
- Exhibit 4 Site Plan showing wood lot
- Exhibit 5 Photographs of the site
- Exhibit 6 Letter from A-One Exterminators
- Exhibit 7 Sample of letters of gratitude from ministry recipients
- Exhibit 8 Unsolicited letter of support from a neighbor

**E. RELEVANT APPROVAL CRITERIA**

Section 10.246 of the Land Development Code states that a development that is classified as a conditional use shall be reviewed by the Conditional Use Permit process in order to assure its appropriateness for the site and allow for adjustments to be made to assure compatibility with adjacent land uses.

**CONDITIONAL USE PERMIT CRITERIA - SECTION 10.248**

*The approving authority (Planning Commission) must determine that the development proposal complies with either of the following criteria before approval can be granted.*

*(1) The development proposal will cause no significant adverse impact on livability, value, or appropriate development of abutting property, or the surrounding area when compared to the impacts of permitted development that is not classified as conditional.*

*(2) The development proposal is in the public interest and although the development proposal may cause some adverse impacts, conditions have been imposed by the approving authority (Planning Commission) to produce a balance between the conflicting interests.*

**MITIGATION OF IMPACTS - SECTION 10.249**

*A development requiring the mitigation of impacts under Section 10.248, Conditional Use Permit Criteria, must do one of the following:*

*(1) Preserve unique assets of interest to the community.*

*(2) Provide a public facility or public nonprofit service to the immediate area or community.*

*(3) Otherwise provide for a development that is consistent with the overall needs of the community in a location that is reasonable suitable for the purpose.*

**F. CONCLUSIONS OF LAW**

**MEDFORD LAND DEVELOPMENT CODE**

**1. APPLICATION FORM, CONDITIONAL USE PERMIT - SECTION 10.247**

*An application for a conditional use permit shall contain the following:*

*(1) Vicinity map drawn at a scale of 1"=1,000' identifying the location.*

*(2) Assessor's map with subject site identified.*

(3) Site plan drawn to scale on an eighteen inch by twenty-four inch (18"x24") sheet Site plan shall identify all existing and proposed buildings, parking, drives, vegetation or landscaping, and adjacent development.

(4) Property owner's (and agent's) names, addresses, and map and tax lot numbers within 200 feet of the subject site, typed on mailing labels.

(5) Findings prepared by the applicant or his/her representative addressing the criteria set forth in Section 10.248, Conditional Use Permit Criteria.

Submittal Conclusions: The Planning Commission has considered the following facts that are pertinent to the application form requirements. The submitted application consists of the following:

1. Vicinity maps showing the location of the site of the church and Firewood Ministry accessory use area.
2. A Jackson County Assessor's map identifying the property.
3. Mailing labels consisting of the property owner's names, addresses, and map and tax lot numbers, for all parcels within 200 feet of the site.
4. Findings of Fact and Conclusions of Law prepared by the applicant which address the Conditional Use Permit criteria found in Section 10.248.

#### Conclusion of Law

The Planning Commission concludes that all of the submittal requirements of Section 10.247 have been met.

#### 2. CONDITIONAL USE PERMIT CRITERIA - SECTION 10.248

*The approving authority (Planning Commission) must determine that the development proposal complies with either of the following criteria before approval can be granted*

*(1) The development proposal will cause no significant adverse impact on livability, value, or appropriate development of abutting property, or the surrounding area when compared to the impacts of permitted development that is not classified as conditional.*

#### Conclusion of Law

Based upon the findings of fact above and Applicant's testimony, the Planning Commission conclude the Firewood Ministry will not cause significant adverse impact on livability, value or appropriate development of abutting property or the surrounding area for the following reasons:

- The nature of the use is during daylight hours and will not appreciably increase noise in the area beyond what a collection of other single family dwellings might be

- expected to generate. Applicant will accept a condition of approval requiring Firewood Ministry activities be limited to 8am to 6pm on weekdays and Saturdays.
- With the restriction on pile height limited to nine feet (height of screening Photinia at maturity) and the installation of a new cedar fence gate, the aesthetic from the street will not be substantially different than any number of residential yards in this part of the east Medford area.
  - Other sources of potential livability impact such vermin or fire risk are controlled through on-site management practices and the Applicant will accept conditions of approval that require these practices to continue.
  - There is nothing about the Firewood Ministry that would reasonably be expected to adversely impact value of abutting properties or the surrounding area.
  - There is nothing about the Firewood Ministry that would reasonably be expected to prevent appropriate development of abutting properties or the surrounding area as allowed in the SFR-4 zoning district..

*(2) The development proposal is in the public interest and although the development proposal may cause some adverse impacts, conditions have been imposed by the approving authority (Planning Commission) to produce a balance between the conflicting interests.*

#### Conclusion of Law

In the event, the Planning Commission, for any reason, cannot conclude there will be no significant adverse impacts the Applicant contends that the Planning Commission could impose reasonable conditions to address issues raised during the hearing process to balance conflicting interests of the abutting properties or surrounding area and the Applicant expects to work with the Planning Commission and staff through the process to identify any appropriate conditions of approval.

#### MITIGATION OF IMPACTS - SECTION 10.249

*A development requiring the mitigation of impacts under Section 10.248, Conditional Use Permit Criteria, must do one of the following:*

- (1) Preserve unique assets of interest to the community.*
- (2) Provide a public facility or public nonprofit service to the immediate area or community.*
- (3) Otherwise provide for a development that is consistent with the overall needs of the community in a location that is reasonable suitable for the purpose.*

#### Conclusion of Law

In the event, the Planning Commission concludes it must approve the application under MLDC 10.248(2) the Planning Commission herewith concludes that the Firewood Ministry Accessory Use is operated by a public non-profit (Westminster Presbyterian Church) and the activity provide a beneficial service to both the immediate area and the community by providing a

centrally located drop-off for large tree waste and providing fuel for disadvantages households in our community, pursuant to MLDC 10.249(2).

#### **F. ULTIMATE CONCLUSION**

The Planning Commission concludes that, based upon the above Findings of Fact and Conclusions of Law above, the application for amendment to Westminster Presbyterian Church's previously approved Conditional Use Permit for firewood ministry is consistent with the relevant decisional criteria found in Section 10.248(2) of Medford's Land Development Code, in that the firewood ministry will not cause adverse impacts and it is also in the public interest and is consistent with the overall needs of the community and the immediate area in a location that is reasonably suitable.

APPLICANT'S EXHIBIT 5

Photographs of the Site

Photographs include views from each of the properties adjoining the firewood ministry site:

- A. View of site from 48 Barneburg Road (near the corner of Oakwood Drive)
- B. View of site from 56 Barneburg Road (south of 48 Barneburg Road)
- C. View of site across Oakwood Drive from 45 S Barneburg Road
- D. View of site across Oakwood Drive from 40 S Glen Oak Court
  - a. The fire hydrant on Oakwood Drive is visible in this image.
  - b. Some photinia died, causing gaps in the hedge. These gaps will be filled by new plants, probably before the planning commission sees this application.

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View of site from 48 Barneburg Road (near the corner of Oakwood Drive)



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B. View of site from 56 Barneburg Road (south of 48 Barneburg Road)





C. View of site across Oakwood Drive from 45 S Barneburg Road

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PLANNING DEPT



- D. View of site across Oakwood Drive from 40 S Glen Oak Court
- a. The fire hydrant on Oakwood Drive is visible in this image.
  - b. Some photinia died, causing gaps in the hedge. These gaps will be filled by new plants, probably before the planning commission sees this application.

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APPLICANT'S EXHIBIT 6



## A-ONE EXTERMINATORS

A Division of A-ONE, INC  
CCB# 124399

712 N.E. 7th Street  
Grants Pass, OR 97526

G.P. (541) 472-1094

Med. (541) 779-5208

Rsbg. (541) 957-8807

1-800-505-3342

Fax (541) 472-1096

02/21/18

A-One Exterminators provides quarterly exterior service to Westminster Presbyterian Church for general pests, including rodents. This region of Medford has perennial rodent issues, and we are doing what we can to mitigate rodents at this location. We place 6 bait boxes around the campus, which contain rodent poison and prevent access by pets or children. We check them quarterly, and refill them as needed. We have found that they effectively create a preventive barrier to reduce rodents in the church building, and in the local area. Rodents have not entered the customer's building, so at this time we feel that these boxes have been effective. No rodent control system is perfect, but we feel we are doing what we can. We appreciate your business and look forward to continuing all services.

Thank You:



Lisa

A-One Exterminators

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APPLICANT'S EXHIBIT 7

Sample of letters of gratitude from ministry recipients.

While most firewood recipients are reasonably close, these letters show the breadth of the ministry's reach in the Rogue Valley.

Elizabeth A. Eckoff-Lake  
315 W. Evans Creek Road, Unit 76, Rogue River OR 97537

Brian McCarty  
714 2<sup>nd</sup> Avenue, Gold Hill OR 97525

Sandra O'Brien  
706 Pennsylvania Avenue, Medford OR 97501

Lori Woodrow  
14550 Upper Applegate Road, Jacksonville, OR 97503

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MAR 02 2018

PLANNING DEPT

February 5, 2018  
Rogue River, OR

To Whom It May Concern:

I am writing this letter to comment on the Firewood Program run by the Westminister Presbyterterian Church. I have had personal experience with this program and I have some basic ideas about the benefit it brings to society, the community and the outlying areas.

In regard to my personal experience, I cannot be more pleased with their service. I am an older person who lives with an extremely small budget. During the winter months my electric bill doubles and I have great trouble paying it and still meet my other needs. Last winter and again this winter, this program has come to my rescue, allowing me to pay for other necessities, such as medical bills. I really don't know what I would do without their help by providing wood for my woodstove.

This program helps a great many low income people throughout the region. The help is given regardless of religious beliefs. In fact, a person does not need to practice any certain belief to get help. Because Wesminister Presbyterterian Church is located in Medford it makes Medford look good. Also because the church helps others, people are then encouraged to help others wherever and in whatever way possible.

Even those with very little money can volunteer or perhaps just smile and greet others and make the day brighter. I mentioned I am a older person, when I was younger, I noticed more concern for others in the general public; however now it seems many people have lost consideration for others. The Firewood Program is an example of people helping people, a step in the right direction.

When speaking on the phone, or having wood delivered, I have always been treated with respect and consideration. The people from Westminister Presbyterterian Church are very accommodating and caring. I believe they can work with anyone to make any situation acceptable for everyone concerned.

*Elizabeth A. Eckhoff-Lake*

Elizabeth A. Eckhoff-Lake  
Rogue River  
541-582-0665

**Ms. Elizabeth A. Eckhoff-Lake**  
315 W. Evans Creek Rd., Unit 76  
Rogue River, OR 97537-9632

Brian McCarty  
704 2nd Ave.  
Gold Hill, OR 97525

Feb. 12, 2018

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PLANNING DEPT.

To All Concerned,

I would first like to thank everyone involved in the Project Warm program. Without this kind service, many folks in Jackson county would experience a much colder winter.

I'm a senior citizen and a disabled veteran, together my wife and I are living on a small fixed income. If it were not for this Fire-wood program from the Westminster Church our situation would be difficult.

In regards to the current issue with Medford and or Jackson county, I believe that a simple solution can be found that will make everyone happy.

Thank You, Page 77

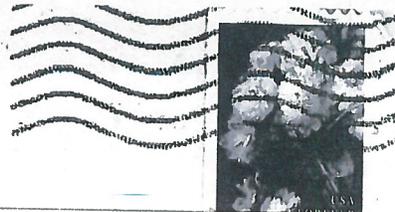
Brian McCarty

CITY OF MEDFORD  
EXHIBIT #  
File # CUP-18-026



MEDFORD OR 975

22 FEB 2018 PM 2 T



2/22/18

In the first few days of January 2018 I received such a blessing from your ministry. I am so truly grateful to you all for the load of dry, milled hard ...straight from my heart.

and soft wood. I was at my wits end because I didn't have any money to buy wood. Wood heat is my only source of heat. I had only enough for another 3-4 days.

Thank you so much, and Bless you for the kindness and ~~generosity~~ generosity. You truly are a blessing.

Sincerely  
Sandra O'Brien

Thank You!

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CITY OF MEDFORD  
EXHIBIT #  
File # CUP-18-026

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RECEIVED  
MAR 02 2018  
PLANNING DEPT

Dear Zoning commission,

I support the approval of a conditional use permit for Westminster Presbyterian Church to continue their firewood ministry, Project Warm.

Although I do not live close to the church I have driven by their grounds and was impressed with the cleanliness of their wood storage areas as well as their respectful hours of operation.

Since my husband lost his leg 2 years ago, Project Warm is a Godsend for us. Living on a limited income restricts our ability to run our heater, or buy firewood for warmth. Without the help from this project, we would be very, very cold.

Please allow them to continue blessing the people of our area.

Lori Woodrow  
14550 Upper Applegate Road  
Jacksonville, OR 97530

February 17, 2018

APPLICANT'S EXHIBIT 8

Unsolicited letter of support from a neighbor

When the Medford Tribune ran an article about this application process, a neighbor asked how she could help, and was willing to write a letter of support for this application. Her home is less than a block from the Project Warm location.

Janet Jamieson  
13 Glen Oak Court, Medford OR 97504

Ms. Janet Jamieson  
13 Glen Oak Ct  
Medford, OR 97504-7671

MEDFORD OR 975  
22 FEB 2018 PM 2 T



RECEIVED  
MAR 02 2018  
PLANNING DEPT

2-22-18

ch

Dear Zoning Commissioner,  
I wholeheartedly support the approval of a Conditional Use Permit for Westminster Presbyterian Church to continue their wonderful firewood ministry. I live very close to the church and have, over the past 35 years, watched the project assist many, many people in need. The volunteers work hard to provide a source of heat for families unable to afford to pay for it. The program is operated in an organized, well structured manner. I am impressed by this program and am very much in favor of their permit request.

Sincerely,  
Janet Jamieson

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APR 09 2018 *W*

PLANNING DEPT.

Clarence H. Newhall  
~~Clarence H. Newhall~~  
1821 Woodlawn Dr.  
Medford OR 97504-7652



DEAR MISS LIZ CONNER

I WRITE YOU REGARDING FILE NO CUP-18-024  
I AM AWARE OF THE 04/26 MEETING  
BUT UNABLE TO ATTEND DUE TO  
POST HERPETIC NEURALGIC PAIN FROM  
SHINGLES.

I WISH TO STATE THOUGH THAT I  
STRONGLY SUPPORT "PROJECT WARM"  
AT WESTMINISTER CHURCH. IT IS A  
VERY GOOD THING FOR OUR  
COMMUNITY. AND, THEY ARE TAKING  
CARE OF THE RODENT PROBLEM.  
ALSO THEY HAVE PUT TREES IN AS  
A NOISE BARRIER.

Yours Truly  
Clarence Newhall  
541-734-8547



*26*

CITY OF MEDFORD  
EXHIBIT # D  
File # CUP-18-026

ROYALHRC200000 RAD1HRC28GTC3414 666140 04035 1-8 56



Medford – A fantastic place to live, work and play

## CITY OF MEDFORD

LD Date: 4/4/2018  
File Number: CUP-18-026

### **PUBLIC WORKS DEPARTMENT STAFF REPORT 2000 Oakwood Drive – Westminster Presbyterian Church Firewood Ministry – “Project Warm”**

- Project:** Consideration for a revision of an existing CUP to allow for a firewood ministry accessory use of Westminster Presbyterian Church.
- Location:** Located at 2000 Oakwood Drive on the southeast corner of Oakwood Drive and South Barneburg Drive within a SFR-4 (Single Family Residential – four dwelling units per gross acre) zoning district (371W29BD TL 3700).
- Applicant:** Westminster Presbyterian Church, Barnabas Sprinkle; Planner, Liz Conner.

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**Public Works has no comments on the proposed Conditional Use Permit application.**

Prepared by: Doug Burroughs



# Medford Fire-Rescue Land Development Report

## Review/Project Information

**Reviewed By:** Kleinberg, Greg

**Review Date:** 4/2/2018  
**Meeting Date:** 4/4/2018

**LD #:** CUP18026

**Planner:** Liz Conner

**Applicant:** Applicant: Westminster Presbyterian Church, Barnabas Sprinkle

**Project Location:** 2000 Oakwood Drive on the southeast corner of Oakwood Drive and South Barneburg Drive

**ProjectDescription:** Consideration for a revision of an existing CUP to allow for a firewood ministry accessory use of Westminster Presbyterian Church located at 2000 Oakwood Drive on the southeast corner of Oakwood Drive and South Barneburg Drive within a SFR-4 (Single Family Residential – four dwelling units per gross acre) zoning district (371W29BD TL 3700). Applicant: Westminster Presbyterian Church, Barnabas Sprinkle; Planner, Liz Conner.

## Specific Requirements for Access & Water Supply

Reference	Description	Conditions
Approved	Approved as submitted	

## General Information/Requirements

Development shall comply with access and water supply requirements in accordance with the Oregon 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 (fire 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 information provided only.

Design and installation shall meet the Oregon requirements of the International Fire, Building, Mechanical Codes and applicable NFPA Standards.

Medford Fire-Rescue, 200 S Ivy St. Rm 180, Medford OR 97501 541-774-2300

[www.medfordfirerescue.org](http://www.medfordfirerescue.org)

**CITY OF MEDFORD**  
**EXHIBIT # F**  
**File # CUP-18-026**



# Memo



**To:** Elizabeth Conner, Planning Department  
**From:** Chad Wiltrout, Building Department (541) 774-2363  
**CC:** Westminster Presbyterian Church, Barnabas Sprinkle, Applicant  
**Date:** April 4, 2018  
**Re:** April 4, 2018 LDC Meeting: Item #2 – CUP-18-026

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***Please Note:***

***This is not a plan review. Unless noted specifically as Conditions of Approval, general comments are provided below based on the general information provided; these comments are based on the 2014 Oregon Structural Specialty Code (OSSC) unless noted otherwise. Plans need to be submitted and will be reviewed by a commercial plans examiner, and there may be additional comments.***

***Fees are based on valuation. Please contact Building Department front counter for estimated fees at (541) 774-2350 or [building@cityofmedford.org](mailto:building@cityofmedford.org).***

***For questions related to the Conditions or Comments, please contact me, Chad Wiltrout, directly at (541) 774-2363 or [chad.wiltrout@cityofmedford.org](mailto:chad.wiltrout@cityofmedford.org).***

**General Comments:**

1. For list of applicable Building Codes, please visit the City of Medford website: [www.ci.medford.or.us](http://www.ci.medford.or.us) Click on "City Departments" at top of screen; click on "Building"; click on "Design Criteria" on left side of screen and select the appropriate design criteria.
2. All plans are to be submitted electronically. Information on the website: [www.ci.medford.or.us](http://www.ci.medford.or.us) Click on "City Departments" at top of screen; click on "Building"; click on "Electronic Plan Review (ePlans)" for information.
3. A site excavation and grading permit will be required if more than 50 cubic yards is disturbed.
4. A separate demolition permit will be required for demolition of any structures not shown on the plot plan.

**Comments:**

5. Building Department has no comments at this time. Outdoor storage is regulated by the Fire Code.



BOARD OF WATER COMMISSIONERS

**Staff Memo**

**TO:** Planning Department, City of Medford

**FROM:** Rodney Grehn P.E., Water Commission Staff Engineer

**SUBJECT:** CUP-18-026

**PARCEL ID:** 371W29BD TL 3700

**PROJECT:** Consideration for a revision of an existing CUP to allow for a firewood ministry accessory use of Westminster Presbyterian Church located at 2000 Oakwood Drive on the southeast corner of Oakwood Drive and South Barneburg Drive within a SFR-4 (Single Family Residential – four dwelling units per gross acre) zoning district (371W29BD TL 3700). Applicant: Westminster Presbyterian Church, Barnabas Sprinkle; Planner, Liz Conner.

**DATE:** April 4, 2018

I have reviewed the above plan authorization application as requested. Conditions for approval and comments are as follows:

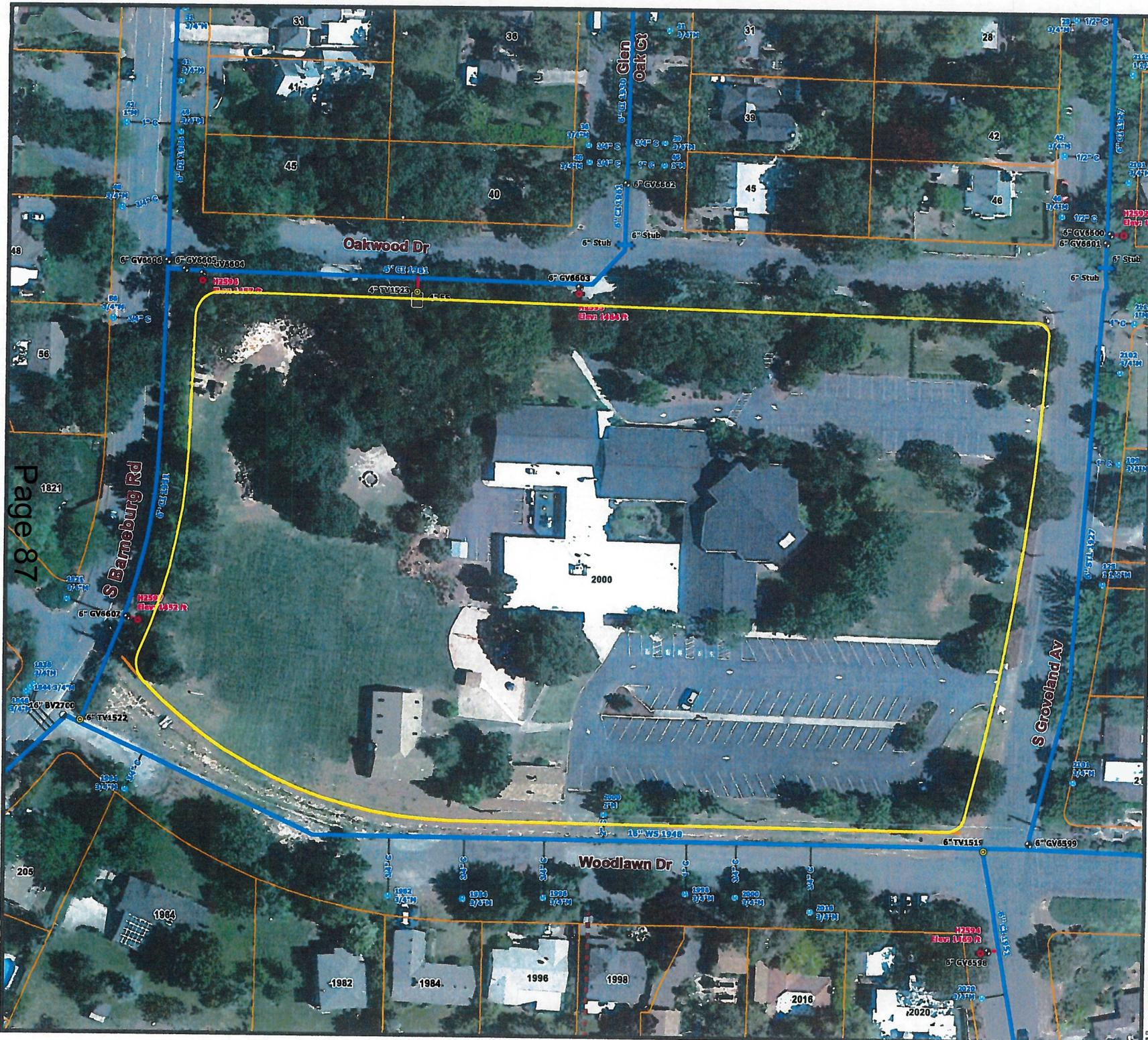
**CONDITIONS**

1. No Conditions.

**COMMENTS**

1. MWC-metered water service does exist to this property. There is an existing 2-inch domestic water meter located on the north side of Woodlawn Drive that serves the existing Church.
2. Static water pressure ranges between 55-60 psi.
3. Access to MWC water lines is available. There is an existing 16-inch water line in Woodlawn Drive, a 6-inch water line in S Barneburg Road, and 6-inch water line is located in Oakwood Drive between S Barneburg Road and Glen Oak Court.

**CITY OF MEDFORD**  
**EXHIBIT # H**  
**File # CUP-18-026**



0 25 50 100 Feet  
 Scale: 1"=100'

**Water Facility Map  
 for  
 CUP-18-026**

April 4, 2018

**Legend**

- Air Valve
- Sample Station
- Fire Service
- ◆ Hydrant
- ▲ Reducer
- Blow Off
- ⊕ Plugs-Caps

**Water Meters:**

- Active Meter
- On Well
- Unknown
- Vacant

**Water Valves:**

- Butterfly Valve
- Gate Valve
- Tapping Valve

**Water Mains:**

- Active Main
- - - Abandoned Main
- Reservoir Drain Pipe
- Pressure Zone Line

**Boundaries:**

- ▭ Urban Growth Bound
- ▭ City Limits
- ▭ Tax Lots

**MWC Facilities:**

- C** Control Station
- P** Pump Station
- R** Reservoir



This map is based on a digital database compiled by Medford Water Commission from a variety of sources. Medford Water Commission assumes no responsibility for errors, omissions, or outdated information. There are no warranties, expressed or implied.

Page 87

**Liz A. Conner**

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**From:** Eric B. Mitton  
**Sent:** Thursday, March 22, 2018 7:55 PM  
**To:** Liz A. Conner  
**Cc:** Cassie J. Neahr  
**Subject:** Response to CUP-18-026 packet

Liz,

Please feel free to include this email in the materials for CUP-18-026.

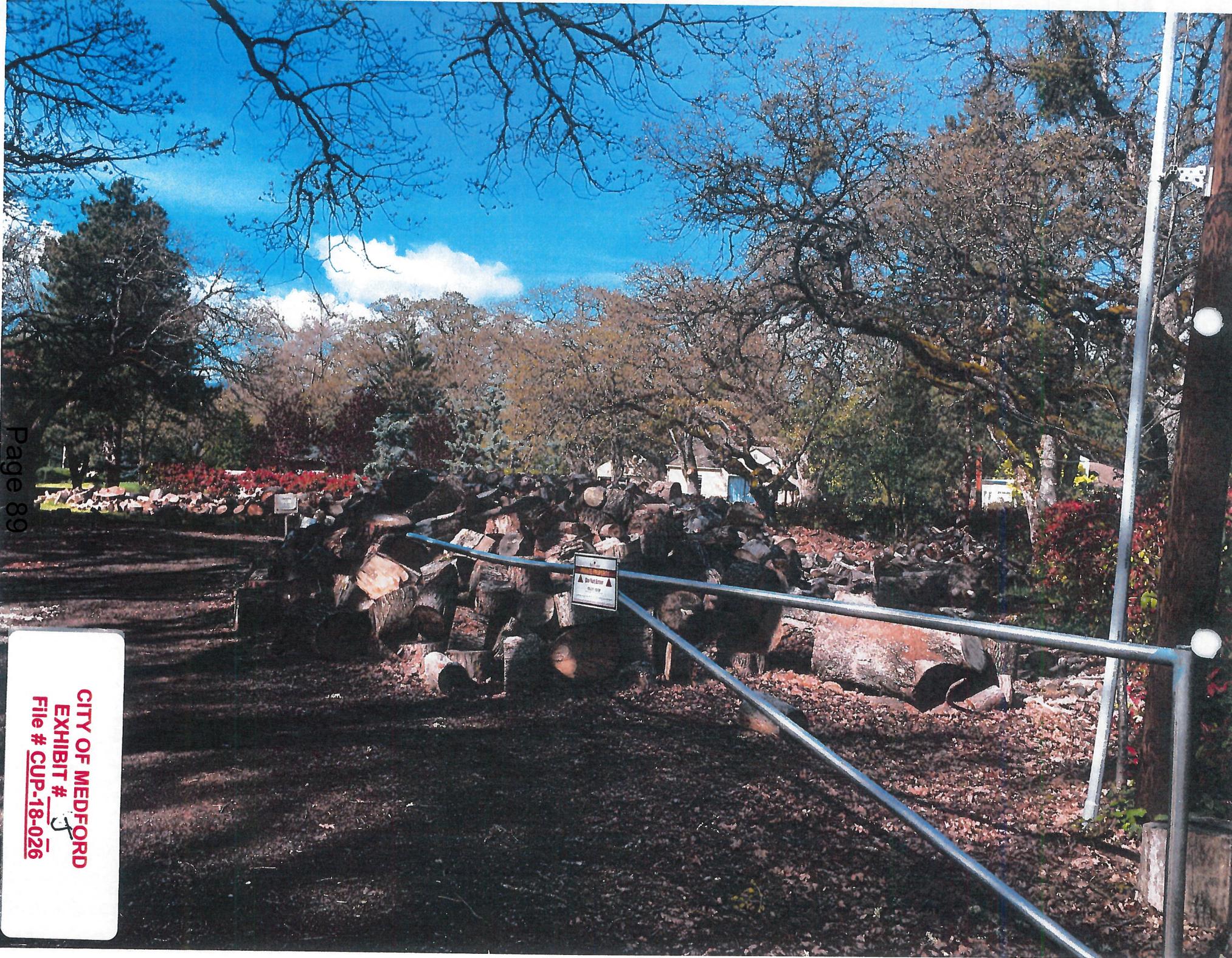
The materials received from applicant make the statement "This ministry has operated for decades without complaint, until recently. The city notified us that distributing wood is not covered within our current Conditional Use Permits for the church and preschool." The materials go on to state that "This ministry has operated for decades without complaint. Westminster does have a board of elders who will listen to any neighborhood concerns or complaints and respond accordingly." These statements could be read as suggesting that no neighbor has ever complained about Project Warm, and instead that City staff suddenly chose to take unilateral action against Project Warm in 2017. This would not be a correct conclusion. To clarify, the City's inquiry into this matter was triggered by a neighbor complaint about whether this use was appropriate for the zone and whether it was compatible with a residential neighborhood (as well as other concerns about the firewood operation).

On October 31, 2017, City of Medford Code Enforcement received a complaint from a neighbor of Applicant raising concerns about the wood stockpile at 2000 Oakwood drive, specifically rodents, compatibility with the neighborhood, and suitability with the zoning. That citizen complaint to City of Medford Code Enforcement is what triggered the City's investigation into the land use issues related to Project Warm operating in an SFR-4 zone.

Furthermore, although City staff determined that the use was not permissible without a CUP modification, City staff has done everything possible to address the land use issue without causing even a temporary interruption to Applicant's charitable services. In a December 5, 2017 letter, the City Attorney's Office explained to Applicant that while the current use was inconsistent with the SFR-4 zoning and the existing CUPs, no formal action would be taken during the winter months, and instead the City wished to "discuss this further in a collaborative, roundtable format so that we can identify a way to bring the firewood operation into compliance with the Medford Land Development Code without causing interruption to the Church's charitable activities." Since then, City staff, including Legal, Code Enforcement, and Planning staff, have devoted considerable time to attending several such roundtable meetings with Applicant.

Thank you,

Eric B. Mitton  
Deputy City Attorney  
City of Medford  
(541) 774-2020



CITY OF MEDFORD  
EXHIBIT # 5  
File # CUP-18-026























Dear Zoning Commission,

I support the approval of a conditional use permit for Westminster Presbyterian church to continue their firewood ministry, Project Warm.

As a Neighbor, I am satisfied with the way they operate and have NO objections to this permit request. Thank You.

Wanda Amer

734 W. 14<sup>th</sup> St.

Medford.

3/15/2018

CITY OF MEDFORD  
EXHIBIT # L 1 of 7  
File # CUP-18-026

2-22-18

Dear Zoning Commissioner,

I wholeheartedly support the approval of a Conditional Use Permit for Westminster Presbyterian Church to continue their wonderful firewood ministry. I live very close to the church and have, over the past 35 years, watched the project assist many, many people in need. The volunteers work hard to provide a source of heat for families unable to afford to pay for it. The program is operated in an organized, well structured manner. I am impressed by this program and am very much in favor of their permit request.

Sincerely,

Janet Jamieson

11/20/17

Medford City Council  
April 21, 2018

Dear Sirs:

I am writing this letter in support of the Westminster Church's "Project Warm".  
I live across the street from the Church and have found them to be excellent neighbors.

They have always been courteous in their hours of operation and thoughtful about their wood cutting activities.

I would ask that you grant the Church a permit to continue their good works.

Sincerely,  
Lynda and Gary Stevenson  
2101 Woodlawn Dr.  
Medford OR 97504



Dear Zoning Commission,

I support the approval of a Conditional Use Permit for Westminster Presbyterian Church to continue their firewood ministry, Project Warm. As a neighbor, I am satisfied with the way they operate and have no objection to this permit request.  
Thank you,

Name

*E. J. Kloos*

Address

*1998 Woodlawn Dr*

Date

*4/17/2018*

*"L"  
4 of 7*

Dear Zoning Commission,

I support the approval of a Conditional Use Permit for Westminster Presbyterian Church to continue their firewood ministry, Project Warm. As a neighbor, I am satisfied with the way they operate and have no objection to this permit request.  
Thank you,

Name *Joe Hoppe*

Address *1982 Woodlawn*

Date *4/17/18*

*"L"*  
*5 of 7*

Westminster Presbyterian Church  
2000 Oakwood Drive  
Medford, OR 97504  
Project Warm (Firewood)

George McEwan  
4047 N. Roxy Dr.  
Medford, OR 97504  
(541) 941-0824

We moved to Medford from Southern California (Los Angeles) in 1997. We became members of WPC in the early 2000's. After several years, I was asked to serve as a deacon, and did so for two or three years. The Presbyterian Book of Order states that among other things, "It is the duty of deacons, first of all, to minister to those who are in need, to the sick, to the friendless, and to any who may be in distress, both within and beyond the community of faith." Sounds like Project Warm to me!

Being from So. Cal, I had never operated a chain saw, never owned a pick-up truck and thought a maul was where you shopped. In spite of this, a great fellow member and retired neurosurgeon named Dr. Doug Hildreth (who passed way too early) in 2009, took a chance with me in spite of my limitations. It soon became clear to me that what had begun as a small time operation had outgrown its capabilities. That was confirmed

"L"  
6 of 7

to us when we were notified by the church office that we were out of firewood and that we were no longer accepting new requests. The date was 12/22 of that year! (Half way through the firewood season!)

A total of 40 requests were satisfied. Doug generously provided us with a hydraulic wood splitter, recruited three or four additional volunteers, and we were off and running. Several years later, we were satisfying 200-240 requests per season.

We need to keep this very valuable and necessary mission open and running. Jackson County should feel the same way.

Please call me if you have any questions or comments

Sincerely,  
George McEwan

"L"  
7 of 7

RECEIVED  
APR 23 2018  
PLANNING DEPT

Dear Zoning Commission,

I support the approval of a Conditional Use Permit for Westminster Presbyterian Church to continue their firewood ministry, Project Warm. As a neighbor, I am satisfied with the way they operate and have no objection to this permit request. Thank you,

Name Wilson H. Clark

Address 601 Glenway

Date 2-26-2018

P.S.

I am a disabled vet. This firewood ministry is a life saving ministry for me. Please continue this conditional use permit.

CITY OF MEDFORD  
EXHIBIT # M 1 of 4  
File # CUP 18-026

Medford, Oregon Zoning Commission

Please approve a Conditional Use Permit for Westminster Presbyterian Church to continue their free firewood ministry at 2000 Oakwood Drive in Medford, Oregon 97504.

The "Project Warm" goal is to give families in need free firewood to keep their homes warm all winter.

I do not know what I would do without the wood these wonderful people deliver to me. Without their help my winter heating bill would ~~be~~ take a huge <sup>(ELECTRIC)</sup> chunk of my income. I am a single, senior, female on a limited income - their help is life saving and a true blessing!

Signature: 

Print name:

Karen F. Schnabel

Address:

1032 Reddy Ave.  
Medford, OR 97504

Date:

3/29/18

Please, please ~~do not~~ allow them to do what they do and remain open to help so many people!

Medford, Oregon Zoning Commission

Please approve a Conditional Use Permit for Westminster Presbyterian Church to continue their free firewood ministry at 2000 Oakwood Drive in Medford, Oregon 97504.

The "Project Warm" goal is to give families in need free firewood to keep their homes warm all winter.

This program has helped me 2 winters in a row. I am a Senior Citizen working two jobs to try to make ends meet. Without "Project Warm", I would not have been able to keep my house, myself or my animals warm. The cost of electricity would have put a major damper on me. I have given their information out to other struggling families also. Please, please allow them to continue their program. Thank you.

Signature: *Robin Arnold* 541. 878. 2857  
Print name: Robin Arnold Sincerely  
Address: 2750 Indian CK Rd *Robin*  
Shady Cove, OR 97539 *Arnold*

Date:

3/20/18

"M"  
3 of 11

Medford, Oregon Zoning Commission

Please approve a Conditional Use Permit for Westminster Presbyterian Church to continue their free firewood ministry at 2000 Oakwood Drive in Medford, Oregon 97504.

The "Project Warm" goal is to give families in need free firewood to keep their homes warm all winter.

Comments:

Dear Sirs: It is my personal testimony that the Westminster Presbyterian Church has been a great Help in sharing firewood with the residence in which I live. This household has NO central heating and can ONLY be warmed by firewood & or utility heaters. Those that live in this household are all over 60 years of age and have ailments. The cold of Oregon is hard on us. It is my opinion that if the Zoning Commission Overseers decide against the Approval for the Westminster Presbyterian Church to Continue This Ministry in GIVING, NOT SELLING Firewood to Those In Need, You will be doing a disservice to the Public!

Signature:

↳ Della Ware  
DELLA WARE

Print name:

Address: 4100 AVENUE A, WHITE CITY, OR 97503

Date:

April 18, 2018

"M"  
4 of 11

Dear Zoning Commission,

I support the approval of a Conditional Use Permit for Westminster Presbyterian Church to continue their firewood ministry, Project Warm. As a neighbor, I am satisfied with the way they operate and have no objection to this permit request. Thank you,

Name Bammy Wood

Address 2363 Roberts Rd

Date January 8, 2018

I am in desperate need of this wonderful project. PLEASE grant this permit.

"m"  
5 of 11

Medford, Oregon Zoning Commission

Please approve a Conditional Use Permit for Westminster Presbyterian Church to continue their free firewood ministry at 2000 Oakwood Drive in Medford, Oregon 97504.

The "Project Warm" goal is to give families in need free firewood to keep their homes warm all winter.

For a benefit of valley for over 38 yrs, why all of a sudden is this a problem? They do a very good job @ serving families in need & I think they should be allowed to continue without outside interference. Its a free service & not a commercial operation. Please let them continue to serve the needy families of the valley now & in the future.

Signature: *Ronald R. Wilson*

Print name: Ronald R. Wilson

Address: 3670 Falcon St.

White City, Ore 97503

Date:

18 Apr 18

"m"  
6 of 11

Dear Zoning Commission,

I support the approval of a Conditional Use Permit for Westminster Presbyterian Church to continue their firewood ministry, Project Warm. As a neighbor, I am satisfied with the way they operate and have no objection to this permit request. Thank you,

*This ministry is very helpful to me and my family*

Name *Victoria Barham*  
Address *868 W Valley View Rd*  
Date *3/30/2013*

*"m"  
7 of 11*

Medford, Oregon Zoning Commission

Please approve a Conditional Use Permit for Westminster Presbyterian Church to continue their free firewood ministry at 2000 Oakwood Drive in Medford, Oregon 97504.

The "Project Warm" goal is to give families in need free firewood to keep their homes warm all winter.

Signature: *Mark Belangee*

Print name: MARK BELANGEE

Address: *214 Schoolhouse Ln. Shady Cove OR 97539*

Date: *1/4/18*

*"m"  
8 of 11*

Dear Zoning Commission,

I support the approval of a Conditional Use Permit for Westminster Presbyterian Church to continue their firewood ministry, Project Warm. As a neighbor, I am satisfied with the way they operate and have no objection to this permit request. Thank you,

Name Brittney Kendall  
Address 1036 COURT Street  
Date medford, OR 97501

4-2-18

I Brittney am ok with Project warm with out them, some times I'd have no wood to keep warm Im low income and its our only source of Heat.

"m"  
9 of 11

Medford, Oregon Zoning Commission

Please approve a Conditional Use Permit for Westminster Presbyterian Church to continue their free firewood ministry at 2000 Oakwood Drive in Medford, Oregon 97504.

The "Project Warm" goal is to give families in need free firewood to keep their homes warm all winter.

I am typing this out as I am still recovering from a stroke on Dec, 2,2013. The church has been a Godsend as without them it was next to impossible to keep my house warm, especially after my triple bypass in January 2017 as I had to take it very easy for a while.

Nat Daleo

4100 Avenue A,

White City

Signature: *Nat Daleo*

Print name:

Address:

Date:

"m"  
10 of 11

MATTHEW EPSTEIN  
2135 LITTLE APPLGATE ROAD  
JACKSONVILLE, OR. 97530

Feb 25, 2018

Zoning Commission  
City of Medford  
Medford, OR.

Attention Zoning Commissioner,

Conditional Use Permit for  
Westminster Presbyterian Church  
Project Warm

As a donor of firewood for the past several years I am in support of the approval of a Conditional Use Permit for the Westminster Presbyterian Church to continue their firewood ministry, Project Warm.

Their work of providing firewood to those residents who have difficulty keeping warm during the cold winter months is a valuable and needed service to under-served citizens in our community.

I am satisfied with the way they are organized and serve members of valley.

Sincerely,



Matt Epstein  
Ph. 541 899-8644

"m"  
11 of 11

KATHLEEN ODOM  
4955 CHERRY LANE  
MEDFORD, OREGON 97504

RECEIVED

APR 24 2018

Planning Dept.

24 April 2018

Medford City Planning Commission  
Lausmann Annex  
200 South Ivy Street  
Medford, Oregon 97501

**RE: April 26, 2018 Meeting – Agenda Item 50.3 – CUP-18-026**  
**Revision of Conditional Use Permit for Westminster Presbyterian Church -**  
**“Project Warm” and Woodlot adjacent to the Church and related activities**

Dear Planning Commission:

I am writing this letter as a member of the Medford community in support of Revision of the Conditional Use Permit for Westminster Presbyterian Church and their “Project Warm” woodlot adjacent to the Church.

My husband and I are not members of Westminster Presbyterian Church. However, we have had direct, personal, and very pertinent experience with the “Project Warm” program. In the winters of 2014 and 2015, we were living rurally and our only source of heat was our woodstove. We are both disabled and we live on a modest fixed income. We ran out of wood! We simply did not have the funds (nor any source of getting them) to buy any more wood, and it was cold! It was a dire situation for us.

Though not in the habit of seeking charity, it was suggested that I contact Westminster Presbyterian Church as they could possibly help us with getting some much needed firewood. We were not members of any organized church here in the Rogue Valley. However, I immediately called the Westminster office and within 24 hours two senior members of the Church, John Stewart and his “helper” (I don’t know his name ☺), arrived in our driveway with a pick-up truck filled with beautiful dry mixed wood. They unloaded it for us and stacked it also. They did this on two occasions. **They asked no questions of us, clearly respecting our need as a sincere and immediate one. Obviously, their primary and sole intention was to assist two elder people desperately needing wood to keep warm!**

No doubt we were two of the many people in the local community who Westminster Presbyterian continues to assist with the very basic need of winter warmth. We were prime examples of the wide, generous, and unconditional outreach of “Project Warm.” **This outreach benefits the *entire* community regardless of religious affiliation. NEED to keep warm is the only qualifying factor! “Project Warm” fills a unique niche of helping those in our community who, for whatever reasons, are unable to purchase wood to keep warm!** I am not aware of any other existing local program focused on providing firewood to those whose sole source of winter warmth is wood. *We now reside in East Medford and no longer have a woodstove. However, I will not soon forget our compassionate and caring experience as recipients of the “Project Warm” outreach.*

**I urge you to approve the revision of the Westminster CUP so that this very valuable “Project Warm” can continue to assist those community members with the very basic human need of winter warmth.**

Unfortunately, I am unable to attend the Thursday meeting; however, I would appreciate your reading of this letter in the meeting or, in the least, sharing it with each of the Committee members prior to voting.

**Thank you** for considering how valuable “Project Warm” is to our local community, and the importance of it’s being allowed to continue, therefore your issuance of a Revised CUP.

*Kathleen Odom*  
Page 119

CITY OF MEDFORD  
EXHIBIT # N  
File # CUP-18-026

April 26, 2018

From: Susan Lee  
34 Glen Oak Ct.  
Medford, OR 97504

To: Medford Planning Commission

Re: CUP-18-026 Consideration for a revision of an existing CUP to allow for a firewood ministry accessory use of Westminster Presbyterian Church located at 2000 Oakwood Drive on the southeast corner of Oakwood Drive and South Barneburg Drive within a SFR04 (Single Family Residential – four dwelling units per gross acre) zoning district (371W29BD TL 3700). Applicant, Westminster Presbyterian Church, Barnabas Sprinkle; Planner, Liz Conner.

I would like to encourage the Planning Commission to deny the proposed CUP for a firewood ministry accessory use of Westminster Presbyterian Church located at 2000 Oakwood Dr.

Pursuant to the Medford City Code, section, 10.314, the use of the property at 2000 Oakwood Drive as an Institution (church) is allowed however, the code expressly excludes storage or repair yards or warehouses, cemeteries, etc. See the following sections of the code:

**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).

**6. NONRESIDENTIAL SPECIAL USES**

(c)	Institutional Uses (Schools, Churches, Government Facilities - Excluding Storage or Repair Yards or Warehouses, Cemeteries, etc.)	Cs	10.815-817							
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CITY OF MEDFORD  
EXHIBIT # 0 1 of 15  
File # CUP-18-026

The following code definitions may also apply to this consideration:

**10.010 Definitions**

(10) Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used in this chapter. Merriam-Webster's Collegiate Dictionary, 11th edition, shall be considered as providing ordinarily accepted meanings.

**10.012 Definitions, Specific**

Exterior storage. Outdoor storage of fuel, raw materials, products, and equipment. In the case of lumberyards, exterior storage includes all impervious materials stored outdoors. In the case of truck terminals, exterior storage includes all trucks, truck beds, and truck trailers stored outdoors.

Institutional uses. Public and quasi-public uses such as government offices, fire stations, convention or community centers, auditoriums, post offices, public and private schools and colleges (not including business or commercial schools), libraries, museums, utilities, park-n-ride lots, churches, religious or charitable institutions, facilities for organizations and clubs, and cemeteries, mausoleums, columbariums, and crematories.

Junk, salvage or wrecking yard. A place where waste, discharged or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, or handled, including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building; and not including pawn shops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operative condition, or salvaged materials incidental to manufacturing operations.

Yard. An open, unoccupied space, other than a court, unobstructed from the ground to the sky, between a lot line and building line.

**The proposed conditional use application description is clearly that of an exterior storage of fuel and raw materials (wood) as defined by the Medford City Code. This use is expressly prohibited and this application should be denied.**

Additional comments:

The church contends that operation has been in existence for 38 years. I submit the aerial photographs from the USDA from 2005, 2009, 2012, 2014, and 2016 (see attached). These maps show that the area of disturbance for the wood storage operation has significantly changed since I purchased the home, specifically starting in 2012. The operation as currently operating and proposed in the application far exceeds the historic use of the site and both increases and aggravates the adverse impacts from the operation to nearby properties.

I have the following comments regarding the suggested findings of the planning commission as presented by the applicant:

Traffic – the proposal is inconsistent on the trip generation for the activity. In some places the application indicates 10 trips, 3 trips, and calculations of volunteers suggest more trips. Three trips is not an acceptable transportation trip average because typically trips are “round trip” in nature and each direction counts as a trip. Further traffic analysis is necessary to assess the impact to the road network. No proposed limitations have been placed on this activity.

Access – again, the proposal is inconsistent in the description of the use. The local street is not appropriate for use by multiple truck and trailers. I have personally observed more than 4 truck and trailers on a Saturday parked on the street decreasing view and safety of the neighborhood character (see attached photos).

Parking – the operation does not use the church parking, but instead the street. This type of activity is not residential or institutional in nature. It is not appropriate for the activity. Further, there are no sidewalks in the area and the traffic increases risk of pedestrian and bicycle conflict.

Aesthetics and Neighborhood Visibility – the photos submitted by the applicant are not characteristic of the current condition (see attached photos taken 4/26/18). The wood lot operation is a neighborhood eyesore and is very unattractive. This is especially true of the whole and bucked logs. The volume of the wood onsite is unsightly. The wood is often not stacked and when it is it is, it is only on wood pallets. See attached photos.

Rodent Control – the church is using rodenticide. The Jackson County Vector Control is no longer distributing rodenticide (see <http://jcvcd.org/rat-control/>). They recommend trapping. When rats eat rodenticide, they bleed out internally and seek sources of water. I have a swimming pool and have had an increase in rodents drown in my pool. This has steadily increased since 2012 with the increase in the operation. Additionally, I have experienced infestation of rodents in my house that have died in crawl space from rodenticide. The application admits there is a rodent problem. Approval of a use that increases this problem is unacceptable. Rodents are a disease vector and Oregon has experienced cases of bubonic plague and hanta virus (see [cdc.gov](http://cdc.gov) statistics). Use of rodenticide is also hazardous to people and pets. The church operates a day care and children have an increased risk to exposure as a result of this operation (see <https://www.scientificamerican.com/article/rat-poisons-endanger-10000-children/>). Additionally, the vermin fleeing the property are likely to end up in neighboring yards and poisoning pets (see <https://www.preventivevet.com/pet-emergency-statistics>). The church has not offered to address the impacts of the increased rodents in the broader neighborhood as a direct result of this operation.

Noise – the church indicates that the noise will be from chain saws and equipment. With the exception of downed trees, I have not heard the operation of chainsaws except for the church. Chain saws operate at 120 decibels and this is damaging to hearing. Having several chainsaws is detrimental to hearing. No restrictions have been offered on operation other than daylight hours. See <https://www.chem.purdue.edu/chemsafety/Training/PPETrain/dblevels.htm>  
For more information on chainsaw noise.

Adjacent Uses – these are adequately characterized and this proposal is inconsistent with the general development character of the surrounding area. The history of the wood lot use has significantly changed since 2006 as demonstrated by aerial photography (attached).

"0"  
3 of 15

Previous Land Use Approvals – the church also operates a day care facility. This is not noted in the application. The potential damage to hearing and exposure to increased vermin/rodenticide seem inconsistent with this use (see links above).

Potential Impacts to Livability, Value and Appropriate Development – the applicant claims a minimal impact on livability. As stated in this letter, this is refuted. The operation has changed significantly as evidence in the aerial photographs. The applicant has not provided any evidence to the contrary. I have experienced problems with disease vectors (more than just rodent). I believe this to be directly correlated with the increase wood lot activity at the site. The proposal states it will limit the wood to the height of the photinia (up to 14' at maturity). Unfortunately, the photinia is not full enough to obscure the view. The wood lot operation is also currently not fully enclosed with either photintia and/or fencing. The site is an eye sore from certain approaches. This type of operation is not compatible. There is every reason to expect that this would impact the value of surrounding homes. This use should be located in an appropriately zoned location. Even as an accessory use, it is expressly prohibited in the code. A wood lot is not consistent with residential zoning. *Approving this would open the door for every church to have such an operation.*

Public Benefits – the applicant contends that free wood is a benefit to disadvantaged people. This is a carbon source of heat. The area is in an air quality maintenance area. There are other programs (from the utility companies) that provide heat sources for disadvantaged people. Further, this activity is more appropriate on a properly zoned property. There are several locations near the city that accept large diameter tree waste that do not require long hauls (Ashland, Jacksonville, White City, etc.). This is not a unique benefit to the community.

Approval Criteria – this activity is expressly prohibited by the code and causes significant adverse effects as described herein. The development is not in the public interest and no adequate conditions have been provided.

Mitigation of Impacts – the proposal suggests that the application would provide a public nonprofit service to the community. The church is listed as a religious organization with members through the State of Oregon Secretary of State Corporation Division (Registry #61003-17). It is not listed as a social or public benefit charity. This criteria is not met. The application is not a unique asset or consistent development. There are more suitable locations for the activity.

Additional considerations not addressed in the application:

Disease Vector - in addition to increased rodents, the wood pile attracts other disease vectors. The trees brought in are downed trees and likely have disease. This neighborhood is one of old growth oak trees. The trees being brought into the area are likely to increase the spread of disease to local trees. This is a safety hazard to local residents.

Wildlife - the increase in rodent populations also increases other wildlife to the area. In the past few years, a red tail hawk has taken residence in my neighbor's tree. The hawk could feed on poisoned rodents. Other vermin such as insects, arachnids, small mammals, birds, etc. are increased. The increase in wildlife are also a risk to pets. My own small dog was damaged by wildlife in November 2017, resulting in a flesh necrotizing bacteria and over \$3000 in veterinarian bills and 5 surgical procedures. I believe that the wood lot operations was a likely factor in this incident. The application fails to address any other pest problems besides rodents and inadequately deals with rodents.

Smoke – providing free firewood increases the smoke in the valley. The area is a maintenance area for air quality. Smoke adversely impacts the elderly and youth. The region has a higher than average percentage of

both of these populations. Increasing particulate matter is harmful. It increases respiratory problems. It is also carbon based and contributes to global climate change. Alternative sources should be sought to address the heating challenges for the poor. The local utility providers all have programs for assistance.

Fumes – the operation of chainsaws and gas powered splitters further increases air pollution and fumes in the neighborhood – beyond that of lawn maintenance activities.

Operational considerations – the wood is stacked on wood pallets. The Jackson County Vector Control (at <http://jcvcd.org/rat-control/>) recommends wood be stacked 18" from the ground and 12" away from any building to reduce rodent infestation. A cord of wood is 128 Cubic Feet. A 40' trailer is 2120 cubic feet. The church proposes 150 cords of wood (plus unknown amounts of logs and bucked wood). This is equivalent to 9 tractor trailers. This is not acceptable for a residential area. This is an operation that is commercial in nature and should be on properly zoned industrial lands. The proposal is for a 100'X150' area (by 9' high) this would be a much larger operation than 150 cords.

Visual Impacts – are not consistent with the appearance of the development in the area and does not complement the architecture.

Hours of Operation – are loosely defined and not acceptable.

Conflict – the proposal increases neighborhood conflict as described herein.

Community Benefit – the testimony provided in the application suggests that those benefitting from the wood lot operation are not solely City of Medford residents (none of the beneficiaries were city residents). The burden of this benefit should not be placed on City of Medford SFR4 zoned property.

**I respectfully request that this application be denied.** The church should be encouraged to locate the firewood ministry on land appropriately zoned for this activity.

Attachments:

Aerial Photography Maps 2005, 209, 2012, 2014, 2016  
Site photos taken April 26, 2018  
Photos of Jack's Surgery 2017-2018  
Staging Photos taken February 24, 2018

"0"  
5 of 15

2005 USDA NAIP Imagery



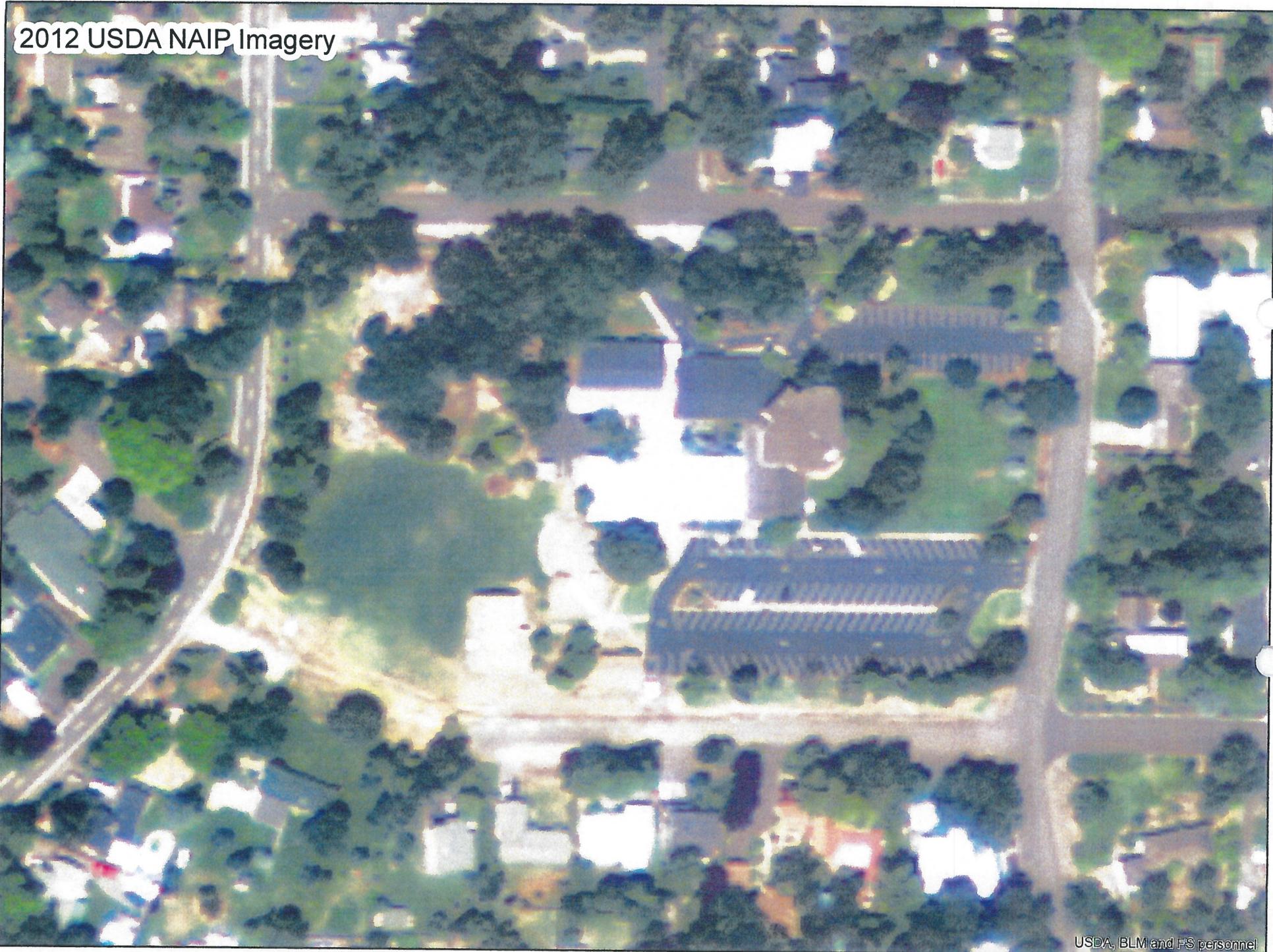
"O"  
6/15

2009 USDA NAIP Imagery



11'0"  
7 of 15

2012 USDA NAIP Imagery



Page 127

USDA, BLM and FS personnel

Dr  
9/15/15

2014 USDA NAIP Imagery



Page 128

USDA - APFO; USDA - USFS - RSAC

11:01  
9/2/15

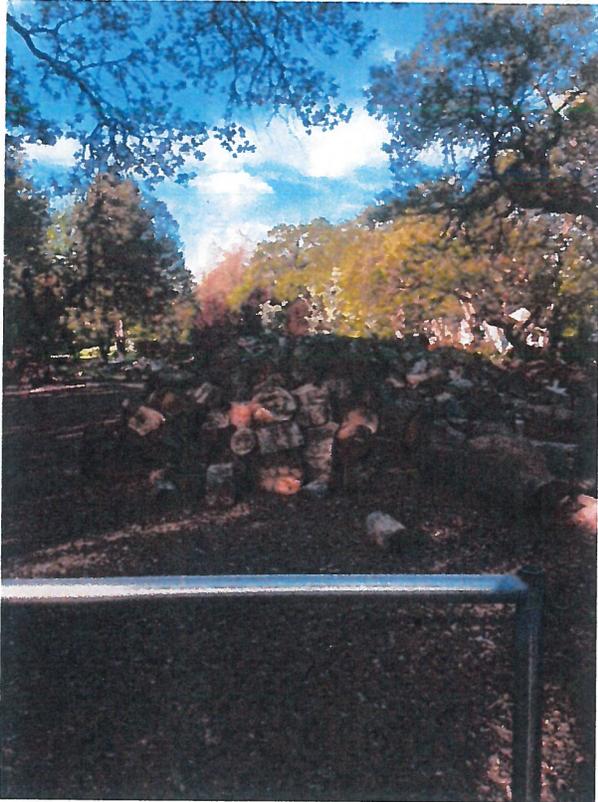
2016 USDA NAIP Imagery



Page 129

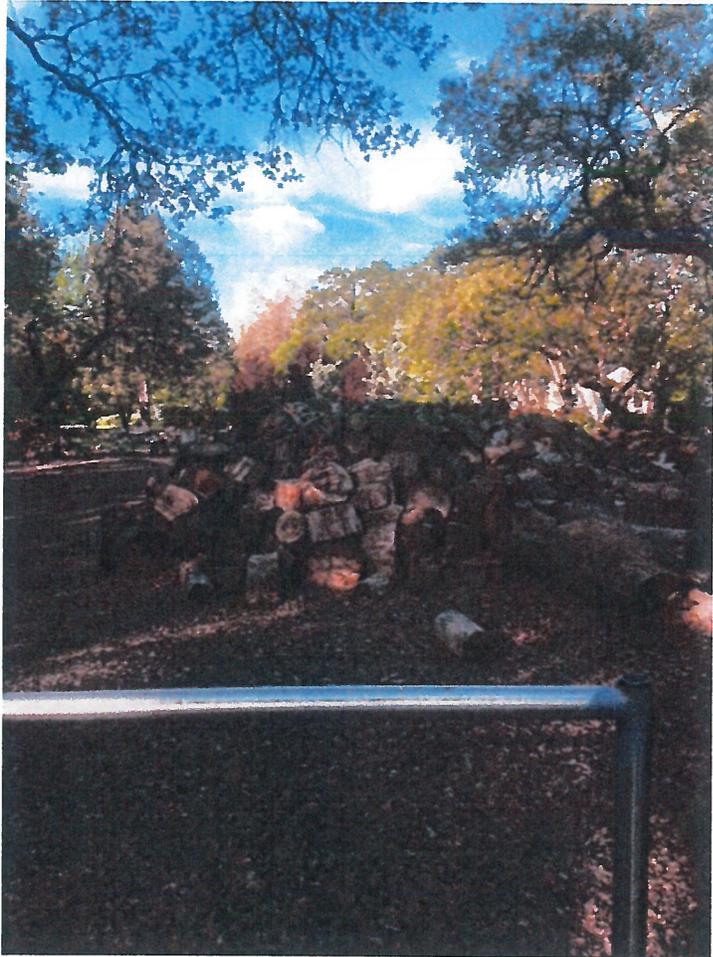
USDA-FSA-APFO

01/15



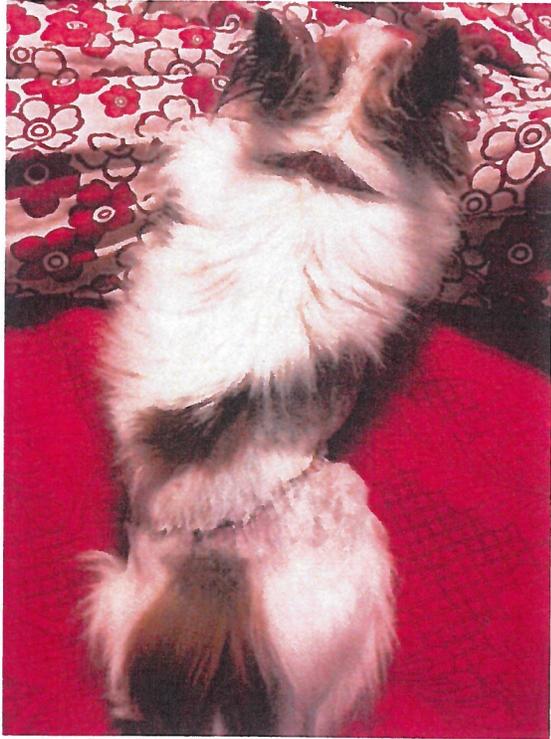
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11 of 15





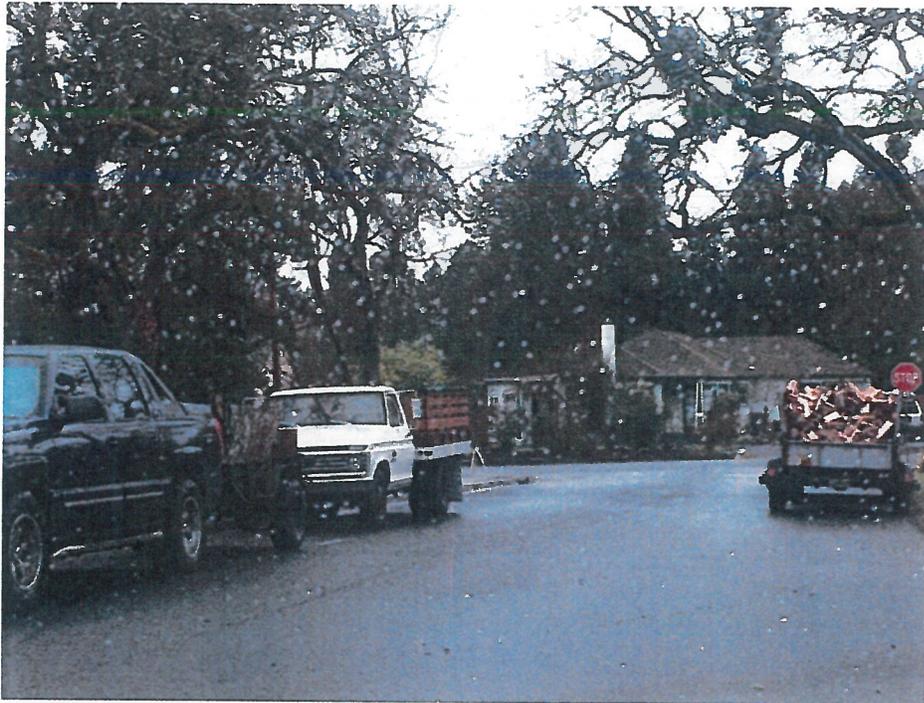
Jack Surgical Photos – Wildlife Conflict, Necrotizing Bacteria





"O"  
14 of 15

February 24, 2018



10  
15 of 15



City of Medford  
Planning Department

Vicinity  
Map

File Number:  
**CUP-18-026**



Project Name:  
**Project Warm  
Firewood Ministry**

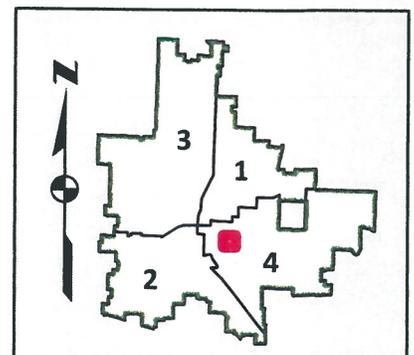
Map/Taxlot:  
**371W29BD TL 3700**



03/16/2018

**Legend**

-  Subject Area
-  Medford Zoning
-  Tax Lots



# Westminster Presbyterian Project Warm CUP-18-026



Planning Commission  
April 26, 2018  
Liz Conner, Planner II

CITY OF MEDFORD  
EXHIBIT # 3  
File # CUP-18-026  
APPEAR

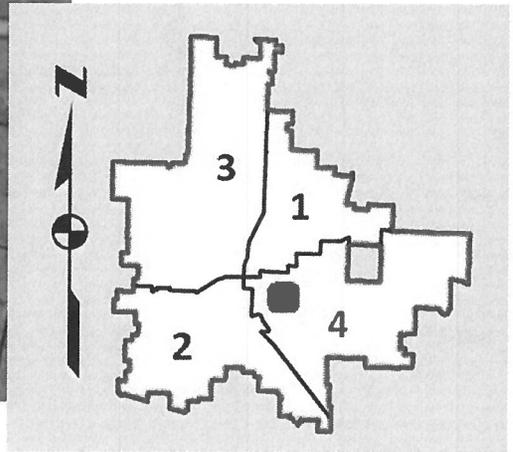
# **CONDITIONAL USE PERMIT CRITERIA**

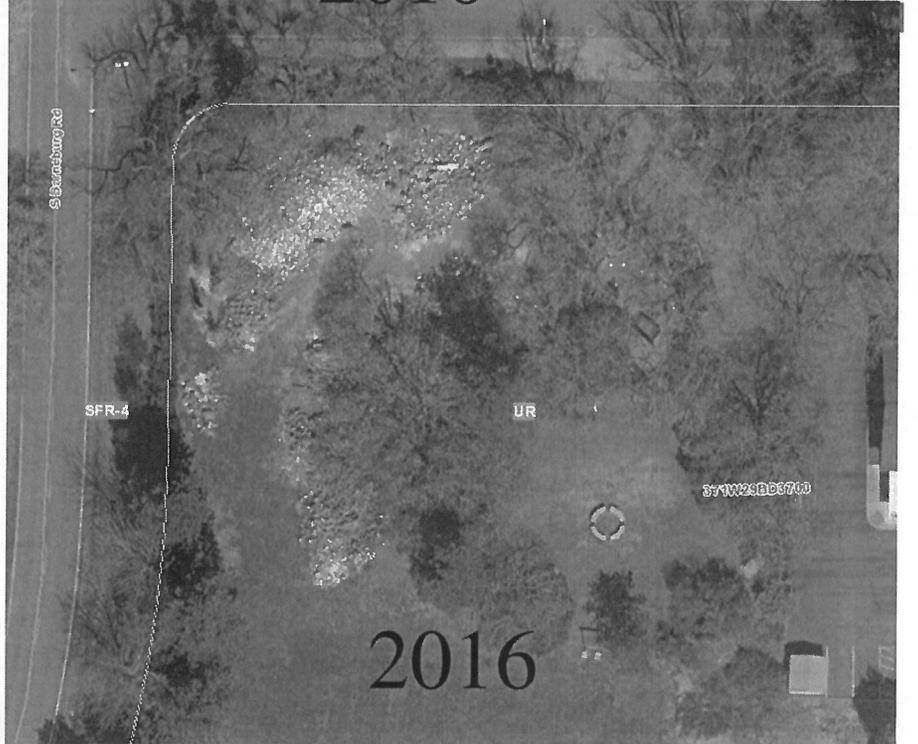
## **MLDC 10.248**

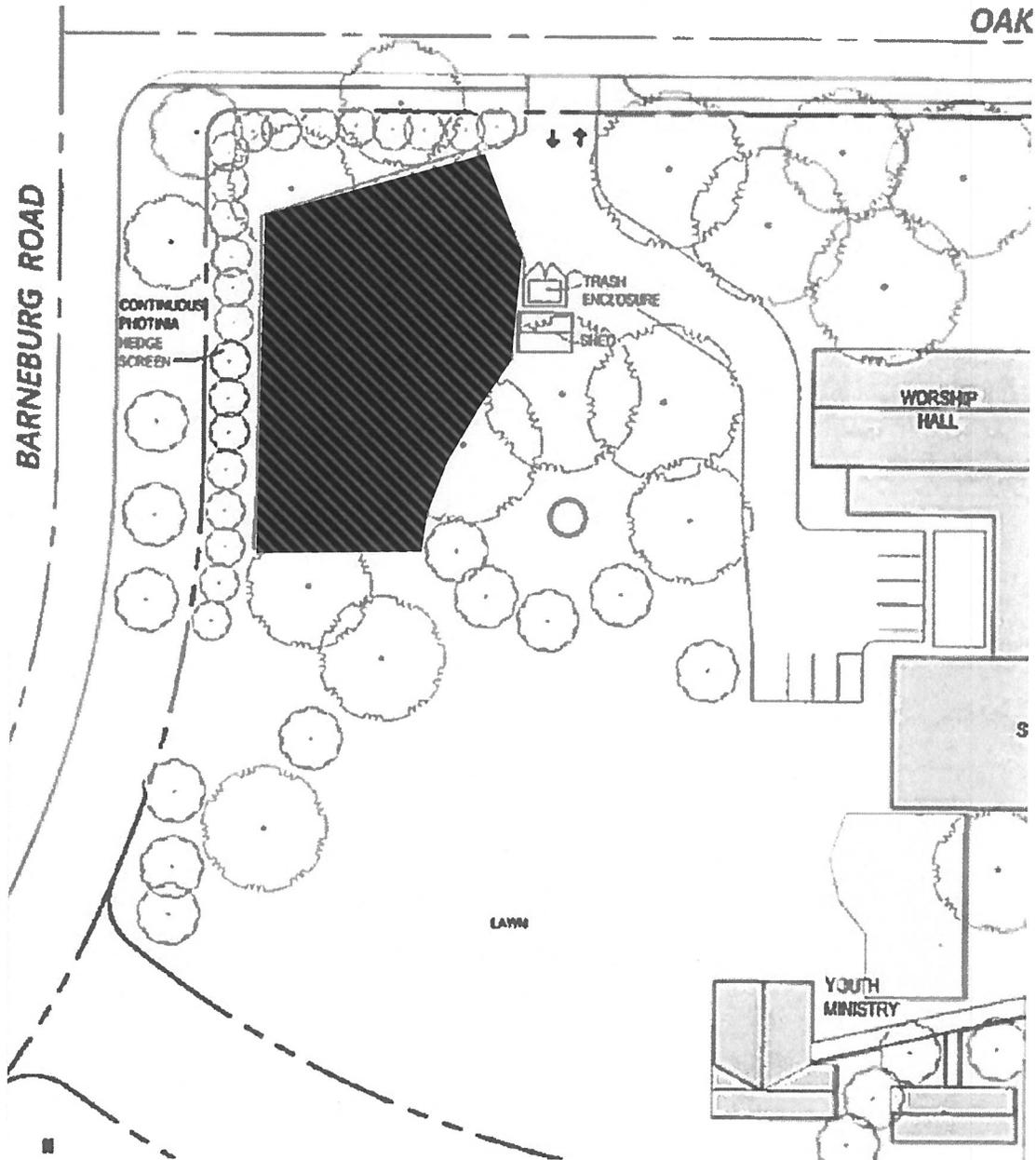
1. The proposal will cause no significant adverse impact when compared to the impacts of development that is not classified as conditional.
2. The development proposal is in the public interest and conditions have been imposed by the Planning Commission to produce a balance between the conflicting interests.

## Project Warm Background

- Zoned SFR-4 (Single Family Residential, 4 DU/GA)
- Westminster Presbyterian Church CUP from 1972
- Project Warm operating for 38
- October 31, 2017 Code Enforcement complaint
  - Rodents
  - Compatibility with neighborhood
  - Suitability with zoning













# Neighborhood Impacts & Mitigation

- **Aesthetics and Visibility**
  - View Obscuring Fence behind hedge
  - Limit stack height
- **Rodent Control**
  - Retain a contract with professional exterminator
- **Noise**
  - Refrain from violating MMC 5.225

# Alternative Mitigation Options

- Setback to property lines
- Complete vegetation screening
- Quantity limit

# Recommended Action

## APPROVAL

Adopt the findings as modified by staff, find that the proposal meets the criterion at MLDC 10.248(2) and direct staff to prepare the final order for approval of CUP-18-026 per the staff report dated April 19, 2018, including Exhibits A through M.

# **QUESTIONS FOR STAFF?**



Planning Commission

Minutes

From Public Hearing on April 26, 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
- Joe Foley
- Bill Mansfield
- Mark McKechnie
- E.J. McManus
- Alex Poythress

Staff Present

- Kelly Akin, Assistant Planning Director
- Eric Mitton, Deputy City Attorney
- Alex Georgevitch, City Engineer
- Greg Kleinberg, Fire Marshal
- Terri Rozzana, Recording Secretary
- Dustin Severs, Planner III
- Liz Conner, Planner II

Commissioners Absent

- David Culbertson, Excused Absence
- Jared Pulver, Excused Absence

10. Roll Call

20. Consent Calendar/Written Communications.

20.1 **ZC-18-018** Final Order for a request for a zone change of a 0.88-acre parcel located at 2131 W Main Street from Community Commercial (C-C) to Heavy Commercial (C-H) (372W26DA TL 400). (Marigold Enterprises, LLC, Applicant; Rogue Planning & Development Services, Agent; Dustin Severs, Planner).

20.2 **LDP-18-015** Final Order for a request for tentative plat approval of a proposed three-lot partition on a 0.45-acre parcel located at 403 North Ross Lane within the SFR-6 (Single-Family Residential – 4 to 6 dwelling units per gross acre) zoning district (372W26AA 3900). (Craig Horton, Applicant; Richard Stevens & Associates, Agent; Steffen Roennfeldt, Planner).

Motion: The Planning Commission adopted the consent calendar as submitted.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Foley

Voice Vote: Motion passed, 6–1, with Commissioner McKechnie opposing.

30. Minutes

30.1. The minutes for April 12, 2018, were approved as submitted.

CITY OF MEDFORD  
EXHIBIT # A  
File # CUP-18-026  
APPEAL

The applicant is asking for the Exception because he was concerned about the full street dedication because it would push the dedicated right-of-way and the PUE almost to the face of the building in the center and the one on the corner. Currently, the center parcel building has diagonal parking and a handicap space. The main access to Spectrum/Charter has a lot of drive up traffic. With the dedication it would remove that area if future development were done; it would block off the front of the building and the through access through the site. The applicant is willing to provide a reciprocal access easement across the three parcels and the adjoining subdivision lots to the south to keep the access opened to all the buildings.

Mr. Kampmann reserved rebuttal time.

The Public Hearing was closed.

Motion: The Planning Commission adopts the findings as recommended by staff and directs staff to prepare the Final Orders for approval of LDP-17-165 and E-17-164 per the staff report dated April 19, 2018, including Exhibits A through J and replacing Exhibit F with Exhibit F-1.

Moved by: Vice Chair McFadden

Seconded by: Commissioner McKechnie

Roll Call Vote: Motion passed, 7-0.

**50.3 CUP-18-026** Consideration for a revision of an existing CUP to allow for a firewood ministry accessory use of Westminster Presbyterian Church located at 2000 Oakwood Drive on the southeast corner of Oakwood Drive and South Barneburg Drive within a SFR-4 (Single Family Residential – four dwelling units per gross acre) zoning district (371W29BD TL 3700). Applicant, Westminster Presbyterian Church, Barnabas Sprinkle; Planner, Liz Conner.

Chair Miranda inquired whether any Commissioners have a conflict of interest or ex-parte communication they would like to disclose. Vice Chair McFadden disclosed that he had correspondence with staff about this application and drove by the site to look at it which he does not usually do. He told staff he would be happy to announce that. He is well aware of the property and the Boy Scouts was actually on the property many times and this church is very good to working the community which deserves support.

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

Liz Conner, Planner II, stated that the Planning Commission received emails that included exhibits K, L, M and O. Those were received after the agenda packet was published. The Conditional Use Permit criteria can be found in the Medford Land Development Code

Section 10.248. The applicable criteria were addressed in the staff report, property owner notices and hard copies are available at the entrance of Council Chambers for those in attendance. Ms. Conner gave a staff report.

Commissioner Poythress asked, the church provided documentation that they retained an exterminator; was that before or after the complaint on rodents? Ms. Conner stated the church provided the documentation after the complaint.

Commissioner McKechnie is confused about staff's recommendation. Is staff recommending that the Conditional Use Permit be approved with mitigation conditions for the screen fence inside and limiting the height of the wood piles? Ms. Conner reported that staff has been working with Code Enforcement to decide what is the best way to enforce the conditions. The fence does limit the expansion of the wood pile. It is sight obscuring. Limiting the height of wood stacked is mitigating the aesthetics for the neighborhood. Staff is recommending approving the Conditional Use Permit with those conditions. They are enforceable by Code Enforcement.

Commissioner McKechnie does not see the conditions in the documentation presented. Ms. Conner stated the conditions are referenced in Exhibit A, page 97 of the agenda packet.

The Public Hearing was opened.

a. Barnabas Sprinkle, Westminster Presbyterian Church, 2000 Oakwood Drive, Medford, Oregon, 97504. Mr. Sprinkle stated they have been running this ministry for 38 years and they assumed it was part of their permits that they already have. After the complaint the City told them they needed a separate permit.

The process is that they receive donated trees. Eight to twelve volunteers run the ministry, chop the trees and stack the wood so it is seasoned. The next year they donate the wood based on the people calling and drive the wood to their location. They have done 192 truckloads this year. It represents over 100 families.

They have been working with City staff to make it work. They have had rodent service for years.

They planted a hedge. They are happy to limit the height and area. It will cost approximately \$10 to 12 thousand for a fence that they cannot afford. It would go behind the hedge that is already there. They suggested installing a wooden gate across the open gate.

Mr. Sprinkle reserved rebuttal time.

b. Philip Yates, 126 North 1<sup>st</sup> Street, Talent, Oregon, 97540. Mr. Yates works for Access and they recommended approximately 115 households to the Project Warm program because their only form of major heat was wood heat. The need continues. This is a gift to the community.

c. Ralph Henney, 1918 Oregon Avenue, Medford, Oregon, 97504. Mr. Henney is one of the volunteers at the wood lot. There are neighbors that walk their pets through the wood lot. If the area is closed off with a fence they will not be able to enjoy the lot. The hedge is doing what it is supposed to.

d. Catherine Dauterman, 2101 Oakwood Drive, Medford, Oregon, 97504. Ms. Dauterman lives across the street from the church. She has lived there 13 years and has never seen a rodent. They are great neighbors.

e. Dan Mapes, P. O. Box 1224, Shady Cove, Oregon, 97539. Mr. Mapes is part of the wood program and has been for 20 years. He has never had a complaint from anyone in the community or the surrounding neighborhoods about the wood operation.

f. Ken Newcomb, 777 Mendolia Way, Central Point, Oregon, 97502. Mr. Newcomb is an occasional volunteer with Project Warm. This project is needed in the community. Staff raised noise control. The volunteers are only active Tuesday and Thursday mornings. Rodents are a community wide issue.

g. Susan Lee, 34 Glen Oak Court, Medford, Oregon, 97504. Ms. Lee is before the Commission to request they deny the application. City Code Section 10.314 prohibits this type of activity in the neighborhood. While it allows schools, churches and government facilities it references exclusion to storage, repair yards or warehouses. In Code Section 10.012 exterior storage is defined as outdoor storage of fuel, raw materials, products and equipment. In the case of lumberyards, exterior storage includes all impervious materials stored outdoors. In the case of truck terminals, exterior storage includes all trucks, truck beds, and truck trailers stored outdoors.

Staff has indicated on page 91 of the agenda packet that processing wood products is not a permissible use in any residential zone. However, staff found this ministry to be akin to a food bank which is commonly associated with religious institutions.

If the Commission approves this they are setting a precedent that every church in the community could have this or similar activities outdoors.

There have been a lot of comments regarding these issues. There are other issues she submitted written testimony with regards to that. She encouraged the Commission to read it.

She has had an increase in rodent population in her neighborhood.

h. Peter Noyes, 20 S. Barneburg Road, Medford, Oregon, 97504. Mr. Noyes has donated his services for physical examinations for the Boy Scouts and have helped them in their Fall Festival for the community. This church is doing a wonderful thing. It makes him upset to hear someone say what a horrible thing they are doing.

Mr. Mitton addressed Code Section 10.314 stating the respectfully he believes Ms. Lee is misreading that provision. One cannot have a property in an SFR-4 zone owned by a church where its primary use was exterior storage. As an accessory use to their predominant use that is subordinate to their predominate use that is different. Code Section 10.314(6) excludes warehouses. If it was read that any sort of warehouse use no matter how subordinate to a church is prohibited in a church that would mean that no church can have a single room set aside for holding food to distribute to the needy. He does not think the Code was ever meant to do. He does not think a church could build a warehouse on its own lot in a residential zone and have it as a food distribution center. It is legally proper to approve this as part of the Conditional Use Permit that the church already has. It is subordinate to the overall church operation.

In terms of visual screening, the most important thing is that there be a clear record of what is considered a sufficient screen and what is not. Code Enforcement needs guidance as to how much of a screen meets the standard of a Conditional Use Permit modification and how much is insufficient. Right now the record states there are gaps in the Photinia. Mr. Mitton recommended making specific findings if the Photinia is to be the approved screen, such as gaps up to 24 inches are acceptable or Photinia in the current density as shown in the presented photographs. The Commission has heard discussion of both fence screening on the outside of the parcel and encircling the wood lot. It would be important to clarify whether the fence needs to completely encircle or on the exterior is sufficient to meet the conditions. All these are discretionary conditions.

Kelly Akin, Assistant Planning Director, requested Mr. Mitton address precedence. Mr. Mitton stated that there was a concern raised about setting precedent. Precedent is an issue that weighs in on court proceedings. When a statute has been interpreted one way a court cannot go against that unless a higher court states that is not what the statute means. A board like this is not bound by this. These are case by case determinations. If there is a decision this evening that this particular wood pile is permissible that is driven by the facts of this application, it does not mean this Commission has to approve every Conditional Use Permit for every church going forward.

Mr. Noyes asked, is there a law or order on the books in Medford, that a wood pile has to have a fence around it or has to be obscured from view? Mr. Mitton reported there is not rule that every single wood pile has to have a fence. When there is a situation that is

outside traditional SFR-4 usage this Commission has a broad discretion what conditions may mitigate those impacts in visual mitigation.

Mr. Sprinkle agrees with everything that Mr. Mitton has spoken about. The hedge will take a while to grow and fill in the gaps. They are 90% there now. There are two large gaps that has the plants but will probably take two years to fill in. He wants it to look good but not cost thousands of dollars.

Commissioner McKechnie asked, what is the language that states that a Site Plan Architectural Commission review requirement is that the landscaping needs to be 85% grown out within three years? Ms. Akin reported that the landscape code requires that living plants cover 80% of the planted area within 8 years. That includes ground cover and everything.

Commissioner Foley asked, is there verbiage the Commission can create for Code Enforcement to work with besides the 8/80 rule? Ms. Akin stated that the 8/80 rule does not have anything to do with being view obscuring. It has to do with covering an area. There is nothing in the Code that would provide guidance. She likes the idea of gap measurement because it is specific. When writing the conditions staff proposed the fence because plants die. This included a height of 6 feet for fencing and that the height of the wood stacking should not exceed the height of the screening. Photinias get big. If the Commission does not want to require the fence they may want to contemplate a stack height limit for the wood, something measurable so that the volunteers at the church and Code Enforcement knows.

Commissioner Foley asked, how do they build into the motion that the wood stack cannot get any bigger than what it is now? Mr. Mitton reported there is a broad discretion in terms if part of it was setting either a certain number of square footage or a certain hashed out area. He does not know if the current hashed out area is realistic or not. That is a potential condition that can be imposed. They cannot cover the entire lot. It has to be within a certain area. That could be accomplished with a square foot measurement or a map.

Chair Miranda stated that it is his opinion that the photographs that were presented would be a good snapshot in time to freeze it at.

Chair Miranda asked, what is the church's average wood height? Mr. Sprinkle replied that it is currently at 6 feet.

Commissioner McManus asked, does Mr. Sprinkle consider reducing the firewood area? Mr. Sprinkle replied that he is happy to keep it the way it is now. He does not want to encroach into the field that the youth and neighborhood uses or their fire pit area.

i. Tom Venables, City of Medford Police, Supervising Code Enforcement. Mr. Venables encourage the Planning Commission to set specific parameters for Code Enforcement.

The Public Hearing was closed.

Motion: The Planning Commission adopts the findings as modified by staff, finds that the proposal meets the criterion at MLDC 10.248(2) and directs staff to prepare a Final Order for approval of CUP-18-026 per the staff report dated April 19, 2018, including Exhibits A through O.

1. Require a fence along the north side of the wood lot and that the gate into the wood lot be a solid gate.
2. The Photinia hedge on the frontage along Barneburg be kept at a height less than 8-feet at full growth.
3. The height of the stack wood shall not exceed 6-feet.
4. Maintain professional exterminator and in his opinion traps. The church to fill in the gaps as the Photinia develops.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Mansfield

Mr. Mitton restated the motion for the record as:

Motion: The Planning Commission adopts the findings as modified by staff, finds that the proposal meets the criterion at MLDC 10.248(2) and directs staff to prepare a Final Order for approval of CUP-18-026 per the staff report dated April 19, 2018, including Exhibits A through O.

1. A fence would be required only along the north side and the gate to the wood lot would be a solid gate.
2. The Photinia hedge along would be used along Barneburg and the height would be kept at a height less than 8-feet when full grown. There was not minimum height specified. The church would use their best efforts to fill in gaps.
3. The height of the stacked wood shall not exceed 6-feet.
4. The church shall maintain a professional exterminator. The comment about traps was part of a discussion not a part of the motion and no condition as to the square footage of it.
5. There was no mention of the noise ordinance. That was not part of the motion.

Motion to Amend: Remove the requirement for the fence and gate.

Moved by: Commissioner Mansfield

Seconded by: Commissioner McKechnie

Vice Chair McFadden does not have a problem with the amended motion, however, he thinks they would want to add a section stating that the planting of the Photinia hedge should be an on-going process when there are gaps.

Commissioner McKechnie added language that would help. That there be no gaps greater than 24 inches in the hedge within 24 months of the approval of the conditional use permit. Commissioner Mansfield will include that in his motion to amend.

Commissioner Mansfield clarified that the Planning Commission on the motion to amend will be deciding whether they want to require a fence and gate or not. If they do not require a fence and gate there will not be permitted any gaps greater than 24 inches.

Commissioner Foley stated that Commissioner McKechnie had a two-year limit. Should there also be something in the motion if part of the hedge dies and there is a gap? How do they deal with that? Mr. Mitton replied that as it was stated he heard no gaps greater than 24 inches within 24 months. That requirement would still exist 36 months from now. It is in perpetuity.

Mr. Mitton encouraged the Planning Commission to review "best efforts". If there was a single provision that would be hardest for Code Enforcement officers to decide would be whether there was "best efforts" involved. He recommended that they look at objective criteria. As part of an amendment if they have the 24 inches within 24 months they could remove "best efforts" because there is a measurement that the applicant has to meet.

Chair Miranda's thoughts regarding the fence is that he does disagree with putting the fence in but agrees with putting the gate in.

Commissioner Mansfield replied that could be a separate motion if the amended motion fails.

Commissioner McKechnie does not know what a solid gate is going to do without a solid fence to go with it. That is pointless. A solid fence draws more attention than the Photinia hedge. It looks more residential.

Chair Miranda commented that the area of coverage is approximately one-third of an acre. It should be stipulate that the wood stack should not be allowed to grow beyond that.

Commissioner Mansfield stated that he believed the entire Commission agrees with that. The difference right now is whether or not to keep the fence and gate or eliminate the fence and gate.

Mr. Mitton reported that the current issue is the amendment on whether to remove the fencing requirement from the main motion.

Commissioner Foley stated there were two parts of that amendment.

Chair Miranda replied that the motion was to remove the fencing requirement and gate from the amendment and add the language no gaps greater than 24 inches in the hedge within 24 months.

Roll Call Vote for the Amendment: Motion passed, 7-0.

Commissioner McKechnie does not think the Planning Commission needs to be that controlling regarding the exterminator. He commends removing that condition.

Chair Miranda does not disagree with Commissioner McKechnie but by the admission of those responsible they are going to maintain that anyway.

Friendly Amendment to the Main Motion made by Commissioner McKechnie: Remove the rodent control requirement. Vice Chair McFadden agreed to the friendly amendment.

Friendly Amendment to the Main Motion made by Commissioner McKechnie: A minimum height of 6-feet for the Photinia hedge. Vice Chair McFadden agrees with the friendly amendment.

Mr. Mitton restated the conditions of motion:

The discretionary criteria are vegetation screen no less than 6 feet, no more than 8 feet and no gaps greater than 24 inches within 24 months from the approval of the conditional use permit.

The height of the stacked wood will not exceed 6 feet.

Remove of the professional exterminator through a friendly amendment.

There is no condition as to the square footage. That was decided not to add that.

There is still the "best efforts" provision as an administration matter. That was part of the 24 inches within 24 months.

Ms. Akin stated the notes she has are as follows:

Delete the first condition that requires the fence.

The second condition was intended to maintain in good condition the vegetation as long as the project is active. That answers the question if the hedge fails.

The height of the Photinia is limited to 6 to 8 feet in height.

The wood was limited to 6 feet.

The fourth condition regarding the pest control was removed.

Mr. Mitton responded that the fifth condition was never a part of it to begin with. Ms. Akin replied it is a code requirement.

Commissioner McKecknie wanted to make it clear that the Planning Commission is not giving a thumbs up or thumbs down on the wood industry. It has been there for 38 years. His suspicion is the church has volunteers with splitting wood and has gone beyond anyone's expectations. He urged the church to reevaluate that on an annual basis that maybe this has gotten way beyond what is appropriate for an in town neighborhood. Realizing that they have 5 acres and have plenty of room to do this but they are busting up around the edges. Maybe this would work just as well if it was out in a spot in the County that does all this kind of stuff. If the ministry is the same and doing the same delivery to everybody it does not happen to be around the church.

Commissioner Mansfield believes that Susan Lee's comments have some value. One of the main functions of a City and the reason he lives in one is to be free of things like chickens and marijuana and all those kinds of things that are objectionable to him. He respects her position but in this case he has to balance the gravity of the harm versus the utility of the use and the utility of the use is extremely strong in his mind. He is required to vote yes on this matter.

Commissioner McKecknie is in agreement with Commissioner Mansfield. He thinks the concerns of the other neighbors are heard by this body but given the overall good works the Commission has done something that will lessen the negative impacts.

Roll Call Vote on Main Motion: Motion passed, 7-0.

## 60. Reports

### 60.1 Site Plan and Architectural Commission.

Ms. Akin reported that the Site Plan and Architectural Commission met Friday, April 20, 2018. They heard and approved a proposal for the construction of a 13-unit, multiple-family complex on approximately 0.51 acres, along with an Exception request for a cross-access easement and pedestrian connectivity. The property is located east of South Peach Street, approximately 130 feet south of Stewart Avenue within the C-C (Community Commercial) zoning district.

### 60.2 Report of the Joint Transportation Subcommittee.

Chair Miranda reported that the Joint Transportation Subcommittee met Wednesday, April 25, 2018. There were three items of discussion. The first item was a

summary/discussion/presentation of the Bicycle and Pedestrian Advisory Committee (BPAC). A lot of good information that talked in depth about level of service and bike facilities.

The second item was to provide direction regarding the NATO recommendation for all ability and ages documentation incorporating that into the Transportation System Plan. There was a lot of good discussion.

The third discussion was an open forum regarding the project prioritization. They went over previous discussions.

### **60.3 Planning Department**

Kelly Akin, Assistant Planning Director, thanked the Planning Commission for their work on the last agenda item. It was not an easy decision. She appreciates all their thoughts and words. It is helpful.

The next Planning Commission study session is scheduled for Monday, May 14, 2018. Discussion will be on SB1051 which is a housing bill.

City Council is hearing SB1051 this evening. Also on their agenda for this evening is last year the Planning Commission made a recommendation to the City Council on revisions to Article II which is a procedural section of the Medford Land Development Code. The City Council set it aside. There was not a lot of substantive changes that were proposed. A lot of it was changed around. That is back before the City Council. It is how staff functions working through the new UGB code amendments.

Last week the City Council had cleanup work from the meeting they did not have. They approved the GLUP map amendment for Airport Road that the Planning Commission recommended. They approved the street vacation for Evergreen. They vacated the westerly half of Evergreen between Third and Fourth. It was 25-feet for pedestrian facilities. They also had Neighborhood Stabilization Program (NSP) Grants. They City is partnering with Habitat for Humanity on three different properties. The City will purchase repossessed homes and rehabilitate them and put them back in the community.

Coming up in May for the City Council May is National Historic Preservation month so the Mayor will read a proclamation. Also, there is a substantial amendment to the Community Development Block Grant action plan.

The Planning Commission has business scheduled for Thursday, May 10, 2018, Thursday, May 24, 2018 and Thursday June 14, 2018.

Staff send an email last week regarding the Southern Oregon Planners Network meeting. Chair Miranda has RSVP'd. It is May 9<sup>th</sup> and 10<sup>th</sup>. Ms. Akin encouraged the Commission

to attend especially the evening session on Wednesday regarding Land Use 101. If any Commissioners are interested please let staff know so that they can be registered.

70. Messages and Papers from the Chair.

70.1 Chair Miranda reiterated what Ms. Akin stated earlier about tonight's last public hearing. He appreciates the guidance and input from the Commission. It goes a long way in helping them make intellectual decisions and what works for the City and its people.

80. Remarks from the City Attorney.

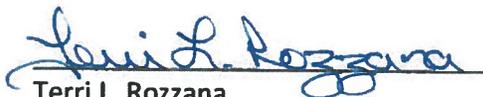
80.1 Mr. Mitton added that it was a difficult discussion. He appreciates all the discussion and commentary. Planning staff has worked hard on that public hearing and put in a lot of time meeting with both sides of the issue trying to come up with proposals. After all that work there was serious scrutiny and discussion to make a good decision based on a good record. He thanked the Commission and Planning staff for everything they have done.

90. Propositions and Remarks from the Commission. None.

100. Adjournment

The meeting was adjourned at 7:45 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:



Terri L. Rozzana  
Recording Secretary



Patrick Miranda  
Planning Commission Chair

Approved: May 10, 2018



# Planning Commission Minutes

From Public Hearing on **May 10, 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  
Jared Pulver

**Staff Present**

Kelly Akin, Assistant Planning Director  
Eric Mitton, Deputy City Attorney  
Alex Georgevitch, City Engineer  
Terri Rozzana, Recording Secretary  
Dustin Severs, Planner III

**Commissioners Absent**

Mark McKechnie, Excused Absence  
E.J. McManus, Excused Absence  
Alex Poythress, Excused Absence

10. **Roll Call**

20. **Consent Calendar/Written Communications.**

**20.1 LDP-18-023** Final Order of a request for tentative plat approval of a proposed three-lot partition on a 42.4-acre parcel located at 3202 Cheltenham Way within the SFR-6 (Single-Family Residential, six dwelling units per gross acre) and the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning districts (371W081101); Applicant: Delta Waters Properties, LLC; Agent: CSA Planning Ltd.; Planner: Dustin Severs.

**20.2 LDP-17-165 / E-17-164** Final Orders of a request for tentative plat approval for a proposed three lot partition with an Exception to standard street improvements on 1.73 acres located at the southeasterly corner of South Riverside Avenue and Earhart Street within the C-H (Heavy Commercial) zoning district (371W30DB TL 8800). Applicant: Hamlin Properties, LLC; Agent: Polaris Land Surveying, LLC; Planner: Liz Conner.

**20.3 CUP-18-026** Final Order for a revision of an existing CUP to allow for a firewood ministry accessory use of Westminster Presbyterian Church located at 2000 Oakwood Drive on the southeast corner of Oakwood Drive and South Barneburg Drive within a SFR-4 (Single Family Residential – four dwelling units per gross acre) zoning district (371W29BD TL 3700). Applicant: Westminster Presbyterian Church, Barnabas Sprinkle; Planner: Liz Conner.

CITY OF MEDFORD  
EXHIBIT # 5  
File # CUP-18-026  
APPEAL

**20.4 LDS-16-044** Consideration of request for a time extension for High Cedars Subdivision, a 176-lot residential subdivision on 116.58 acres located on the south side of Cedar Links Drive, approximately 1,000 feet west of Foothill Drive within the SFR-4/PD (Single Family Residential, four dwellings per gross acre/Planned Unit Development Overlay) zone district. Applicant: Cedar Investment Group LLC; Agent: CSA Planning, Ltd.; Planner: Kelly Akin.

Motion: The Planning Commission adopted the consent calendar as submitted.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Foley

Voice Vote: Motion passed, 6–0.

30. Minutes

30.1. The minutes for April 26, 2018, were approved as submitted.

40. Oral and Written Requests and Communications. None.

Eric Mitton, Deputy City Attorney, read the Quasi-Judicial Statement.

50. Public Hearings – New Business

**50.1 LDP-18-028** Consideration of a request for tentative plat approval of a proposed two-lot partition on a 0.44-acre parcel located at 2815 Lone Pine Road within the SFR-4 (Single-Family Residential, four dwelling units per gross acre) zoning district (371W17DD1400); Applicant: Tom Gaffey; Agent: Hoffbuhr & Associates Inc.; Planner: Dustin Severs.

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.

Dustin Severs, Planner III, stated that the land division criteria can be found in the Medford Land Development Code Section 10.270. The applicable criteria were addressed in the staff report, property owner notices and hard copies are available at the entrance of Council Chambers for those in attendance. Mr. Severs gave a staff report.

The Public Hearing was opened.

a. Mike Savage, CSA Planning Ltd., 4497 Brownridge Terrace, Suite 101, Medford, Oregon, 97504. David Minnici with Hoffbuhr and Associates, Inc., had a scheduling conflict and requested that CSA Planning, Ltd., step in at the last minute.

05/25/18

I am requesting an appeal of PC.  
CUP-18-026, decided May 10, 2018  
and mailed on 05/11/18.

I have standing based on my  
written and oral testimony at  
the April 26, 2018 planning commission.

My appeal is based on the  
contents of my oral and written  
testimony and all materials written or  
presented at the public hearing  
by myself, staff, applicants, planning  
commissioners, and the taped record  
of the same. Also correspondence  
between myself and city staff on  
this matter.

Susan Lee

Susan Lee

34 Glen Oak Ct.

Medford OR 97504

541 326 2794 (cell)

**RECEIVED**

MAY 25 2018

CITY OF MEDFORD  
CITY RECORDERS OFFICE



## Planning Commission

# Minutes

From Public Hearing on April 26, 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  
Joe Foley  
Bill Mansfield  
Mark McKechnie  
E.J. McManus  
Alex Poythress

### Staff Present

Kelly Akin, Assistant Planning Director  
Eric Mitton, Deputy City Attorney  
Alex Georgevitch, City Engineer  
Greg Kleinberg, Fire Marshal  
Terri Rozzana, Recording Secretary  
Dustin Severs, Planner III  
Liz Conner, Planner II

### Commissioners Absent

David Culbertson, Excused Absence  
Jared Pulver, Excused Absence

### 10. Roll Call

### 20. Consent Calendar/Written Communications.

**20.1 ZC-18-018** Final Order for a request for a zone change of a 0.88-acre parcel located at 2131 W Main Street from Community Commercial (C-C) to Heavy Commercial (C-H) (372W26DA TL 400). (Marigold Enterprises, LLC, Applicant; Rogue Planning & Development Services, Agent; Dustin Severs, Planner).

**20.2 LDP-18-015** Final Order for a request for tentative plat approval of a proposed three-lot partition on a 0.45-acre parcel located at 403 North Ross Lane within the SFR-6 (Single-Family Residential – 4 to 6 dwelling units per gross acre) zoning district (372W26AA 3900). (Craig Horton, Applicant; Richard Stevens & Associates, Agent; Steffen Roennfeldt, Planner).

Motion: The Planning Commission adopted the consent calendar as submitted.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Foley

Voice Vote: Motion passed, 6–1, with Commissioner McKechnie opposing.

### 30. Minutes

**30.1.** The minutes for April 12, 2018, were approved as submitted.

b. Philip Yates, 126 North 1<sup>st</sup> Street, Talent, Oregon, 97540. Mr. Yates works for Access and they recommended approximately 115 households to the Project Warm program because their only form of major heat was wood heat. The need continues. This is a gift to the community.

c. Ralph Henney, 1918 Oregon Avenue, Medford, Oregon, 97504. Mr. Henney is one of the volunteers at the wood lot. There are neighbors that walk their pets through the wood lot. If the area is closed off with a fence they will not be able to enjoy the lot. The hedge is doing what it is supposed to.

d. Catherine Dauterman, 2101 Oakwood Drive, Medford, Oregon, 97504. Ms. Dauterman lives across the street from the church. She has lived there 13 years and has never seen a rodent. They are great neighbors.

e. Dan Mapes, P. O. Box 1224, Shady Cove, Oregon, 97539. Mr. Mapes is part of the wood program and has been for 20 years. He has never had a complaint from anyone in the community or the surrounding neighborhoods about the wood operation.

f. Ken Newcomb, 777 Mendolia Way, Central Point, Oregon, 97502. Mr. Newcomb is an occasional volunteer with Project Warm. This project is needed in the community. Staff raised noise control. The volunteers are only active Tuesday and Thursday mornings. Rodents are a community wide issue.

g. Susan Lee, 34 Glen Oak Court, Medford, Oregon, 97504. Ms. Lee is before the Commission to request they deny the application. City Code Section 10.314 prohibits this type of activity in the neighborhood. While it allows schools, churches and government facilities it references exclusion to storage, repair yards or warehouses. In Code Section 10.012 exterior storage is defined as outdoor storage of fuel, raw materials, products and equipment. In the case of lumberyards, exterior storage includes all impervious materials stored outdoors. In the case of truck terminals, exterior storage includes all trucks, truck beds, and truck trailers stored outdoors.

Staff has indicated on page 91 of the agenda packet that processing wood products is not a permissible use in any residential zone. However, staff found this ministry to be akin to a food bank which is commonly associated with religious institutions.

If the Commission approves this they are setting a precedent that every church in the community could have this or similar activities outdoors.

There have been a lot of comments regarding these issues. There are other issues she submitted written testimony with regards to that. She encouraged the Commission to read it.

She has had an increase in rodent population in her neighborhood.

h. Peter Noyes, 20 S. Barneburg Road, Medford, Oregon, 97504. Mr. Noyes has donated his services for physical examinations for the Boy Scouts and have helped them in their Fall Festival for the community. This church is doing a wonderful thing. It makes him upset to hear someone say what a horrible thing they are doing.

Mr. Mitton addressed Code Section 10.314 stating the respectfully he believes Ms. Lee is misreading that provision. One cannot have a property in an SFR-4 zone owned by a church where its primary use was exterior storage. As an accessory use to their predominant use that is subordinate to their predominate use that is different. Code Section 10.314(6) excludes warehouses. If it was read that any sort of warehouse use no matter how subordinate to a church is prohibited in a church that would mean that no church can have a single room set aside for holding food to distribute to the needy. He does not think the Code was ever meant to do. He does not think a church could build a warehouse on its own lot in a residential zone and have it as a food distribution center. It is legally proper to approve this as part of the Conditional Use Permit that the church already has. It is subordinate to the overall church operation.

In terms of visual screening, the most important thing is that there be a clear record of what is considered a sufficient screen and what is not. Code Enforcement needs guidance as to how much of a screen meets the standard of a Conditional Use Permit modification and how much is insufficient. Right now the record states there are gaps in the Photinia. Mr. Mitton recommended making specific findings if the Photinia is to be the approved screen, such as gaps up to 24 inches are acceptable or Photinia in the current density as shown in the presented photographs. The Commission has heard discussion of both fence screening on the outside of the parcel and encircling the wood lot. It would be important to clarify whether the fence needs to completely encircle or on the exterior is sufficient to meet the conditions. All these are discretionary conditions.

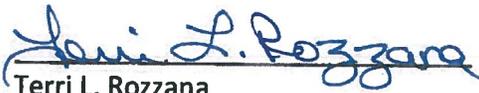
Kelly Akin, Assistant Planning Director, requested Mr. Mitton address precedence. Mr. Mitton stated that there was a concern raised about setting precedent. Precedent is an issue that weighs in on court proceedings. When a statute has been interpreted one way a court cannot go against that unless a higher court states that is not what the statute means. A board like this is not bound by this. These are case by case determinations. If there is a decision this evening that this particular wood pile is permissible that is driven by the facts of this application, it does not mean this Commission has to approve every Conditional Use Permit for every church going forward.

Mr. Noyes asked, is there a law or order on the books in Medford, that a wood pile has to have a fence around it or has to be obscured from view? Mr. Mitton reported there is not rule that every single wood pile has to have a fence. When there is a situation that is

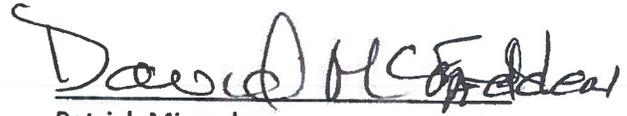
100. Adjournment

The meeting was adjourned at 5:50 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:



Terri L. Rozzana  
Recording Secretary



Patrick Miranda  
~~Planning Commission Chair~~

ACTING CHAIR  
DAVID McFadden

Approved: May 24, 2018



City of Medford

# Planning Department

*Working with the community to shape a vibrant and exceptional city*

Westminster Presbyterian Church  
Attention: Barnabas Sprinkle  
2000 Oakwood Drive  
Medford, OR 97504

**Decision date:** May 10, 2018  
**Mailing date:** May 11, 2018  
**Final appeal Date:** **May 25, 2018**  
**File no.** CUP-18-026

## Notice of Planning Commission Action

The Medford Planning Commission adopted a final order approving the following application:

Consideration for a revision of an existing CUP to allow for a firewood ministry accessory use of Westminster Presbyterian Church located at 2000 Oakwood Drive on the southeast corner of Oakwood Drive and South Barneburg Drive within a SFR-4 (Single Family Residential – four dwelling units per gross acre) zoning district (371W29BD TL 3700).

The approval is based on the findings and subject to the conditions and time periods set forth in the Planning Commission Report dated April 26, 2018.

The final date for filing an appeal is 14 days from the date the notice of decision is mailed. The written appeal and filing fee must be received by the City Recorder no later than 5:00 PM on the final appeal date shown above. Appeals must be filed in the form prescribed, and will be decided based on Sections 10.051–10.056 of the Municipal Code.

The applicant is authorized to begin operation of the use in compliance with the conditions of approval in the Planning Commission report. In accordance with Medford Land Development Code Section 10.250, unless substantial construction on the development is completed, the use has commenced operation or a written request for extension is submitted to the Planning Department prior to the expiration date, the approval will expire in one year (May 10, 2019).

Sincerely,

  
Matt Brinkley, AICP  
Planning Director

Enc. Final Order / Planning Commission Report  
Cc: Affected Agencies  
Interested Parties

MB/tlr

CITY OF MEDFORD  
EXHIBIT # 6  
File # CUP-18-026  
APPEAL



CITY OF MEDFORD

PLANNING DEPARTMENT

**ACTION LETTER**

**CERTIFICATE OF MAILING**

I hereby certify that at 3:30 p.m. on May 11, 2018, I deposited in the United States Mail at the Medford City Hall Post Office, letters giving notice of "action taken" at the public meeting held by the Planning Commission on Thursday, May 10, 2018, at 5:30 p.m. in the Medford City Hall Council Chambers. The attached letter was sent by first-class mail, postage prepaid and addressed as below.

Terri L. Rozzana  
Terri L. Rozzana  
Administrative Support Technician

May 11, 2018  
Date

Number of Persons Mailed to: 48

Westminster Presbyterian Church, Attention: Barnabas Sprinkle, 2000 Oakwood Drive, Medford, OR 97504

A-One Exterminators, 712 N.E. 7<sup>th</sup> Street, Grants Pass, OR 97526

Elizabeth A. Eckoff-Lake, 315 W. Evans Creek Road, Unit 76, Rogue River, OR 97537

Brian McCarty, 714 2<sup>nd</sup> Avenue, Gold Hill, OR 97525

Sandra O'Brian, 706 Pennsylvania Avenue, Medford, OR 97501

Lori Woodrow, 14550 Upper Applegate Road, Jacksonville, OR 97503

Janet Jamieson, 13 Glen Oak Court, Medford, OR 97504

Clarence H. Newhall, 1821 Woodlawn Drive, Medford, OR 97504-7652

Terrence and Judith Monks, 39 Glen Oak Court, Medford, OR 97504

Greta Lilly 40 Glen Oak Court, Medford, OR 97504

Karen M. Greene, 45 S. Barneburg Road, Medford, OR 97504

Susan Naumes, 56 S. Barneburg Road, Medford, OR 97504

Robert Hight, 1848 Woodlawn Drive, Medford, OR 97504

Keith Harris, 205 S. Barneburg Road, Medford, OR 97504

Pat and Jack Findley, 42 S. Groveland, Medford OR 97504

Alexandra Hamilton, 28 S. Groveland Avenue, Medford, OR 97504

Kathy Lawson, 28 N. Groveland Avenue, Medford, OR 97504

Marcy Pierce, 2146 Hillcrest Road, Medford, OR 97504

Courtney Lynx 109 S. Groveland Avenue, Medford, OR 97504

Wanda Ames, 734 W. 14<sup>th</sup> Street, Medford, OR 97504

Lynda and Gary Stevenson, 2101 Woodlawn Drive, Medford, OR 97504

Duane and Cynthia Kloes, 1998 Woodlawn Drive, Medford, OR 97504  
Joe Hoppe, 1982 Woodlawn Drive, Medford, OR 97504  
George McEwan, 4047 N. Roxy Drive, Medford, OR 97504  
Wilson H. Clark, 601 Glenn Way, Central Point, OR 97502  
Karen Schnabel, 1032 Reddy Avenue, Medford, OR 97504  
Robin Arnold, 2750 Indian Creek Road, Shady Cove, OR 97539  
Della Ware, 4100 Avenue A, White City, OR 97503  
Bammy Wood, 2363 Roberts Road, Medford, OR 97504  
Ronald R. Wilson, 3670 Falcon Street, White City, OR 97503  
Victoria Barbien, 868 W. Valley View Road, Talent, OR 97540  
Mark Belangee, 214 Schoolhouse Lane, Shady Cove, OR 97539  
Brittney Kendall, 1036 Court Street, Medford, OR 97501  
Nat Daleo, 4100 Avenue A, White City, OR 97503  
Matt Epstein, 2135 Little Applegate Road, Jacksonville, OR 97530  
Kathleen Odom, 4955 Cherry Lane, Medford, OR 97504  
Susan Lee, 34 Glen Oak Court, Medford, OR 97504  
Philip Yates, 126 North 1<sup>st</sup> Street, Talent, OR 97540  
Ralph Henney, 1918 Oregon Avenue, Medford, OR 97504  
Catherine Dauterman, 2101 Oakwood Drive, Medford, OR 97504  
Dan Mapes, P. O. Box 1224, Shady Cove, OR 97539  
Ken Newcomb, 777 Mendolia Way, Central Point, OR 97502  
Peter Noyes, 20 S. Barneburg Road, Medford, OR 97504  
City of Medford Engineering, Doug Burroughs  
City of Medford Fire Department  
City of Medford Water Commission  
City of Medford Building Department, Chad Wiltrout  
City of Medford Code Enforcement, Tom Venables

FILE NO: CUP-18-026



**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

Item No: 60.1

www.ci.medford.or.us

**DEPARTMENT:** Public Works  
**PHONE:** (541) 774-2100  
**STAFF CONTACT:** Cory Crebbin, Director

**AGENDA SECTION:** Consent Calendar  
**MEETING DATE:** July 19, 2018

**COUNCIL BILL 2018-84**

A resolution granting the property owner of 602 S. Central Avenue a six-month extension to complete hazardous sidewalk repairs.

**SUMMARY AND BACKGROUND:**

On May 4, 2018, Public Works sent a letter to Mr. Elliott informing him that the sidewalk abutting 602 S. Central Avenue is defective and needs to be repaired. Mr. Elliott requested a six month extension to complete repairs. On July 5, 2018, the City Council approved a six month extension.

**PREVIOUS COUNCIL ACTIONS**

On July 5, 2018, the City Council held a public hearing and voted to grant the appeal for a six month extension.

**ANALYSIS**

Section 3.010 of Medford's Municipal Code (MMC) requires owners of property within the City to inspect and maintain all sidewalks abutting their property in a condition safe for use by the public at all times. The code further states that if any property owner by his neglect to perform any duty required by this section causes injury or damage to any person or property, he shall be liable to the person suffering such injury or damage and indemnify the City for all damages it has been compelled to pay in such case. This six month extension requires the repairs to be made by January 17, 2019.

**FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

None.

**TIMING ISSUES**

None

**COUNCIL OPTIONS**

- Approve the resolution.
- Modify the resolution.
- Deny the resolution and provide direction to staff regarding repair of the defective sidewalk.

**STAFF RECOMMENDATION**

Approve the resolution granting a six month extension to repair defective sidewalk at 602 S. Riverside.

**SUGGESTED MOTION**

I move to approve the resolution granting a six month extension to repair defective sidewalk at 602 S. Riverside.

**EXHIBITS**

Resolution

RESOLUTION NO. 2018-84

A RESOLUTION granting the property owner of 602 S. Central Avenue a six-month extension to complete hazardous sidewalk repairs.

WHEREAS, on May 4, 2018 notice was mailed to the property owner, Tanner Elliott, regarding the hazardous condition of the public sidewalk fronting 602 S. Central Avenue, requiring repairs to be made; and

WHEREAS, an additional 180-day extension was requested by Tanner Elliott which can only be approved by the City Council since it exceeds the authority of the Public Works Director, which matter was heard in a public hearing on July 5, 2018; now therefore,

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

Section 1. A 180-day extension is hereby granted for completion of sidewalk repairs at 602 S. Central Avenue.

Section 2. The property owner shall indemnify the City of Medford from any liability associated with the subject unsafe sidewalk.

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: 60.2

www.ci.medford.or.us

**DEPARTMENT:** Parks, Recreation & Facilities  
**PHONE:** (541) 774-2690  
**STAFF CONTACT:** Adam Airoidi, Parks Supervisor

**AGENDA SECTION:** Consent Calendar  
**MEETING DATE:** July 19, 2018

## **COUNCIL BILL 2018-85**

A resolution reversing the Park and Recreation Director's Street Tree Permit decision denying the removal of a tree and the tree well located at 101 N. Central Avenue, adjacent to Central Art Supply.

## **SUMMARY AND BACKGROUND**

A resolution authorizing removal of the street tree adjacent to Central Art Supply at 101 N. Central Avenue and the sealing of the tree well, at the business owner's expense.

## **PREVIOUS COUNCIL ACTIONS**

On February 1, 1996, City Council approved Ordinance 8026, enacting MMC 6.725 pertaining to street tree standards.

On March 20, 2003, City Council approved Council Bill 2003-98, adopting MMC 10.358 regarding streetscape standards. The code section was revised on Sept. 17, 2009.

On June 6, 2013, Council approved Council Bill 2013-84, adopting MMC 10.780 pertaining to street tree requirements.

On April 20, 2017, Council conducted a hearing for the appeal of the denial of Mr. Ebert's Street Tree Removal Application. Council postponed rendering a decision until completion of a revision to Medford Municipal Code (MMC) 10.358 regarding streetscape standards.

On September 21, 2017, Council approved Council Bill 2017-112 adopting amendments to the Street Materials Standards List.

On July 5, 2018, Council completed a public hearing for the appeal and voted to authorize removal of the street tree adjacent to the Central Art Supply and to seal the tree well, at the business owner's expense.

## **ANALYSIS**

On July 5, 2018, City Council approved the street tree removal permit request submitted by Dan Ebert, the owner of Central Art Supply at 101 N. Central Avenue. In his testimony, Mr. Ebert explained the subject tree contributed to a water accumulation issue in the basement of his building, and he believes tree removal and sealing of the tree well will resolve the flooding problem.

Council authorized the street tree removal permit under the condition that Mr. Ebert is financially responsible for all expenses associated with tree removal and the sealing of the tree well.

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

None.

## **TIMING ISSUES**

Business owner is responsible for the timing of tree removal.



**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

Item No: 60.2

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**COUNCIL OPTIONS**

Approve the resolution.

Modify the resolution

Deny the resolution and provide direction to staff.

**STAFF RECOMMENDATION**

Staff supports the proposed resolution.

**SUGGESTED MOTION**

I move to authorize removal of the street tree adjacent to Central Art Supply at 101 N. Central Avenue and the sealing of the tree well, at the business owner's expense.

**EXHIBITS**

Resolution

RESOLUTION NO. 2018-85

A RESOLUTION reversing the Park and Recreation Director's Street Tree Permit decision denying the removal of a tree and the tree well located at 101 N. Central Avenue, adjacent to Central Art Supply.

WHEREAS, the Park and Recreation Director's Street Tree Permit decision denying the removal of a tree and the tree well located at 101 N. Central Avenue, adjacent to Central Art Supply pursuant to sections 6.725, 10.358, and 10.780 of the Medford Municipal Code was appealed by property owner, Dan Ebert; and

WHEREAS, a public hearing was held on April 20, 2017, and the City Council postponed rendering a decision; and

WHEREAS, a public hearing was held on July 5, 2018, and the City Council reversed the Public Works Director's Street Tree Permit decision pertaining to the removal of a tree and the tree well; now therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEDFORD, OREGON: That the Council determines that the Parks and Recreation Director's Street Tree Permit decision shall be reversed and that the street tree and tree well located at 101 N. Central Avenue, adjacent to Central Art Supply shall be removed and sealed at the property owner's expense.

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: 60.3

www.ci.medford.or.us

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

**AGENDA SECTION:** Consent Calendar  
**MEETING DATE:** July 19, 2018

### COUNCIL BILL 2018-86

An ordinance amending sections 10.108, 10.110, 10.124, 10.142, 10.182, 10.200, repealing sections 10.111, 10.161, 10.224-1, 10.295, and adding section 10.185 of the Medford Municipal Code to clarify sections pertaining to the Public Parks zoning district and procedural requirements for land use.

### SUMMARY AND BACKGROUND

Minor textual inconsistencies in the Medford Land Development Code (MLDC) occurred due to the timing of recent amendments to Article II and other sections of the MLDC. The amendments proposed by this Council Bill will resolve those inconsistencies.

### PREVIOUS COUNCIL ACTIONS

On June 7, 2018, Council Bill 2018-52 was adopted amending the Land Development Code to add a new Public Parks zoning district effective on July 9, 2018. (Public Parks (P-1) Zoning District).

On June 21, 2018, Council Bill 2018-64 was adopted modifying various sections of Chapter 10 of the Medford Municipal Code pertaining to procedural requirements and other regulatory activities for land use effective on July 23, 2018 (Article II Amendments).

### ANALYSIS

In June, the City Council approved two separate Council bills. The first one (Council Bill 2018-52) created a new Public Parks (P-1) zoning district and the second (Council Bill 2018-64) reorganized Article II of Chapter 10 of the Municipal Code. The Public Parks zoning district amended several sections found in Article II. With the passage of the Article II amendments two weeks later, it has become necessary to reconcile changes.

The following sections modified as part of the Public Parks amendment must now be amended in order to resolve inconsistencies with new Article II language:

Old Section (with June 7 Amendment)	New Section (with Article II changes)	Incorporated Language (in bold italics)
Section 10.031	Section 10.200 (C)(1)	An exemption from Site Plan and Architectural Commission (SPAC) review 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><i>Exemptions under this section do not apply to uses subject to a conditional use permit or park development review or major modifications thereof.</i></b>
10.102	10.108; 10.110	<b><i>Add Park Development Review to Table 10.108-1 and list of land use reviews in Section 10.110 (D)(2)</i></b>
None	10.110(Q)	<b><i>Add Minor Park Development Review under the Planning Director's Authority</i></b>



**CITY OF MEDFORD  
AGENDA ITEM COMMENTARY**

Item No: 60.3

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		<i>List under Land Use Review and edited the other reviews for consistency with 10.142.</i>
10.111	Repealed Authority of the City Council	None
10.146	Repealed Referral Agencies, Distribution	None
10.157	10.124, Due Process Element 2: Notification	<b>Add Park Development Review to Table 10.124-1</b>
10.158	10.124, Due Process Element 2: Notification	<b>Add Park Development Review to Table 10.124-1</b>
None	10.142	<b>Add Minor Park Development Review, Tentative Plat, Partition under the Type I Land Use Actions to create consistency with 10.110(Q).</b>
10.161	Repealed Public Hearing	None
None	10.182(A)	<b>Add Park Development Review to Type III Land Use Action List</b>
10.224	10.185	<b>Add Park Development Review Section / Also remove last line of first paragraph that states, "Park Development Review is a procedural Class C, quasi-judicial decision, with the Planning Commission as the approving authority."</b>
10.224-1	Repealed Effective Date of a Class "C" Application.	None

**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 approve the ordinance aligning section numbers in Article II of Chapter 10 of the Municipal Code.

**EXHIBITS**

Ordinance

ORDINANCE NO. 2018-86

AN ORDINANCE amending sections 10.108, 10.110, 10.124 10.142, 10.182, 10.200, repealing sections 10.111, 10.161, 10.224-1, 10.295, and adding section 10.185 of the Medford Municipal Code to clarify sections pertaining to the Public Parks zoning district and procedural requirements for land use.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 10.108 of the Medford Municipal Code is amended to read as follows:

10.108 Land Use Review Procedure Types.

\*\*\*

Table 10.108-1. Land Use Review Procedures				
Land Use Review Type	Procedural Type	Applicable Standards	Approving Authority	Subject to 120 Day Rule (ORS 227.178)?
Portable Storage Container	II	10.840(D)(6)	Planning Director	Yes
<b>Park Development Review</b>	<b>III</b>	<b>10.185</b>	<b>Planning Commission</b>	<b>Yes</b>

\*\*\*

SECTION 2. Section 10.110 of the Medford Municipal Code is amended to read as follows:

10.110 Designation and Duties of Approving Authorities.

\*\*\*

(D) Planning Commission Authority.

(1) The Planning Commission shall have all powers set forth in ORS 227.090 (Powers and Duties of Commission) except as otherwise provided by ordinance of the City Council.

(2) The Planning Commission is hereby designated as the approving authority for the following land use reviews:

Land Use Review

Appeals (See Section 10.140)

Conditional Use Permit

Exception

**Park Development Review**

Preliminary Planned Unit Development (PUD) Plan

Subdivision Tentative Plat

Zone Change (Minor)

\*\*\*

(Q) Planning Director Authority. The Planning Director is hereby designated as the approving authority for Type I and II land use reviews as well as issuance of the Development Permit. This includes the following land use reviews:

Land Use Review  
 De Minimis Revision(s) to Approved PUD Plan  
 Final PUD Plan  
 Final Plat, Partition/Subdivision  
 Minor Historic Review  
 Minor Modification to Conditional Use Permit  
**Minor Modification to a Park Development Review**  
 Minor Modification to Site Plan and Architectural Review  
**Nonconformities**  
 Pre-Application  
 Property Line Adjustment  
 Riparian Corridor Reduction or Deviation  
 Sign Permit  
 Tentative Plat, Partition

SECTION 3. Section 10.111 of the Medford Municipal Code is hereby repealed:

~~10.111 Authority of the City Council.~~

~~The City Council is hereby designated as the approving authority for all Class A and Class B plan authorizations. The City Council shall also serve as the approving authority for all appeals as provided in Section 10.051, Appeals, Article I of this chapter.~~

SECTION 4. Section 10.124 of the Medford Municipal Code is amended to read as follows:

10.124 Due Process Element 2: Notification.

\*\*\*

Table 10.124-1: Notice of Public Hearing Schedule by Procedure Type			
Procedure Type	Newspaper Publication	On-Site Public Hearing Sign	Affected Property Owners Notice
Type I	None	None	None
Type II	None	None	Within 10 working days of deeming an application complete, notice will be sent to all property owners within 200 feet of the project boundaries.
Type III: Conditional Use Permit, Exception, <b>Park</b>	Notice shall be published no later than 10 days prior to the public hearing		21 days prior to the public hearing date notice will be sent to all property owners within the project

Table 10.124-1: Notice of Public Hearing Schedule by Procedure Type			
Procedure Type	Newspaper Publication	On-Site Public Hearing Sign	Affected Property Owners Notice
<b>Development Review, Preliminary PUD Plan, Zone Change</b>	date before the approving authority.	A sign shall be placed on the subject property 21 days prior to the public hearing date.	boundaries plus all property owners within 200 feet of the project boundaries.  For Preliminary PUD Plans, in addition to the above, the owners of no less than 75 tax lots shall be notified. If 75 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.

\*\*\*

SECTION 5. Section 10.142 of the Medford Municipal Code is amended to read as follows:

10.142 Type I Land Use Actions.

Type I land use actions comprise the following land use reviews:

Type I Land Use Actions

De Minimis Revision(s) to an Approved PUD Plan

Final PUD Plan

**Final Plat, Partition/Subdivision**

Minor Historic Review

Minor Modification(s) to Approved Conditional Use Permit

**Minor Modification to a Park Development Review**

Minor Modification to a Site Plan and Architectural Review Approval

Nonconformities

Pre-Application

Property Line Adjustment

Riparian Corridor Reduction or Deviation

Sign Permit

~~Subdivision/Partition Final Plat~~

SECTION 6. Section 10.161 of the Medford Municipal Code is hereby repealed:

~~10.161 Public Hearing.~~

~~The contents of this section shall govern the conduct of all quasi judicial public hearings before an approving authority. A copy of this section shall be available for public inspection at each quasi judicial hearing and in the Planning Department. The conduct of public hearings on legislative matters shall be at the discretion of the presiding officer.~~

~~(1) Nature of Hearing. All parties with standing shall have an opportunity to be heard, to present and rebut evidence before an impartial tribunal, to have the proceedings recorded, and to have a decision rendered in accordance with the facts on record and the law.~~

~~The presiding officer of the approving authority shall have authority to:~~

~~(a) Regulate the course and decorum of the meeting.~~

~~(b) Dispose of procedural requests and similar matters.~~

~~(c) Impose reasonable limitations on the number of witnesses heard and set reasonable time limits for oral presentation, questions, and rebuttal testimony.~~

~~(d) Question any person appearing, and allow other members to question any such person.~~

~~(e) Waive, at his/her discretion, the application of any rule herein where the circumstances of the hearing indicate that it would be expedient and proper to do so, provided that such waiver does not act to prejudice or deny any party his/her substantial rights as provided herein or otherwise by law.~~

~~(f) Take such other action as authorized by the approving authority to appropriately conduct the hearing.~~

~~A ruling of the presiding officer may be challenged by any member of that approving authority present at the hearing. The challenge must be seconded. A ruling may be reversed by a majority of the members present and voting. A tie vote upholds the presiding officer's decision.~~

~~(2) Conduct of Participants. Proceedings shall at all times be orderly and respectful. The presiding officer may refuse to recognize or exclude from the hearing anyone who:~~

~~(a) Is disorderly, abusive, or disruptive.~~

~~(b) Takes part in or encourages audience demonstrations such as applause, cheering, display of signs, or other conduct disruptive to the hearing.~~

~~(c) Testifies without first receiving recognition from the presiding officer and stating his full name and residence.~~

~~(d) Presents irrelevant, immaterial, or repetitious evidence.~~

~~(3) Order of Procedure. The presiding officer shall conduct the hearing in an orderly fashion, within the guidelines set forth herein. The hearing shall proceed in the following manner:~~

~~(a) Commencement: At the commencement of a hearing under a *Comprehensive Plan* or land use regulation, a statement shall be made to those in attendance that lists the applicable substantive criteria; states that testimony and evidence must be directed toward the criteria described in this subsection or other criteria in the plan or land use regulation which the person believes to apply to the decision; and states that failure to raise an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.~~

~~(b) Abstentions, Conflict of Interest and Challenges. All members shall comply with ORS 244.120, 244.130, and 244.135 regarding actual or potential conflicts of~~

~~interest. Any member who is disqualified or wishes to abstain from participation in the hearing on a proposal shall identify the reasons for the record and shall not thereafter participate in the discussion as a member or vote on the proposal. Any challenges to the impartiality shall also be decided at this time.~~

~~(c) Planning Director's Report. The presiding officer shall request that the Planning Director or staff member report on the criteria and standards and the basic factual evidence applicable to the case and indicate the action required to be taken.~~

~~(d) Applicant's Case. The presiding officer shall allow the applicant or applicant's representative to present evidence in support of the application. The applicant shall be allowed to produce witnesses on his/her behalf. Other parties in favor of the proposal shall thereafter be allowed to present their evidence. Applicant may then reserve time for rebuttal. The Planning Director may appear as an applicant on a staff proposal.~~

~~(e) Opponent's Case. The presiding officer shall allow opponents to present evidence in opposition to the proposal. Opponents shall be allowed to produce witnesses in their behalf.~~

~~(f) Questioning of Witnesses. Cross examination shall be permitted as per Section 10.162, Cross Examination.~~

~~(g) Applicant's Rebuttal if Reserved.~~

~~(h) Staff Summary and Recommendations. The Planning Director or staff person may present any additional evidence, comments and recommendations at the close of the hearing.~~

~~(i) Final Discussion. Upon conclusion of the evidence, members shall be allowed to openly discuss the proposal and further question any party appearing for or against the proposal as necessary.~~

~~(j) Unless there is a continuance, if a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open for at least seven (7) days after the hearing. Such an extension shall not be subject to the limitations of ORS 227.178.~~

~~(k) When the City Council or Planning Commission reopens a record to admit new evidence or testimony, any person may raise new issues which relate to the new evidence, testimony or criteria for decision making which apply to the matter at issue.~~

~~(l) The failure of the property owner to receive notice as provided in Section 10.158 shall not invalidate such proceedings if the city can demonstrate by affidavit that such notice was mailed. The notice provisions of Section 10.158 shall not restrict the giving of notice by other means, including posting, newspaper publication, radio and television.~~

~~(4) Standing. A person has the right to appear as a party to a quasi judicial proceeding if the person: (a) received official written notice of the hearing or was entitled to receive such notice, or (b) has interests which could be adversely affected by the decision.~~

SECTION 7. Section 10.182 of the Medford Municipal Code is amended to read as follows:

10.182 Type III Land Use Actions.

(A) Type III actions comprise the following land use reviews:

Land Use Action  
Conditional Use Permit  
Exception  
Historic Review  
**Park Development Review**  
Preliminary PUD Plan  
Site Plan and Architectural Review  
Subdivision Tentative Plat  
Zone Change

\*\*\*

SECTION 8. Section 10.185 of the Medford Municipal Code is added to read as follows:

**10.185 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.

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 10.185(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 10.185. 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 refileing 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 10.200 of the Medford Municipal Code is amended to read as follows:

10.200 Site Plan and Architectural Review.

\*\*\*

(B) Site Plan and Architectural Review Required.

Projects which are not exempt from Site Plan and Architectural Commission Review pursuant to Subsection (C) below, except that exterior alterations to a building or site and new construction in a Historic Overlay shall require Historic Review pursuant to Section 10.188, but shall not require Site Plan and Architectural Review.

(C) Exemptions from the Site Plan and Architectural Commission Review Requirement.

(1) An exemption from Site Plan and Architectural Commission (SPAC) review 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. **Exemptions under this section do not apply to uses subject to a conditional use permit or park development review or major modification thereof.**

(2) The following uses or developments do not require SPAC review.

\*\*\*

SECTION 10. Section 10.224-1 of the Medford Municipal Code is hereby repealed:

~~10.224-1 Effective Date of a Class "C" Application.~~

~~Approval of a Class "C" application shall take effect on the date the final order or resolution for approval is signed.~~

SECTION 11. Section 10.295 of the Medford Municipal Code is hereby repealed:

~~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.~~

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: 60.4

www.ci.medford.or.us

**DEPARTMENT:** Public Works  
**PHONE:** (541) 774-2100  
**STAFF CONTACT:** Cory Crebbin, Public Works Director

**AGENDA SECTION:** Consent Calendar  
**MEETING DATE:** July 19, 2018

## **COUNCIL BILL 2018-87**

An ordinance authorizing execution of two quitclaim deeds to release City interest in property impacted by the Oregon 62 Expressway Project adjacent to airport property.

## **SUMMARY AND BACKGROUND**

Council is requested to approve an ordinance authorizing the approval of two Quitclaim Deeds that will release the City of Medford's interest on property impacted by the Oregon 62 Expressway project.

## **PREVIOUS COUNCIL ACTIONS**

On March 5, 2009, the City Council adopted Ordinance 2009-49 for a deed declaration to clarify use restrictions on Airport property.

## **ANALYSIS**

The Oregon Department of Transportation (ODOT) has requested that the City release interest in property impacted by the Oregon 62 Expressway Project adjacent to airport property as described in the two Quitclaim Deeds. The City of Medford does not own these properties, but does have rights such as deferred improvement agreements and utility easements.

The first Quitclaim Deed releases the City's interest on two specific parcels as described in the document and references five recorded documents that consist of agreements, restrictive covenants or deeds between the City and Medford-Jackson County Airport. The second Quitclaim Deed releases the City's interest on seven other small parcels along the Oregon 62 Expressway project.

Both Quitclaim Deeds release the City's interest on property directly impacted by the Oregon 62 Expressway project and do not release the City's interest on any remaining property. The deed restrictions and easements being released are of no value to the City.

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

None.

## **TIMING ISSUES**

None.

## **COUNCIL OPTIONS**

- Approve the ordinance as presented.
- Modify the ordinance.
- Deny the ordinance and provide direction to staff.

## **STAFF RECOMMENDATION**

Staff recommends approval of the Quitclaim Deeds which release the City's interest in the properties as described.

## **SUGGESTED MOTION**

I move to approve the Quitclaim Deeds.

## **EXHIBITS**

Ordinance

Maps

Deeds on file in the City Records Office

ORDINANCE NO. 2018-87

AN ORDINANCE authorizing execution of two quitclaim deeds to release City interest in property impacted by the Oregon 62 Expressway Project adjacent to airport property.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That execution of two quitclaim deeds to release City interest in property impacted by the Oregon 62 Expressway Project adjacent to airport property, 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.

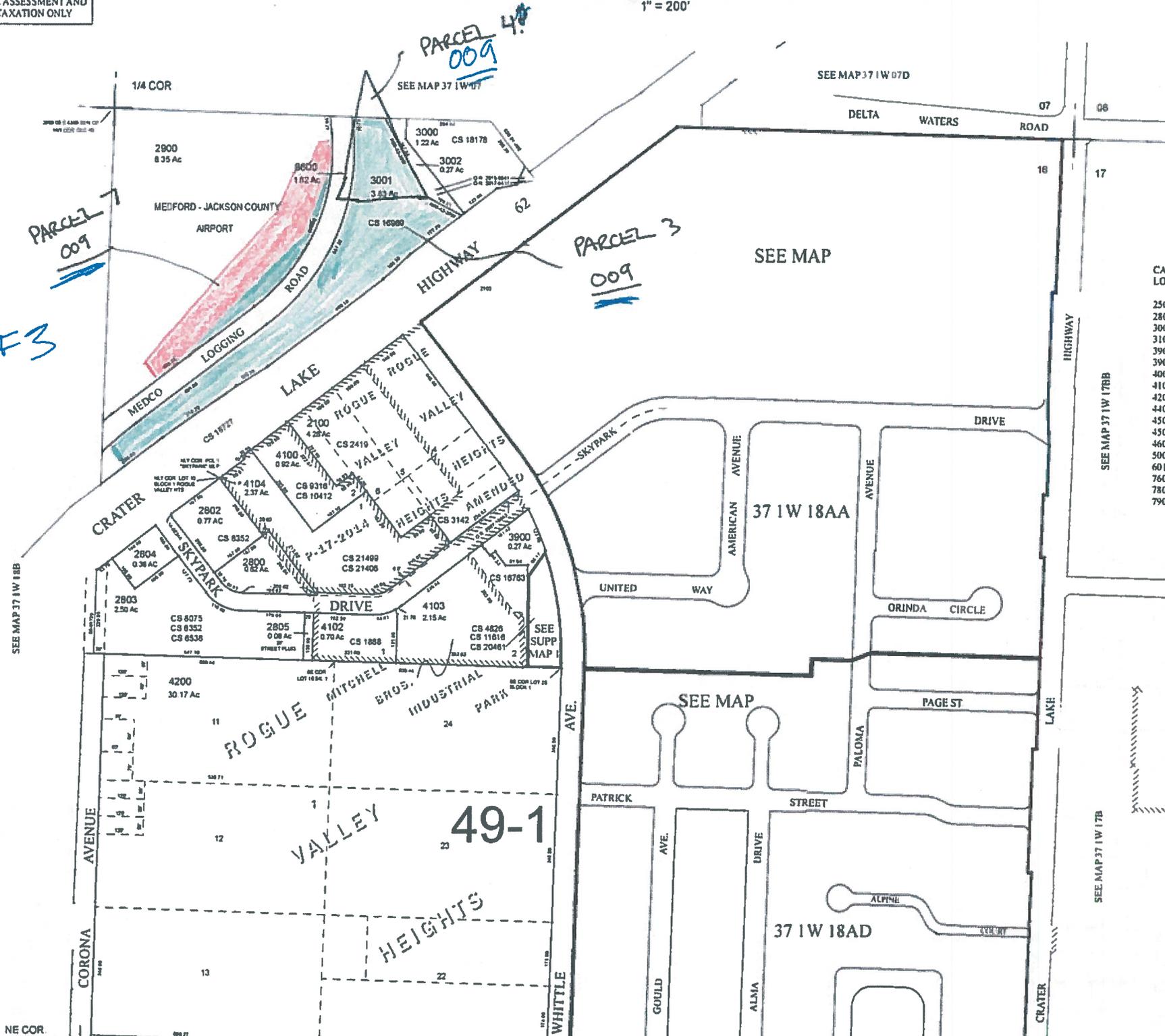
\_\_\_\_\_  
Mayor





3 OF 3

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- CANCELLED TAX LOT NUMBERS
- 2500 THRU 2700
  - 2801
  - 3000A1
  - 3100 THRU 3102 REMAPPED TO 3
  - 3901
  - 3902 REMAPPED TO 90000
  - 4000 ADDED TO 3900
  - 4101 ADDED TO 3900
  - 4201 THRU 4203 ADDED TO 4200
  - 4400 ADDED TO 4200
  - 4500 ADDED TO 4200
  - 4501 THRU 4503 ADDED TO 4200
  - 4600 THRU 4900 ADDED TO 4200
  - 5000 ADDED TO 4200
  - 601
  - 7601
  - 7803
  - 7901

SEE MAP 37 1W 18B

SEE SUPP MAP I

SEE MAP 37 1W 17B

SEE MAP 37 1W 17B

NE COR.

CORONA AVENUE

1/4 COR

2900  
8.35 Ac

VALLEY

49-1

HEIGHS

37 1W 18AA

37 1W 18AD

WHITTLE AVENUE

GOULD AVENUE

ALMA DRIVE

PATRICK STREET

PALOMA AVENUE

PAGE ST

AMERICAN AVENUE

UNITED WAY

SKYPARK DRIVE

CRATER AVENUE

MEDCO LOGGING ROAD

HIGHWAY 62

DELTA WATERS ROAD

07

08

18

17

SEE MAP

SEE MAP

SEE MAP 37 1W 07

SEE MAP 37 1W 07D

PARCEL 1  
009

PARCEL 4  
009

PARCEL 3  
009

MELFORD - JACKSON COUNTY AIRPORT

LAKE

HIGHWAY

LAKE

CRATER

ROGUE VALLEY

INDUSTRIAL PARK

MITCHELL BROS.

DRIVE

SKYPARK

CRATER

ROGUE VALLEY

HEIGHS

AMENDED

VALLEY

3000  
1.22 Ac  
CS 18178

3002  
0.27 Ac

3001  
3.53 Ac

CS 18080

CS 18727

2100  
4.28 Ac

4100  
0.92 Ac

4104  
2.37 Ac

CS 9316

CS 10412

2802  
0.77 Ac

CS 8352

2804  
0.36 Ac

CS 8075

CS 8352

CS 8536

2803  
2.50 Ac

2805  
0.08 Ac

4102  
0.70 Ac

CS 1888

4103  
2.15 Ac

CS 4628

CS 11816

CS 20461

3900  
0.27 Ac

CS 16780

4200  
30.17 Ac



**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

Item No: 60.5

www.ci.medford.or.us

**DEPARTMENT:** Human Resources  
**PHONE:** (541) 774-2010  
**STAFF CONTACT:** Mike Snyder, Director

**AGENDA SECTION:** Consent Calendar  
**MEETING DATE:** July 19, 2018

**COUNCIL BILL 2018-88**

An ordinance authorizing execution of an Agreement between the City of Medford and Teamsters Local 223 representing Water Reclamation Division Operators and Laborers concerning wages, hours, fringe benefits, and other working conditions retroactive from July 1, 2018, through June 30, 2020.

**SUMMARY AND BACKGROUND**

A four-year agreement with Teamsters Local 223 representing Water Reclamation Division (WRD) operators expires June 30, 2018. The proposed two-year agreement provides consistency with Council direction from the Executive Session meeting on March 29, 2018 regarding hours, working conditions and total compensation with wages and fringe benefits.

**PREVIOUS COUNCIL ACTIONS**

On June 18, 2015 – Council Bill 2015-68 was approved authorizing the collective bargaining agreement between the City of Medford and Teamsters Local 223, representing WRD Plant Operators, a four-year agreement July 1, 2014 through June 30, 2018.

**ANALYSIS**

The proposed agreement, which now includes a “Laborer” position, provides for:

1. Salary increases: 1.75% effective July 1, 2018 and 1,75% effective July 1, 2019.
2. Health Insurance: Effective July 1, 2018 the insurance cap will increase by \$50 from \$1,750 to \$1,800; Effective July 1, 2019 the insurance cap will increase by \$50 from \$1,800 to \$1,850.

**FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

The total compensation cost of the proposed action has been estimated by the Finance Department to be approximately \$30,930 for the first year of the agreement. For the second year of the agreement, the Finance Department estimates the total compensation to be approximately \$64,640. Funds for the contract increases are available in the proposed 2017-2019 biennial budget.

**TIMING ISSUES**

If the Council chooses to not approve this proposed agreement, negotiations with the bargaining unit will need to be reconvened.

**COUNCIL OPTIONS**

Approve the ordinance.  
Deny the ordinance.

**STAFF RECOMMENDATION**

Staff recommends approval of the ordinance.

**SUGGESTED MOTION**

I move to approve the ordinance authorizing the agreement with Teamsters WRD Operators and Laborers.

**EXHIBITS**

Ordinance  
Agreement on file in City Recorder’s office.

ORDINANCE NO. 2018-88

AN ORDINANCE authorizing execution of an Agreement between the City of Medford and Teamsters Local 223 representing Water Reclamation Division Operators and Laborers concerning wages, hours, fringe benefits, and other working conditions retroactive from July 1, 2018, through June 30, 2020.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That execution of an Agreement between the City of Medford and Teamsters Local 223 representing Water Reclamation Division Operators and Laborers concerning wages, hours, fringe benefits and other working conditions retroactive from July 1, 2018, through June 30, 2020, which agreement is on file in the office of the City Recorder, 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: 60.6

www.ci.medford.or.us

**DEPARTMENT:** Human Resources  
**PHONE:** (541) 774-2010  
**STAFF CONTACT:** Mike Snyder, Director

**AGENDA SECTION:** Consent Calendar  
**MEETING DATE:** July 19, 2018

## **COUNCIL BILL 2018-89**

An ordinance authorizing execution of an Agreement between the City of Medford and Teamsters Local 223 representing Medford Municipal Mechanics concerning wages, hours, fringe benefits, and other working conditions retroactive from July 1, 2018, through June 30, 2020.

## **SUMMARY AND BACKGROUND**

A four-year agreement with Teamsters Local 223 representing Fleet Mechanics expires June 30, 2018. The proposed two-year agreement provides consistency with Council direction from the Executive Session meeting on March 29, 2018 regarding hours, working conditions and total compensation with wages and fringe benefits.

## **PREVIOUS COUNCIL ACTIONS**

On October 1, 2015 – Council Bill 2015-101 was approved authorizing the collective bargaining agreement between the City of Medford and Teamsters Local 223, representing Fleet Mechanics, a four-year agreement July 1, 2014 through June 30, 2018.

## **ANALYSIS**

The proposed agreement provides for:

1. Salary increases: 1% effective July 1, 2018 and 2% effective July 1, 2019.
2. Health Insurance: Effective July 1, 2018 the insurance cap will increase by \$50 from \$1,700 to \$1,750; Effective July 1, 2019 the insurance cap will increase by \$50 from \$1,750 to \$1,800.

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

The total compensation cost of the proposed action has been estimated by the Finance Department to be approximately \$7,210 for the first year of the agreement. For the second year of the agreement, the Finance Department estimates the total compensation to be approximately \$19,450. Funds for the contract increases are available in the proposed 2017-2019 biennial budget.

## **TIMING ISSUES**

If the Council chooses to not approve this proposed agreement, negotiations with the bargaining unit will need to be reconvened.

## **COUNCIL OPTIONS**

Approve the ordinance.  
Deny the ordinance.

## **STAFF RECOMMENDATION**

Staff recommends approval of the ordinance.

## **SUGGESTED MOTION**

I move to approve the ordinance authorizing the agreement with Teamsters Mechanics.

## **EXHIBITS**

Ordinance  
Agreement on file in City Recorder's office.

ORDINANCE NO. 2018-89

AN ORDINANCE authorizing execution of an Agreement between the City of Medford and Teamsters Local 223 representing Medford Municipal Mechanics concerning wages, hours, fringe benefits, and other working conditions retroactive from July 1, 2018, through June 30, 2020.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That execution of an Agreement between the City of Medford and Teamsters Local 223 representing Medford Municipal Mechanics concerning wages, hours, fringe benefits and other working conditions retroactive from July 1, 2018, through June 30, 2020, 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.ci.medford.or.us

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<b>DEPARTMENT:</b> Public Works	<b>AGENDA SECTION:</b> Ordinances and Resolutions
<b>PHONE:</b> (541) 774-2100	<b>MEETING DATE:</b> July 19, 2018
<b>STAFF CONTACT:</b> Cory Crebbin, Public Works Director	

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## COUNCIL BILL 2018-90

An ordinance repealing sections 2.428, 2.429, adding sections 2.451, 2.452, 2.454 and 2.457 of the Medford Municipal Code to create a Transportation Commission and alter other transportation related committees to be effective January 1, 2019.

## SUMMARY AND BACKGROUND

The proposed ordinances are in response to Council direction to create a Transportation Commission and have other transportation-related committees report to the Transportation Commission. MMC sections have been renumbered to establish a logical order. The Joint Transportation Subcommittee is proposed to be eliminated. Membership terms have been altered and the responsibilities of the Bicycle and Pedestrian Committee are proposed to be simplified. The Traffic Coordinating Committee and the Bicycle and Pedestrian Advisory Committee will not have a Council liaison and both will report to the Transportation Commission.

## PREVIOUS COUNCIL ACTIONS

On April 12, 2018, the City Council held a study session to review changes to the City's boards, commissions and committees.

## ANALYSIS

The Council expressed the desire to accomplish the following changes at the April 12, 2018, study session:

- 1) Eliminate the Joint Transportation Subcommittee
- 2) Establish a Transportation Commission
- 3) Alter the MMC sections pertaining to the Traffic Coordinating Committee and Bicycle and Pedestrian Advisory Committee such that those committees report to the Transportation Commission and no longer have council liaisons.

The Transportation Commission is proposed to have seven members, including one Planning Commissioner and one member from each of the subordinate committees. The Transportation Commission shall:

- 1) Advise the City Council and the Planning Commission on all matters affecting transportation policy in the City and surrounding area.
- 2) Examine multi-modal transportation issues.
- 3) Evaluate level-of-service alternatives.
- 4) Evaluate travel demand management alternatives.
- 5) Make recommendations concerning provisions of the Comprehensive Plan and the Land Development Code that affect transportation.
- 6) Facilitate coordination of transportation issues with other governmental agencies.
- 7) Receive and consider recommendations from the Traffic Coordinating Committee and the Bicycle and Pedestrian Advisory Committee.
- 8) Perform such other related duties assigned by the City Council.

The term of Bicycle and Pedestrian Advisory Committee members is proposed to be increased from two to three years. The duties of the Bicycle and Pedestrian Advisory Committee shall include making



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.1

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recommendations to the Transportation Commission regarding priorities and opportunities for non-motorized Transportation programs.

Currently the MMC does not establish terms for Traffic Coordinating Committee members and none is proposed as long term service is beneficial to the City due to the extensive education in traffic control and enforcement principles required for each member to contribute effectively. The Traffic Coordinating Committee will:

- 1) Make recommendations to the Transportation Commission concerning general traffic management policies.
- 2) Act as a forum to hear citizen requests with regard to traffic matters.
- 3) Provide recommendations to the Public Works Department and the Police Department.

The duties of the committees have been reduced to general statements so as not to restrict the scope of their interests and provide flexibility to address new or emerging issues related to their sphere of influence not anticipated when the governing ordinances are adopted.

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

The establishment of a Transportation Commission may increase overtime expenses in the Planning and Public Works Departments.

## **TIMING ISSUES**

None.

## **COUNCIL OPTIONS**

- Approve the ordinance as presented.
- Modify and approve the ordinance.
- Deny the ordinance and provide staff direction.

## **STAFF RECOMMENDATION**

Approve the ordinance.

## **SUGGESTED MOTION**

I move to approve the Medford Municipal Code changes establishing a Transportation Commission and altering the Traffic Coordinating and Bicycle and Pedestrian Committees.

## **EXHIBITS**

Ordinance

ORDINANCE NO. 2018-90

AN ORDINANCE repealing sections 2.428, 2.429, adding sections 2.451, 2.452, 2.454, and 2.457 of the Medford Municipal Code to create a Transportation Commission and alter other transportation related committees to be effective January 1, 2019.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 2.428 of the Medford Municipal Code is hereby repealed:

~~2.428 Bicycle and Pedestrian Advisory Committee.~~

~~(1) The Medford City Council hereby creates the City of Medford Bicycle and Pedestrian Advisory Committee to advise the City Council on plans and issues related to non motorized transportation including pedestrians, bicyclists, skateboarders and others.~~

~~(2) The Bicycle and Pedestrian Advisory Committee shall consist of seven members, including a mix of persons representing pedestrian interests, cycling interests, and other non motorized transportation modes. Members shall be appointed by the Mayor and City Council. Members shall be appointed to serve two year terms, except that shorter terms may be used to stagger appointments so that the terms of four members expire one year and three members expire the following year. The Committee shall elect a chairperson and vice chairperson from among its members. The Committee shall adopt rules of procedure as necessary, and shall establish either a regular meeting date or rules of procedure under which a meeting may be called. Four members shall constitute a quorum. Members shall attend all meetings unless excused.~~

~~(3) The duties of the Bicycle and Pedestrian Advisory Committee shall include, but not be limited to the following:~~

~~(a) Make recommendations to the City regarding priority bicycle and pedestrian improvements to implement the Medford Transportation System Plan (TSP);~~

~~(b) Identify, advocate, and advise the City about issues that affect non motorized transportation;~~

~~(c) Advise the City on developing programs and facilities to comply with Statewide Planning Goal 12 (the Transportation Planning Rule) and to meet the TSP benchmarks regarding provision of facilities for non motorized transportation modes;~~

~~(d) Support communication among City officials, cycling, pedestrian and other interests by providing a forum for receiving public input and identifying appropriate avenues for resolving issues affecting these groups;~~

~~(e) Encourage and participate in education related to non motorized transportation;~~

~~(f) Promote connectivity for non motorized transportation modes on existing streets;~~

~~(g) Make recommendations to the City Council regarding priorities and opportunities for non motorized transportation programs;~~

~~(h) Assist in gathering, reviewing and analyzing information regarding non motorized transportation in the city;~~

~~(i) Identify funding sources for non motorized projects and assist in obtaining funds;~~

~~(j) Respond to requests for comments on land use applications pertinent to non motorized transportation; and,~~

~~(k) Foster a relationship with the Jackson County Bicycle Committee, the Oregon Bicycle and Pedestrian Committee, and other agencies that promote non motorized modes of transportation.~~

~~(4) The Bicycle and Pedestrian Advisory Committee shall present to the City Council a yearly written report on the Committee's activities, goals and concerns. This report shall be part of City Council's annual review of the Committee's performance.~~

~~(5) The City Manager will provide staff support for the Bicycle and Pedestrian Advisory Committee from the Public Works and Planning Departments, with other departments providing assistance as needed.~~

SECTION 2. Section 2.429 of the Medford Municipal Code is hereby repealed:

~~2.429 Joint Transportation Subcommittee.~~

~~(1) The City Council hereby creates the Joint Transportation Subcommittee (JTS) to provide a diverse and knowledgeable group to provide sound advice and recommendations on transportation policy.~~

~~(2) The Joint Transportation Subcommittee shall consist of three members of the Planning Commission selected by the Planning Commission, and four members at large selected by the Mayor and City Council. Planning Commission members shall serve for the balance of their terms on the originating body and the members at large may be appointed for staggered terms of up to four years. The JTS shall meet at least quarterly thereafter. A majority of the members shall constitute a quorum. The JTS shall select one of its members as chair and may select such other officers as it deems necessary.~~

~~(3) The City Manager shall provide staff members from the Public Works and Planning Departments to assist the JTS and may provide other staff assistance as he deems appropriate.~~

~~(4) The JTS shall advise the City Council and the Planning Commission on all matters affecting transportation policy in the city and the surrounding area.~~

~~(5) The duties of the JTS shall include, but are not limited to, the following:~~

~~(a) Examine multi-modal transportation issues.~~

~~(b) Evaluate demand management alternatives.~~

~~(c) Evaluate level-of-service alternatives.~~

~~(d) Make recommendations concerning provisions of the Comprehensive Plan and the Land Development Code that affect transportation.~~

~~(e) Receive public input regarding transportation plans.~~

~~(f) Participate in meetings and coordinate with other transportation related committees in the Rogue Valley.~~

~~(g) Facilitate coordination of transportation issues with other governmental entities.~~

~~(6) The meetings of the JTS are not to be considered a part of any land use hearings process and the records of its proceedings shall not be a part of the record of any land use case. However, the JTS may submit testimony and evidence in a land use matter in the same manner as any other party.~~

~~(7) The City Council shall review the performance of the JTS not later than July 1, 1998 and at least annually thereafter.~~

SECTION 3. Section 2.451 of the Medford Code is added to read as follows:

**2.451 Transportation Commission**

(1) The Medford Transportation Commission shall consist of seven voting members. At least one member shall be a member of the Planning Commission, one member shall be a member of the City of Medford Bicycle and Pedestrian Advisory Committee, and one member shall be a member of the Traffic Coordinating Committee.

(2) Voting members of the Commission shall be appointed by the Mayor and approved by the City Council for terms of three years, except that shorter terms may be used to stagger appointments so that the terms of at least two members expire each year. Three-year terms for members shall begin February 1 and expire January 31.

(3) The Transportation Commission shall adopt rules of procedure, as necessary, and shall by resolution establish either a regular meeting date or rules of procedure under which meetings may be called. Four voting members shall constitute a quorum. The Transportation Commission shall select one of its members as chair and may select such other officers as it deems necessary.

(4) The City Manager shall provide staff members from the Public Works and Planning Departments to assist the Transportation Commission and may provide other staff assistance as deemed appropriate.

SECTION 4. Section 2.452 of the Medford Municipal Code is added to read as follows:

**2.452 Function of Transportation Commission**

The Transportation Commission shall:

(1) Advise the City Council and the Planning Commission on all matters affecting transportation policy in the City and the surrounding area.

(2) Examine multi-modal transportation issues.

(3) Evaluate level-of-service alternatives.

(4) Evaluate travel demand management alternatives.

(5) Make recommendations concerning provisions of the Comprehensive Plan and the Land Development Code that affect transportation.

(6) Facilitate coordination of transportation issues with other governmental agencies.

(7) Receive and consider recommendations from the Traffic Coordinating Committee and the Bicycle and Pedestrian Advisory Committee.

(8) Perform such other related duties assigned by the City Council.

The meetings of the Transportation Commission are not to be considered a part of any land use hearings process and the records of its proceedings shall not be a part of the record of any land use case. However, the Transportation Commission may submit testimony and evidence in a land use matter in the same manner as any other party.

SECTION 5. Section 2.454 of the Medford Municipal Code is added to read as follows:

**2.454 Bicycle and Pedestrian Advisory Committee**

- (1) The Medford City Council hereby creates the City of Medford Bicycle and Pedestrian Advisory Committee to advise the City Council on plans and issues related to non-motorized transportation including pedestrians, bicyclists, skateboarders and others.
- (2) The Bicycle and Pedestrian Advisory Committee shall consist of seven members, including a mix of persons representing pedestrian interests, cycling interests, and other non-motorized transportation modes. Members shall be appointed by the Mayor and City Council. Members shall be appointed to serve three-year terms, except that shorter terms may be used to stagger appointments so that the terms of two members expire each year. The Committee shall elect a Chairperson and Vice-Chairperson from among its members. The Committee shall adopt rules of procedure as necessary, and shall establish either a regular meeting date or rules of procedure under which a meeting may be called. Four members shall constitute a quorum. Members shall attend all meetings unless excused.
- (3) The duties of the Bicycle and Pedestrian Advisory Committee shall include, but not be limited to the following:
  - (a) Make recommendations to the Transportation Commission regarding priorities and opportunities for non-motorized transportation programs.
  - (4) One member from the Committee will be appointed to serve as a member of the Transportation commission
  - (5) The Bicycle and Pedestrian Advisory Committee shall present to the Transportation Commission a yearly written report on the committee's activities, goals and concerns.
  - (6) The City Manager will provide staff support for the Bicycle and Pedestrian Advisory Committee from the Public Works and Planning Departments, with other departments providing assistance as needed.

SECTION 6. Section 2.457 of the Medford Municipal Code is amended to read as follows:

2.457 Traffic Coordinating Committee.

- (1) A Traffic Coordinating Committee is hereby established to:
  - (a) ~~Review and make recommendations to the City Council concerning traffic management policies;~~ **Make recommendations to the Transportation Commission concerning general traffic management policies;**
  - (b) Act as a forum to hear citizen requests with regard to traffic matters; and
  - (c) **Provide recommendations to** ~~Advise the Traffic Engineering Section of the Engineering Division on all matters pertaining to vehicular and pedestrian traffic on the public streets and ways of the city~~ **Public Works Department and the Police Department.**
- (2) The Committee shall be composed of five voting members ~~and two nonvoting members. Voting members shall be the Chairperson of the Transportation Committee of the Medford Chamber of Commerce or its designee, a representative appointed by School District 549C or its designee, the manager of the local branch of the American Automobile Association or its designee, and two members at large appointed by the Mayor and City Council. Nonvoting members shall be the Chief of Police or his/her designee, and one member designated by the Public Works Director.~~
- (3) The City Manager shall provide staff members from the Public Works and Police Departments to assist the Traffic Coordinating Committee and may provide other staff assistance as he deems appropriate.

(34) The minutes of the meetings of the Traffic Coordinating Committee shall be filed with the City Recorder.

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: 90.2**

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**DEPARTMENT:** City Manager's Office  
**PHONE:** (541) 774-2000  
**STAFF CONTACT:** Kelly Madding, Deputy City Manager

**AGENDA SECTION:** Council Business  
**MEETING DATE:** July 19, 2018

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City of Medford

# Office of the City Manager

*Medford ~ A Fantastic Place to Live, Work & Play*

**To:** City Council  
**From:** Kelly A. Madding, Deputy City Manager  
**Date:** 7/10/2018  
**Re:** Rogue Valley Transit District Funding Via the Rogue Valley Metropolitan Planning Organization

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**Action:** The City Council is being asked to provide the City's Rogue Valley Metropolitan Planning Organization (RVMPO) Policy Committee representative, Councilor Kim Wallan, direction on action to be taken at the July 24 RVMPO Policy Committee meeting.

**Context:** The City received a letter (attached) from the Jackson County Commissioners addressed to Mike Quilty the RVMPO Policy Committee Chair. The letter pertained to the RVMPO funding of the Rogue Valley Transit District (RVTD) with, what is now known as Statewide Transportation Block Grant (STBG) funds (previously called STP funds). Provided with the letter is a table illustrating the STP funding RVTD has received since 2002.

The letter raises the question of whether RVTD should continue to receive one-half of all STBG funds received by the RVMPO given that RVTD passed a five-year operating levy in 2016 and is going to receive funding from the recently adopted payroll tax via the State Transportation Improvement Fund (STIF).

Approximately two years ago a subcommittee of the RVMPO Policy Committee studied this issue and brought forward funding options to the Policy Committee, however nothing was ever decided on. That analysis, should not be relied on at this point given that other funding sources have been, or will be shortly allocated to RVTD.

**Staff's Recommendation:** There are many options that may be developed ranging from the two polar extremes, maintaining the status quo to requiring RVTD to compete for STBG funds like all other cities and the county, as well as many options in between. As such, Staff recommends that Councilor Wallan support the appointment of a small subcommittee whose goal it is to develop RVTD funding options. Staff believes it is important for the City of Medford to have a presence on the subcommittee. Options would then be brought to the RVMPO Policy Committee for explanation. Subsequent to that meeting, the action item would not be on the Policy Committee's agenda for an amount of time sufficient to allow each Policy Committee representative to get direction from their respective policy body.

(over)

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**Motion:** I move to direct Councilor Wallan to:

- Support the formation of a subcommittee to develop RVMPO Policy Committee funding options for RVTD;
- Participate on the subcommittee; and
- Bring back the options to the full City Council in order to receive further direction.



# JACKSON COUNTY

Oregon

## Board of Commissioners

Rick Dyer (541) 774-6118  
Bob Strosser (541) 774-6119  
Colleen Roberts (541) 774-6117  
Fax: (541) 774-6705

10 South Oakdale, Room 214  
Medford, Oregon 97501

June 27, 2018

Mike Quilty, Policy Committee Chair  
Rogue Valley Metropolitan Planning Organization  
PO Box 3275  
Central Point, OR 97502

RE: Alternative Measure 7, Regional Transportation Plan

Dear Mr. Quilty,

During the development of the 2000 Rogue Valley Metropolitan Planning Organization (RVMPO) Regional Transportation Plan, analysis showed that the plan failed to meet the state required Vehicle Miles Traveled (VMT) reduction goal. In response, the RVMPO developed seven Alternative Measures to bring the Regional Transportation Plan into compliance with the Transportation Planning Rule and its associated VMT reduction goal. Alternative Measure 7 directed 50 percent of all Surface Transportation Program (STP) funds received by the RVMPO to “alternative transportation funding” with the funds initially dedicated to the Rogue Valley Transportation District (RVTD).

When the alternative measures were being developed, RVTD was facing a very uncertain funding future with service cuts and route reductions likely. To avoid these reductions, and to help meet VMT reduction goals, the RVMPO agreed to allocate 50 percent of all STP funds to RVTD through Alternative Measure 7. However, Alternative Measure 7 clearly notes that its purpose is to fund “Alternative Transportation Projects” and is not limited to being dedicated to RVTD only. The actual measure language reads:

“Funding committed to transit OR bicycle/pedestrian/TOD projects. Amounts shown represent ½ of the MPO’s estimated accumulation of discretionary funding (STP).”  
*(emphasis added)*

The Measure can be satisfied by utilizing 50 percent of STP funding to fund either transit or bicycle/pedestrian/Transit Oriented Development (TOD) projects. The narrative in Alternative Measure 7 further clarifies the RVMPOs intent of the 50 percent STP funds by stating:

“Without the additional operating revenue provided through this measure (or through some other source), current revenue projections show that RVTD will be required to cut service and eliminate routes in the MPO. RVTD will be pursuing a local funding package in the near future to finance the Tier 2 transit plan. If voters approve this package, RVTD will not require STP funding in order to cover funding shortfalls. It is therefore proposed that, should RVTD’s new fund source become a reality, the STP transit allocation proposed in the measure instead be directed to RTP bicycle/pedestrian projects and projects that facilitate the development of TOD sites.” *(underline added)*

*2013-2038 RTP, Alternative Measures Update, Appendix B, Page 9*

Alternative Measure 7 Letter  
June 27, 2018  
Page 2

In May 2016 voters passed a .13 cents per \$1,000 assessed value RVTD levy and the District restored and expanded service levels. Furthermore, the 2017 Oregon State Legislature passed House Bill 2017 which created the Statewide Transportation Improvement Fund (STIF) which, according to the Oregon Department of Transportation estimates, will provide RVTD with an additional \$1.2 million in 2019 and increasing to \$3.2 million per year by 2021.

Alternative Measure 7 is clear that 50 percent of the STP funds were committed to RVTD only until certain conditions were met, and the Jackson County Board of Commissioners feel those conditions have been met. We respectfully request that a discussion item be placed on an upcoming Policy Committee meeting agenda so this issue can be further discussed, and the future direction of Alternative Measure 7 can be established.

Thank you for your attention to this important issue which impacts all of the RVMPO jurisdictions.

Sincerely,

JACKSON COUNTY BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
Rick Dyer, Chair

Absent  
\_\_\_\_\_  
Bob Strosser, Commissioner

  
\_\_\_\_\_  
Colleen Roberts, Commissioner

cc: RVMPO Policy Committee Members  
Julie Brown, RVTD General Manager  
John Vial, Roads and Parks Director

RD:jv/lf  
By email

**Federal Surface Transportation Program Funds (STP) allocated to Rogue Valley Transit District (2002-2017) \***

Year	Annual STP Allocation to RVMPO	Annual STP Allocation to RVTD (50% of total allocation)	Cummulative allocation to RVTD	Benchmark / Target allocation to RVTD in the 2013-2038 Regional Transportation Plan
2002	\$504,044	\$252,022	\$252,022	
2003	\$736,153	\$368,077	\$620,099	
2004	\$1,126,759	\$563,380	\$1,183,478	
2005	\$1,214,878	\$607,439	\$1,790,917	\$950,000
2006	\$1,159,066	\$579,533	\$2,370,450	
2007	\$1,187,040	\$593,520	\$2,963,970	
2008	\$1,392,466	\$696,233	\$3,660,203	
2009	\$1,278,287	\$639,144	\$4,299,347	
2010	\$1,320,097	\$660,049	\$4,959,395	\$2,500,000
2011	\$1,496,805	\$748,403	\$5,707,798	
2012	\$1,675,445	\$837,723	\$6,545,520	
2013	\$1,832,329	\$916,165	\$7,461,685	
2014	\$1,793,178	\$896,589	\$8,358,274	
2015	\$1,833,945	\$916,973	\$9,275,246	\$4,300,000
2016	\$1,771,974	\$885,987	\$10,161,233	
2017	\$1,965,562	\$982,781	\$11,144,014	
2018				
2019				
2020				\$6,400,000

\* data from RVMPO; STP=STBG