



August 1, 2019

6:00 P.M.

Medford City Hall, Council Chambers

411 W. 8th Street, Medford, Oregon

10. Roll Call

20. Recognitions, Community Group Reports

20.1 Recognitions

- a. Employee retirements
- b. Ceremony for Police Chief Randy Sparacino's retirement and Swearing in of New Police Chief Scott Clauson

20.2 Community Group Reports

- a. Friends of Parks and Recreation Awards
- b. Medford Parks and Recreation Foundation Play Day Youth Scholarship Presentation

30. Oral Requests and Communications from the Audience

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

40. Public Hearings

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

40.1 COUNCIL BILL 2019-76

AN ORDINANCE amending sections 10.012, 10.108, 10.200, 10.314, 10.703, and adding section 10.818A of the Medford Municipal Code. (DCA-18-144) (Land Use, Legislative)

40.2 COUNCIL BILL 2019-77

AN ORDINANCE amending sections 10.108, 10.110, and 10.188 of the Medford Municipal Code pertaining to Procedural Requirements. (DCA-19-022) (Land Use, Legislative)

40.3 COUNCIL BILL 2019-78

A RESOLUTION adopting the first Supplemental Budget for the 2019-21 biennium.

40.4 COUNCIL BILL 2019-79

AN ORDINANCE amending Section 9.101 of the Medford Municipal Code pertaining to adoption of an Oregon Residential Specialty Code for wildfire hazard mitigation.

50. Approval or Correction of the Minutes of the July 18, 2019 Regular Meeting

60. Consent Calendar

60.1 COUNCIL BILL 2019-80

A RESOLUTION denying the appeal filed by the 701 Jackson Street property owner for sidewalk repair and granting 701 Jackson Street property owner a 90-day extension to complete hazardous sidewalk repairs.

60.2 COUNCIL BILL 2019-81

AN ORDINANCE authorizing the purchase of a 2019 Peterbilt Longline Striper from JX Truck Center, in the amount of \$498,299.

60.3 COUNCIL BILL 2019-82

AN ORDINANCE authorizing execution of Phase 1 of an Energy Savings Performance Contract (ESPC) with Ameresco, Inc., in the amount of \$131,340.

60.4 COUNCIL BILL 2019-83

A RESOLUTION initiating annexation to the City of Medford of a portion of the North Ross Lane right-of-way, a portion of Highway 238 (Rossanley Drive) right-of-way, and a 58.1-acre tract of land. (A-19-003).

60.5 COUNCIL BILL 2019-84

AN ORDINANCE ratifying a Purchase and Sale Agreement in the amount of \$99,000 between Portland Limited Partnership and the City of Medford, to acquire the .57 acre parcel located at 801 Central Avenue.

60.6 COUNCIL BILL 2019-85

AN ORDINANCE ratifying settlement of the attorney fee award in the amount of \$350,000, in Jackson County Circuit Court Case No. 080137L7.

60.7 COUNCIL BILL 2019-86

AN ORDINANCE awarding the Jackson County Sheriff's Office \$185,000 from MADGE State Forfeiture funds to purchase a Smiths Detection B-Scan body scanner, to be utilized for Jackson County jail prisoner intake.

60.8 COUNCIL BILL 2019-87

AN ORDINANCE adding section 2.176, to the Medford Municipal Code pertaining to creation of the Council Goals Fund.

70. Items Removed from Consent Calendar

80. Ordinances and Resolutions

80.1 **COUNCIL BILL 2019-88**

AN ORDINANCE authorizing an exception to Medford Municipal Code Section 5.225(e) allowing the Rogue Valley Country Club to operate powered lawn equipment outside of the times specified in that section.

80.2 **COUNCIL BILL 2019-89**

AN ORDINANCE repealing section 6.940(1)(d) of the Medford Municipal Code pertaining to penalties for certain parking violations.

90. Council Business

90.1 **Proclamations issued**

None

90.2 **Committee Reports and Communications**

a. Council Officers Update

b. Appointment to Police Advisory Committee

100. City Manager and Staff Reports

110. Adjournment



AGENDA ITEM COMMENTARY

DEPARTMENT: Planning

PHONE: (541) 774-2380

STAFF CONTACT: Matt Brinkley, AICP CFM, Planning Director

AGENDA SECTION: Public Hearings

MEETING DATE: August 1, 2019

COUNCIL BILL 2019-76

AN ORDINANCE amending sections 10.012, 10.108, 10.200, 10.314, 10.703, and adding section 10.818A of the Medford Municipal Code. (DCA-18-144) (Land Use, Legislative)

SUMMARY AND BACKGROUND

Council is requested to consider a legislative amendment to portions of Medford Municipal Code Chapter 10, also referred to as the Medford Land Development Code (MLDC). The amendment creates standards that will allow for the development of cottage cluster housing. The proposed amendment was reviewed by the Planning Commission (PC) in study sessions on March 25 and May 13, 2019, and the Commission formally recommended approval of the amendment at a public hearing on June 27, 2019. As part of its overall motion to forward a favorable recommendation for adoption of the proposed amendment, the Commission voted 4 - 3 in favor of removing SFR-4 and MFR-20 from the permitted zones for cottage cluster development. (File No. DCA-18-144)

PREVIOUS COUNCIL ACTIONS

On February 15, 2018, staff was directed by City Council to begin work on recommendations from the Housing Advisory Committee (HAC). The HAC recommended amending the Land Development Code to allow for the development of cottage cluster housing and rated this as a high priority item.

On September 24, 2018, the topic of cottage cluster housing was discussed at a joint study session of the City Council and Planning Commission.

ANALYSIS

One way to address housing affordability is to simply allow for a wider variety of housing types. Cottage cluster housing is commonly built as infill development, and while the coordinated site plan and smaller unit sizes allow for densities that are higher than the typical single-family neighborhood, the impacts (both real and perceived) are minimized due to the smaller overall bulk and scale. The site design of cottage cluster developments also encourage neighborhood interaction and safety by orienting homes around a functional community space that is usable and can be tailored to the needs of the residents. Cottage cluster developments are ideal for retirees and empty-nesters that wish to downsize yet remain in a single-family home and neighborhood, as well as singles and small families.

The proposal creates a new and distinct set of development standards that apply only to cottage cluster housing developments. The proposal includes standards for the minimum and maximum number of units in a development, minimum lot area, density, parking, unit types and sizes, and required common open space, among other things. Ownership could be held as a common lot (i.e. for rental units), fee simple lots (i.e. pad lots with a homeowner's association holding common areas), or through a condominium association for the whole development.



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 and provide direction to staff.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to approve the ordinance authorizing the Land Development Code Amendment as described in the Council Report dated July 25, 2019, and as recommended by the Planning Commission.

EXHIBITS

Ordinance

Council Report, including Exhibits A - J

ORDINANCE NO. 2019-76

AN ORDINANCE amending sections 10.012, 10.108, 10.200, 10.314, 10.703, and adding section 10.818A of the Medford Municipal Code. (DCA-18-144)

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

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

10.012 Definitions, Specific.

When used in this chapter, the following terms shall have the meanings as herein ascribed:

* * *

Cottage Unit. A single-family dwelling unit located within a cottage cluster development.

Cottage Cluster Development. A grouping of four to twelve cottage units developed around a common open space area.

* * *

Pad Lot Development. A non-residential **or Cottage Cluster** development created by a land division that provides tax lots within a common area where the lot-lines of such tax lots are located near common or exterior building walls.

SECTION 2. 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)?
Annexation	IV	Urbanization, 10.216	City Council	No

Cottage Cluster Development	III	10.818A	SPAC	Yes
De Minimis Revision(s) to an Approved PUD Plan	I	10.198	Planning Director	No

SECTION 3. Section 10.200 of the Medford Municipal Code is amended to read as follows:

10.200 Site Plan and Architectural Review.

(A) Purpose of Site Plan and Architectural Review.

The Site Plan and Architectural Review process is established in order to provide for review of the functional and aesthetic adequacy of commercial, industrial, **Cottage Cluster**, and multi-family developments; and, to assure compliance with the standards and criteria set forth in this chapter for the development of property as applied to the improvement of individual lots or parcels of land as required by this code. Site Plan and Architectural Review considers consistency in the aesthetic design, site planning and general placement of related facilities such as street improvements, off-street parking, loading and unloading areas, points of ingress and egress as related to bordering traffic flow patterns, the design, placement and arrangement of buildings as well as any other subjects included in the code which are essential to the best utilization of land in order to preserve the public safety and general welfare, and which will encourage development and use of lands in harmony with the character of the neighborhood within which the development is proposed.

* * *

(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.

* * *

(d) Detached single-family residential development on a lot within a final platted land division or on an otherwise legally created lot, unless within a **Cottage Cluster Development pursuant to Section 10.818A**, or within a Historic Overlay, in which case, **SPAC review or Historic Review, respectively**, is required for all single-family residential development. (Effective Dec. 1, 2013.)

* * *

(E) Site Plan and Architectural Review Approval Criteria.

* * *

(2) The Site Plan and Architectural Commission shall approve a site plan and architectural review application for a residential development if the proposed development complies with the applicable provisions of all city ordinances, or if the Site Plan and Architectural Commission has approved either of the following:

(a) Any Exceptions, as provided for in MLDC Section 10.186, which resolve(s) any instances of

non-compliance with those provisions.

(b) Any Adjustments or Exceptions from the Special Development Standards for Multiple-Family Dwellings, as provided for in MLDC Section 10.715A through 10.717.

(c) Any Adjustments or Exceptions from the Development Standards for a Cottage Cluster Development, as provided for in MLDC Section 10.818A.

* * *

(F) Site Plan and Architectural Review Conditions of Approval. In approving a site plan and architectural review application, the Site Plan and Architectural Commission may impose, in addition to those standards expressly specified in this code, conditions determined to be reasonably necessary to ensure compliance with the standards of the code and the criteria in Subsection (E) above, and to otherwise protect the health, safety and general welfare of the surrounding area and community as a whole. These conditions may include, but are not limited to the following:

* * *

(11) Modifying elements of Cottage Cluster Developments when the applicant has affirmatively elected to request an adjustment from the Development Standards for a Cottage Cluster Development, as provided for in MLDC Section 10.818A.

(142) Restricting the height, directional orientation and intensity of exterior lighting.

* * *

SECTION 4. Section 10.314 of the Medford Municipal Code is amended to read as follows:

10.314 Permitted Uses in Residential Land Use Classification.

* * *

PERMITTED USES IN RESIDENTIAL ZONING DISTRICTS	SFR 00	SFR 2	SFR 4	SFR 6	SFR 10	MFR 15	MFR 20	MFR 30	Special Use or Other Code Section(s)
3. SPECIAL RESIDENTIAL DEVELOPMENTS									
(a) Planned Unit Development	X	PD	PD	PD	PD	PD	PD	PD	10.230-245 & 10.412
(b) Mobile Home Park	X	X	X	Cs	Cs	Cs	X	X	10.860-896

(c) Cottage Cluster Development	X	X	X	P	P	P	X	X	10.818A
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* * *

SECTION 5. Section 10.703 of the Medford Municipal Code is amended to read as follows:

10.703 Pad Lot Development.

A. Purpose. It is the purpose of this Section to provide a process for the creation of tax lots within a common area for non-residential uses **and for certain residential uses as specified below**. This Section is not intended to provide relief from the strict standards elsewhere established in this Code.

B. Development Standards.

(1) **A residential pad lot development shall only be permitted for a Cottage Cluster Development pursuant to Section 10.818A.**

(2) **For non-residential uses, all lot-lines created within the common area shall be located along a common or exterior building wall, or within four (4) feet of an exterior building wall, unless the approving authority (Planning Commission) allows a greater distance for special purposes. For Cottage Cluster Developments where the cottage units will be owned in fee simple, all lots created within the common area shall include the building footprint, roof eaves, and any private open space area.**

(23) **For non-residential uses, the parent parcel shall meet the site development standards established in Section 10.721. For Cottage Cluster Developments the parent parcel shall meet the site development standards established in Section 10.818A.**

(34) All pad lot developments shall obtain Site Plan and Architectural Review approval prior to the tentative plat application being accepted for review by the Planning Commission.

(45) A pad lot development shall be identified as such on both the tentative and final plats, and on the site plan submitted for the project. ***

* * *

SECTION 6. Section 10.818A of the Medford Municipal Code is added to read as follows:

10.818A Cottage Cluster Development.

A. Purpose.

The purpose of this section is to establish standards for Cottage Cluster Developments, and to encourage innovation and variety in housing types and site planning as a response to changing household sizes and demographics, as well as to ensure compatibility with surrounding neighborhoods.

B. Applicability.

Cottage Cluster Developments are permitted in the SFR-6, SFR-10, and MFR-15 zoning districts. Where the regulations of this section are not specific, the standards of the underlying zoning district shall apply.

C. Process and Application.

Cottage Cluster Developments shall be subject to Site Plan and Architectural Review pursuant to Section 10.200. The application for a Cottage Cluster Development shall contain all of the plans and documents specified for Site Plan and Architectural Review in Section 10.200(J).

D. Development Standards.

- (1) **Minimum Lot Area.** The minimum lot area of the parent parcel shall be 10,000 square feet.
- (2) **Pad Lot Development.** Pursuant to the provisions of Section 10.703, the lot may be subdivided for the creation of individual cottage unit lots within the common area.
- (3) **Density.** A Cottage Cluster Development may reach a maximum of two times the maximum density permitted in the underlying zoning district.
- (4) **Maximum Lot Coverage Factor.** Lot coverage for a Cottage Cluster Development shall not exceed 60% of the parent parcel.
- (5) **Number of Units.** A Cottage Cluster Development shall contain a minimum of four (4) cottages and a maximum of twelve (12) units arranged in a cluster. A Cottage Cluster Development may contain more than one cluster.
- (6) **Cottage Unit Size.** Cottage units shall have an overall maximum floor area of 1,200 square feet. Cottages may contain a second story; however, the second story floor area shall not exceed 75% of that on the ground floor.
 - (a) Spaces with a ceiling height of six feet or less measured to the exterior walls, such as a second floor area under the slope of a roof, are not included in the total floor area.
 - (b) A maximum of two cottage units may be attached as one structure.
- (7) **Building Height.** The maximum building height is 20 feet. Building height shall be calculated pursuant to Section 10.705.
- (8) **Minimum Setbacks.** Building setbacks for a Cottage Cluster Development are measured from the exterior property lines of the parent parcel. Cottage units and common buildings shall be setback a minimum of 15 feet from the front property line, and a minimum of 5 feet from side and rear property lines. Detached garage or carport structures shall be setback a minimum of 4 feet from side and rear property lines.
- (9) **Building Separation.** Cottage units shall be separated by a minimum of 6 feet between eaves. Structures other than cottages shall meet minimum Building Code separation requirements.
- (10) **Parking.** All parking for a Cottage Cluster Development shall be located on-site and shall meet the following minimum standards:
 - (a) 1 parking space for studio or 1 bedroom cottages; and, 1.5 spaces for cottages with 2 or more bedrooms.
 - (b) Parking may be located within an enclosed garage, carport, or unenclosed parking space.
 - (c) Parking areas and/or structures shall be located behind or to the side of the residential area(s) and open space.

- (d) A minimum of 20 feet shall be provided for maneuvering and backing movements. This may be reduced to no less than 10 feet for a one-way vehicle circulation pattern.
- (11) **Required Common Open Space.** Common open space is intended to be a shared amenity amongst all residents of a Cottage Cluster Development. Common open space shall be provided as follows:
- (a) A minimum of 400 square feet of central common open space per unit shall be provided.
 - (b) Common open space should be contiguous, but no more than two separate common spaces permitted.
 - (c) Common open space areas shall have a minimum width dimension of 20 feet.
 - (d) At least 50 percent of the cottages shall be oriented around and have their main entrance facing the common open space.
 - (e) Each cottage shall be connected to the common open space by a pedestrian walkway.
 - (f) Areas such as utility vaults, exterior setbacks and common parking areas and driveways are not counted in the common open space requirements.
 - (g) Common open space may contain a drainage swale area, provided the area is usable open space.
 - (h) The common open space areas shall be constructed and landscaped prior to completion of 75% of the units in the development.
 - (i) The common open space shall be recorded as a perpetual open space to benefit all residents of the cottage cluster development prior to filing a final plat or prior to obtaining a building permit.
- (12) **Private Open Space.** The provision of private open space adjacent to each cottage is encouraged, but not required.
- (13) **Porches.** Each cottage unit shall have an attached, covered porch with a minimum area of 60 square feet and a minimum dimension of 6 feet on any side.
- (14) **Common Buildings.** Common buildings are intended as a shared amenity for the use of the cottage cluster development residents and to help promote a sense of community. They may include multi-purpose entertainment space, a small kitchen, library, guest suite, or other similar amenities. Community buildings shall not exceed 1,200 square feet of total floor area, and the floor area of second story elements shall not exceed 75% of the ground floor area.
- (15) **Accessory Buildings.** Accessory buildings for common usage (e.g. garden/tool sheds) are permitted in the common open space area(s) if clearly incidental in size and use. Other types of accessory buildings, except for garages and carports, are prohibited.
- (16) **Existing Dwellings.** An existing single-family dwelling located on a Cottage Cluster Development site may be incorporated into the development as a residence or community building, and may be non-conforming to standards; however, non-conformities may not be increased and the non-conforming dwelling shall be included in the maximum permitted cottage density.
- (17) **Pedestrian Pathways.** Pedestrian pathways shall connect all cottage units to a public street, shared amenities (e.g. common open space, community buildings), and parking

areas.

- (18) **Fencing.** Fence height is limited to 3 feet on interior areas adjacent to common open space(s). Fencing in front and side yards that abut a public street, and fencing on the perimeter of a cottage cluster development shall be subject to the standards of Sections 10.731-10.733.
- (19) **Utilities.** Utilities shall be installed in accordance with the following:
 - (a) **Water.** Water meters shall be installed within the public right-of-way, or within an easement dedicated to the Medford Water Commission that completely encompasses the water service lines and meters. Water metering configuration shall be coordinated with the Medford Water Commission Engineering Staff.
 - (b) **Sewer.** Service laterals may be extended from a sewer main in the public right-of-way. Sewer mains may be extended in the driving and circulation areas in a public utility easement, with service laterals to individual units. Private sewer laterals may be extended across common areas, but shall not cross individual lots.
 - (c) **Gas/Electric/Phone/Cable/Utility Pedestals.** These utility services may be extended from the public right-of-way across common areas to individual lots, or they may be extended in circulation areas in a public utility easement, and extended across common areas to individual lots.
- (20) **Ownership.** Ownership may be held as a common lot, fees simple lots with a homeowner's association holding common areas, or condominium ownership of the whole development.
- (21) **Covenants, Conditions and Restrictions.** Subsequent to final plat approval, but prior to issuance of a building permit for any structure in a Cottage Cluster Development where the cottage units are to be held in fee simple ownership, a set of covenants, conditions and restrictions (CC&Rs) for the Cottage Cluster Development shall be reviewed and, if approved by the City, recorded with the County. The CC&Rs shall create an association of owners responsible for the permanent maintenance of all common areas. Although property owners are responsible for maintaining their properties and the associated common areas, the CC&Rs shall also authorize the City to enforce their provisions, and provide for lien rights and reimbursement to the City for any costs incurred thereby, including City liens against residences for actions the City must take to maintain the common areas.

F. Optional Adjustment of Development Standards. Applicants may seek approval of innovative and/or unconventional cottage cluster developments that may not precisely satisfy the development standards set forth in this section. The Site Plan and Architectural Commission may approve a site plan and architectural review application for a Cottage Cluster Development if it can find that the proposed development conforms, or can be made to conform through the imposition of conditions, with the following criteria:

- (a) The proposed development is consistent with the overall purpose and intent of Section 10.818A(A); and
- (b) The requested adjustment will allow the project to achieve an equivalent or higher

quality design than would otherwise result through strict adherence to the standards. Factors that may be considered include, but are not limited to, such things as: enhanced architectural details, and enhanced common or private open spaces that contribute positively to the site, streetscape, or adjoining properties.

PASSED by the Council and signed by me in authentication of its passage this ___ day of August, 2019.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2019

Mayor

NOTE: Matter in **bold** is new. Matter ~~struck through~~ 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.



COUNCIL REPORT

for a Type IV legislative decision: **Development Code Amendment**

Project Cottage Cluster Development Code Amendment
File no. DCA-18-144
To City Council *for 8/1/2019 hearing*
From Planning Commission via Seth Adams, AICP, Planner III
Reviewer Carla Angeli Paladino, Principal Planner
Date July 25, 2019

BACKGROUND

Proposal

DCA-18-144 is a legislative amendment to portions of Chapter 10 of the Medford Municipal Code to create standards that will allow for the development of cottage cluster housing (Exhibit A).

Authority

This proposal is a Type IV land use action to amend the Land Development Code. The Planning Commission is authorized to recommend, and the City Council to approve, amendments to the Land Development Code under Medford Municipal Code §§10.214 and 10.218.

History

At the February 15, 2018, City Council meeting, staff was directed to begin working on the recommendations of the Housing Advisory Committee. Among those recommendations, amending the Land Development Code to allow for the development of cottage cluster housing was rated as a high priority item. The topic of cottage cluster housing was discussed at a joint study session of the City Council and Planning Commission in September 2018, and draft cottage cluster development standards were presented to the Planning Commission at study sessions on March 25 and May 13, 2019 (Exhibits B and C). On June 27, 2019, the Planning Commission met at a regularly scheduled hearing to review the proposed amendment, and voted to recommend adoption of DCA-19-144 with removal of SFR-4 and MFR-20 from the list of permitted zoning districts (Exhibit D).

ANALYSIS

While indirect, one way to address housing affordability is to simply allow for a wider variety of housing types. Cottage cluster developments consist of small, single-family dwelling units that are clustered around a central outdoor common space within a coordinated site plan (Exhibit E).

Cottage clusters are commonly built as infill development, and while the coordinated site plan and smaller unit sizes allow for densities that are higher than the typical single-family neighborhood, the impacts (both real and perceived) are minimized due to the smaller overall bulk and scale of the units. The site design of cottage cluster developments also encourage neighborhood interaction and safety by orienting homes around a functional community space that is usable and can be tailored to the needs of the residents. Cottage cluster developments are ideal for retirees and empty-nesters that wish to downsize yet remain in a single-family home and neighborhood, as well as singles and small families.

Proposed Code Text – Key Provisions

The full text of the proposed code amendment is attached for review as Exhibit A. The proposal creates a new and distinct set of development standards that apply only to cottage cluster housing developments. The proposal includes standards for the minimum and maximum number of units in a development, minimum lot area, density, parking, unit types and sizes, and required common open space, among other things. Ownership could be held as a common lot (for rental units), fee simple lots (pad lots with a homeowner's association holding common areas), or through a condominium association for the whole development.

Permitted Zones

As presented to the Planning Commission, the proposal permitted cottage cluster development in the SFR-4, SFR-6, SFR-10, MFR-15, and MFR-20 zones; however, some members of the Planning Commission expressed concern over allowing cottage cluster housing in the SFR-4 and MFR-20 zones, stating that cottage clusters did not seem to be an appropriate or compatible use in those two zones. As part of its overall motion to forward a favorable recommendation for adoption of the proposed amendment, the Commission voted 4 - 3 in favor of removing SFR-4 and MFR-20 from the permitted zones for cottage cluster development.

Noting the Planning Commission's recommendation to remove SFR-4 from the list of permitted zones, the State legislature recently voted to approve House Bill 2001 (HB 2001), and it is expected to be signed into law in the coming days/weeks. HB 2001 will require all cities with a population of 25,000 or more to allow development of:

"All middle housing types in areas zones for residential use that allow for the development of detached single-family dwellings."

"Middle Housing" is defined in HB 2001 as being duplexes, triplexes, quadplexes, cottage clusters, and townhouses. While cities subject to HB 2001 will technically have until June 30, 2022 to adopt

land use regulations implementing all of its provisions, the City Council may want to give additional thought and discussion to the topic of allowing cottage cluster developments in the SFR-4 zone at this time.

On this topic, it is worth noting that approximately 52% of the single-family residential land in Medford is zoned SFR-4, and part of the strategy behind allowing for cottage cluster development is that it can provide an alternative for people that wish to move out of their large home while staying in, or close to their current neighborhood. Many people hold onto larger single-family residences well after they need or want additional bedrooms and private yards, simply because they desire to stay in a familiar area and there are no alternative single-family housing types for them to consider. Cottage cluster developments afford empty-nesters, seniors, small families, and newly single people the opportunity to get the equity out of their larger house and move to a smaller single-family home in a neighborhood or area they are familiar with and feel comfortable in. This type of opportunity will not be possible in a significant portion of the city if cottage cluster developments are not permitted in the SFR-4 zone.

Number of Units – Density - Lot Area

As proposed, the code amendment requires a minimum of four, and a maximum of twelve units per cottage cluster development (larger cottage developments are permitted, but the units must be arranged in clusters of four to twelve units), and the density could reach up to two times the maximum of the underlying zoning district. The minimum lot area is proposed to be 10,000 square feet (a minimum of 15,000 square feet was proposed for lots zoned SFR-4). This minimum lot area was selected to ensure there will be at least four cottage units per development (when calculated at two times the maximum density of the underlying zone).

Parking

Based on a recommendation from the Planning Commission at one of the study sessions, the parking requirement is based on the number of bedrooms per unit, whereas the parking requirement for a standard single-family residence is two spaces per unit irrespective of size or number of bedrooms. It is anticipated that cottage cluster development will primarily be used as an infill strategy on smaller sites, and due to its somewhat unique nature and the demographic groups most commonly drawn to cottage cluster housing, staff is of the opinion that a reduced parking requirement of 1 space for studio and one bedroom cottages, and 1.5 spaces for cottages with two or more bedrooms, is adequate. A reduced parking requirement for cottage cluster developments is used by a number of other communities in Oregon and Washington, and is also supported by AARP Oregon (Exhibit E).

Unit Types & Sizes

The proposal allows for individual detached and two unit attached cottages (i.e. a cottage duplex). The overall maximum floor area for a cottage unit is proposed to be 1,200 square feet, and while cottages would be permitted to have a second story, the floor area of the second story would be limited to 75% of that on the ground floor. The proposal originally called for the allowance of carriage units (one cottage located above a common garage or carport), but staff has removed this unit type from the proposal as carriage units could unnecessarily complicate the land division process for pad lots, and their physical location above a garage or carport could place them in closer proximity to abutting properties, thereby somewhat negating one of the objectives of cottage housing which is to fit into existing neighborhoods with little to no visual or physical impacts.

Open Space

As a shared outdoor amenity, a central common open space in a minimum amount of 400 square feet per unit would be required under the proposal. As originally conceived, an additional 200 square feet of required private open space per unit was proposed, but based on comments heard and received, staff is now proposing that private open space be encouraged as opposed to being required. This change in the proposal is intended to provide developers with some additional flexibility when working with smaller infill sites, as well as to help balance the needs between open space, housing, and overall costs. As proposed, all cottages would be required to have a minimum 60 square foot covered porch that will ensure some access to outdoor private space.

FINDINGS AND CONCLUSIONS

The criteria that apply to code amendments are in Medford Municipal Code §10.218. The criteria are rendered in italics; findings and conclusions in roman type.

10.218 Land Development Code Amendment Approval Criteria.

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

(A) Explanation of the public benefit of the amendment.

Findings

The majority of the single-family residential development built within Medford over the past several decades has consisted of larger homes on individual lots, leaving few housing type options for residents. Cottage cluster housing is ideal for retirees and empty-nesters that wish to downsize yet remain in a single-family home and neighborhood, as well as small families and single parent households that desire homeownership, but do not desire a larger size home, or perhaps cannot afford the price of a standard single-family residence.

Conclusions

The proposed code amendment is intended to benefit the public in that it will allow for a wider variety of residential developments within the City of Medford, thereby providing residents with new housing options. This criterion is satisfied.

(B). The justification for the amendment with respect to the following factors:

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

Findings

The following are the goals, policies, and implementation strategies of the Comprehensive Plan applicable to DCA-18-144.

Housing Element

Goal: To provide for the housing needs of the citizens of Medford.

Policy 1: The City of Medford shall assess the housing needs of current and prospective residents, including the elderly, disabled, active retirees, and other groups with special housing needs, to determine development priorities and to formulate specific strategies and activities to meet those needs.

Implementation 1-C: Assess policies, regulations, and standards affecting residential development and pursue amendments as needed to meet Policy 1. Assess factors such as:

- a) Residential development standards;
- e) Assuring a mix of income levels and dwelling types, including multi-family, group, affordable, and assisted housing, throughout the City.

Policy 5: The City of Medford shall provide opportunities for alternative housing types and patterns, such as planned unit developments, mixed-uses, and other techniques that reduce development costs, increase density, and achieve projects that are flexible and responsive to the site and surroundings, including the conservation and enhancement of areas having special scenic, historic, architectural, or cultural value.

Conclusions

The proposed cottage cluster housing code amendment will allow for a new and alternative type of single-family residential development that is well suited to certain groups of the population, including the elderly, disabled, retirees, singles and small families, and persons who are unable to afford the cost of a traditionally sized home. Cottage cluster housing developments are also well suited to infill sites, and are designed to fit in with the surrounding development while allowing for an increase in the standard density. This criterion is satisfied.

(2) Comments from applicable referral agencies regarding applicable statutes or regulations.

Findings

The proposed amendment was provided to the applicable referral agencies per the code requirements in May 2019. The Fire Department, Building Department, and Public Works Department provided official “no comment” statements, and the Medford Water Commission (MWC) provided comments specifying that water meters shall be located within the public right-of-way or an easement dedicated to the MWC, and that water metering configuration for proposed cottage housing developments shall be coordinated with MWC Engineering staff.

Conclusions

The proposed code amendment text was revised to include the requirements of the Medford Water Commission, which was the only referral agency to provide comments. This criterion has been satisfied.

(3) Public comments.

Findings

The City Council and the Planning Commission provided feedback at an initial study session in the fall of 2018, and the Planning Commission subsequently provided feedback over two study sessions in March and May of 2019. Notification of the study sessions were posted to the City website in accordance with the City’s practice, and no public comments have been received to date as a result of those study sessions. An outline of draft key code provisions was also sent to members of the local community who are directly involved or interested in residential development. This staff report and the proposed code amendment language will also be posted on the City’s website, which may generate future public comments.

Conclusions

The proposed amendment has been made available for public review and comments through the course of three public meetings, and additional public comments may be provided during the public hearings process. This criterion has been satisfied.

(4) Applicable governmental agreements.

Findings

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

Conclusions

This criterion is not applicable.

RECOMMENDED ACTION

The Planning Commission recommends adopting DCA-18-144 based on the analysis, findings and conclusions per the Council Report dated July 25, 2019, including Exhibits A through J.

EXHIBITS

- A Proposed amendment
- B Planning Commission Study Session Minutes - March 25, 2019
- C Planning Commission Study Session Minutes - May 13, 2019
- D Planning Commission Hearing Minutes (excerpt) - June 27, 2019
- E Illustration of typical cottage housing development
- F AARP Oregon Comment Letter - May 13, 2019
- G Medford Water Commission Comments - June 12, 2019
- H Medford Building Department Comments - June 12, 2019
- I Medford Fire-Rescue Department Comments - June 12, 2019
- J Medford Public Works Department Comments - June 12, 2019

CITY COUNCIL AGENDA:

AUGUST 1, 2019

* * *

10.012 Definitions, Specific.

When used in this chapter, the following terms shall have the meanings as herein ascribed:

Cottage Unit. A single-family dwelling unit located within a cottage cluster development.

Cottage Cluster Development. A grouping of four to twelve cottage units developed around a common open space area.

Pad Lot Development. A non-residential or Cottage Cluster development created by a land division that provides tax lots within a common area where the lot-lines of such tax lots are located near common or exterior building walls.

* * *

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)?
Annexation	IV	Urbanization, 10.216	City Council	No
Appeal of Final PUD Plan Decision	I	10.140(F)(3)	Planning Commission	No
Appeal of Minor Historic Review Decision	I	10.140(F)(4)	LHPC	No
Appeal of Type II Decision	III	10.140(G)	Planning Commission	Yes
Appeal of Type III Decision	IV	10.140(H)	City Council	Yes
Appeal of Type IV Decision	IV	10.140(I)	LUBA	No
Comprehensive Plan Amendment, Major	IV	Review & Amendment, 10.220	City Council	No
Comprehensive Plan Amendment, Minor	IV	Review & Amendment, 10.222	City Council	No
Conditional Use Permit	III	10.184	Planning Commission	Yes
<u>Cottage Cluster Development</u>	<u>III</u>	<u>10.818A</u>	<u>SPAC</u>	<u>Yes</u>
De Minimis Revision(s) to an Approved PUD Plan	I	10.198	Planning Director	No
Exception	III	10.186	PC/LHPC/SPAC	Yes
Final PUD Plan	I	10.196	Planning Director	No
Final Plat, Subdivision or Partition	I	10.160	Planning Director	No
General Land Use Map Amendment, Major	IV	GLUP, Review & Amendment, 10.220	City Council	No
General Land Use Map	IV	GLUP, Review &	City Council	

Amendment, Minor		Amendment, 10.222		No
Historic	III	10.188	LHPC	Yes
Land Development Code Amendment	IV	10.218	City Council	No
Minor Historic Review	I	10.148	Planning Director	No
Major Modification to a Site Plan & Architectural Review Approval	III	10.200(H)(1)	SPAC	Yes

* * *

10.200 Site Plan and Architectural Review.

(A) Purpose of Site Plan and Architectural Review.

The Site Plan and Architectural Review process is established in order to provide for review of the functional and aesthetic adequacy of commercial, industrial, Cottage Cluster, and multi-family developments; and, to assure compliance with the standards and criteria set forth in this chapter for the development of property as applied to the improvement of individual lots or parcels of land as required by this code. Site Plan and Architectural Review considers consistency in the aesthetic design, site planning and general placement of related facilities such as street improvements, off-street parking, loading and unloading areas, points of ingress and egress as related to bordering traffic flow patterns, the design, placement and arrangement of buildings as well as any other subjects included in the code which are essential to the best utilization of land in order to preserve the public safety and general welfare, and which will encourage development and use of lands in harmony with the character of the neighborhood within which the development is proposed.

* * *

(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.

* * *

(d) Detached single-family residential development on a lot within a final platted land division or on an otherwise legally created lot, unless within a Cottage Cluster Development pursuant to Section 10.818A, or within a Historic Overlay, in which case, SPAC review or Historic Review, respectively, is required for all single-family residential development. (Effective Dec. 1, 2013.)

* * *

(E) Site Plan and Architectural Review Approval Criteria.

* * *

(2) The Site Plan and Architectural Commission shall approve a site plan and architectural review application for a residential development if the proposed development complies with the applicable provisions of all city ordinances, or if the Site Plan and Architectural Commission has approved either of the following:

(a) Any Exceptions, as provided for in MLDC Section 10.186, which resolve(s) any instances of non-compliance with those provisions.

(b) Any Adjustments or Exceptions from the Special Development Standards for Multiple-Family Dwellings, as provided for in MLDC Section 10.715A through 10.717.

(c) Any Adjustments or Exceptions from the Development Standards for a Cottage Cluster Development, as provided for in MLDC Section 10.818A.

* * *

(F) Site Plan and Architectural Review Conditions of Approval. In approving a site plan and architectural review application, the Site Plan and Architectural Commission may impose, in addition to those standards expressly specified in this code, conditions determined to be reasonably necessary to ensure compliance with the standards of the code and the criteria in Subsection (E) above, and to otherwise protect the health, safety and general welfare of the surrounding area and community as a whole. These conditions may include, but are not limited to the following:

(1) Limiting the number, height, location and size of signs;

(2) Requiring the installation of appropriate public facilities and services and dedication of land to accommodate public facilities when needed;

(3) Limiting the visibility of mechanical equipment through screening or other appropriate measures;

(4) Requiring the installation or modification of irrigated landscaping, walls, fences or other methods of screening and buffering;

(5) Limiting or altering the location, height, bulk, configuration or setback of commercial and industrial buildings, structures and improvements.

(6) Requiring the improvement of an existing, dedicated alley which will be used for ingress or egress for a development;

(7) Controlling the number and location of parking and loading facilities, points of ingress and egress and providing for the internal circulation of motorized vehicles, bicycles, public transit and pedestrians;

(8) Requiring the retention of existing natural features;

(9) Modifying architectural design elements of commercial and industrial buildings. Such modifications may include, but are not necessarily limited to: exterior construction materials and their colors, roofline, and fenestration; and, restricting openings in the exterior walls of structures;

(10) Modifying architectural design elements of multiple-family dwelling buildings when the applicant has affirmatively elected to request an adjustment from the Special Development Standards in MLDC Sections 10.715A through 10.717. Such modifications may include but are not necessarily limited to: exterior construction materials and their colors, roofline, and fenestration; and, restricting openings in the exterior walls of structures;

(11) Modifying elements of Cottage Cluster Developments when the applicant has

affirmatively elected to request an adjustment from the Development Standards for a Cottage Cluster Development, as provided for in MLDC Section 10.818A.

~~(H12)~~ Restricting the height, directional orientation and intensity of exterior lighting

* * *

10.314 Permitted Uses in Residential Land Use Classification.

* * *

PERMITTED USES IN RESIDENTIAL ZONING DISTRICTS	SFR 00	SFR 2	SFR 4	SFR 6	SFR 10	MFR 15	MFR 20	MFR 30	Special Use or Other Code Section(s)
3. SPECIAL RESIDENTIAL DEVELOPMENTS									
(a) Planned Unit Development	X	PD	10.230-245 & 10.412						
(b) Mobile Home Park	X	X	X	Cs	Cs	Cs	X	X	10.860-896
<u>(c) Cottage Cluster Development</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>10.818A</u>

* * *

10.703 Pad Lot Development.

A. Purpose. It is the purpose of this Section to provide a process for the creation of tax lots within a common area for non-residential uses and for certain residential uses as specified below. This Section is not intended to provide relief from the strict standards elsewhere established in this Code.

B. Development Standards.

(1) A residential pad lot development shall only be permitted for a Cottage Cluster Development pursuant to Section 10.818A.

(2) For non-residential uses, All lot-lines created within the common area shall be located along a common or exterior building wall, or within four (4) feet of an exterior building wall, unless the approving authority (Planning Commission) allows a greater distance for special purposes. For Cottage Cluster Developments where the cottage units will be owned in fee simple, all lots created within the common area shall include the building footprint, roof eaves, and any private open space area.

~~(23)~~ For non-residential uses the parent parcel shall meet the site development standards established in Section 10.721. For Cottage Cluster Developments the parent parcel shall meet the site development standards established in Section 10.818A

~~(34)~~ All pad lot developments shall obtain Site Plan and Architectural Review approval prior to

the tentative plat application being accepted for review by the Planning Commission.

(45) A pad lot development shall be identified as such on both the tentative and final plats, and on the site plan submitted for the project. At the time of recording of the final plat, Covenants, Conditions, and Restrictions (CC&Rs) shall be approved by the City and recorded. The recorded CC&Rs shall provide:

(a) That the owners are jointly and severally responsible for the continued maintenance and repair of the common elements of the development, such as common portions of buildings, parking areas, access, landscaping, etc., and share equitable in the cost of such upkeep.

(b) An association for the purpose of governing the operation of the common interests.

(c) Maintenance access easements on individual lots where necessary for the purpose of property maintenance and repair.

(d) The specific rights of, or limitations on, individual lot owners to modify any portion of a building or lot, including the provision that no common elements be modified without the consent of the association.

* * *

10.818A Cottage Cluster Development.

A. Purpose.

The purpose of this section is to establish standards for Cottage Cluster Developments, and to encourage innovation and variety in housing types and site planning as a response to changing household sizes and demographics, as well as to ensure compatibility with surrounding neighborhoods.

B. Applicability.

Cottage Cluster Developments are permitted in the SFR-6, SFR-10, and MFR-15 zoning districts. Where the regulations of this section are not specific, the standards of the underlying zoning district shall apply.

C. Process and Application.

Cottage Cluster Developments shall be subject to Site Plan and Architectural Review pursuant to Section 10.200. The application for a Cottage Cluster Development shall contain all of the plans and documents specified for Site Plan and Architectural Review in Section 10.200(J).

D. Development Standards.

(1) Minimum Lot Area. The minimum lot area of the parent parcel shall be 10,000 square feet.

(2) Pad Lot Development. Pursuant to the provisions of Section 10.703, the lot may be subdivided for the creation of individual cottage unit lots within the common area.

(3) Density. A Cottage Cluster Development may reach a maximum of two times the maximum density permitted in the underlying zoning district.

(4) Maximum Lot Coverage Factor. Lot coverage for a Cottage Cluster Development shall not exceed 60% of the parent parcel.

(5) Number of Units. A Cottage Cluster Development shall contain a minimum of four (4) cottages and a maximum of twelve (12) units arranged in a cluster. A Cottage Cluster Development may contain more than one cluster.

- (6) **Cottage Unit Size.** Cottage units shall have an overall maximum floor area of 1,200 square feet. Cottages may have a second story; however, the second story floor area shall not exceed 75% of that on the ground floor.
- (a) Spaces with a ceiling height of six feet or less measured to the exterior walls, such as a second floor area under the slope of a roof, are not included in the total floor area.
 - (b) A maximum of two cottage units may be attached as one structure.
- (7) **Building Height.** The maximum building height is 20 feet. Building height shall be calculated pursuant to Section 10.705.
- (8) **Minimum Setbacks.** Building setbacks for a Cottage Cluster Development are measured from the exterior property lines of the parent parcel. Cottage units and common buildings shall be setback a minimum of 15 feet from the front property line, and a minimum of 5 feet from side and rear property lines. Detached garage or carport structures shall be setback a minimum of 4 feet from side and rear property lines.
- (9) **Building Separation.** Cottage units shall be separated by a minimum of 6 feet between eaves. Structures other than cottages shall meet minimum Building Code separation requirements.
- (10) **Parking.** All parking for a Cottage Cluster Development shall be located on-site and shall meet the following minimum standards:
- (a) 1 parking space for studio or 1 bedroom cottages; and, 1.5 spaces for cottages with 2 or more bedrooms.
 - (b) Parking may be located within an enclosed garage, carport, or unenclosed parking space.
 - (c) Parking areas and/or structures shall be located behind or to the side of the residential area(s) and open space.
 - (d) A minimum of 20 feet shall be provided for maneuvering and backing movements. This may be reduced to no less than 10 feet for a one-way vehicle circulation pattern.
- (13) **Required Common Open Space.** Common open space is intended to be a shared amenity amongst all residents of a Cottage Housing Development. Common open space shall be provided as follows:
- (a) A minimum of 400 square feet of central common open space per unit shall be provided.
 - (b) Common open space should be contiguous, but no more than two separate common spaces shall be permitted.
 - (c) Common open space areas shall have a minimum width dimension of 20 feet.
 - (d) At least 50 percent of the cottages shall be oriented around and have their main entrance facing the common open space.
 - (e) Each cottage shall be connected to the common open space by a pedestrian walkway.
 - (f) Areas such as utility vaults, exterior setbacks and common parking areas and driveways are not counted in the common open space requirements.
 - (g) Common open space may contain a drainage swale area, provided the area is usable open space.
 - (h) The common open space areas shall be constructed and landscaped prior to completion of 75% of the units in the development.

- (i) The common open space shall be recorded as a perpetual open space to benefit all residents of the cottage housing development prior to filing a final plat or prior to obtaining a building permit.
- (14) **Private Open Space.** The provision of private open space adjacent to each cottage is encouraged, but not required.
- (15) **Porches.** Each cottage unit shall have an attached, covered porch with a minimum area of 60 square feet and a minimum dimension of 6 feet on any side.
- (16) **Common Buildings.** Common buildings are intended as a shared amenity for the use of the cottage housing development residents and to help promote a sense of community. They may include a multi-purpose entertainment space, a small kitchen, library, guest suite, or other similar amenities. Community buildings shall not exceed 1,200 square feet of total floor area, and the floor area of second story elements shall not exceed 75% of the ground floor area.
- (17) **Accessory Buildings.** Accessory buildings for common usage (e.g. garden/tool sheds) are permitted in the common open space area(s) if clearly incidental in size and use. Other types of accessory buildings, except for garages and carports, are prohibited.
- (18) **Existing Dwellings.** An existing single-family dwelling located on a Cottage Housing Development site may be incorporated into the development as a residence or community building, and may be non-conforming to standards; however, non-conformities may not be increased and the non-conforming dwelling shall be included in the maximum permitted cottage density.
- (19) **Pedestrian Pathways.** Pedestrian pathways shall connect all cottage units to a public street, shared amenities (e.g. common open space, community buildings), and parking areas.
- (20) **Fencing.** Fence height is limited to 3 feet on interior areas adjacent to common open space(s). Fencing in front and side yards that abut a public street, and fencing on the perimeter of a cottage housing development shall be subject to the standards of Sections 10.731-10.733.
- (21) **Utilities.** Utilities shall be installed in accordance with the following:
- (a) Water. Water meters shall be installed within the public right-of-way, or within an easement dedicated to the Medford Water Commission that completely encompasses the water service lines and meters. Water metering configuration shall be coordinated with the Medford Water Commission Engineering staff.
 - (b) Sewer. Service laterals may be extended from a sewer main in the public right-of-way. Sewer mains may be extended in the driving and circulation areas in a public utility easement, with service laterals to individual units. Private sewer laterals may be extended across common areas, but shall not cross individual lots.
 - (c) Gas/Electric/Phone/Cable/Utility Pedestals. These utility services may be extended from the public right-of-way across common areas to individual lots, or they may be extended in circulation areas in a public utility easement, and extended across common areas to individual lots.
- (22) **Ownership.** Ownership may be held as a common lot, fee simple lots with a homeowner's association holding common areas, or condominium ownership of the whole development.
- (23) **Covenants, Conditions and Restrictions.** Subsequent to final plat approval, but prior to issuance of a building permit for any structure in a Cottage Housing Development where the cottage units are to be held in fee simple ownership, a set of covenants, conditions and restrictions (CC&Rs) for the Cottage Housing Development shall be reviewed and, if approved by the City, recorded with the County. The CC&Rs shall create an association of owners

responsible for the permanent maintenance of all common areas. Although property owners are responsible for maintaining their properties and the associated common areas, the CC&Rs shall also authorize the City to enforce their provisions, and provide for lien rights and reimbursement to the City for any costs incurred thereby, including City liens against residences for actions the City must take to maintain the common areas.

F. Optional Adjustment of Development Standards. Applicants may seek approval of innovative and/or unconventional cottage cluster developments that may not precisely satisfy the development standards set forth in this section. The Site Plan and Architectural Commission may approve a site plan and architectural review application for a Cottage Cluster Development if it can find that the proposed development conforms, or can be made to conform through the imposition of conditions, with the following criteria:

- (a) The proposed development is consistent with the overall purpose and intent of Section 10.818A(A); and
- (b) The requested adjustment will allow the project to achieve an equivalent or higher quality design than would otherwise result through strict adherence to the standards. Factors that may be considered include, but are not limited to such things as: enhanced architectural details, and enhanced common or private open spaces that contribute positively to the site, streetscape, or adjoining properties.

* * *



Planning Commission Minutes

From Study Session on **March 25, 2019**

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

Commissioners Present

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

Staff Present

Matt Brinkley, Planning Director
Kelly Evans, Assistant Planning Director
Carla Paladino, Principal Planner
Eric Mitton, Deputy City Attorney
Seth Adams, Planner III

Commissioners Absent

Patrick Miranda, Excused Absence
Jeff Thomas, Excused Absence

Subject:

20.1 DCA-18-144 Cottage Housing Code Amendment

Carla Paladino, Principal Planner reported that Seth Adams will present the Cottage Housing development. Staff would like to get feedback from the Planning Commission on what standards would work. Staff will also get developers opinions on whether this is a product that they will do.

Commissioner McFadden commented that the staff report states nobody has done it yet. Ms. Paladino stated that there are old ones. The code does not allow cottage housing.

Seth Adams, Planner III reported staff was directed by the City Council to begin working on the various recommendations of the Housing Advisory Committee. Among the Committee's recommendations, amending the Land Development Code to allow for the development of cottage housing was considered to be a high priority item.

Cottage housing developments are generally defined as a development of small, detached, single-family dwelling units that are clustered around a central outdoor common space within a coordinated site plan.

Cottage housing is typically built as infill development, and while the coordinated design plan and smaller unit sizes allow for densities that are higher than the typical single-

family neighborhood, their impacts (both real and perceived) are minimized because of their smaller overall bulk and scale.

Ashland Planning Commission approved a cottage housing development several weeks ago. They adopted their cottage housing code in December of 2017. The site is approximately 0.7 acres. Units range from 733 to 799 square feet. Six of the units are duplexes. There is one parking space per unit per Ashland's code.

Commissioner Mansfield, in reading the Tidings there was a lot of neighborhood opposition. Does staff expect that here? Mr. Adams agreed there was a lot of opposition recorded in the Tidings. Mountain View Drive is a narrow street. There were concerns of people already parking on the street with it being narrow and emergency vehicle access. That neighborhood is already impacted with on-street parking and they were concerned about the overflow. At this point no one knows about Medford.

Chair McKechnie stated that the one difference between Ashland and Medford is that Ashland allows part of the on-street parking as meeting parking requirements for development. Medford has to have 100% off-street parking.

The purpose and intent is:

- Provide housing types that are responsive to changing household sizes and demographics.
- Encourage affordability, innovation, and variety in housing design and site development.
- Support growth management through the efficient use of urban residential land.
- Ensure compatibility with surrounding uses.

The proposed code amendment would allow for cottage housing developments within the SFR-4, SFR-6, SFR-10, MFR-15, and MFR-20 zones. The minimum lot size would be 10,000 square feet, and assuming all of the development standards are adhered to, a cottage housing development would have the ability to reach a maximum of 2 times the maximum density permitted in the underlying zoning district. A cottage housing development would be required to have a minimum of 4 cottages and a maximum of 12. Larger developments would be permitted, but units would need to be clustered in groups of 4 to 12 cottages.

Cottage housing development projects meeting all of the development standards would be reviewed by the Planning Director as a Type II land use action. Type II is publically noticed and a notification sign on the property that it is proposed for review. If a developer wanted to deviate from the standards it would be a Type III land use action reviewed by the Site Plan and Architectural Commission with public notice and public hearing.

All of the development standards are open for discussion, staff is especially interested in hearing the Commission's questions and comments on the following topics:

- Permitted densities – Some communities that have cottage housing code allow for a density bonus. Staff has proposed 2 times the maximum density of the underlying zoning district.

Chair McKechnie likes the idea of 2 times the minimum density. Is SFR-4 four to six units or 2 to 4 units? Ms. Paladino reported it is 2.5 up to 4.

Chair McKechnie stated some of that has to do with the lot size. Doesn't staff have a 60% maximum lot coverage? Mr. Adams replied that is the base coverage allowance but there could be an increase in that too.

Commissioner McFadden asked, is that with or without parking? Mr. Adams reported everything is with the required parking on site.

Matt Brinkley, Planning Director stated the coverage does not include impervious surface from parking. It is just the buildings.

Chair McKechnie stated that it may not be critical at the SFR-4 level but the higher density zones should allow 2 times the maximum density.

Vice Chair Foley thinks it needs something like that to entice people to want to do it, otherwise, why take it on? There is no real advantage if no incentive.

Commissioner Pulver is not in favor of that. Maybe 1.25% of the allowed maximum. The zoning district needs to be protected. There will be all sorts of objections if there were 10 units per acre in an SFR-4 zoning district.

Commissioner Pulver suggested this not be a permitted use in SFR-4 and SFR-6 zones.

Commissioner Mansfield respectfully disagrees. He believes it should be pushed to the fullest. His question to the industry is does free enterprise have any interest in any of these projects? Commissioner Culbertson replied possibly. Commissioner Pulver stated that the Housing Advisory Committee pushed it on the basis of affordability. Which he thinks is misconstrued.

Chair McKechnie thinks that there will be people wanting to buy or rent them. It is market driven. He likes the idea of mixing them throughout all zones. History has shown diversity is better than uniformity.

Commissioner McFadden asked, is there a proposal to get rid of all zoning? Mr. Brinkley reported that HB 2001 does not get rid of all zoning. It will require all cities to allow for one of a range of different housing types to go into single family zones including duplexes, cottage housing, and townhouses. The City of Medford already complies. It is based on zoning.

Chair McKechnie asked, is this bill the one under consideration that they revised for towns bigger than 25,000? Mr. Brinkley replied yes.

Commissioner McFadden was first against cottage housing because it is retro and scary. When he drove by the ones on 11th Street, which probably does not fit any of this code, everything is too tight. He looks at it versus the two or three apartment complexes across the street and it has a better look and feel than those concrete and two story apartment complexes. There is no comparison. How do we get that feel into more places?

Commissioner Culbertson is an advocate for more housing. He believes that if this was built out as 12 units on one lot as rentals, then someone has to buy all 12 units as one and maintain as rentals. They will probably not be owner occupied, and they will not meet the lending criteria to buy as owner occupied over 4 units. He sees it as creating a problem. If the City is able to crack into pad lots and allow individual ownership then he thinks the community where those houses are built will be kept up. Very few people own their own home and have too much deferred maintenance. They take care of them. They show pride of ownership. It would create community and affordability. The smaller the house, the lower cost to purchase. Someone that can afford \$150,000 or 175,000 maximum on a FHA loan are priced out in this current market even on a 1,000 square foot home because that is \$200,000. A 1,000 square foot home is functional. They did it in the 1960s. You can build a comfortable 1,000 square foot home with three bedrooms, two baths, living room and galley kitchen. If these were at 900 square feet you may have to sacrifice the master bathroom or do two master suites. If they are able to build a good product you will create good community within those units. He would be an advocate for figuring out how to do it. Parking is a separate conversation. He is not in favor of having one parking space for an ADU.

Chair McKechnie suggested increasing the minimum size for the lot area. Mr. Adams stated there is a minimum of 4 units. Someone might be able to squeeze 4 units into a 10,000 square foot lot. Staff is proposing two story. Staff will look at the lot sizes for each zone.

Vice Chair Foley asked, can the private space be a patio on the second floor? Mr. Adams replied that it could be.

- Maximum unit sizes – Cottage units shall have a maximum total floor area of 1,200 square feet and many have a second story. Ground floor area shall not exceed 1,000 square feet.
 - Carriage houses (one cottage unit located above a common parking structure) are permitted up to a maximum floor area of 800 square feet.
 - Duplexes are limited to a maximum total floor area of 1,000 square feet. Ground floor area not to exceed 800 square feet.

Commissioner McFadden asked, will the fire department have a problem with carriage houses and flammable fluids? Chair McKechnie replied yes. Single family not so much, but if it goes into commercial it would require two sprinklers. If there are more than 3 units they are going to want to see sprinklers as well unless there is more separation between the units.

Commissioner Pulver asked, are the setbacks smaller on the cottage housing than single family homes? Mr. Adams replied fire zoning code yes, but not building code.

Mr. Brinkley reported that the threshold where it goes into the commercial code is three units and above. Chair McKechnie stated not necessarily. Depending on how close they are or how they are constructed it can be looked at as a commercial development and actually if it is one unit over a garage it would require it to be fire sprinkled.

Commissioner McFadden stated that as far as separation there was a comment in the report that the eaves have to be 6 feet apart. Chair McKechnie reported that if it is built like an apartment where there are more than three units on the property it would have to follow commercial code. The lots would have to be created in advance and then construct the units. The closest they could be is 6 feet.

Commissioner Pulver does not know why they need to be capped at a certain size. The market will determine the size. To him, the Ashland plan accommodates what cottages should accomplish. Instead of having a dozen individual backyards there is a shared common space in the middle. That would be a positive. To get something in MFR-20 and MFR-30 without going vertical would be difficult. Chair McKechnie stated anything in MFR-15, MFR-20 and MFR-30 would have to be a townhouse situation.

Commissioner Pulver commented that to him, 400 square feet of common area does not seem like a lot for a residential unit. If you have 12 units and 12,400 square feet of common area put together maybe that is a substantial amount of open space. He does not know that can be assumed.

Commissioner McFadden asked, should style be a requirement?

Commissioner Mansfield asked, does the Planning Commission have any business dictating taste? Commissioner McFadden said no but he can see someone buying metal shipping containers, weld a door into them and have a square box sitting there.

Eric Mitton, Deputy City Attorney stated there may be building code issues that would prevent people from using shipping containers.

Ms. Paladino stated that design standards could be added to the amendment.

- Parking
- 2 spaces per unit in SFR-4 and SFR-6 zones.
- 1.5 spaces per unit in SFR-10, MFR-15, and MFR-20 zones.

Chair McKechnie stated that it is common to calculate the parking by bedrooms. Ashland does it by size.

Commissioner Pulver thinks some of the other mechanisms may make more sense, whether it be the size or by bedrooms.

Chair McKechnie stated that as long as they do not count the spaces on the street it gives room for overflow.

- Required open space (both common and private)
 - Minimum of 400 square feet per unit.
- Porches – Each cottage unit shall have an attached covered porch with a minimum area of 60 square feet and a minimum dimension of 6 feet on any side. Carriage units are not required to have porches, but are encouraged to have an outdoor patio or deck.

Chair McKechnie thinks it is a good idea to require porches. He does not think the porch should be included in the private space. The 400 square feet common area needs to be accessible by a number of units or all the units. That way there are no dead corners that count as the common area that no one can get to.

Vice Chair Foley is a fan of porches and likes them a lot. It should be encouraged rather than required. It should be left up to the market to figure out what makes the most sense.

- Ownership (creation of pad lots for fee simple ownership of units) – May be held as one common lot, fee simple lots for the cottages with a HOA holding ownership of the common areas, or condominium ownership of the whole development. If individual cottage lots are created the lots shall not be subject to the minimum lot sizes by the underlying zone; however, they must include the building footprint and private yard areas for the individual cottages.

There was a consensus of home ownership.

Commissioner Pulver thinks that with the ownership there should be a required organizational structure to manage the common area.

Commissioner Mansfield has a bad feeling of HOA's and maintenance agreements. The cost of attorneys is greater than what is being argued.

Commissioner Pulver asked, if the common area is not being maintained then what is the City's action? Mr. Mitton stated that if there were to be an unlawful accumulation of junk in someone's yard the property owner is cited. He does not know how the code would deal with it if it were a similar accumulation of junk, garbage, etc. in a common area not owned by any of the surrounding houses. The City may have to adjust their code enforcement ordinance.

Commissioner Culbertson stated that staff might be able to call Commercial Property Management (CPM). They handle the vast majority of the larger HOA's and ask how they are operated, what is the function of them and what are the minimum requirements once they put the CC&R's and HOA's in place on the subdivisions and developments. If there is a problem how is it dealt with? That may give the groundwork that staff can incorporate in the code that if implemented it is handled appropriately.

Commissioner McFadden commented that the City does not get too much into that with any of those associations. Mr. Mitton reported that if an HOA had never collected any money from any of its members for a number of years and had deferred maintenance it is a dysfunctional situation because there is no money to do the maintenance. No individual is going to dip in their pockets to do it. The City is not in a position to monitor HOA's to make sure they are doing what they say they are going to do on paper. When they don't it is a situation where nobody is going to be the winner. Mr. Brinkley stated if it becomes an infrastructure facility like a sidewalk or storm water management facility then the City does get involved.

- Optional adjustments process for deviations – Applicants may elect to seek approval of innovation and/or unconventional cottage housing developments that may not precisely satisfy the development standards of this section. In such cases the project would be a Type III Land Use Review by the Site Plan and Architectural Commission. Project would need to demonstrate consistency with purpose and intent section of Cottage Housing regulations, and achieve an equivalent or higher quality design than would otherwise result through strict adherence to the development standards.

There was an affirmative consensus among the Planning Commissioners.

After this meeting staff is going out to the development community and planning consultants to get their feedback as well. Staff wants this to be a successful code. If all goes according to plan it will come before the Planning Commission public hearing on Thursday, May 9, 2019 and City Council on Thursday, June 20, 2019.

The Planning Commission would like to see this again before the May 9, 2019 public hearing.

30. Adjournment

The meeting was adjourned at 12:55 p.m.



Submitted by:

Terri L. Richards

Recording Secretary



Planning Commission

Minutes

From Study Session on **May 13, 2019**

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

Commissioners Present

Mark McKechnie, Chair
Joe Foley, Vice Chair
David Culbertson
Bill Mansfield
E. J. McManus
Jared Pulver
Jeff Thomas

Staff Present

Kelly Evans, Assistant Planning Director
Carla Paladino, Principal Planner
Katie Zerkel, Senior Assistant City Attorney
Seth Adams, Planner III

Commissioners Absent

David McFadden, Unexcused Absence
Patrick Miranda, Excused Absence

Subject:

20.1 DCA-18-144 Cottage Housing Code Amendment

Seth Adams, Planner III reported that this was identified as a "high priority" amendment by the Housing Advisory Committee. Today is the third time the Planning Commission has discussed this subject.

Cottage housing developments are generally defined as a development of small, detached, single-family dwelling units that are clustered around a central outdoor common space within a coordinated site plan. Cottage units are smaller than the standard single-family residence, and while the units are typically oriented towards the central outdoor common space, each cottage also has its own private yard and a roofed porch.

Commissioner Mansfield asked, is it contemplated that people will individually buy a cottage house like condominiums or is it contemplated that a developer will own them and rent them out or both? Mr. Adams responded that staff's proposal is for both ownership and rental options.

Commissioner Mansfield commented that the last time the Planning Commission discussed this subject that Commissioner Culbertson thought there might be some entrepreneurs willing to develop something like this. Commissioner Culbertson replied there is a marketplace for it, particularly with the escalating price of new housing developments. It is hard to buy a 1,500 square foot that is \$375,000. As they go up and

the house size down it will keep the cost of buying the house down. It is still going to cost \$200 a square foot because of the cost of land and the building. If a house is only 900 square feet then it is more affordable.

Permitted Zones

- SFR-4, SFR-6, SFR-10, MFR-15, MFR-20

Senate Bill 2001 (proposed) requires all Oregon cities with populations over 25,000 to allow duplexes, triplexes, quad or cottage cluster somewhere in all their low-density urban zones, but gives them power to set "reasonable" local rules.

Minimum Lot Size

- 15, 000 square feet (SFR-4)
- 10,000 square feet (all others)

Chair McKechnie commented that the above sizes are bigger than the minimums for those zones. In SFR-10 zones there is a minimum and maximum size. Is this above the maximum? Kelly Evans, Assistant Planning Director reported that it is a wide range and varies by housing type.

Chair McKechnie thinks there is an issue with minimum lot size. Ms. Evans stated that this is for infill strategy. These are plausible. Maximums depend on the housing type.

Density

- 2 times maximum of underlying zone

Commissioner Thomas is a huge proponent for cottage housing and trying to get more affordable housing. He agrees with Commissioner Pulver is that he does not see how it is not a "slippery slope" if an exception is made in SFR-4. He does not agree with exceeding the maximum unless the code changes. He does not think the City has to jump ahead of the State because the City is already exceeding density targets that the State has set. Is that correct? Carla Paladino, Principal Planner, commented that it is a regional requirement. The City is just exceeding what it is supposed to be achieving in terms of density. Commissioner Thomas is concerned about the "blowback." If the process is not setup properly then it will be hard getting the community to buy into it.

Commissioner Pulver stated that in the last study session it was mentioned that staff would reach out to the development and building community. Did that happen? He did not note any feedback in the staff report. He is not opposed to cottage housing but what do they really know about it. How about taking baby steps as opposed to taking a giant leap, and getting guidance from a developer that knows what he is doing in terms of developing one of these projects. The scope can then be broadened if it works or does not work.

Commissioner Mansfield commented that it escapes him as to what harm would happen by having the higher density. Commissioner Pulver referenced the Cherry Creek project where there are single family residential dwellings and then a higher density project is dropped in amongst them. He is not saying it was right or wrong. It caused a big stir with the neighborhood. It was not what they wanted and was not consistent with what they had or thought they had or were buying.

Commissioner Mansfield reported there will be people that will disagree. Last Thursday there were people that disagreed heavily with the Commission.

Commissioner Pulver thinks there is zoning for a reason. If that reason is not a good one then just make it residential, commercial or industrial and that is as specific as it gets. Then everyone knows that there is open ground, and it does not matter what the zone or GLUP states. If it is residential then it could be anything from SFR-4 to MFR-30.

Commissioner Mansfield is suggesting that their position is one of leadership and not to be a follower of the mass population.

Commissioner Pulver as a resident and Planning Commissioner thinks there is a problem with not having a plan. With a plan everyone knows what is going to happen.

Commissioner Culbertson agrees. They are narrowing the focus of disagreement down to SFR-4 and SFR-6. Is there anyone that opposes cottage housing in SFR-10, MFR-15 and MFR-20? It is more in line with that type of housing.

Commissioner Pulver commented that the cottage units are very small. It has to be at that level getting into the higher density zones to make it a feasible project. He thinks the minimum lot size should be bigger. The cottage housing has the potential to be an asset to the community, and by having more of them the common space will be more significant and pleasant as opposed to four units pieced together with 400 square feet of common area.

There was a lengthy discussion regarding CC&Rs.

Parking

- Studio / 1 bedroom = 1 space
- 2 Bedrooms = 1.5 spaces
- 3+ Bedrooms = 2 spaces

Maximum Unit Size

- 1,200 square feet (with limitation on second story floor area)
- 800 square feet (carriage units above garage / carport)
- 1,000 square feet (two attached units, with limitation on second story)

Chair McKechnie stated that the largest two attached units can be smaller than the maximum size because it will only be 500 square feet per unit per floor. Two floors would be at 1,000 square feet. Mr. Adams was trying to have each unit at 1,000 square feet. Chair McKechnie does not read what Mr. Adams just said. The language needs to be more clear.

Chair McKechnie reported the unit becomes similar to a townhouse if the unit is 1,200 square feet with 600 square feet on each floor. Make it 1,400 square feet with the top floor being no more than 75% of the ground floor so that it does not end up as townhouses. He suggested not allowing attached garages. He is not opposed to making the minimum lot size an acre. He also suggests having alley access.

Commissioner Pulver asked, what is driving the need for maximum unit size? Mr. Adams responded that if a maximum is not set then it loses the purpose of cottages. Ms. Paladino commented that staff researched ten or twelve different cities and these were the averages. Mr. Adams reported that it is trying to provide a certain type of housing that currently does not exist in a lot of communities.

Commissioner Thomas wanted clarification that the reason the maximum is set the way it is in order to encourage more density. Is that what he is hearing? Mr. Adams replied that it is part of it. Commissioner Thomas understands looking at available and affordable housing, but setting that maximum in SFR-4 does not make sense to him. If they do not do it right the first time then it does not happen because it is not encouraged.

Chair McKechnie likes the maximum size. Cottage housing develops community space. He does not think it will impact property values.

Common Open Space

- 400 square feet per unit

Private Open Space

- 200 square feet per unit

Commissioner McManus asked, did Ashland do 20% with their private open space? Mr. Adams reported for the common open space Ashland requires 20% of the total lot area and for the private open space they require 200 square feet per unit. Mr. McManus likes the percentage, but he does not know if it is applicable to the different zones. Is there an opportunity in the common open space to make it more consistent with SFR-4 if the 20% option would make it more compatible with that type of neighborhood? It is challenging for him to visually see how that would work with some of the examples presented.

Chair McKechnie suggested placing minimum dimensions on the 400 square feet. Mr. Adams stated that in the drafted code language the common open space would be 400

square feet per unit with a minimum dimension of 20 feet in width. That is the common standard. The private open space would be a minimum dimension of 10 feet.

Chair McKechnie asked, since these are single units would the application go to the Site Plan and Architectural Commission? Mr. Adams replied yes. Staff did have it as a Type II decision by the Planning Director with onsite noticing, but changed it when they heard a preference that they go to the Site Plan and Architectural Commission. If it is a pad lot and subdivided then the plat would go to the Planning Commission.

Commissioner Pulver asked, will the code specify, or will it be up to the discretion of the developer as to what the open space can and cannot be? Mr. Adams replied that as proposed it will be up to the developer.

Covered Porches

- Required with 60 square foot minimum with a dimension of 6 feet.

Ownership / CC&Rs / HOAs

- Rental or fee simple
- CC&Rs and HOA required for fee simple ownership

Commissioner Mansfield asked, why would the City have any requirement of CC&Rs? That is private business. Mr. Adams reported that it would establish the HOA and the CC&Rs would specify the homeowners need to maintain their common area together. Commissioner Mansfield sees a lot of HOAs that do not work. He has a bad feeling about it.

Commissioner Pulver offered that units that are owned are better maintained than units rented. One of the situations with the common areas is that all parties have to work together. It is not a fool proof solution.

Commissioner Culbertson thinks the CC&Rs are going to be imperative just to give governance. He is not sure an HOA would be mandated because you do not have to have an HOA. It would be in the best interest of the group. It would help identify what the fees are, who and how it is going to be maintained. HOAs do not have to be managed. They can be self-governed. He does not think it is the City's business to say beyond delineating who owns and is responsible for the common space. Mr. Adams stated that is the current standard that CC&Rs are required for a subdivision. Staff can strike out the requirement for an HOA.

Ms. Evans disagrees. Someone has to own the common area. That is why the HOA is required.

Pad Lot Development

- Permitted per an amended Section 10.703

Utilities

- Extended from mains in ROW
- Only within common areas
- Service laterals to individual lots

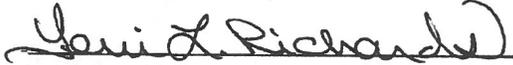
Process

- Type III (SPAC) (PC for the pad lot subdivision)

This will be presented to the Planning Commission on Thursday, June 27, 2019. The City Council will hear this amendment on Thursday, August 1, 2019.

30. Adjournment

The meeting was adjourned at 1:06 p.m.



Submitted by:

Terri L. Richards

Recording Secretary

PLANNING COMMISSION MINUTES



MEDFORD
OREGON

From Public Hearing on June 27, 2019

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

Joe Foley, Vice Chair
David Culbertson
Bill Mansfield
David McFadden
E.J. McManus
Jared Pulver
Jeff Thomas (left at 7:44 p.m.)

Staff Present

Kelly Evans, Assistant Planning Director
Carla Paladino, Principal Planner
Eric Mitton, Deputy City Attorney
Doug Burroughs, Development Serv. Mgr.
Steve Parks, Deputy Fire Marshal
Terri Richards, Recording Secretary
Liz Conner, Planner II
Sarah Sousa, Planner IV
Kyle Kearns, Planner II
Seth Adams, Planner III

Commissioners Absent

Patrick Miranda, Excused Absence
Mark McKechnie, Chair, Excused Absence

10. Roll Call

20. Consent Calendar/Written Communications.

20.1 LDP-19-055 / ZC-19-003 Final Orders of a request for tentative plat approval of a proposed two-lot partition of a 6.20-acre parcel, along with a request for a change of zone from Light-Industrial (I-L) to Regional Commercial (C-R) of a 1.90-acre portion of the total 6.20-acre parcel, located at 590 Airport Road (372W12A1102). Applicant: Sedona Properties, LLC; Agent: CSA Planning Ltd; Planner: Dustin Severs.

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

Moved by: Commissioner McFadden

Seconded by: Commissioner McManus

Voice Vote: Motion passed, 7-0-0.

30. Minutes

30.1 The minutes for June 13, 2019, were approved as submitted.

40. Oral and Written Requests and Communications. None.

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

Planning Commission Minutes
June 27, 2019

Vice Chair Foley reported that this item will be continued but staff will present a staff report and receive testimony. No decisions will be made this evening.

Kyle Kearns, Planner II reported that the Development Code Amendment approval criteria can be found in the Medford Land Development Code Section 10.218. The applicable criteria were addressed in the staff report and hard copies are available at the entrance of Council Chambers for those in attendance. Mr. Kearns gave a staff report.

Vice Chair Foley does not recall what improvements were made at Pierce and Hillcrest. Mr. Kearns stated that the improvements on Foothills prevented the needs at the intersection. There were other improvements made that negated the need to improve those intersection. Commissioner Pulver reported that McAndrews extension alleviated some of the traffic at that intersection.

Commissioner Pulver asked, will there be another study session before the August 22, 2019 Planning Commission public hearing? Mr. Kearns replied that staff has not discussed another study session. It depends on how substantive the changes are.

Commissioner Pulver asked, whether the decision to not allow for the use of the "Mega-Corridor" projects (N. Phoenix, Foothill, S. Stage overcrossing) in TIA analysis changes was directed by the State or internally? Mr. Kearns stated it was a mix of both. The City feels it being a Tier 1, in the TSP, gives it priority when pursuing funding opportunities; the City ran into problems in the past securing grant funding.

The public hearing was opened.

a. Jay Harland, CSA Planning Ltd., 4497 Brownridge Terrace, Suite 101, Medford, Oregon, 97504. Mr. Harland provided comments on the proposed code amendment. Mr. Harland's comments addresses the code amendment implementing action item 4-a in the Transportation System Plan. The staff report did not go through the OAR 660 rule of the Transportation Planning Rule item by item.

Motion: The Planning Commission continued DCA-18-180, per staff's request, to the Thursday, August 22, 2019 Planning Commission meeting.

Moved by: Commissioner McFadden

Seconded by: Commissioner Culbertson

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

50.7 DCA-18-144 An amendment to portions of Chapter 10, the Medford Land Development Code (MLDC), to create standards that will allow for the development of cottage housing. Applicant: City of Medford, Planner: Seth Adams.

Seth Adams, Planner III reported that the Development Code Amendment approval criteria can be found in the Medford Land Development Code Section 10.218. The applicable criteria were addressed in the staff report and hard copies are available at the entrance of Council Chambers for those in attendance. Mr. Adams gave a staff report.

Planning Commission Minutes
June 27, 2019

Commissioner Pulver asked, is the ANSI Type A accessibility standards for people in wheelchairs? Mr. Adams reported yes. Builders can do a minimal amount of improvements or a full ADA. The ANSI Type A is in the middle where the house has the necessary widths but the builder does not have to install the grab bars, etc. but can easily be attached.

Commissioner Pulver asked, how is the cottage housing maximum height measured? Mr. Adams stated that right now it is the measured from the mid-point. If Ms. Sousa's housekeeping amendment is approved it is measured from the top plate.

Commissioner Pulver asked, how is the front property line determined in these developments? Mr. Adams replied that it would be the street frontage that the units are addressed off of.

Commissioner Pulver asked, are common or accessory buildings counted as part of the open space? Mr. Adams reported they are not counted.

Commissioner McFadden, are pad lots not applicable now? Mr. Adams stated that currently the code for a pad lot subdivision are allowed for commercial and industrial development. Residential was taken out of the code years ago. As proposed, only cottage housing would be put back into pad lots.

Commissioner McFadden asked, would those go through the Site Plan and Architectural Commission and not the Planning Commission? Mr. Adams reported that it would still follow the land division process. It would come before the Planning Commission.

Vice Chair Foley is confused about the square footage. Mr. Adams responded that total floor area is 1,000 square feet but if the unit meets the accessibility standards the total floor area is 1,200 square feet. Two story units ground floor is limited to 1,000 square feet and second story is limited to 50% of ground floor.

Commissioner McFadden asked, is extra documentation on the standard included in the deed that states they can only rent or lease those properties to people that need the accessibility issues? Mr. Adams responded no. If the Building Department states it meets the ANSI standards for accessibility the builder can build the full 1,200 square feet.

The public hearing was opened and there being no testimony the public hearing was closed.

Main Motion: The Planning Commission, based on the findings and conclusions that all of the applicable criteria are met, forwards a favorable recommendation for adoption of DCA-18-144 to the City Council per the staff report dated June 20, 2019, including Exhibits A through I.

Moved by: Commissioner McFadden

Seconded by: Commissioner Culbertson

Commissioner Pulver commented that staff has admitted there has been no demand for this type of development. He is nervous putting something out there that may be too broad that they do not understand or have seen before. He advocated that the Planning Commission not permit these in SFR-4 and MFR-20.

The minimum lot size should be increased to 20,000 square feet that would allow larger cottage housing.

It would be appropriate for 1.5 times the maximum density allowed not two times.

He does not think the square footage should 1,000 or 1,200. He proposed a maximum 1,800 square foot unit with a maximum ground floor 1,500 square feet or maximum 1,800 square feet if it meets accessibility standards.

It was disturbing to him that the building separation was different than the standard separation. They should mirror what the code is for separation based on building height.

Commissioner Culbertson agrees with Commissioner Pulver's comment that cottage housing is misplaced in SFR-4 or MFR-20 zoning. They will not fit in that type of usage.

He also likes the idea of increasing the lot size to 20,000 square feet. It will encourage more of these developments. They have the potential of having a good place in the community.

He disagrees that they need to be 1,800 square feet. He thinks the smaller community is what the cottage housing is driven for. Builders in the 1960s and 1970s were very efficient with the space they used. There is no reason the builders today cannot use the same thing. A two-story unit may pose some complications because some interior space will be lost with the stairways. They can efficiently be done with a 1,200 square foot maximum.

Vice Chair Foley is fine with cottage housing being in SFR-4 zoning. He agrees with Commissioner Culbertson on the size that 1,200 square feet is fine.

Amended Motion #1: Eliminate SFR-4 and MFR-20 as permitted zones for this proposal.

Moved by: Commissioner Pulver

Seconded by: Commissioner McFadden

Roll Call Vote on Amended Motion #1: Motion passed, 4-3-0, with Commissioner Mansfield, Commissioner McManus and Vice-Chair Foley voting no.

Amended Motion #2: Across all permitted zones that the required lot size be 20,000 square feet.

Moved by: Commissioner Pulver

Seconded by: Commissioner Culbertson

Roll Call Vote on Amended Motion #2: Motion failed, 2-5-0, with Commissioner Mansfield, Commissioner McFadden, Commissioner McManus, Commissioner Thomas and Vice-Chair Foley voting no.

Amended Motion #3: Maximum density allowed to be 1.5 times the maximum density permitted in the underlying zoning districts.

Moved by: Commissioner Pulver

Seconded by: None

There was no second on the Amend Motion #3.

Mr. Mitton restated the main motion is the Planning Commission, based on the findings and conclusions that all of the approval criteria are met, forwards a favorable recommendation for adoption of DCA-18-144 to the City Council

per the staff report dated June 20, 2019, including Exhibits A through I, with SFR-4 and MFR-20 being removed from the permitted zones.

Main Motion Roll Call Vote: Motion passed, 6-1-0, with Commissioner Pulver voting no.

50.8 DCA-19-022 An amendment to portions of Chapter 10, the Medford Land Development Code (MLDC), to allow for a wider range of projects within the Historic Preservation Overlay District that can be approved administratively under Minor Historic Review. Applicant: City of Medford; Planner: Seth Adams.

Commissioner Thomas left the meeting at 7:44 p.m.

Seth Adams, Planner III reported that the Development Code Amendment approval criteria can be found in the Medford Land Development Code Section 10.218. The applicable criteria were addressed in the staff report and hard copies are available at the entrance of Council Chambers for those in attendance. Mr. Adams gave a staff report. The Fire Department has flammability concerns with wood shake and shingle roofs. Wood shake and shingle roofs is currently in the residential historic district under certain appropriate materials.

Commissioner McFadden asked, would a fence that was prohibited be out of the realm of minor historic review and go before the Landmarks and Historic Preservation Commission? Mr. Adams replied that is correct. If using new technology or material would always have the option to have the Landmarks and Historic Preservation Commission approve or deny it.

Commissioner McFadden asked, does the City currently send people within the historic district the websites necessary to review the material on a regular basis? Staff is going to reinstitute a process that was in place a number of years ago sending out, on an annual basis, a letter to all registered property owners in the historic overlay informing them of procedures and links to where they can find the information.

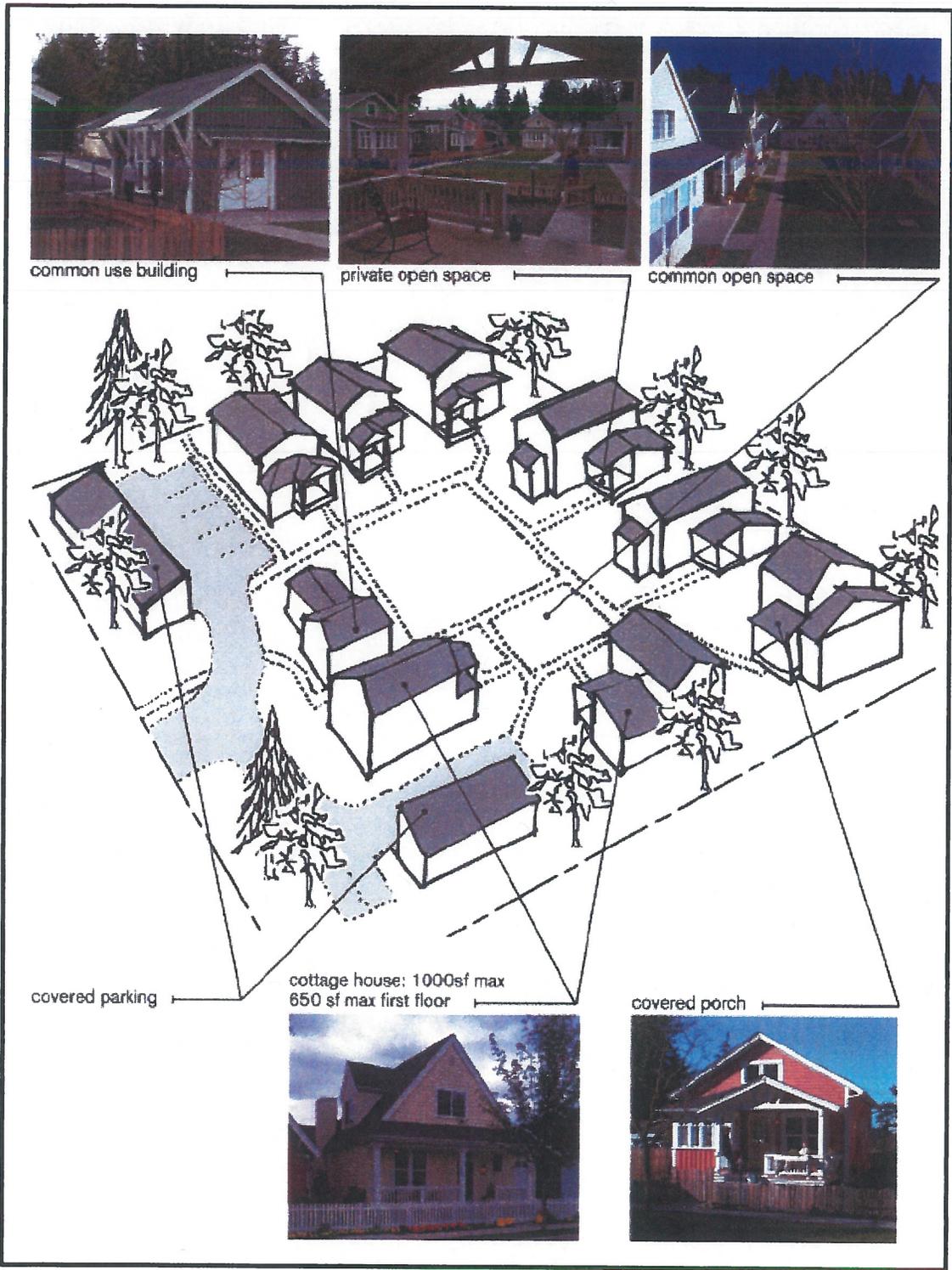
Commissioner McManus stated that he is not favorable with the color palette coming back. He did not see it as a value in the beginning. He sees the benefit of having a guideline for quantity no necessarily the color pattern. Mr. Adams reported that currently one picks from the color palette that is limited to one body and up to two trim colors. Staff is looking at an expanded palette.

Vice Chair Foley asked, what is happening or not happening with shake roofs? Mr. Adams stated that currently the use of wood shake shingle roofs are allowed in Medford under the building code. The Fire Marshal brought up a concern that the flammability of wood shake shingle roofs is higher than a comp shingle roof. There is no historic properties in the Wildland Fire overlay. Fire has the ability to travel great distances.

Vice Chair Foley asked, what is the current proposal? Mr. Adams replied to leave it as it is. It is allowable for a property owner to put wood shake shingles on their roof.

Commissioner McFadden commented that shake roofs are lighter. Older homes were built with greater spacing between joists that does not react to heavier materials as well. It is a good recommendation.

The public hearing was opened.



Typical Elements of Cottage Housing Development

**Comments on Medford Cottage Housing Code
May 6, 2019**

AARP is pleased to offer these comments on the proposed **Medford Cottage Housing Code**.

AARP is a nonprofit, nonpartisan social welfare organization with 500,000 members in Oregon, of which almost 12,000 live in Medford. We work to improve quality of life for all as we age, strengthen our communities, and fight for the issues that matter to Oregon families. An important aspect of our work in Oregon is advocating for livable and age-friendly communities, including expanding housing options and ensuring access to affordable, safe, secure, and accessible homes for Oregonians of all ages and abilities.

We are glad to see the City of Medford creating opportunities for cottage housing. Cottage housing models have important potential for accessibility, affordability and fostering a sense of community. Historical and contemporary cottage projects tend to be well received and in high demand as homeowners of all ages, particularly older adults, are looking for smaller, more affordable, community-oriented housing options.

We encourage Medford to learn from the past 20 years of cottage housing development and regulatory experience so that the city can emerge as a leader on cottage cluster housing in the Rogue Valley. Many cities in Oregon and Washington that adopted cottage housing codes based on a "Pocket Neighborhood" model have seen limited, higher-end cottage projects that have not proven to be scalable. In efforts to expand the potential for cottage cluster housing, several cities are currently working on a "second-generation" of cottage housing codes to better support a range of cottage housing development that can better accommodate more variety of housing types at a variety of prices. One resource, if you are not already aware of it, is the City of Milwaukie's Cottage Cluster Feasibility Study, which looks at code, development and financing issues to understand what regulatory changes could best support cottage cluster development.

In that spirit, we offer the following comments as refinements to the work that Medford has started, and encourage the City to integrate emerging best practices for cottage cluster housing.

Focus on the cluster, not the cottages: The heart of cottage housing development and its central innovation is the idea of developing multiple, smaller units facing a common open space or courtyard rather than the street. That's why we recommend calling this type of development "Cluster Housing," so that the focus remains on the site layout rather than the individual dwelling characteristics. While renaming may seem like a subtle shift, it opens up more opportunities to think creatively about the housing types and communities that can be created.

Allow a greater variety of dwelling types: Allowing carriage houses and two-unit attached cottages is a good first step, but we recommend allowing greater variety of attached dwelling units in cluster configurations. Attached units can significantly lower development costs both through decreased construction costs and by allowing a greater number of units on site, to better spread out site development costs. Particularly in the MFR zones, we recommend allowing attached cottage units.

Focus on form rather than density: In the Milwaukie project mentioned, they found that several example site designs could easily reach 25 to 40 units per acre while limiting height to two stories and meeting site setbacks. The initial proposal to allow double the base zone density is a good start, but we recommend allowing higher densities that better fit the cluster housing forms rather than the base zone density standards. As an alternative option, consider density bonuses for units that are dedicated to affordable housing or built to accessibility standards.

Promote accessibility: Cluster housing has opportunities for high levels of accessibility, given the small scale of many units. We recommend allowing all of the allowed square footage to be on a single level if the project is built to (preferred accessibility standard), to refine the current proposal that sets footprint and floor area limitations that support second-story construction.

Prioritize open space quality not quantity: The combined requirements for common and private open space require nearly as much site area (600 SF) as the individual units themselves, which reduces the site development potential and increases housing costs. Focusing on the cluster nature of these projects, we recommend a minimum requirement of 100-200 SF of common open space per unit to balance the needs for open space, housing, and costs.

Reduce minimum parking requirements: We recommend a minimum parking requirement of one space per unit for all cluster projects to balance household needs and future demographics. Parking for cluster projects typically is located to the rear or sides of projects, requiring additional site area for access and maneuvering areas. Requiring 1.5 or 2 spaces per unit further increases the percentage of these limited sites that must be dedicated to parking. While cars continue to be popular, shifting trends towards smaller households and older adults support decreased car ownership. We believe the priority should be providing housing for people, not cars.

Practice design neutrality: Many codes include detailed design standards for individual, detached cottages in distinct architectural styles. While these projects are generally lovely, they are also expensive. There do not appear to be any design standards proposed at this point, and we support this approach.

Thank you for the opportunity to comment, and we would like to continue to engage with the project as the recommendations are refined. We support the work that the City is doing to encourage greater housing variety and meet the needs of the community.

If you have any questions, please contact Bandana Shrestha, Director of Community Engagement at 503-784-1789 or bshrestha@aarp.org.



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford
FROM: Rodney Grehn P.E., Water Commission Staff Engineer
SUBJECT: DCA-18-144
PARCEL ID: N/A

PROJECT: DCA-18-144 is an amendment to portions of Chapter 10, the Medford Land Development Code (MLDC), to create standards that will allow for the development of cottage housing. Cottage housing is a development of small, detached, single-family dwelling units clustered around a central outdoor common space. Planner, Seth Adams

DATE: June 12, 2019

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

CONDITIONS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.

COMMENTS

3. Water meters shall be located in the public right-of-way, or within an easement dedicated to the Medford Water Commission that completely encompassese the water service lines and meters.
4. Applicant shall coordinate with Medford Water Commission Engineering staff for approval of proposed Cottage Housing Development water metering configuration.

Exhibit G

Memo



To: Seth Adams, Planning Department
From: Mary Montague, Building Department
CC: N/A
Date: June 10, 2019
Re: DCA-18-144_ Cottage Housing Development Code Amendment

Building Department:

Please Note: This is not a plan review. These are general notes based on general information provided. Plans need to be submitted and will be reviewed by a residential plans examiner to determine if there are any other requirements for this occupancy type. Please contact the front counter for fees.

1. Applicable Building Codes are 2017 ORSC; 2017 OPSC; and 2014 OMSC. For list of applicable Building Codes, please visit the City of Medford website: 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 Go to "City Departments" at top of screen; click on "Building"; click on "ELECTRONIC PLAN REVIEW (ePlans)" for information.
3. Building Department has no comments.



Medford Fire-Rescue Land Development Report

Review/Project Information

Reviewed By: Kleinberg, Greg

Review Date: 6/3/2019
Meeting Date: 6/15/2019

LD File #: DCA18144

Planner: Seth Adams

Applicant: City of Medford

Project Location: N/A

ProjectDescription: DCA-18-144 is an amendment to portions of Chapter 10, the Medford Land Development Code (MLDC), to create standards that will allow for the development of cottage housing. Cottage housing is a development of small, detached, single-family dwelling units clustered around a central outdoor common space. Planner, Seth Adams

Specific Development Requirements for Access & Water Supply

Conditions

Reference	Description
Approved	Approved as submitted with no additional conditions or requirements.

Construction 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



Medford – A fantastic place to live, work and play

CITY OF MEDFORD

LD Date: 6/12/2019
File Number: DCA-18-144

PUBLIC WORKS DEPARTMENT STAFF REPORT

Development Code Amendment Cottage Housing Development – Chapter 10 Amendment

Project: DCA-18-144 is an amendment to portions of Chapter 10, the Medford Land Development Code (MLDC), to create standards that will allow for the development of cottage housing. Cottage housing is a development of small, detached, single-family dwelling units clustered around a central outdoor common space.

Applicant: City of Medford

Planner: Planner, Seth Adams, Long Range Division

Public Works has no comments on the proposed amendment.

Prepared by: Jodi K Cope
Reviewed by: Doug Burroughs



AGENDA ITEM COMMENTARY

DEPARTMENT: Planning

AGENDA SECTION: Public Hearings

PHONE: (541) 774-2380

MEETING DATE: August 1, 2019

STAFF CONTACT: Matt Brinkley, AICP, CFM, Planning Director

COUNCIL BILL 2019-77

AN ORDINANCE amending sections 10.108, 10.110, and 10.188 of the Medford Municipal Code pertaining to Procedural Requirements. (DCA-19-022) (Land Use, Legislative)

SUMMARY AND BACKGROUND

Council is requested to consider a legislative amendment to Chapter 10, Article II, of the Municipal Code, also referred to as the Medford Land Development Code (MLDC). The amendment would allow for a wider range of projects within the Historic Preservation Overlay District that can be approved administratively under Minor Historic Review. The proposed amendment was reviewed by the Landmarks & Historic Preservation Commission (LHPC) and the Planning Commission (PC) over the course of three study sessions between January and June of this year, and both Commissions formally recommended approval of the amendment at public hearings on June 4 (LHPC) and June 27 (PC). (File No. DCA-19-022)

PREVIOUS COUNCIL ACTIONS

On June 13, 2019, City Council reviewed the proposal during a study session and indicated support for the amendment while noting that its preference is to continue regulating exterior paint color changes under the Minor Historic Review process.

ANALYSIS

The Medford Land Development Code requires Historic Review of exterior alterations and new construction within the Historic Preservation Overlay District. While most Historic Review applications require review by the LHPC at a public hearing, the following alterations can be approved administratively by the Planning Director when in accordance with adopted standards.

- Changes in residential roofing materials
- Changes in exterior paint colors
- Changes in awning fabric material
- Change of sign face/copy

Following the Council's direction to continue the regulation of exterior paint colors, the proposal would expand the above list to include the following alterations. Adoption of the proposed amendment will allow owners of historic properties to timely obtain the necessary approvals for some of the most common minor alterations.

- New residential fencing
- New signage
- Limited modifications to non-contributing/non-historic properties



FINANCIAL AND/OR RESOURCE CONSIDERATIONS

Processing of new fencing and sign applications under Minor Historic Review will result in a slight reduction in permit fee revenues.

TIMING ISSUES

None.

COUNCIL OPTIONS

- Approve the ordinance as presented.
- Modify the ordinance as presented.
- Decline to approve the ordinance and provide direction to staff.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to approve the ordinance authorizing the Land Development Code Amendment as described in the Council Report dated July 25, 2019, and as recommended by the Landmarks & Historic Preservation Commission and Planning Commission.

EXHIBITS

- Ordinance
- Council Report, including Exhibits A - J

ORDINANCE NO. 2019-77

AN ORDINANCE amending sections 10.108, 10.110, and 10.188 of the Medford Municipal Code pertaining to Procedural Requirements. (DCA-19-022)

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)?
Annexation	IV	Urbanization, 10.216	City Council	No
* * *				
Minor Historic Review	I	10.148 10.188(C)(3)	Planning Director	No
Major Modification to a Site Plan & Architectural Review Approval	III	10.200(H)(1)	SPAC	Yes

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

10.110 Designation and Duties of Approving Authorities

* * *

(3) To adopt approval criteria for Minor Historic Review of alterations **and/or new construction of residential fencing, roofing materials, exterior colors, signage, awnings, and non-contributing and non-historic buildings** ~~or sign face design for an existing sign~~ within Historic Preservation Overlay Districts. Such criteria shall be consistent with the Secretary of the Interior's Standards for the Treatment of Historic Places as applicable.

* * *

(6) To support the enforcement of all state laws related to historic preservation.

(7) To identify and evaluate properties in the City and maintain a Historic Resource Survey consistent with the Standards of the Oregon State Historic Preservation Office (SHPO).

* * *

SECTION 3. Section 10.188 of the Medford Municipal Code is amended to read as follows:

10.188 Historic Review.

* * *

(C) Historic Review, Approval Criteria.

* * *

(3) Minor Historic Review.

~~Minor Historic Review of certain exterior alterations may be conducted by the Planning Director, according to standards adopted by the Landmarks and Historic Preservation Commission. The Planning Director shall approve a Minor Historic Review application if the proposal conforms to approval criteria adopted by the Landmarks and Historic Preservation Commission. These approval criteria are available at the Planning Department.~~

~~Minor Historic Review shall be limited to the review of:~~

- ~~(a) Changes in roofing materials and exterior paint colors in residentially-zoned Historic Preservation Overlay Districts as per the Paint and Roofing Approval Criteria adopted in December 2007;~~
- ~~(b) Changes in exterior paint colors in commercially-zoned Historic Preservation Overlay Districts, when new paint colors are chosen from the adopted color palette;~~
- ~~(c) Changes in awning fabric materials without a change in the shape of the awning frame, in Historic Preservation Overlay Districts, if the new fabric is either solid or striped and the fabric colors are chosen from the adopted color palette;~~
- ~~(d) Change of sign face/copy as defined in Section 10.1010.~~

Within Historic Preservation Overlay Districts, certain exterior alterations may be approved by the Planning Director as a Type I land use action when the proposal is in conformance with the applicable standards of this section. Any proposal that is determined by the Planning Director to not be in conformance with the applicable standards shall be subject to Historic Review by the Landmarks and Historic Preservation Commission as per Section 10.188(C)(2). Applications for Minor Historic Review shall be limited to the following:

(A) Exterior Paint Colors. Changes in exterior paint colors shall be approved when the new paint colors are selected from the adopted color palette which is available at the Planning Department. No more than three individual colors, hues, or tones may be selected from the adopted color palette.

(B) Residential Fencing. Fences may be added to sites in residentially-zoned Historic Preservation Overlay Districts, and to sites within the Downtown Historic District that contain a legal or non-conforming residential structure, in accordance with the following:

- (1) Fencing that is not visible from the public right-of-way (excluding alleys) is not restricted in the use of materials, and is exempt from historic review.**
- (2) Materials – fencing that is visible from the public right-of-way (including alleys) shall**

be constructed of wood, metal (wrought iron, aluminum, or steel), rusticated stone, or brick. Chain link, vinyl, and synthetic/composite wood fencing is prohibited.

(3) Fencing shall be in accordance with Section 10.732, Fencing of Lots.

(C) **Residential Roofing.** Changes in roofing materials in residentially-zoned Historic Preservation Overlay Districts, and to sites within the Downtown Historic District containing a legal or non-conforming residential structure, shall be approved when in conformance with the following:

(1) Materials – the following roofing materials are permitted:

- (a) Wood shakes and shingles.
- (b) Architectural grade fiberglass composition (asphalt) shingles.
- (c) Asphalt/multi-layer asphalt shakes.

(2) Design – changes in roofing materials shall meet the following design criteria:

- (a) Use of straight-cut “butt” end shingles, or shake profiles only. Fancy pattern end cut shingles may be used when they replicate the historically documented roofing character of the subject property.
- (b) Use of a single color/pattern.
- (c) Use of high-profile ridge or edge treatments is not permitted unless it replicates the historically documented roofing character of the subject property.

(D) **Signage.** New signage shall be approved when in conformance with the following:

(1) Sign Types and Area – the type of sign and the aggregate sign area shall be within the allowances of the zoning district and/or overlay district of the subject property, as outlined in Article VI of this chapter.

(2) Placement - signage shall be installed within appropriate “sign areas” as defined by the architecture of the building façade (see Figure 10.188-1 for guidance).

- (a) No sign shall be placed or located so as to obscure or cover a vertical architectural element such as a column or pilaster.
- (b) Signage shall fit entirely within a building’s horizontal divisions.
- (c) Where no architectural divisions exist or are evident, signage shall be proportionately scaled to the façade and placed to respect window and door openings.
- (d) No sign shall cover the entire width of any façade.
- (e) On masonry buildings, signs shall be attached into mortar joints, not into masonry, with sign loads properly calculated and distributed.
- (f) The bottom edge of projecting signs shall be set a minimum of 7 feet above the sidewalk, and any projecting sign proposed to be located within the clear vision triangle as defined in Section 10.735, must be reviewed and approved by the Public Works Director or their designee for compliance with that section.
- (g) Projecting signs shall not be permitted within two feet of the face of curb or a streetlight, and shall not interfere with any traffic sign or device.

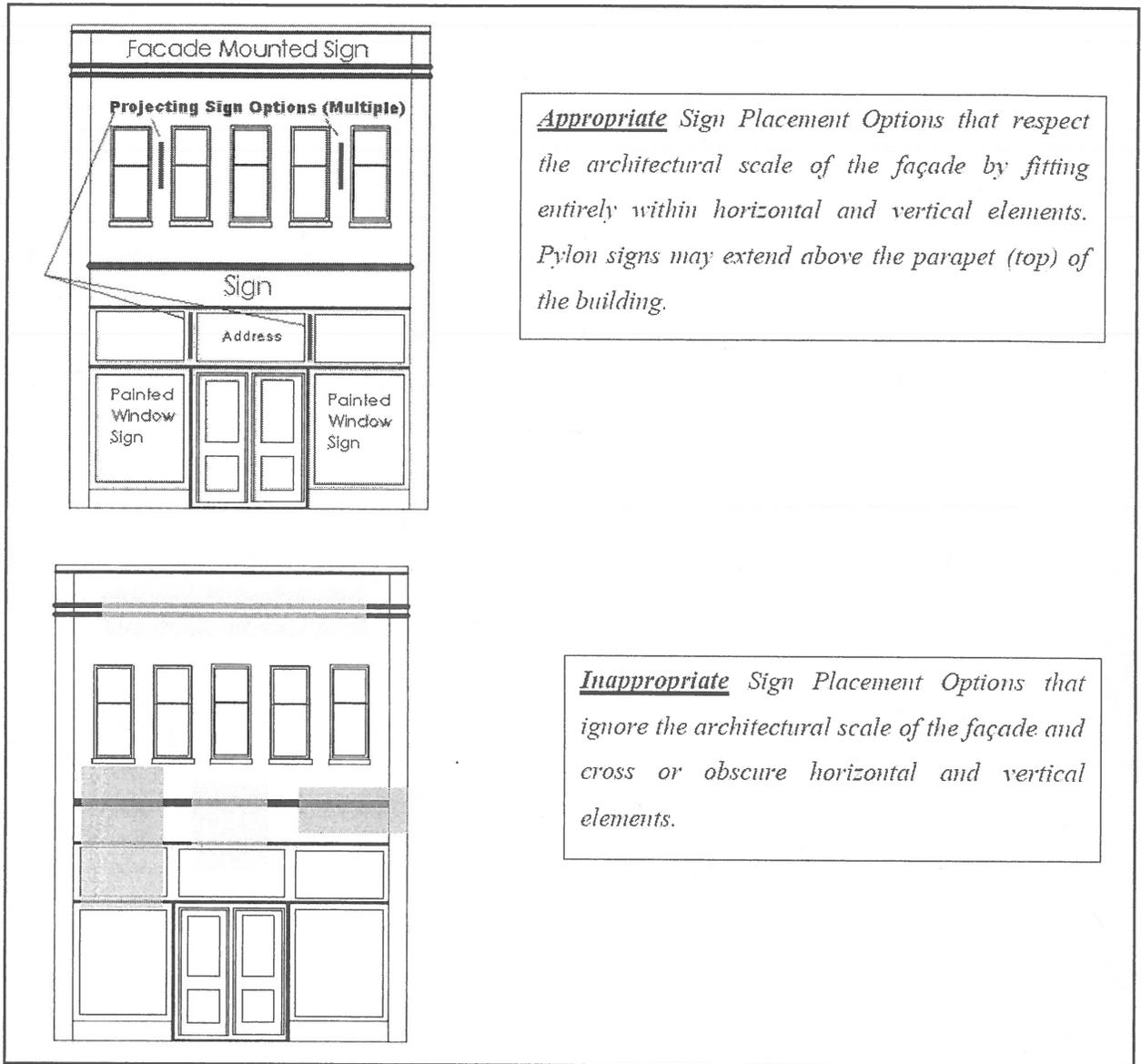


Figure 10.188-1. Sign placement guidance.

- (3) **Materials** – signage shall be constructed from the following:
- (a) Metal (iron, steel, brass, copper, aluminum, and other natural finishes)
 - (b) Painted metal, including powder coated or enameled metals
 - (c) Wood (painted or natural, including carved or sand-blasted lettering)
 - (d) Vinyl or other sheet claddings (for backing panels or cut lettering only)
 - (e) Glass
 - (f) Fiberglass, high-density foam, and similar “cast” or formed materials to create three-dimensional objects, including individual lettering.
- (4) **Illumination** – the following types of sign illumination are permitted. Internally illuminated signs are prohibited.
- (a) Exposed neon (or LED) tubing

- (b) Exposed incandescent bulbs
- (c) Indirect illumination (e.g. gooseneck fixtures)
- (d) Back lit/Halo lit

(E) **Awnings.** Changes in awning fabric materials shall be approved when there is no change in the shape of the existing awning frame, and if the new fabric is either solid or striped and the fabric colors are chosen from the adopted color palette which is available at the Planning Department.

(F) **Modification of Non-Contributing and Non-Historic Buildings.** Certain modifications to the exterior of Non-Contributing and Non-Historic buildings within the Historic Preservation Overlay District shall be approved when in conformance with the following.

- (1) **Windows – changes to existing windows are permitted as follows:**
 - (a) Windows dating from the historic period of significance shall, if possible, be retained and repaired or restored.
 - (b) Replacement windows shall be of the same proportions and configuration as the existing windows being replaced.
 - (c) Glass block, tinted, mirrored, opaque, or colored glass is not permitted unless it is the historic glazing type.
- (2) **Doors – replacement of doors is permitted as follows:**
 - (a) Doors dating from the historic period of significance shall, if possible, be retained and repaired or restored.
 - (b) Replacement doors shall be of the same proportions and configuration as the existing doors being replaced.
- (3) **Mechanical Equipment and Service Areas – The addition and/or replacement of mechanical equipment, including, but not limited to, heating and cooling systems, and solar panels, and service areas, including, but not limited to trash receptacle enclosures, is permitted as follows:**
 - (a) Mechanical equipment shall be concealed from view in accordance with Section 10.782.
 - (b) New skylights and vents shall be placed behind and below the parapet level so they are not visible from the right-of-way.
 - (c) Service areas shall be concealed from view in accordance with Section 10.781.

* * *

PASSED by the Council and signed by me in authentication of its passage this ___ day of August, 2019.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2019

Mayor

NOTE: Matter in **bold** is new. Matter ~~struck through~~ 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.



COUNCIL REPORT

for a Type IV legislative decision: **Development Code Amendment**

Project Minor Historic Review Code Amendment
File no. DCA-19-022
To City Council *for 8/1/2019 hearing*
From Planning Commission via Seth Adams, AICP, Planner III
Reviewer Carla Angeli Paladino, Principal Planner
Date July 25, 2019

BACKGROUND

Proposal

DCA-19-022 is a legislative amendment to revise portions of Chapter 10, Article II, of the Medford Municipal Code, to allow for a wider range of projects within the Historic Preservation Overlay District that can be approved administratively under Minor Historic Review.

Authority

DCA-19-022 is a Type IV legislative amendment of Chapter 10 of the Municipal Code. The Planning Commission is authorized to recommend, and the City Council to approve, amendments to the Land Development Code under Medford Municipal Code §§ 10.214 and 10.218.

History

The Medford Land Development Code requires Historic Review of exterior alterations and new construction within a Historic Preservation Overlay. Most Historic Review applications require formal review by the Landmarks and Historic Preservation Commission (LHPC) at a public hearing, but a limited number of alterations can be reviewed and approved administratively by the Planning Director as a Minor Historic Review permit when in accordance with adopted standards. Minor Historic Review permits allow historic property owners to obtain the necessary approvals for exterior alterations in a timely and inexpensive manner, which helps to promote the proper treatment and preservation of historic resources within the city.

At present, the types of alterations that can be approved under Minor Historic Review are the following [MLDC § 10.188(C)(3)]:

- Changes in residential roofing materials;
- Changes in exterior paint colors;
- Changes in awning fabric materials;
- Change of sign face/copy as defined in Section 10.1010.

The proposal would amend the Minor Historic Review section of the MLDC to allow for a wider range of minor projects that can be approved administratively (Exhibit A). The proposal was presented to the Landmarks and Historic Preservation Commission (LHPC) at study sessions on January 15 and May 7, 2019, and to the Planning Commission and City Council at study sessions on June 10 and June 13, 2019, respectively.

On June 4, 2019, the LHPC met at a regularly scheduled hearing to review the proposed amendment, and voted to forward a positive recommendation for the code amendment to the Planning Commission and City Council. On June 27, 2019, the Planning Commission met at a regularly scheduled hearing to review the proposed amendment, and voted to recommend adoption of DCA-19-022. The minutes of the LHPC, Planning Commission, and City Council study sessions are included as Exhibits B - D, and the minutes of the LHPC and Planning Commission public hearings are included as Exhibits E - F.

ANALYSIS

One way to encourage and gain support for historic preservation efforts is to adopt regulations and processes that will not be overly burdensome or costly for owners of historic properties. Along this line, staff has prepared code amendment text that would expand the number of exterior alterations that can be administratively approved under the Minor Historic Review process, subject to specific standards included in the code text. The exterior alterations proposed to be added under Minor Historic Review are listed below, and a complete copy of the proposed code amendment text is attached for review as Exhibit A.

- New fencing on residential properties
- New signage
- Limited modifications to non-contributing and/or non-historic buildings

In addition to the above, staff had originally recommended that the City no longer regulate changes in exterior paint colors. Paint color changes are currently processed under Minor Historic Review when the colors are selected from a pre-approved palette. While there was no definitive direction from the LHPC or Planning Commission, the general consensus at the City Council study session was that paint colors should continue to be regulated through use of a pre-approved color palette. Based on the Council's feedback, staff has revised the amendment text to keep paint color changes regulated under Minor Historic Review, and staff will work with the LHPC on the adoption of a broader color palette for future use.

FINDINGS AND CONCLUSIONS

The criteria that apply to code amendments are in Medford Municipal Code §10.218. The criteria are rendered in italics; findings and conclusions in roman type.

10.218 Land Development Code Amendment Approval Criteria.

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

(A) Explanation of the public benefit of the amendment.

Findings

A commonly heard complaint about historic review permits is that they are overly restrictive, too costly, and take too long to procure. The proposed code amendment, with its inclusion of clear and objective standards, will make it possible for owners of historic properties to readily obtain the necessary approvals for some of the most common minor exterior alterations, and, in doing so, the City will ostensibly garner additional support for its historic preservation efforts while ensuring that the purpose and intent of the Historic Preservation Overlay District will continue to be met.

Conclusions

The proposed code amendments are intended to benefit the public in that they will increase the number of exterior building alterations that can be administratively approved under Minor Historic Review, thereby helping to make the permitting process more predictable and less costly for owners of historic properties. This criterion is satisfied.

(B). The justification for the amendment with respect to the following factors:

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

Findings

The following are the goals, policies, and implementation strategies of the Comprehensive Plan applicable to DCA-19-022.

Environmental Element

Goal 11: To preserve and protect archaeological and historic resources in Medford for their aesthetic, scientific, educational, and cultural value.

Policy 11-B: The City of Medford shall encourage and facilitate the preservation of Medford's significant historic resources by continuing to update and implement the Historic Preservation Ordinance in the *Land Development Code*.

Policy 11-F: The City of Medford shall continue to encourage historic preservation efforts and cooperate with citizens and organizations undertaking such efforts.

Conclusions

The proposed amendment will update the Land Development Code to expand the list of exterior alterations that can be administratively reviewed and approved under Minor Historic Review. In doing so, the City will help to further streamline the Historic Review process by allowing for the most common minor alterations to be permitted in a quick and inexpensive manner, thereby encouraging property owners to support the City's historic preservation efforts and to seek the necessary approvals. This criterion is satisfied.

(2) Comments from applicable referral agencies regarding applicable statutes or regulations.

Findings

The proposed amendment was provided to the applicable referral agencies per the code requirements in April 2019. The Public Works Department, Jackson County Development Services, and Jackson County Roads provided official "no comment" statements (Exhibits G – I). The Fire Department raised a concern over the combustibility of wood shake and shingle roofs, and recommended that their use be prohibited except for repairs (Exhibit J). Acknowledging the valid concern over the combustibility of wood shakes and shingles, their use is not prohibited under the Building Code except in areas that are at high risk of wildfire. Wood shakes and shingles are a historically appropriate roofing material, and the Historic Preservation Overlay does not contain any properties within the Wildfire High Risk areas. The Secretary of the Interior's Standards also call for the preservation of distinctive materials that characterize a property, and the use of historically compatible materials on exterior alterations.

Conclusions

It would be contrary to the City's historic preservation goals to prohibit the use of a historically accurate and compatible material within the Historic Preservation Overlay, not to mention inequitable given that their use is allowed throughout most areas of the city. This criterion has been satisfied.

(3) Public comments.

Findings

The Landmarks and Historic Preservation Commission provided feedback on the proposed amendment over the course of two study sessions and one public hearing, and the Planning Commission provided feedback at a study session and one public hearing. Notification of all the public hearings before the Landmarks and Historic Preservation Commission, Planning Commission, and City Council were mailed to all property owners of record within the Historic Preservation Overlay District, and no public comments have been received to date.

This staff report will also be posted on the City's website which may generate future public comments.

Conclusions

The proposed amendment has been made available for public review and comments through the course of five public meetings, and additional public comments may be provided during the City Council public hearings process. This criterion has been satisfied.

(4) Applicable governmental agreements.

Findings

As a participant in the Certified Local Government (CLG) Program under the National Historic Preservation Act, the City's Local Government Certification Agreement with the State of Oregon specifies that the City will, among other things:

- Enforce appropriate state or local legislation for the designation and protection of historic properties.
- Provide for adequate public participation in the historic preservation program.

Conclusions

By streamlining the process for the review and approval of some of the most common exterior alterations, the proposed amendment will help to encourage public compliance with the City's Historic Review regulations, thereby helping to ensure the protection of historic properties in the city. Furthermore, all owners of property within the Historic Preservation Overlay District were notified of the public hearings on the proposed amendment. This criterion has been satisfied.

RECOMMENDED ACTION

The Planning Commission recommends adopting DCA-19-022 based on the analysis, findings and conclusions per the Council Report dated July 25, 2019, including Exhibits A through J.

EXHIBITS

- A Proposed Amendment Text
 - B Landmarks & Historic Preservation Commission Study Session Minutes – January 15, 2019 and May 7, 2019
 - C Planning Commission Study Session Minutes (excerpt) – June 10, 2019
 - D City Council Study Session Minutes (excerpt) – June 13, 2019
 - E Landmarks and Historic Preservation Commission Hearing Minutes (excerpt) – June 4, 2019
 - F Planning Commission Hearing Minutes (excerpt) – June 27, 2019
 - G Medford Public Works Department Comments – April 24, 2019
-

- H Jackson County Development Services Comments – April 23, 2019
- I Jackson County Roads Comments – April 17, 2019
- J Medford Fire-Rescue Department Comments – June 11, 2019

CITY COUNCIL AGENDA:

AUGUST 1, 2019

10.108 Land Use Review Procedure Types.

Table 10.108-1 identifies the procedural type, applicable standards, and approving authority for each type of land use review as well as whether the 120-day rule in Section 10.104(D) is applicable. Each procedural type is subject to specific due process and administrative requirements of this chapter.

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)?
Annexation	IV	Urbanization, 10.216	City Council	No
Appeal of Final PUD Plan Decision	I	10.140(F)(3)	Planning Commission	No
Appeal of Minor Historic Review Decision	I	10.140(F)(4)	LHPC	No
Appeal of Type II Decision	III	10.140(G)	Planning Commission	Yes
Appeal of Type III Decision	IV	10.140(H)	City Council	Yes
Appeal of Type IV Decision	IV	10.140(I)	LUBA	No
Comprehensive Plan Amendment, Major	IV	Review & Amendment, 10.220	City Council	No
Comprehensive Plan Amendment, Minor	IV	Review & Amendment, 10.222	City Council	No
Conditional Use Permit	III	10.184	Planning Commission	Yes
De Minimis Revision(s) to an Approved PUD Plan	I	10.198	Planning Director	No
Exception	III	10.186	PC/LHPC/SPAC	Yes
Final PUD Plan	I	10.196	Planning Director	No
Final Plat, Subdivision or Partition	I	10.160	Planning Director	No
General Land Use Map Amendment, Major	IV	GLUP, Review & Amendment, 10.220	City Council	No
General Land Use Map Amendment, Minor	IV	GLUP, Review & Amendment, 10.222	City Council	No
Historic	III	10.188	LHPC	Yes
Land Development Code Amendment	IV	10.218	City Council	No
Minor Historic Review	I	10.148 10.188(C)(3)	Planning Director	No
Major Modification to a Site Plan & Architectural Review Approval	III	10.200(H)(1)	SPAC	Yes

* * *

10.110 Designation and Duties of Approving Authorities.

* * *

(M) The Landmarks and Historic Preservation Commission, Other Duties

* * *

(3) To adopt approval criteria for Minor Historic Review of alterations and/or new construction of residential fencing, roofing materials, exterior colors, signage, awnings, and non-contributing and non-historic buildings ~~or sign face design for an existing sign~~ within Historic Preservation Overlay Districts. Such criteria shall be consistent with the Secretary of the Interior's Standards for the Treatment of Historic Places as applicable.

* * *

(6) To support the enforcement of all state laws related to historic preservation.

(7) To identify and evaluate properties in the City and maintain a Historic Resource Survey consistent with the Standards of the Oregon State Historic Preservation Office (SHPO).

* * *

10.188 Historic Review.

* * *

(C) Historic Review, Approval Criteria.

* * *

(3) Minor Historic Review.

~~Minor Historic Review of certain exterior alterations may be conducted by the Planning Director, according to standards adopted by the Landmarks and Historic Preservation Commission. The Planning Director shall approve a Minor Historic Review application if the proposal conforms to approval criteria adopted by the Landmarks and Historic Preservation Commission. These approval criteria are available at the Planning Department.~~

~~Minor Historic Review shall be limited to the review of:~~

- ~~(a) Changes in roofing materials and exterior paint colors in residentially zoned Historic Preservation Overlay Districts as per the Paint and Roofing Approval Criteria adopted in December 2007;~~
- ~~(b) Changes in exterior paint colors in commercially zoned Historic Preservation Overlay Districts, when new paint colors are chosen from the adopted color palette;~~
- ~~(c) Changes in awning fabric materials without a change in the shape of the awning frame, in Historic Preservation Overlay Districts, if the new fabric is either solid or striped and the fabric colors are chosen from the adopted color palette;~~

~~(d) Change of sign face/copy as defined in Section 10.1010.~~

Within Historic Preservation Overlay Districts, certain exterior alterations may be approved by the Planning Director as a Type I land use action when the proposal is in conformance with the applicable standards of this section. Any proposal that is determined by the Planning Director to not be in conformance with the applicable standards shall be subject to Historic Review by the Landmarks and Historic Preservation Commission as per Section 10.188(C)(2). Applications for Minor Historic Review shall be limited to the following:

(A) Exterior Paint Colors. Changes in exterior paint colors shall be approved when the new paint colors are selected from the adopted color palette which is available at the Planning Department. No more than three individual colors, hues, or tones may be selected from the adopted color palette.

(B) Residential Fencing. Fences may be added to sites in residentially-zoned Historic Preservation Overlay Districts, and to sites within the Downtown Historic District that contain a legal or non-conforming residential structure, in accordance with the following:

(1) Fencing that is not visible from the public right-of-way (excluding alleys) is not restricted in the use of materials, and is exempt from historic review.

(2) Materials – fencing that is visible from the public right-of-way (including alleys) shall be constructed of wood, metal (wrought iron, aluminum, or steel), rusticated stone, or brick. Chain link, vinyl, and synthetic/composite wood fencing is prohibited.

(3) Fencing shall be in accordance with Section 10.732, Fencing of Lots.

(C) Residential Roofing. Changes in roofing materials in residentially-zoned Historic Preservation Overlay Districts, and to sites within the Downtown Historic District containing a legal or non-conforming residential structure, shall be approved when in conformance with the following:

(1) Materials – the following roofing materials are permitted:

(a) Wood shakes and shingles.

(b) Architectural grade fiberglass composition (asphalt) shingles.

(c) Asphalt/multi-layer asphalt shakes.

(2) Design – changes in roofing materials shall meet the following design criteria:

(a) Use of straight-cut “butt” end shingles, or shake profiles only. Fancy pattern end cut shingles may be used when they replicate the historically documented roofing character of the subject property.

(b) Use of a single color/pattern.

(c) Use of high-profile ridge or edge treatments is not permitted unless it replicates the historically documented roofing character of the subject property.

(D) Signage. New signage shall be approved when in conformance with the following:

(1) Sign Types and Area – the type of sign and the aggregate sign area shall be within the allowances of the zoning district and/or overlay district of the subject property, as outlined in Article VI of this chapter.

(2) Placement - signage shall be installed within appropriate “sign areas” as defined by the architecture of the building façade (see Figure 10.188-1 for guidance).

(a) No sign shall be placed or located so as to obscure or cover a vertical architectural element such as a column or pilaster.

(b) Signage shall fit entirely within a building’s horizontal divisions.

- (c) Where no architectural divisions exist or are evident, signage shall be proportionately scaled to the façade and placed to respect window and door openings.
- (d) No sign shall cover the entire width of any façade.
- (e) On masonry buildings, signs shall be attached into mortar joints, not into masonry, with sign loads properly calculated and distributed.
- (f) The bottom edge of projecting signs shall be set a minimum of 7 feet above the sidewalk, and any projecting sign proposed to be located within the clear vision triangle as defined in Section 10.735, must be reviewed and approved by the Public Works Director or their designee for compliance with that section.
- (g) Projecting signs shall not be permitted within two feet of the face of curb or a streetlight, and shall not interfere with any traffic sign or device.

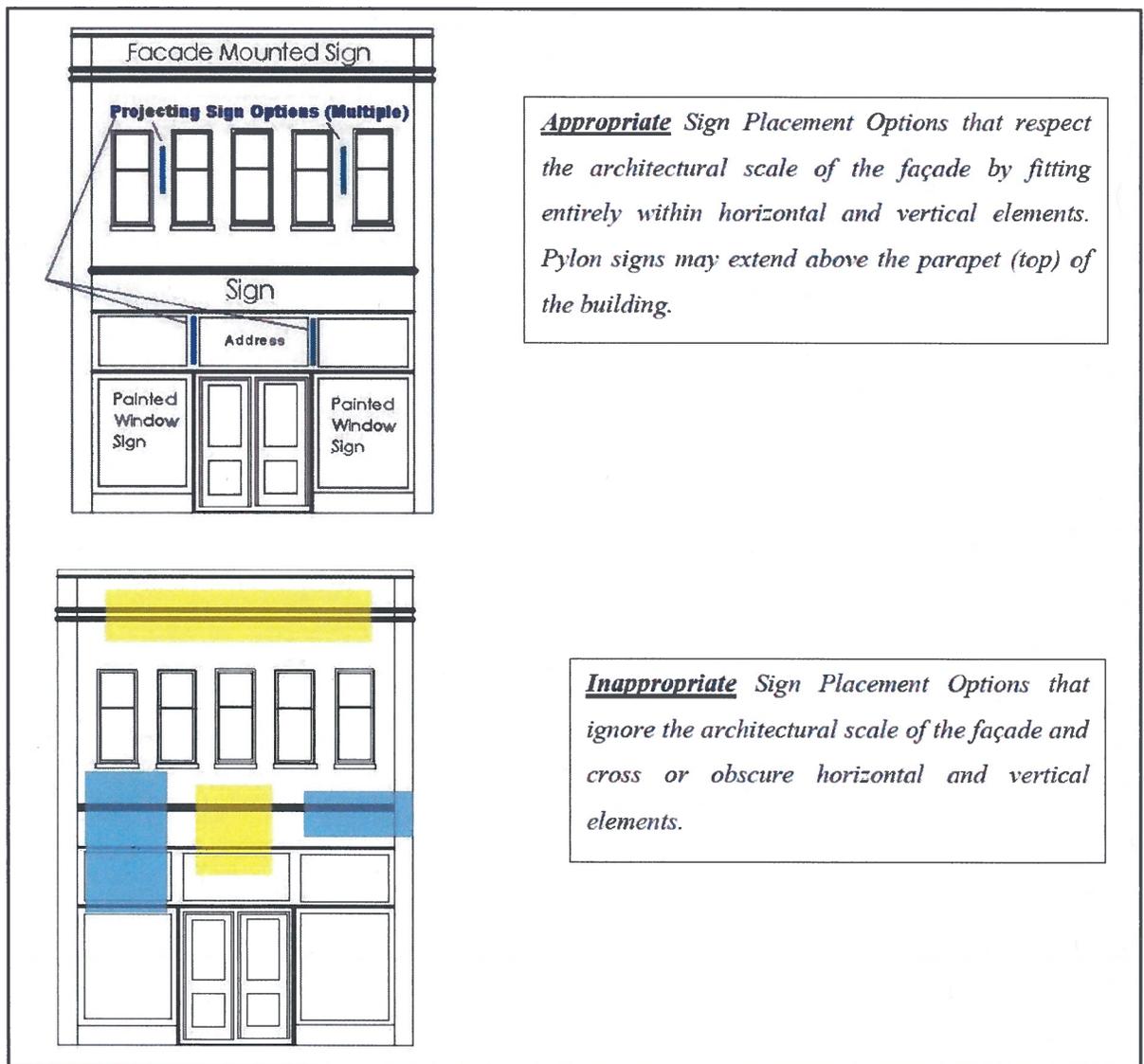


Figure 10.188-1. Sign placement guidance.

(3) Materials – signage shall be constructed from the following:

- (a) Metal (iron, steel, brass, copper, aluminum, and other natural finishes)
- (b) Painted metal, including powder coated or enameled metals
- (c) Wood (painted or natural, including carved or sand-blasted lettering)
- (d) Vinyl or other sheet claddings (for backing panels or cut lettering only)
- (e) Glass
- (f) Fiberglass, high-density foam, and similar “cast” or formed materials to create three-dimensional objects, including individual lettering.

(4) Illumination – the following types of sign illumination are permitted. Internally illuminated signs are prohibited.

- (a) Exposed neon (or LED) tubing
- (b) Exposed incandescent bulbs
- (c) Indirect illumination (e.g. gooseneck fixtures)
- (d) Back lit/Halo lit

(E) Awnings. Changes in awning fabric materials shall be approved when there is no change in the shape of the existing awning frame, and if the new fabric is either solid or striped and the fabric colors are chosen from the adopted color palette which is available at the Planning Department.

(F) Modification of Non-Contributing and Non-Historic Buildings. Certain modifications to the exterior of Non-Contributing and Non-Historic buildings within the Historic Preservation Overlay District shall be approved when in conformance with the following.

(1) Windows – changes to existing windows are permitted as follows:

- (a) Windows dating from the historic period of significance shall, if possible, be retained and repaired or restored.
- (b) Replacement windows shall be of the same proportions and configuration as the existing windows being replaced.
- (c) Glass block, tinted, mirrored, opaque, or colored glass is not permitted unless it is the historic glazing type.

(2) Doors – replacement of doors is permitted as follows:

- (a) Doors dating from the historic period of significance shall, if possible, be retained and repaired or restored.
- (b) Replacement doors shall be of the same proportions and configuration as the existing doors being replaced.

(3) Mechanical Equipment and Service Areas – The addition and/or replacement of mechanical equipment, including, but not limited to, heating and cooling systems, and solar panels, and service areas, including, but not limited to trash receptacle enclosures, is permitted as follows:

- (a) Mechanical equipment shall be concealed from view in accordance with Section 10.782.
- (b) New skylights and vents shall be placed behind and below the parapet level so they are not visible from the right-of-way.
- (c) Service areas shall be concealed from view in accordance with Section 10.781

* * *



Landmarks & Historic Preservation Commission

Minutes

From Study Session on January 15, 2019

The Study Session of the Landmarks & Historic Preservation Commission was called to order at 5:30 p.m. in the City Hall Room 330 on the above date with the following members and staff in attendance:

Commissioners Present

Daniel Smith, Chair
Karl Geidans
Jeff Applen
Greg Applen

Staff Present

Kelly Evans, Assistant Planning Director
Seth Adams, Planner III
Madison Simmons, Senior Assistant City Attorney

Commissioners Absent

Roberta Thornton

10. Introductions

20. Discussion Items: **Historic Review Code Amendments**

Staff is asking the Commission for direction on the following:

1. **What types of exterior alterations should be eligible for Minor Historic Review?**
2. **What are the key elements that should be included in the approval criteria for the various Minor Historic Review applications?**
3. **Are there exterior alterations that the City should not be regulating in the Historic Preservation Overlay?**

Mr. Adams stated that Minor Historic Review is for certain exterior modifications that staff can approve in accordance with standards adopted by the LHPC such as changes in roofing materials and exterior paint colors, changes in awning fabric materials, and change of sign face/copy.

The proposal is to increase the number of exterior modifications that can be reviewed and approved by staff under Minor Historic Review. This will streamline the Historic Review process, encourage preservation, and will reduce the cost for historic property owners.

Staff has consulted with SHPO on the topic and they have made some recommendations.

Paint

The City of Medford has a pre-approved color palette for the Historic Districts. The Commissioners were asked if they would like to keep the current process of allowing the

residents to choose from the pre-approved color palette or allow homeowners to choose any color they like.

Mr. Adams said that SHPO recommends not regulating paint colors in the Historic District.

Chair Smith voiced his concern with property owners painting their homes vibrant colors.

The Commissioners said they would like to continue to regulate the paint colors using the approved color palette, and keep paint under Minor Historic Review.

Awnings

The current process is to pay a \$25.00 fee to change the existing awning fabric as long as the frame is not changed. Applicant must use an approved color from the color palette.

New awnings, or choosing a color that is not on the pre-approved color palette have to go through the Historic Review.

Mr. Adams asked the Commissioners if they would support making new awnings a Minor Historic Review permit if staff were to come up with approval criteria.

Chair Smith asked if there was a process for removing an awning. Mr. Adams said as long as it did not alter the historic building, they can take it down without going through Historic Review.

Commissioners said they would support creating approval criteria and allow awning applications to be reviewed by Planning Staff as a Minor Historic Review.

Commissioners agreed as long as the awnings looked traditional and the colors from the pre-approved color palette then it could be handled under Minor Historic Review.

Fencing

Mr. Adams asked the Commissioners if they would like to create approval criteria for fencing based on design and material.

Commissioners said they would like to clearly define what type of fences are not allowed.

Commissioners all agreed that vinyl and chain link fences should not be allowed in the Historic District.

Mr. Adams said that some cities do not regulate fences that are not visible from the right-of-way. They only regulate your front yard fence but not the side or back fence.

Commissioner Smith said he did not want to regulate non-visible fences.

Commissioners agreed to create criteria and allow fences to be reviewed by Planning Staff as a Minor Historic Review.

Signs

Mr. Adams asked the Commissioners if they agreed to update the sign criteria and include halo and LED signs. Commissioners agreed.

Commissioners agreed to have signs reviewed by Planning Staff as a Minor Historic Review.

Ms. Evans said the Landmarks and Historic Preservation Commission would still review roof mounted signs, oversized signs, or other things that are not explicitly permitted.

Non-Contributing /Non-Historic Structures

Mr. Adams asked the Commissioners if they would like to create approval criteria for minor exterior alterations to Non- Contributing/Non-Historic structures.

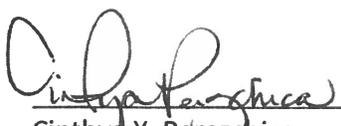
Commissioners agreed to have Planning Staff review it as a Minor Historic Review. Commissioners would like to continue to see applications that would alter the appearance of the building.

Ms. Evans told the Commissioners that they would hold another study session once the new language was drafted. The proposal would then go to the Planning Commission and City Council.

Mr. Adams said that the residents of the Historic District would be notified before it goes to the Planning Commission.

30. Adjournment

Submitted by:


Cinthya Y. Perezchica
Recording Secretary



Minutes

From Study Session on May 7, 2019

The Study Session of the Landmarks & Historic Preservation Commission was called to order at 6:30 p.m. in City Hall Room 300 on the above date with the following members and staff in attendance:

Commissioners Present

Daniel Smith, Chair
Karl Geidans
Jeff Applen
Greg Applen
Roberta Thornton

Staff Present

Kelly Evans, Assistant Planning Director
Seth Adams, Planner III
Madison Simmons, Senior Assistant City Attorney

10. Introductions

20. Discussion Items: **Historic Review Code Amendments**

Mr. Adams told the Commissioners that the proposed code amendment text had been sent to them a week prior to this study session.

Mr. Adams said he wanted to get their feedback before a formal recommendation is made to the Planning Commission and City Council.

Mr. Adams shared a PowerPoint presentation of the items discussed in the last study session.

Mr. Adams said that the reason for the Code Amendment was to increase the number of exterior modifications that can be reviewed and approved under Minor Historic Review. This will encourage and support preservation and streamline the Historic Review process, and will also reduce the cost for historic property owners. Mr. Adams said that SHPO supports this Code Amendment.

Mr. Adams said that property owners in the Historic District will be notified of the proposed changes and will be given an opportunity to comment at the Public Hearings.

Paint

Commissioner G. Applen said his recommendation is to keep the current paint color selection.

Commissioner J. Applen agreed with Commissioner G. Applen.

Commissioner Thornton agrees with SHPO's recommendation of not regulating the color palette and removing it from the Commissions purview.

Chair Smith recommended keeping the current process.

Commissioner Geidans said he trusted the public in choosing their paint color.

Fencing

Mr. Adams said that during January's study session the Commissioners had agreed not to regulate fencing that is not visible from the right-of-way (excluding alleys).

Visible fencing must be constructed from natural wood, metal, rusticated stone, or brick.

Chain link and vinyl fencing are prohibited.

Height will continue to be governed by Section 10.732, Fencing of Lots.

Residential Roofing

Mr. Adams said that they would move the "Paint and Roofing Approval Criteria" from the guidelines book into the Land Development Code.

Mr. Adams said the Deputy Chief Fire Marshall recommended not allowing wood shake/shingle products, unless necessary. If used, they must have a Class A or Class B fire rating.

All Commissioners agree with the Fire Marshals recommendation and want to include it in the criteria.

Signs

To be approved by staff when in conformance with the criteria. Halo and LED signs have also been added to the code.

Awnings

Minor Historic Review is approved if changes in awning fabric materials without a change in the shape of the awning frame. New fabric is either solid or striped, and the fabric colors are chosen from the adopted color palette.

New awnings will continue to be reviewed by the Landmarks and Historic Preservation Commission.

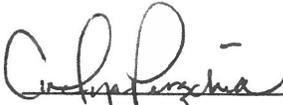
Non-contributing/Non Historic Structures

Certain minor modifications to the exterior of Non-Contributing and Non-Historic buildings within the Historic Preservation Overlay District shall be approved by Minor Historic Review.

Other types of modifications, including additions or changes to window or door sizes will continue to be reviewed by the Landmarks and Historic Preservation.

30. Adjournment

Submitted by:


Cinthya Y. Perezchica
Recording Secretary



Planning Commission Minutes

From Study Session on **June 10, 2019**

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

Commissioners Present

Mark McKechnie, Chair
Joe Foley, Vice Chair
David Culbertson
David McFadden
Bill Mansfield
E. J. McManus
Jared Pulver
Jeff Thomas

Staff Present

Kelly Evans, Assistant Planning Director
Carla Paladino, Principal Planner
Madison Simmons, Senior Assistant City Attorney
Sarah Sousa, Planner IV
Seth Adams, Planner III
Kyle Kearns, Planner II
Karl MacNair, Transportation Manager

Commissioners Absent

Patrick Miranda, Excused Absence

Subject:

20.1 DCA-19-001 Housekeeping Amendments

Sarah Sousa, Planner IV reported that she presented the 2019 Housekeeping and other regulatory code changes on April 22, 2019. Staff wanted to bring it back to quickly go over the changes since that meeting.

The housekeeping changes are mostly to fix code errors. While staff was making the code corrections they added code changes that address bike parking, promote density, and remove housing barriers.

Since the April 22nd study session staff presented the amendments to the Bicycle and Pedestrian Advisory Committee and to City Council at their May 30th study session.

The Commission was concerned that the previous proposal included language that bike parking must be near well used entrances. To be more clear and objective the 50 foot rule will remain of well used entrances. Staff is still proposing to eliminate the requirement that it has to be closer than the nearest automobile space.

There was concern with requiring certain types of bike racks as it might not allow more creative designs. Staff is now proposing language that requires that the racks provide two points of contact with the frame at least 6 inches apart and have a minimum height of 32 inches. Racks that meet those standards can be approved.

Kelly Evans, Assistant Planning Director reported that this is permissive, it is not a requirement. Currently, the code is structured that SFR-4 is the default zone in the UR GLUP designation. It has to be contiguous with 6 or 10 in order to get SFR-6 or SFR-10.

Commissioner Pulver commented that there is no longer a requirement to be adjacent to SFR-6. He does not believe the statement of SFR-4 being the default zone is true. Ms. Evans stated that SFR-6 was also a default zone. It was recently changed.

Commissioner Pulver asked, wasn't the figure at 6.8 when the studies were done as part of the UGB expansion? Ms. Paladino responded that is overall density. In 2036 it will be 7.6. Commissioner Pulver commented that every piece of land in urban reserve being brought into the UGB will have a requirement to hit that density mark. That will not be an issue. All they are talking about is infill projects. Ms. Paladino reported that the Regional Plan states that the entire City meets the 6.6.

Commissioner McManus is not confident of the removal of the locational criteria for SFR-6. When was the last time the Planning Commission and the City Council had a joint study session. He is not comfortable with the education internally. He thinks it is being done subjectively. Ms. Paladino commented that the last study session with the City Council was last September. Staff tries to hold them annually. Commissioner McManus would like a study session with Council on density.

Chair McKechnie's thoughts are to keep the 3 acre requirement. Skip the locational one but he thinks it ought to be between 200 to 500 feet of a major collector street for SFR-10.

Ms. Paladino stated that when bringing this forward to the Planning Commission on June 27th there will be three options.

Commissioner Pulver did not understand the information on duplexes. Is the idea that a standard lot in whatever zone it is, one can build a duplex and the lot does not need to be bigger than it would if it were a single family residential lot? Ms. Paladino replied yes. Commissioner Pulver has two concerns. One, a duplex on a single lot, particularly in SFR-10, could be tight. Second, it would be better if the duplexes were on separate lots. It would give the ability for ownership.

Commissioner McFadden asked, if a duplex is split by a property line can one build an ADU on both sides? Staff answered yes. Commissioner McFadden asked, if they are on the same lot, on both sides, one side? The answer to all three questions was no.

20.2 DCA-19-022 Minor Historic Review Code Amendment

Seth Adams, Planner III reported that staff is asking the Commission for direction to identify any changes to be made to the proposal.

Currently, in the code under Minor Historic Review, staff can approve changes in roofing materials, changes in exterior paint colors, changes in awning fabric materials and change of sign face/copy.

The proposal is to increase the number of exterior modifications that can be reviewed and approved by staff under Minor Historic Review. It will encourage and support preservation, streamline the Historic Review process, reduces costs for historic property owners, and is recommended by the State Historic Preservation Office.

The first proposed addition to the Minor Historic list is residential fencing under the following standards:

- No regulation of fencing that is NOT visible from ROW (excluding alleys).
- Visible fencing: natural wood, metal, rusticated stone, or brick.
- Chain link and vinyl fencing prohibited.
- Otherwise governed by Section 10.732 (Fencing of Lots.)

Chair McKechnie asked, is the vinyl like one can purchase at Home Depot that looks like a white picket fence? Mr. Adams responded yes.

If one wanted to paint their wood fence would they have to go before the Landmarks and Historic Preservation Commission? Mr. Adams stated no. If using wood they would have to get an administrative permit if it is in view from the right-of-way.

Chair McKechnie suggested to remove the word "natural." To him, natural wood means it would have to be stained and could not be painted.

The second proposed addition is signs meeting the same criteria that the LHPC has been using for the past 12 years:

- Types and Area
- Placement/location
- Materials
- Illumination
- Shapes
- Size

Another addition is minor alterations to non-contributing/non-historic structures. Examples are changing a window or door without changing the size of the opening.

Finally, staff and SHPO are recommending that paint colors be removed from the City's regulatory purview. In short, letting people use whatever paint colors they wish. Paint is temporary and acts a preservative on a building. It is also entirely subjective.

Commissioner McManus asked, if the paint criteria standard goes away, does that open up public art? If one decided to use color as they want, does that cover if they wanted to paint their historic building wall with some type of design that is considered paint,

then it is not the purview of the Historic Commission or administration. Is that what he is hearing? Mr. Adams responded that is correct.

Commissioner Pulver asked, wasn't there an issue on whether it was considered art or paint with a building on Main Street? Mr. Adams reported that building is outside the Historic District. Ms. Evans commented that it was initially called graffiti. It was an unauthorized change. Ms. Paladino stated staff may need to talk to Legal. The intent is for body and trim colors only, and not graphics or pictures.

Commissioner Mansfield is in favor of eliminating the paint requirement.

Mr. Adams reported that there were two study sessions with LHPC on this topic. At their last meeting they voted to forward a favorable recommendation to the Planning Commission and City Council with the caveat they were split on the paint color. The proposal will go to a City Council study session on Thursday evening, and to the Planning Commission on June 27th for a recommendation.

20.3 DCA-18-180 Concurrency Amendments

Kyle Kearns, Planner II reported that transportation concurrency is the requirement that developments must mitigate transportation impacts at the time of development.

A development has transportation impacts if it contributes traffic to an intersection that is shown to operate below the City's level of service standard with the project traffic.

State law requires future capacity is planned. Medford required capacity be done at the time of Zone Change. There are three options of how to change how it is done now:

- 1) Concurrency at Zone Change
- 2) Concurrency at Site Plan
- 3) Remove concurrency (Staff's recommendation)

Commissioner Mansfield asked, why is staff recommending eliminating all of it? Would it not violate the State Rule? Mr. Kearns stated that the details have not been fully explained yet in the presentation.

When stating remove concurrency it is not removing the requirement to mitigate impacts of the transportation system. The proposal is allowing the use of planned documents, such as the TSP and others, that have budgeted for projects and analysis to assume construction of that project. If a particular facility has not been planned that requirement for that to be mitigated is still required. It is not removing concurrency but it is removing the timing of when they can do it.

Karl MacNair, Transportation Manager, reported that it is also looking at the plan horizon year that is 2038 and saying at that time transportation capacity will be there as opposed to the way it works right now. One cannot build until that capacity is there.



Medford City Council Study Session

Minutes

June 13, 2019
Medford Room, Medford City Hall
411 West 8th Street, Medford, Oregon

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

Mayor Gary Wheeler; Councilmembers Clay Bearnson, Kay Brooks (arrived at 6:05 p.m.), Tim D'Alessandro (left at 6:42 p.m.), Alex Poythress, Eric Stark, Kevin Stine and Michael Zarosinski; City Manager Brian Sjothun, City Attorney Lori Cooper, Deputy City Recorder Winnie Shepard

Councilmember Dick Gordon was absent.

Downtown Redevelopment Zoning Options

Principal Planner Carla Paladino advised that staff evaluated zoning uses within the Liberty Park area: auto-oriented businesses (82 tax lots), parking lots (22 tax lots) and drive-through restaurants (2 lots).

She noted present and past zoning downtown, with site transformations from auto-oriented businesses to an education center, a park, and a restaurant. Council's vision for downtown included coffeehouses, restaurants, greenspace, food trucks, bookstores, music, pedestrians, etc. Central and Riverside will need improvement to meet Council's vision.

Currently, if a property owner would like to open an auto-oriented business, they obtain a building permit for modifications and a sign permit. Planning requirements for areas zoned for auto-oriented businesses could be modified to: prohibit uses, limit uses, provide conditional uses, allow uses but develop site and design criteria or a combination of these options. More restrictive criteria could limit use within a specific area, require a conditional use permit, permit the businesses outright but develop standards or any combination of those. Parking standards could be modified to "build up" parking lots or prioritize the development of the existing parking lots. The Planning Department is researching options for changing Riverside and Central, maybe limiting the streets to two lanes to improve aesthetics and increase pedestrian safety.

Ms. Paladino clarified that the term "auto-oriented businesses" was used to avoid singling out specific automotive businesses.

Councilmember Bearnson suggested that MURA purchase properties for future development, noting that changing a business within an area impacts the neighborhood over time (Lithia Commons area). Urban Renewal Director Harry Weiss advised that the urban renewal funds are very limited and recommended creating a land bank using a different funding source if the City wished to pursue that option.

Council discussed non-conforming use permits. Planning Director Matt Brinkley advised that a non-conforming use is allowed at that location through ownership transfers, unless the City starts using an amortization process. Using an amortization method would provide a specific ending date, however it could be difficult to force a business closure at the ending date.

Councilmember Zarosinski was not in favor of "banning" a specific business within in an area. He recommended more general changes for improvement that would apply to all businesses.

Councilmember Brooks opined that the large number of auto-oriented businesses in downtown and completely surrounding the Liberty Park area impacts the livability in those areas.

**Medford City Council Study Session Minutes
June 13, 2019**

Mayor Wheeler noted that many of the businesses along Riverside and Central were long-standing and will most likely remain. He recommended staff look at Code revisions to begin mitigating various issues and promote residential building in these areas.

Councilmember D'Alessandro requested that staff research other cities that solved similar issues in their community. He also preferred general zoning changes and not singling out a specific type of business.

Ms. Paladino recommended creating a master plan following any Code amendment. A plan would provide builders with the City's vision for the areas and could potentially increase development.

City Manager Brian Sjothun noted the transition in Woodburn after the construction of an outlet mall. There were many auto dealerships in that area that slowly moved to other areas.

Councilmember Brooks preferred new downtown zoning, but did want to require businesses to close after the zoning changed. She preferred that staff enforce the updated zoning when a business sold. City Attorney Lori Cooper advised that businesses with a non-conforming use maintain that that non-conforming use throughout business and/or property sales.

Councilmember Bearnson suggested the City or MURA change the zoning on specific properties to re-GLUP for high density residential.

Councilmember Stark also preferred general zoning revisions without eliminating specific business types. He requested that staff review the downtown and Liberty Park areas and provide recommendations for how the Council could promote their vision for these areas.

Mr. Weiss explained that urban renewal agencies can create land-banking programs, typically for tax delinquencies. He advised private developers would be more likely to consider specific areas if the City was working toward improving them. The expense of improvements should not be placed solely on developers. He recommended upgrading streets to promote business development.

Ms. Paladino clarified that Council directed staff research the areas for proposed design standards, proposed Code amendments and potential land site review options while continuing their work on the Liberty Park Master Plan.

Councilmember Bearnson requested that any Code amendment conform the 2050 plan. Councilmember Zarusinski also preferred the design/site standards to push people in the direction we would like to see.

Planning Code Amendments

Planner III Seth Adams explained that staff sought Council direction regarding whether to allow for a wider range of projects that would qualify for Minor Historic Review.

Currently staff approves the following revisions through the minor historic review permitting process: changes in roofing materials, exterior paint colors, awning fabric materials and sign face/copy. Staff proposes expanding that list to include: visible fencing, signage, and allowing non-contributing/non-historic structures to make small changes in accordance with the proposed standards.

Medford City Council Study Session Minutes
June 13, 2019

There are approximately 160 paint colors approved by the Landmarks and Historic Preservation Commission (LHPC). Property owners are allowed three colors from this list. Staff would like to eliminate the color requirement and allow property owners to paint as they wish.

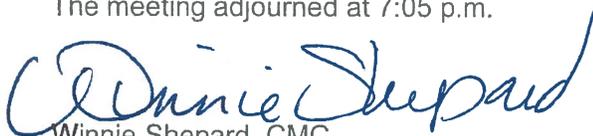
Staff has held two study sessions with the LHPC regarding exterior paint approval and they are split on whether to change this requirement. There was also a study session with the Planning Commission and they were neutral; they did not voice an approval or rejection regarding whether to continue formal approval of paint revisions.

Mr. Adams noted that LHPC had no objections to the signage, fencing and minor alternations, but not all agreed with revising the exterior paint approval process.

Mayor Wheeler and Councilmembers Stine, Zarosinski, Stark, Bearnson all preferred some review of exterior paint colors.

After discussion, Councilmember Stine clarified that Council preferred that staff approve exterior paint colors with an appeal to LHPC.

The meeting adjourned at 7:05 p.m.



Winnie Shepard, CMC
Deputy City Recorder



Landmarks & Historic Preservation Commission

Minutes

From Public Hearing on June 4, 2019

The regular meeting of the Landmarks & Historic Preservation Commission was called to order at 5:30 p.m. in Council Chambers on the above date with the following members and staff in attendance:

Commissioners Present

Daniel Smith, Chair
Karl Geidans
Greg Applen

Commissioners Absent

Roberta Thornton
Jeff Applen

Staff Present

Kelly Akin, Assistant Planning Director
Seth Adams, Planner III
Madison Simmons, Senior Assistant City Attorney
Cinthya Perezchica, Recording Secretary

10. Roll Call

20. Consent Calendar (voice vote) None.

30. Minutes.

30.1 The Minutes for March 5, April 2, and May 7, 2019, were approved as submitted.

40. Oral and Written Requests and Communications.

50. Public Hearings.

Madison Simmons, Senior Assistant City Attorney, read the rules that govern a quasi-judicial hearing.

50.1 HC-19-009, Landmarks and Historic Preservation Commission review of new signage at 232 North Central Avenue within the C-C/CB/ H (Community Commercial /Central Business District/Historic Preservation Overlay) Zoning district.

Chair Smith asked for any potential conflicts of interest or ex-parte communications. There were none.

50.4 DCA-19-022, is a legislative amendment to revise Section 10.188(C)(3) [Minor Historic Review] and other related sections within Article II of the Medford Land Development Code (MLDC). The purpose of the amendment is to allow for a wider range of projects that can be approved administratively under Minor Historic Review.

This proposal is a Type IV land use action to amend the Land Development Code. The Landmarks and Historic Preservation Commission is authorized to study proposed Land Development Code amendments relating to historic preservation, and submit recommendations regarding such proposals to the Planning Commission and City Council under Medford Municipal Code §10.110(M)(1).

The proposal would amend §10.188(C)(3) to allow for all of the following exterior alterations to be approved administratively, subject to certain standards included in the code language. The proposal presents three options for changes in exterior paint colors, including the recommendation of the Oregon State Historic Preservation Office (SHPO) and staff, which is to remove exterior paint colors from the list of regulated alterations.

- *Changes in exterior paint colors in both residential and commercial zones;*
- *New fencing in residential zones, and on sites within the Downtown Historic District that contain a legal non-conforming residential structure;*
- *Changes in residential roofing materials;*
- *New signage;*
- *Changes in awning fabric materials;*
- *Minor modifications of non-contributing and non-historic buildings*

Paint color options:

Option 1: (existing process): Changes in exterior paint colors shall be approved when the new paint colors are selected from the adopted color palette which is available at the Planning Department. No more than three individual colors, hues or tones may be selected from the adopted color palette.

Option 2: Changes in exterior paint colors are exempt from Historic Review.

Option 3: Regulate changes in exterior paint colors only on Primary, Secondary and Contributing resources within the Downtown Historic District.

Public Hearing was opened.

None

Public hearing was closed.

Motion: Forward a favorable recommendation of the proposed code amendment to the Planning Commission, per the staff report dated May 28, 2019, including Exhibit A.

Commissioner Geidans said he favored option 2.

Commissioner G. Applen said he favored option 1.

Chair Smith said he would like to forward options 1 and 2.

Motion: To amend the existing motion to include options one and two.

Moved by: Commissioner G. Applen **Seconded by:** Commissioner Geidans

Motion passes, 3-0

60. Old Business

None

70. New Business and Announcements

None

80. Comments from the Commissioners

Commissioner G. Applen said his comment is directed to staff. Mr. G. Applen said although he voted against the proposal for the Carnegie building, he said he hopes that the applicant knows the gravity and significance of SHPO. Mr. G. Applen said during the testimony he mentioned federal funds because if Federal funds are involved it has to go to Washington D.C. Mr. G. Applen said he hopes the applicant includes SHPO and the National Historic Register to avoid any delays.

Chair Smith said the Mural would be a great addition to the downtown area.

90. Report from the Planning Department

Ms. Evans said there will be business for the July 2, 2019 meeting.

95. Comments from Legal Department

Ms. Simmons said if there is some interest for a study session outlining signs and review, and what the governing body cannot review. Chair Smith asked if they can discuss homelessness in that study session due to the amount of complaints in the historic district.

100. Adjournment.

100.1 The meeting was adjourned at 7:50 p.m.

Submitted by:

Cinthya Y. Perezchica
Recording Secretary

Landmarks & Historic Preservation Commission Chair

PLANNING COMMISSION MINUTES



From Public Hearing on June 27, 2019

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

Joe Foley, Vice Chair
David Culbertson
Bill Mansfield
David McFadden
E.J. McManus
Jared Pulver
Jeff Thomas (left at 7:44 p.m.)

Staff Present

Kelly Evans, Assistant Planning Director
Carla Paladino, Principal Planner
Eric Mitton, Deputy City Attorney
Doug Burroughs, Development Serv. Mgr.
Steve Parks, Deputy Fire Marshal
Terri Richards, Recording Secretary
Liz Conner, Planner II
Sarah Sousa, Planner IV
Kyle Kearns, Planner II
Seth Adams, Planner III

Commissioners Absent

Patrick Miranda, Excused Absence
Mark McKechnie, Chair, Excused Absence

10. Roll Call

20. Consent Calendar/Written Communications.

20.1 LDP-19-055 / ZC-19-003 Final Orders of a request for tentative plat approval of a proposed two-lot partition of a 6.20-acre parcel, along with a request for a change of zone from Light-Industrial (I-L) to Regional Commercial (C-R) of a 1.90-acre portion of the total 6.20-acre parcel, located at 590 Airport Road (372W12A1102). Applicant: Sedona Properties, LLC; Agent: CSA Planning Ltd; Planner: Dustin Severs.

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

Moved by: Commissioner McFadden

Seconded by: Commissioner McManus

Voice Vote: Motion passed, 7-0-0.

30. Minutes

30.1 The minutes for June 13, 2019, were approved as submitted.

40. Oral and Written Requests and Communications. None.

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

Exhibit F

per the staff report dated June 20, 2019, including Exhibits A through I, with SFR-4 and MFR-20 being removed from the permitted zones.

Main Motion Roll Call Vote: Motion passed, 6-1-0, with Commissioner Pulver voting no.

50.8 DCA-19-022 An amendment to portions of Chapter 10, the Medford Land Development Code (MLDC), to allow for a wider range of projects within the Historic Preservation Overlay District that can be approved administratively under Minor Historic Review. Applicant: City of Medford; Planner: Seth Adams.

Commissioner Thomas left the meeting at 7:44 p.m.

Seth Adams, Planner III reported that the Development Code Amendment approval criteria can be found in the Medford Land Development Code Section 10.218. The applicable criteria were addressed in the staff report and hard copies are available at the entrance of Council Chambers for those in attendance. Mr. Adams gave a staff report. The Fire Department has flammability concerns with wood shake and shingle roofs. Wood shake and shingle roofs is currently in the residential historic district under certain appropriate materials.

Commissioner McFadden asked, would a fence that was prohibited be out of the realm of minor historic review and go before the Landmarks and Historic Preservation Commission? Mr. Adams replied that is correct. If using new technology or material would always have the option to have the Landmarks and Historic Preservation Commission approve or deny it.

Commissioner McFadden asked, does the City currently send people within the historic district the websites necessary to review the material on a regular basis? Staff is going to reinstitute a process that was in place a number of years ago sending out, on an annual basis, a letter to all registered property owners in the historic overlay informing them of procedures and links to where they can find the information.

Commissioner McManus stated that he is not favorable with the color palette coming back. He did not see it as a value in the beginning. He sees the benefit of having a guideline for quantity no necessarily the color pattern. Mr. Adams reported that currently one picks from the color palette that is limited to one body and up to two trim colors. Staff is looking at an expanded palette.

Vice Chair Foley asked, what is happening or not happening with shake roofs? Mr. Adams stated that currently the use of wood shake shingle roofs are allowed in Medford under the building code. The Fire Marshal brought up a concern that the flammability of wood shake shingle roofs is higher than a comp shingle roof. There is no historic properties in the Wildland Fire overlay. Fire has the ability to travel great distances.

Vice Chair Foley asked, what is the current proposal? Mr. Adams replied to leave it as it is. It is allowable for a property owner to put wood shake shingles on their roof.

Commissioner McFadden commented that shake roofs are lighter. Older homes were built with greater spacing between joists that does not react to heavier materials as well. It is a good recommendation.

The public hearing was opened.

Steve Parks, Deputy Fire Marshal reported that wood shake shingles are appropriate for historic houses. They present a fire hazard and have for many years. Moving forward their use has been reduced or eliminated nationwide. The Wildfire Hazard zone has a new code going in affect with the building code modification that prohibits them specifically. The Fire Department feels the risk they pose extends outside that hazard zone. Embers can travel one mile, two miles ahead of a fire front.

Commissioner Mansfield asked, do some of the other cities prohibit wood shake shingles altogether? Mr. Parks replied yes. Other cities and states have prohibited them. California has prohibited them. The City of Ashland has moved away from permitting them. There is not a retroactive policy in effect in those other areas but as the time comes to repair a significant percentage of roof or replace the entire roof it is required to go to an alternate material.

Commissioner Mansfield asked, does your department advocate outlawing them? Mr. Parks shook his head yes.

Commissioner Mansfield asked, does he know why the City Council has not done so? Mr. Parks does not know the answer to what their reasoning is for that particular issue.

Commissioner McManus asked, is there a fire retardant sealant for those types of roofs? Mr. Parks stated there are wood shake products that have under gone testing with a material applied. There are products that have reached a Class A or Class B flammability rating that are wood shake. It has been found with those that resistance is not a permanent feature. It degrades over time. There is a lack of maintenance. The treatment is effective for approximately ten years. If the treatment is not reapplied it goes back to a raw shingle.

The public hearing was closed.

Motion: The Planning Commission, based on the findings and conclusions that all of the applicable criteria are met, forwards a favorable recommendation for adoption of DCA-19-022 to the City Council per the staff report dated June 20, 2019, including Exhibits A through G.

Moved by: Commissioner McFadden

Seconded by: Commissioner Culbertson

Commissioner McManus would hate to be in a reactive mode when an unfortunate situation were to take a building. Then the City would need to look at changing the code after the fact. The discussion was helpful. It would be unfortunate to be in favor of it knowing the opportunity to consider restricted that type of roofing material. It appears there are alternate products available even if it is treated.

Vice Chair Foley agrees with Commissioner McManus. He is in favor of not increasing wood shake shingles usage. It is a fire hazard.

Commissioner Pulver understood that one of the issues of wood shake shingles is still permitted in non-historical districts. He does not disagree with what was said but this is the wrong venue. If this is something that needs to be done it should be changed across the board for historical and non-historical.

Commissioner McManus would like to have a conversation with staff to review.

Roll Call Vote: Motion passed, 6-0-0.



Medford – A fantastic place to live, work and play

CITY OF MEDFORD

LD Date: 4/24/2019
File Number: DCA-19-022

PUBLIC WORKS DEPARTMENT STAFF REPORT

Development Code Amendment Minor Historic Review

Project: DCA-19-022 is an amendment to portions of Chapter 10, the Medford Land Development (MLDC), to allow for a wider range of projects within the Historic Preservation Overlay District that can be approved administratively under Minor Historic Review.

Applicant: City of Medford

Planner: Planner, Seth Adams, Long Range Division

Public Works has no comments on the proposed amendment.

Prepared by: Jodi K Cope
Reviewed by: Doug Burroughs

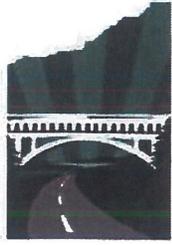
From: [Shandell Clark](#)
To: [Seth A. Adams](#)
Subject: Minor Historic Review
Date: Tuesday, April 23, 2019 8:25:09 AM

Good Morning Seth,
Thank you for the opportunity to review the proposed amendments to Chapter 10 of the Medford Land Development Code.
Jackson County has no comment regarding the proposed changes.
Sincerely,
Shandell

Shandell Clark
Development Services
Planning Manager



JACKSON COUNTY
Oregon
10 South Oakdale Ave., Rm 100
Medford, OR 97501
PH: 541-774-6519
Fax: 541-774-6791
clarksp@jacksoncounty.org



JACKSON COUNTY

Roads

Roads
Engineering

Chuck DeJanvier
Construction Engineer

200 Antelope Road
White City, OR 97503
Phone: (541) 774-6255
Fax: (541) 774-6295
dejanvca@jacksoncounty.org

www.jacksoncounty.org

April 17, 2019

Attention: Seth Adams
Planning Department
City of Medford
200 South Ivy Street, Lausmann Annex, Room 240
Medford, OR 97501

RE: To allow for a wider range of projects within the Historic Preservation Overlay
Various city maintained roads.
Planning File: DCA-19-022.

Dear Seth:

Thank you for the opportunity to comment on an amendment to portions of Chapter 10m the Medford Land Development Code (MLDC), to allow for a wider range of projects within the Historic Preservation Overlay that can be approved administratively under Minor Historic Review. Jackson County Roads has no comment.

If you have any questions or need further information feel free to call me at 774-6255.

Sincerely,

Chuck DeJanvier, PE
Construction Engineer

From: [Greg G. Kleinberg](#)
To: [Seth A. Adams](#)
Subject: RE: DCA-19-022 Fire Comments
Date: Tuesday, June 11, 2019 5:05:41 PM

Seth,

I recommend the best and safest option is to not allow replacement of roofs to be wood shake/shingle products. Treated wood shakes should only be used to make repairs to an existing wood shake roof.

One of the issues is the treatment only lasts so long, and then the wood shakes/shingles become susceptible to ignition unless treated again. The natural weathering test for wood shakes does not exceed 10 years while in reality these roofs might be on a structure for decades. It's not like a metal, asphalt composition, or tile roof that inherently resists ignition and has a 30-50 life span.

Thank You,

Greg Kleinberg
Deputy Chief - Fire Marshal
Medford Fire-Rescue
541-774-2317

From: Seth A. Adams
Sent: Tuesday, June 11, 2019 2:13 PM
To: Greg G. Kleinberg <John.Kleinberg@cityofmedford.org>
Subject: RE: DCA-19-022 Fire Comments

Hi Greg,

Sorry to go back in time a little, but would the following simple language cover the justifiable concern over flammability of wood shakes and shingles? Thanks!

- (1) The following roofing materials are permitted:
 - (a) Wood shakes and shingles (must have Class A or B fire rating)

Seth

From: Greg G. Kleinberg
Sent: Friday, April 19, 2019 4:13 PM
To: Seth A. Adams <Seth.Adams@cityofmedford.org>
Subject: DCA-19-022 Fire Comments

Seth,

The only concern I have with this is allowing wood shake and wood shingle roofs. The new

wildland hazard mitigation codes that we will be adopting prohibit wood shake and wood shingle roofs in wildfire hazard zones because they are easily ignitable. Jackson County code require a minimum Class A or B roof in these areas. If we have to allow them in other areas I would recommend they are required to be a minimum Class A or Class B. There are products on the market that look like wood shake but are made with materials that have a high fire resistance rating. It would be a shame to lose a historic structure because we did not think about this.

Thank You,

Greg Kleinberg
Deputy Chief - Fire Marshal
Medford Fire-Rescue
541-774-2317



AGENDA ITEM COMMENTARY

DEPARTMENT: Finance
PHONE: (541) 774-2030
STAFF CONTACT: Ryan Martin, CFO/Deputy City Manager

AGENDA SECTION: Public Hearings
MEETING DATE: August 1, 2019

COUNCIL BILL 2019-78

A RESOLUTION adopting the first Supplemental Budget for the 2019-21 biennium.

SUMMARY AND BACKGROUND

Council is requested to consider a first supplemental budget for the 2019-2021 biennium which creates a new fund, the Council Goals Fund.

The total impact is no increase in appropriations; this supplemental budget transfers revenue and budget from the General Fund to the new Council Goals Fund, and from the Council Goals Fund to the Police Utility Fund.

PREVIOUS COUNCIL ACTIONS

On May 16, 2019, City Council directed Staff to create a Council Goals Fund.

On June 6, 2019, City Council adopted the 2019-21 Biennium Budget which includes a transfer of \$398,150 of existing Marijuana Tax revenue from the General Fund to the new Council Goals Fund. Additionally, Council directed that future Marijuana Tax revenue would be recorded in the Council Goals Fund with the exception of \$300,000 which would be transferred to the General Fund and \$300,000 which would be transferred from the General Fund to the Police Utility Fund to offset the Public Safety Fee increase.

ANALYSIS

This supplemental budget makes several transfers of Marijuana Tax Revenue as follows:

- Actual revenue received in Fiscal Year 2019 is transferred from General Fund Contingency to the Council Goals Fund Contingency (\$398,150).
- Budgeted Marijuana Tax Revenue in the General Fund is transferred to the Council Goals Fund (\$1,150,000);
 - Of this revenue, \$850,000 is budgeted in Contingency and
 - \$300,000 is transferred to the General Fund and then Police Utility Fund to pay for a portion of the Livability Team.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

The proposed resolution will not increase appropriations. Transfers between funds are as follows:

Fund	Existing Appropriations	New Appropriations
100	- \$ 1,548,150	\$ 0
200	\$ 0	\$ 300,000
420	\$ 0	\$ 1,248,150



TIMING ISSUES

None.

COUNCIL OPTIONS

Approve the resolution as presented.

Modify the resolution as presented.

Deny the resolution as presented and provide direction to staff.

STAFF RECOMMENDATION

Staff recommends approval of the resolution.

SUGGESTED MOTION

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

EXHIBITS

Resolution

Supplemental Budget Request

RESOLUTION NO. 2019-78

A RESOLUTION adopting the first Supplemental Budget for the 2019-21 biennium.

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

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

SECTION 1. The City Council hereby adopts the first Supplemental Budget for the 2019-21 biennium.

SECTION 2. The City Council hereby creates the Council Goals Fund with guidelines set forth in section 2.176 of the Medford Municipal Code.

SECTION 3. The City Council hereby makes the new appropriations and transfers of appropriations for the 2019-21 biennium in the amounts and for the purposes shown on the Supplemental Budget Adjustment form which is attached hereto as Exhibit A and incorporated herein by reference.

PASSED by the Council and signed by me in authentication of its passage this ____ day of August, 2019.

ATTEST: _____
City Recorder

Mayor

CITY OF MEDFORD

SUPPLEMENTAL BUDGET REQUEST PER ORS 294.471

Requesting Department: Finance

Biennium

BN2019-21

Date of Proposed Council Action: August 1, 2019

Date

August 1, 2019

Explanation of Requested Transfer: See AIC

Account Number	Description	Project Number	Debit	Credit
100 1590 - 690 9099	Contingency			398,150.00
100 1521 - 670 7420	Transfers Out		398,150.00	
420 0000 - 471 6100	Transfer In			398,150.00
420 1590 - 690 9099	Contingency		398,150.00	
100 0000 - 431 0405	Revenue		550,000.00	
100 0000 - 411 0203	Revenue		600,000.00	
100 1590 - 690 9099	Contingency			850,000.00
1001521-6707200	Transfer Out			300,000.00
420 0000 - 431 0405	Revenue			550,000.00
420 0000 - 411 0203	Revenue			600,000.00
420 1590 - 690 9099	Contingency		1,150,000.00	
420 1590 - 690 9099	Contingency			300,000.00
420 1521 - 670 7200	Transfers Out		300,000.00	
200 0000 - 471 6420	Transfer In			300,000.00
200 0000 - 471 6100	Transfer In GF		300,000.00	
TOTALS			3,696,300	3,696,300

Ryan Martin
 Chief Financial Officer

Approved by

Ryan Martin
 Acting City Manager



AGENDA ITEM COMMENTARY

DEPARTMENT: Building and Fire
PHONE: (541) 774-2362 (541) 774-2317
STAFF CONTACT: Sam Barnum, Building Official
Greg Kleinberg, Deputy Chief/Fire Marshal

AGENDA SECTION: Public Hearings
MEETING DATE: August 1, 2019

COUNCIL BILL 2019-79

AN ORDINANCE amending Section 9.101 of the Medford Municipal Code pertaining to adoption of an Oregon Residential Specialty Code for wildfire hazard mitigation.

SUMMARY AND BACKGROUND

Council is requested to consider adopting ORSC section R327.4 Wildfire Hazard Mitigation.

On March 21, 2019 Deputy Chief/Fire Marshal Greg Kleinberg gave a staff report to the City Council about the new Oregon Residential Specialty Code (ORSC) section R327 Wildfire Hazard Mitigation. This section of the ORSC enhances construction requirements for new homes built in wildfire hazard zones by requiring the use of exterior inherently ignition-resistant materials/assemblies or those that have passed a standardized ignition-resistant test. The section also contains provisions to protect vulnerable areas (attics and underfloor) from being exposed to ember and flame intrusion. The goal of these standards is to reduce or eliminate the ignition potential of new homes built in wildfire hazard zones. This section became effective January 24, 2019 in the ORSC and must be adopted locally to be enforced.

PREVIOUS COUNCIL ACTIONS

On March 21, 2019, the City Council voted to direct staff to come back with wildfire hazard mitigation code change to formally adopt R327.4.

ANALYSIS

Medford is surrounded by wildfire risk areas. As development increases in these areas, residents living in and near these areas are threatened each year by the potential of wildfires destroying life and property. New homes built in wildfire risk areas are exposed to a greater ignition risk and therefore should be built to a higher ignition-resistant standard. The public expects that their new home is built to reasonably withstand the expected hazards of the location where the home is located.

The ORSC has a long history of code requirements for protection of homes from earthquakes in seismic zones, from flooding in flood zones, and from weather-related wind, snow, and freezing conditions. For the first time, the ORSC now has code requirements for protection from wildfire, one of the greatest hazards we face annually. The new wildfire hazard mitigation construction standards in ORSC Section R327.4 are a sensible way to reduce the risk of catastrophic losses and must be adopted locally to be effective.

Section R327.4 requires materials on the exterior of homes located in wildfire hazard zones to be either inherently ignition-resistant or have passed a standardized test to prove they pass ignition-resistance criteria. Section R327.4 also protects vulnerable areas like attic, underfloor, rain gutters,



etc. from the ember and flame intrusion ignition threat. These proven strategies, which prevent the easy ignition to structures, will reduce the exposure of residents and first responders to conflagration fire hazards that threaten life and injury.

ORSC Section R327.4 is modeled after what California has mandated statewide since 2008. California developed testing standards for materials/assemblies approved to be used in wildfire areas (these testing standards later became national standards). The 2018 Paradise California Camp Fire was one of the most destructive fires in U.S. history, killing 85 people and destroying 14,000 homes. Of the homes that survived, 51% of the homes built to the 2008 ignition-resistant standards survived, and only 18% of the homes built prior to 2008 survived.

Oregon's wildfire threat continues to rise. According to the Northwest Interagency Coordination Center, 2018 was Oregon's costliest fire season on record, totaling more than \$533 million. In Oregon, 9% of households are at high or extreme risk from wildfire. According to a 2018 Pyrologix analysis, Medford is ranked #3 on an Oregon list of communities most threatened by wildfire. This is based on the burn probability and number of housing units exposed to wildfire.

Other examples of damaging conflagrations in the Northwest:

2010 Oak Knoll Fire, Ashland OR: 11 homes lost in 45 minutes, 1 firefighter death

2014 Boles Fire, Weed CA: (Just 30 miles south of the CA/OR Stateline) 157 homes lost, 516 acres

2015 Canyon Creek Fire, OR: 43 homes lost, 110K acres

2018 Carr Fire, Redding CA: 1,077 homes lost, 229K acres, 5 civilian deaths, 3 firefighter deaths

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

There is no increased cost to the City. The estimated cost increase to build a new 1,200 sq. ft. ignition-resistant home constructed in a wildfire hazard zone is \$2,000 - 3,200. (Note: This cost increase would not impact any new home built outside of a wildfire hazard zone). Future savings to the City includes avoiding costly cleanup operations, litigation, and repair of infrastructure. As an example, in addition to the terrible losses the City of Paradise experienced, it is estimated to cost \$1.7 billion dollars for fire debris removal alone. The city is also faced with an estimated \$300 million water system repair that will take two years to complete because the fire contaminated the water system with cancer-causing benzene.

TIMING ISSUES

Adoption now will help us to be a safer community and mitigate potential losses in future wildfire seasons.

COUNCIL OPTIONS

Approve the ordinance as presented.

Modify the ordinance as presented.

Deny the ordinance and provide direction to staff.



STAFF RECOMMENDATION

Staff recommends approval of the ordinance to adopt Oregon Residential Specialty Code section R327.4.

SUGGESTED MOTION

I move to approve the ordinance adopting Oregon Residential Specialty Code section R327.4 Wildfire Hazard Mitigation.

EXHIBITS

Ordinance

ORSC Section 327.4

Map of Wildfire Hazard Zone

R327.4 Construction Guide

Exposure of Human Communities to Wildfire in the Pacific Northwest (Pyrologix Study)

ORDINANCE NO. 2019-79

AN ORDINANCE amending Section 9.101 of the Medford Municipal Code pertaining to adoption of an Oregon Residential Specialty Code for wildfire hazard mitigation.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 9.101 of the Medford Code is amended to read as follows:

9.101 Adoption of Oregon Residential Specialty Code, as modified.

(1) Section R327 of the 2017 Oregon Residential Specialty Code, as amended on January 24, 2019, including sections R327.4 through R327.4.8, pertaining to wildfire hazard mitigation, as published and copyrighted by the International Code Council, Inc., as modified and adopted by the Director of the State Department of Consumer and Business Services is hereby adopted and incorporated as an ordinance of the City of Medford.

* * *

PASSED by the Council and signed by me in authentication of its passage this ____ day of August, 2019.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2019.

Mayor



Amendments to the
2017 Oregon Residential Specialty Code

Code amendment summary:

Section R327 Wildfire hazard mitigation

These amendments provide additional wildfire hazard mitigation provisions in Section R327 that are available for local adoption.

Effective: Jan. 24, 2019

Insert page instructions:

These amendments have been formatted as insert pages for the 2017 ORSC.

When inserted into the code, amendments will face the page containing the existing code language. Some pages have been left blank for this purpose.

1. Print these pages **double-sided** in “book” format.
2. Insert the pages facing the page number in the bottom corner.
3. The amended language is depicted as follows:

~~Strikethrough~~ text represents deleted language.

Underlined text represents added language.



This page is intentionally blank.

SECTION R327 WILDFIRE HAZARD MITIGATION

R327.1 Purpose. The purpose of this section is to provide minimum standards for dwellings and their accessory structures located in or adjacent to vegetated areas subject to wildfires, to reduce or eliminate hazards presented by such fires.

R327.2 Scope. The provisions of this section shall apply to all dwellings required to be protected against wildfire by a jurisdiction which has adopted wildfire zoning regulations. The additional provisions of Section R327.4 shall apply when a local municipality has adopted a local ordinance specifically recognizing Section R327.4 and consistent with Sections R327.4 through R327.4.8.

R327.3 Determination. ~~Wildfire hazard zone. A wildfire hazard zone is an area legally determined by a jurisdiction to have special hazards caused by a combination of combustible natural fuels, topography and climatic conditions that result in a significant hazard of catastrophic fire over relatively long periods each year. Wildfire hazard zones shall be determined using criteria established by the Oregon Department of Forestry.~~

R327.3.1 Wildfire hazard zone requirements. Dwellings and their accessory structures shall be protected against wildfire by the following requirement in addition to other requirements of this code. The provisions of Section R327.4 apply only to qualifying lots identified in Section R327.4.1.

Exception: Nonhabitable detached accessory structures, with an area of not greater than 400 square feet, located at least 50 feet from all other structures on the lot.

R327.3.1.1 Roofing. Roofing shall be asphalt shingles in accordance with Section R905.2, slate shingles in accordance with Section R905.6, metal roofing in accordance with Section R905.4, tile, clay or concrete shingles in accordance with Section R905.3 and other approved roofing which is deemed to be equivalent to a minimum Class C rated roof covering. Untreated wood shingle and shake roofs are not permitted when the construction site is in a wildfire hazard zone as determined by Section R327.3.

R327.3.1.2 Reroofing or repair of roofing of existing buildings. When 50 percent or more of the roof covering of any building is repaired or replaced within one year, the roof covering shall be made to comply with this section and attic ventilation shall be made to comply with this code. Ventilation openings shall be protected with corrosion-resistant wire mesh, not greater than $\frac{1}{2}$ -inch (12.7 mm) or less than $\frac{1}{8}$ -inch (3.2 mm) in any dimension.

R327.4 Scope of additional wildfire hazard mitigation requirements. The provisions of Section R327.4 shall apply to new dwellings and their accessory structures located in a wildfire hazard zone on a qualifying lot of record created on or after the effective date in the local adopting ordinance.

R327.4.1 Qualifying lots of record. Qualifying lots of record shall meet all the following:

1. Be located in a wildfire hazard zone as identified by the local municipality using criteria established by the Oregon Department of Forestry. The local municipality is not required to include all areas identified by the Oregon Department of Forestry as wildfire hazard zones. The zone shall be detailed in the local adopting ordinance.
2. The local municipality shall determine in the adopting ordinance whether qualifying lots of record shall consist of individual lots or whether qualifying lots must be part of a development that contains a minimum number of lots.
3. The local municipality shall make a determination that the lot of record is either located within the identified wildfire hazard zone as determined by the jurisdiction or that it is located outside of the wildfire hazard zone as determined by the jurisdiction. Notification shall be provided in conjunction with the land use approval under ORS 197.522.
4. Application:
 - 4.1 Lots created prior to the effective date of the local ordinance, that would otherwise qualify under the local adopting ordinance, are exempt from the requirements of the ordinance for a period of three years from the creation date of the land use approval under ORS 197.522.
 - 4.2 For a lot created after the effective date of the local ordinance that receives notification under this section, the determination in the notification shall be valid for three years from the date of the land use approval under ORS 197.522. At the expiration of the three years, a lot of record shall be re-evaluated under the current version of the adopting ordinance prior to the issuance of a building permit.

Infill exception: Dwellings or accessory structures constructed on a lot in a subdivision, do not need to comply with Section R327.4 when at least 50 percent of the lots in the subdivision have existing dwellings that were not constructed in accordance with Section R327.4.

Nothing in the code or adopting ordinance prevents a local municipality from waiving the requirements of Section R327.4 for any lot, property or dwelling, or the remodel, replacement or reconstruction of a dwelling within the jurisdiction.

The local municipality must include a process for resolving disputes related to the applicability of the local ordinance and this section.

R327.4.2 Definitions. The following words and terms shall, for purposes of Section R327.4, have the meanings shown herein. Refer to Chapter 2 for general definitions.

Heavy Timber. For the use in this section, *heavy timber* shall be sawn lumber or glue laminated wood with the smallest minimum nominal dimension of 4 inches (102 mm). *Heavy timber* walls or floors shall be sawn or glue-laminated planks splined, tongue- and-grove, or set close together and well spiked.

Ignition-Resistant Material. A type of building material that resists ignition or sustained flaming combustion sufficiently so as to reduce losses from wildland-urban interface conflagrations under worst-case weather and fuel conditions with *wildfire exposure* of burning embers and small flames. Such materials include any product designed for exterior exposure that, when tested in accordance with ASTM E84 or UL 723 for surface burning characteristics of building materials, extended to a 30-minute duration, exhibits a flame spread index of not more than 25, shows no evidence of significant progressive combustion, and whose flame front does not progress more than 10½ feet (3.2 m) beyond the centerline of the burner at any time during the test.

Noncombustible Material. Any material that in the form in which it is used and under the conditions anticipated, will not ignite, burn, support combustion, or release flammable vapors when subjected to fire or heat in accordance with ASTM E136.

Wildfire. Any uncontrolled fire spreading through vegetative fuels that threatens to destroy life, property, or resources.

Wildfire Exposure. One or a combination of circumstances exposing a structure to ignition, including radiant heat, convective heat, direct flame contact and burning embers being projected by a vegetation fire to a structure and its immediate environment.

R327.4.3 Roofing. Roofing shall be asphalt shingles in accordance with Section R905.2, slate shingles in accordance with Section R905.6, metal roofing in accordance with Section R905.4, tile, clay or concrete shingles in accordance with Section R905.3 or other *approved* roofing which is deemed to be equivalent to a minimum Class B rated roof assembly. Wood shingle and shake roofs are not permitted in a wildfire hazard zone.

Where the roof profile allows a space between the roof covering and roof decking, the spaces shall be constructed to prevent the intrusion of flames and embers, be fire-blocked with *approved* materials, or have one layer of minimum 72 pound (32.4 kg) mineral-surfaced nonperforated cap sheet complying with ASTM D3909 installed over the combustible decking.

Where valley flashing is installed, the flashing shall be not less than 0.019-inch (0.48 mm) No. 26 gage galvanized sheet corrosion-resistant metal installed over not less than one layer of minimum 72 pound (32.4 kg) mineral-surfaced non-perforated cap sheet complying with ASTM D3909 at least 36-inch-wide (914 mm) running the full length of the valley.

R327.4.3.1 Gutters. When required, roof gutters shall be constructed of *noncombustible materials* and be provided with a means to prevent accumulation of leaves and debris in the gutter.

R327.4.4 Ventilation. Where provided, the minimum net area of ventilation openings for enclosed attics, enclosed soffit spaces, enclosed rafter spaces, and under-floor spaces shall be in accordance with Sections R806 and R408.

All ventilation openings shall be covered with non-combustible corrosion-resistant metal wire mesh, vents designed to resist the intrusion of burning embers and flame, or other *approved* materials or devices.

Ventilation mesh and screening shall be a minimum of $\frac{1}{16}$ -inch (1.6mm) and a maximum of $\frac{1}{8}$ -inch (3.2mm) in any dimension.

R327.4.4.1 Eaves, soffits, and cornices. Ventilation openings shall not be installed on the underside of eaves, soffits, or cornices.

Exceptions:

1. The *building official* may *approve* special eave, soffit, or cornice vents that are manufactured to resist the intrusion of flame and burning embers.
2. Ventilation openings complying with the requirements of Section R327.4.4 may be installed on the underside of eaves, soffits, or cornices where the opening is located 12 feet or greater above *grade* or the surface below.

R327.4.5 Exterior walls. The *exterior wall covering* or wall assembly shall comply with one of the following requirements:

1. *Noncombustible material.*
2. *Ignition-resistant material.*
3. *Heavy timber* assembly.
4. Log wall construction assembly.
5. Wall assemblies that have been tested in accordance with the test procedures for a 10-minute direct flame contact exposure test set forth in ASTM E2707, complying with the conditions of acceptance listed in Section R327.4.5.2.

Exception: Any of the following shall be deemed to meet the assembly performance criteria and intent of this section:

1. One layer of $\frac{5}{8}$ -inch Type X exterior gypsum sheathing applied behind the *exterior wall covering* or cladding on the exterior side of the framing.
2. The exterior portion of a 1-hour fire resistive *exterior wall* assembly designed for exterior fire exposure including assemblies using exterior gypsum panel and sheathing products listed in the Gypsum Association Fire Resistance Design Manual.

R327.4.5.1 Extent of exterior wall covering. *Exterior wall coverings* shall extend from the top of the foundation to the roof, and terminate at 2 inch (50.8 mm) nominal solid wood blocking between rafters at all roof overhangs, or in the case of enclosed eaves or soffits, shall terminate at the underside of the enclosure.

R327.4.5.2 Conditions of acceptance. ASTM E2707 tests shall be conducted in triplicate and the conditions of acceptance below shall be met. If any one of the three replicates does not meet the conditions of acceptance, three additional tests shall be conducted. All additional tests shall meet the following conditions of acceptance:

1. Absence of flame penetration through the wall assembly at any time during the test.
2. Absence of evidence of glowing combustion on the interior surface of the assembly at the end of the 70-minute test.

R327.4.6 Overhanging projections. All exterior projections (exterior balconies, carports, decks, patio covers, porch ceilings, unenclosed roofs and floors, overhanging buildings and similar architectural appendages and projections) shall be protected as specified in this section.

R327.4.6.1 Enclosed roof eaves, soffits, and cornices. The exposed underside of rafter or truss eaves and enclosed soffits, where any portion of the framing is less than 12 feet above *grade* or similar surface below, shall be protected by one of the following:

1. Noncombustible material.
2. Ignition-resistant material.
3. One layer of 5/8-inch Type X exterior gypsum sheathing applied behind an exterior covering on the underside of the rafter tails, truss tails, or soffit.
4. The exterior portion of a 1-hour fire resistive exterior wall assembly applied to the underside of the rafter tails or soffit including assemblies using exterior gypsum panel and sheathing products listed in the Gypsum Association Fire Resistance Design Manual.
5. Soffit assemblies with an underside surface that meets the performance criteria in Section R327.4.6.5 when tested in accordance ASTM E2957.

Exceptions: The following materials do not require protection required by this section:

1. Eaves and soffits where all portions of the framing members are 12 feet or greater above grade, and 2-inch nominal eave fireblocking is provided between roof framing members from the wall top plate to the underside of the roof sheathing.
2. Gable end overhangs and roof assembly projections beyond an exterior wall other than at the lower end of the rafter tails.
3. Fascia and other architectural trim boards.

R327.4.6.2 Exterior patio and porch ceilings. The exposed underside of exterior patio and porch ceilings greater than 200 square feet in area and less than 12 feet above *grade* shall be protected by one of the following:

1. Noncombustible material.
2. Ignition-resistant material.
3. One layer of 5/8-inch Type X exterior gypsum sheathing applied behind the exterior covering on the underside of the ceiling.
4. The exterior portion of a 1-hour fire resistive exterior wall assembly applied to the underside of the ceiling assembly including assemblies using exterior gypsum panel and sheathing products listed in the Gypsum Association Fire Resistance Design Manual.
5. Porch ceiling assemblies with a horizontal underside that meet the performance criteria in Section R327.4.6.5 when tested in accordance with the test procedures set forth in ASTM E2957.

Exception: Architectural trim boards.

R327.4.6.3 Floor projections. The exposed underside of cantilevered floor projections less than 12 feet above *grade* or the surface below shall be protected by one of the following:

1. Noncombustible material.
2. Ignition-resistant material.
3. One layer of 5/8-inch Type X exterior gypsum sheathing applied behind an exterior covering on the underside of the floor projection.
4. The exterior portion of a 1-hour fire resistive exterior wall assembly applied to the underside of the floor projection, including assemblies using exterior gypsum panel and sheathing products listed in the Gypsum Association Fire Resistance Design Manual.
5. An assembly that meets the performance criteria in Section R327.4.6.5 when tested in accordance with ASTM E2957.

Exception: Architectural trim boards.

R327.4.6.4 Underfloor protection. The underfloor area of elevated structures shall be enclosed to *grade* in accordance with the requirements of Section R327.4, or the underside of the exposed underfloor shall be protected by one of the following:

1. Noncombustible material.
2. Ignition-resistant material.
3. One layer of 5/8-inch Type X exterior gypsum sheathing applied behind an exterior covering on the underside of the floor assembly.
4. The exterior portion of a 1-hour fire resistive exterior wall assembly applied to the underside of the floor, including assemblies using exterior gypsum panel and sheathing products listed in the Gypsum Association Fire Resistance Design Manual.
5. An assembly that meets the performance criteria in Section R327.4.6.5 when tested in accordance with ASTM E2957.

Exception: Heavy timber structural columns and beams do not require protection.

R327.4.6.5 Conditions of acceptance. ASTM E2957 tests shall be conducted in triplicate, and the conditions of acceptance below shall be met. If any one of the three replicates does not meet the conditions of acceptance, three additional tests shall be conducted. All additional tests shall meet the following conditions of acceptance:

1. Absence of flame penetration of the eaves or horizontal projection assembly at any time during the test.
2. Absence of structural failure of the eaves or horizontal projection subassembly at any time during the test.
3. Absence of sustained combustion of any kind at the conclusion of the 40 minute test.

R327.4.7 Walking surfaces. Deck, porch and balcony walking surfaces located greater than 30 inches and less than 12 feet above *grade* or the surface below shall be constructed with one of the materials listed below.

Exception: Walking surfaces of decks, porches and balconies not greater than 200 square feet in area, where the surface is constructed of nominal 2-inch lumber.

1. Materials that comply with the performance requirements of Section R327.4.7.1 when tested in accordance with both ASTM E2632 and ASTM E2726.
2. Ignition resistant materials that comply with the performance requirements of Section R327.4.2 when tested in accordance with ASTM E84 or UL 723.
3. Exterior fire retardant treated wood.
4. Noncombustible material.
5. Any material that complies with the performance requirements of Section R327.4.7.2 where tested in accordance with ASTM E2632, where the exterior wall covering of the structure is noncombustible or ignition-resistant material.
6. Any material that complies with the performance requirements of ASTM E2632, where the exterior wall covering of the structure is noncombustible or ignition-resistant material.

Exception: Wall covering material may be of any material that otherwise complies with this chapter when the decking surface material complies with the performance requirements ASTM E84 with a Class B flame spread rating.

R327.4.7.1 Requirements for R327.4.7, item 1. The material shall be tested in accordance with ASTM E2632 and ASTM E2726, and shall comply with the conditions of acceptance below. The material shall also comply with the performance requirements of Section R327.4.2 for ignition resistant material when tested in accordance with ASTM E84 or UL 723.

R327.4.7.1.1 Conditions of acceptance. ASTM E2632 tests shall be conducted in triplicate and the conditions of acceptance below shall be met. If any one of the three replicates does not meet the conditions of acceptance, three additional tests shall be conducted. All additional tests shall meet the following conditions of acceptance:

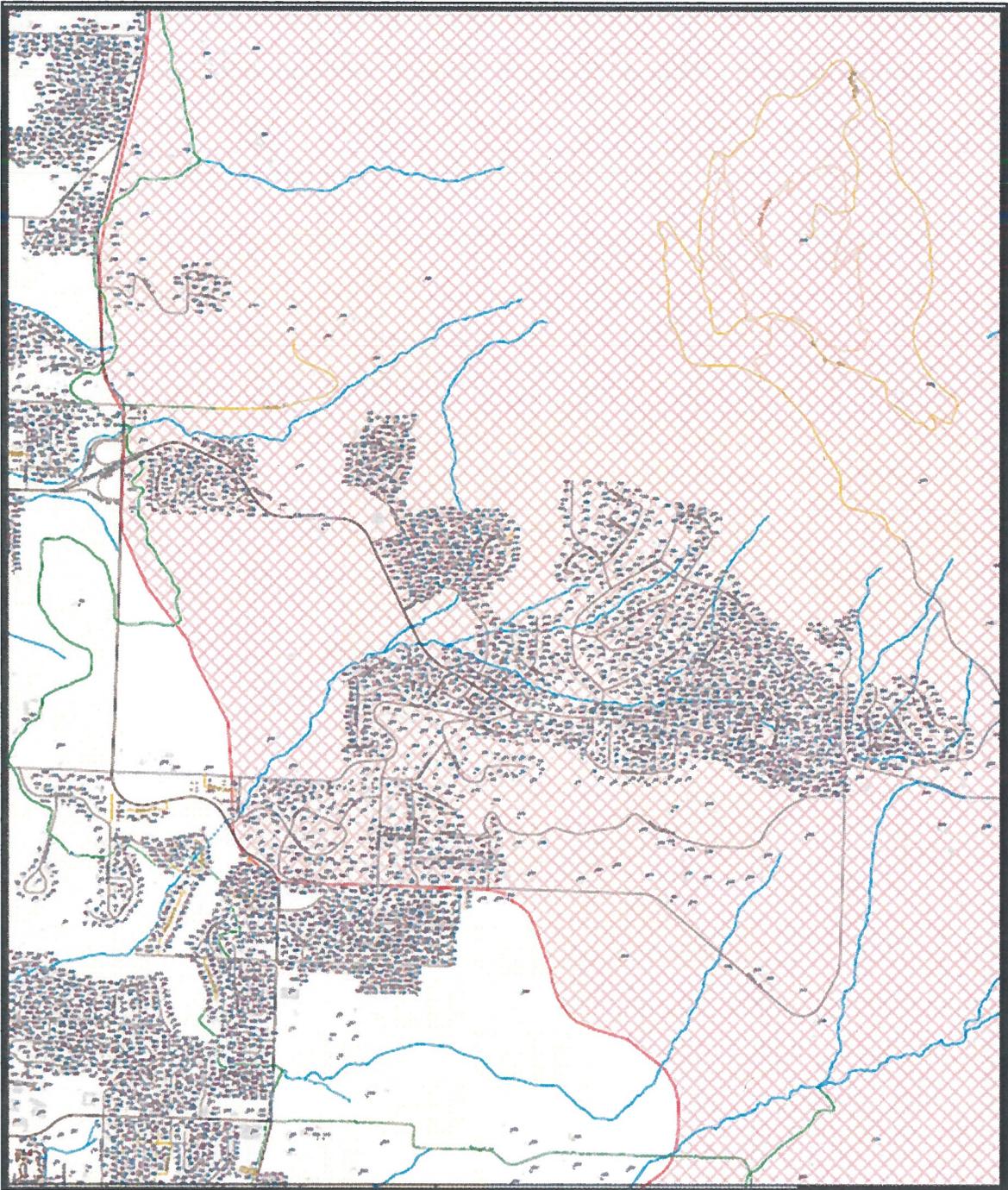
1. Peak heat release rate of less than or equal to 25 kW/ft² (269 kW/m²)
2. Absence of sustained flaming or glowing combustion of any kind at the conclusion of the 40-minute observation period.
3. Absence of falling particles that are still burning when reaching the burner or floor.

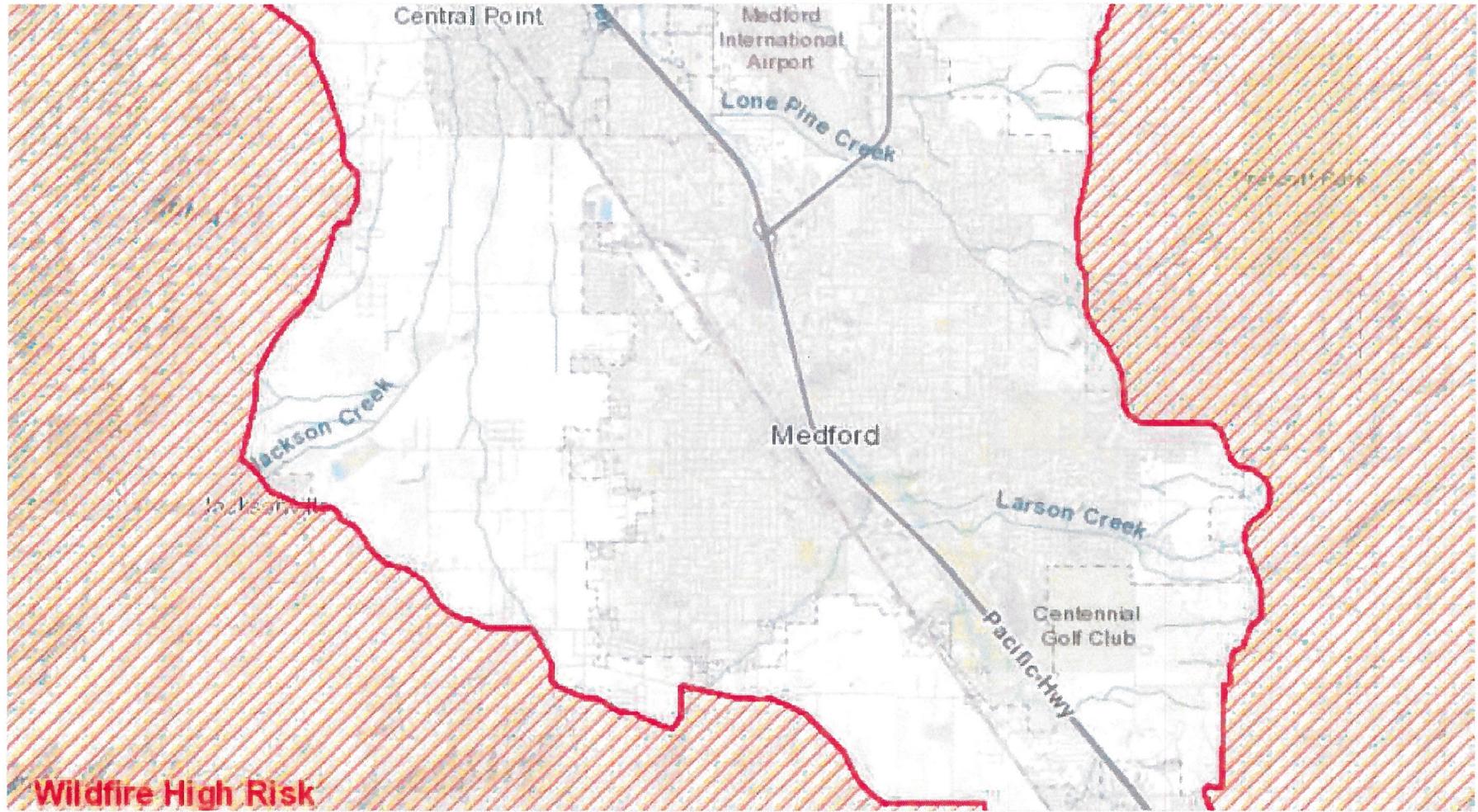
R327.4.7.1.2 Conditions of acceptance. ASTM E2762 tests shall be conducted in triplicate and the conditions of acceptance below shall be met. If any one of the three replicates does not meet the conditions of acceptance, three additional tests shall be conducted. All of the additional tests shall meet the following conditions of acceptance:

1. Absence of sustained flaming or glowing combustion of any kind at the conclusion of the 40-minute observation period.
2. Absence of falling particles that are still burning when reaching the burner or floor.

R327.4.7.2 Requirements for R327.4.7, item 6. The material shall be tested in accordance with ASTM E2632 and shall comply with the following condition of acceptance. The test shall be conducted in triplicate and the peak heat release rate shall be less than or equal to 25 kW/ft² (269 kW/m²). If any one of the three replicates does not meet the conditions of acceptance, three additional tests shall be conducted. All of the additional tests shall meet the conditions of acceptance.

R327.4.8 Glazing. Exterior windows, windows within exterior doors, and skylights shall be tempered glass, multilayered glazed panels, glass block, or have a fire resistance rating of not less than 20 minutes.





Wildfire High Risk

R327.4 Wildfire Hazard Mitigation Construction Guide for Wildfire Hazard Zones

Underfloor and Attic Vents

ORSC Section R327.4.4

All Vents 12' or more above grade or surface below:

All vents shall have screening made of corrosion-resistant metal mesh with minimum 1/16" and maximum 1/8" grid **or** be designed to resist flame and ember intrusion (ASTM E2886).

Eave, Soffit, and Cornice Vents less than 12' above grade or surface:

All vents shall have screening made of corrosion-resistant metal mesh with minimum 1/16" and maximum 1/8" grid **and** be designed to resist flame and ember intrusion (ASTM E2886).

Rain Gutters

ORSC Section R327.4.3.1

Non-combustible materials with provisions to prevent the accumulation of leaves and debris in the gutters (Non-combustible corrosion resistant metal screening).

Underfloor Protection

ORSC Section R327.4.6.4

Underfloor area of elevated structures shall be enclosed or meet non-combustible material, ignition-resistant material, ASTM E2957 compliant, one layer of minimum 5/8" exterior grade Type X applied behind the exterior covering of the underside, or 1-hour fire resistive exterior wall assembly.

Roofing

ORSC Section R327.4.3

Roofing shall be asphalt, slate, metal, tile, clay, concrete, or equivalent minimum Class B. **Wood shingle or shake materials are prohibited.** Cap off or fire block spaces between roofing and roof deck to prevent flame and ember intrusion and provide galvanized valley flashing where valley flashing is installed.



Windows, Doors, Skylights Glazing

ORSC Section R327.4.8

Exterior windows, windows within exterior doors, and skylights shall be tempered glass, multilayered glazed panels (typical dual pane), glass block, or have a minimum fire-resistant rating of 20 minutes.

Overhanging Projections

ORSC R327.4.6.1; R3274.6.2; R327.4.6.3

All enclosed roof eaves, soffits, cornices, exterior patio/porch ceilings and floor projections less than 12' above grade or the surface below shall be covered with either non-combustible material, ignition-resistant material, ASTM E2957 compliant, one layer of minimum 5/8" ext. Type X applied behind the exterior covering,, or 1-hour fire resistive exterior wall assembly (Gable end overhangs are exempt).

Walking Surfaces

ORSC Section R327.4.7

Deck, porch, and balcony walking surfaces greater than 30" and less than 12' above grade or the surface below shall be constructed of minimum 2" nominal lumber for decks <= 200 sq. ft., non-combustible, ignition-resistant conforming to ASTM E84 or UL 723, exterior fire retardant treated wood, meets ASTM E2632 and ASTM 2726 criteria, or meets ASTM E2632 with ignition-resistant wall covering.

Exterior Wall Covering

ORSC Section R327.4.5

Wall covering materials shall be noncombustible, ignition-resistant, heavy timber, log wall, or wall assemblies tested in accordance with ASTM E2707. Alternatively, one layer of minimum 5/8" exterior grade Type X applied behind the exterior wall covering or cladding or 1-hour fire resistive exterior wall assembly. Exterior wall coverings shall extend from the top of the foundation to the roof, and terminate at 2" nominal solid wood blocking between rafters at all roof overhangs, or in the case of enclosed eaves or soffits, shall terminate at the underside of the enclosure.



For a list of approved materials/applications, visit: <http://www.ci.medford.or.us/Page.asp?NavID=4340>

Exposure of human communities to wildfire in the Pacific Northwest

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Purpose and background

At the request of the United States Forest Service Pacific Northwest Regional Office, Pyrologix¹ assessed the exposure to wildfire of housing units within named human communities across the Pacific Northwest Region (Oregon and Washington). The purpose of the assessment was to identify the communities most threatened by wildfire. The fifty most-threatened communities in each state were identified.

These results have several applications. A home buyer can use these results for comparing the relative wildfire exposure of homes in different communities; homeowners can gauge their wildfire exposure compared to their peers in neighboring communities. Governments and other organizations can potentially use the results to prioritize communities for home-loss mitigation efforts, allocate mitigation funding, inform building codes, and guide residential development. Finally, land owners and land management agencies can use the exposure-source results to identify locations within their ownerships that produce damaging wildfires.

What is exposure to wildfire?

In the broadest sense, wildfire exposure encompasses the likelihood of wildfire burning a given location on the landscape, and the potential intensity of a wildfire if one were to occur. For this assessment we focus only on wildfire likelihood because the effect of fire intensity on home loss rate is not well studied, and because the inclusion of intensity for this and similar assessments did not influence the conclusions. Wildfire likelihood is measured by annual burn probability, a measure generated by comprehensive simulation of wildfire occurrence and spread (see section below on Wildfire hazard simulations).

What is a human community?

We defined a human community as the population (housing units) within a community core as defined by the Populated Place Areas dataset produced by the United States Census Bureau plus the population within a 45-minute drive of the boundary of the community core².

Housing unit data

The West Wide Wildfire Risk Assessment (Sanborn Map Company 2013) produced a spatial dataset called Where People Live (WPL). The WPL layer, which was generated by processing LANDSCAN and U.S. Census data, represents the estimated density of housing units across the 17 western states. We converted those housing-unit density values to housing-unit counts. Summing the housing-unit count

¹ Pyrologix is a Montana-based wildfire threat assessment research firm (www.pyrologix.com).

² The drive-time analysis was conceived and conducted by Dr. Alan Ager and his staff at the Rocky Mountain Research Station, USDA Forest Service.

values for all locations in a named community provides an estimate of the total number of housing units in the community.

For this assessment, housing units were considered *directly* exposed to wildfire if they were located on burnable land cover³. Housing units were considered *indirectly* exposed to wildfire if they were located on nonburnable land cover (other than open water) but within 150 m of burnable land cover. Only directly or indirectly exposed housing units are summarized in this report. Nonexposed housing units (those within an urban core, for example) are not included.

Wildfire hazard simulations

This assessment relies on wildfire behavior simulations produced using a comprehensive wildfire occurrence, growth and behavior simulation system called FSim (Finney and others 2011). The FSim modeling for Oregon was conducted for the Pacific Northwest Region Quantitative Wildfire Risk Assessment (QWRA), which was completed in 2018 (Gilbertson-Day and others 2018). The FSim model works by simulating 10,000 or more “iterations” to produce spatial data representing annual burn probability—the annual likelihood that a wildfire will reach a given point on the landscape. Each iteration is a possible realization of a complete calendar year. The FSim burn probability results show considerable variation in wildfire likelihood across the states (Figure 1).

In addition, FSim records the start location and final perimeter for each of its simulated wildfires, enabling us to attribute housing-unit exposure to the origin location, which we use in an assessment of the source of exposure of housing units to wildfire.

Housing-unit exposure to wildfire

Mean burn probability

We calculated the mean burn probability where the housing units are located within each community. This measure represents the mean likelihood that a housing unit in a community will experience a wildfire in one year. The higher this value, the more likely it is that an individual housing unit will experience a wildfire. Mean burn probability is not a cumulative measure for a community, so it does not necessarily increase as the number of housing units increases. Instead, this measure is sensitive to the general location of a community within the burn probability map (Figure 1) and the specific locations of housing units with each community.

Community-wide housing-unit exposure

We first generated raster data representing the expected annual number of housing units exposed to wildfire (the product of housing-unit count and burn probability). We then summed those results within each community; a community with more housing units can therefore have a greater community-wide exposure. The resulting sum represents the estimated mean annual number of housing units expected to experience a wildfire. The top 50 Washington communities by this measure are listed in Table 1; the top 50 Oregon communities are listed in Table 2.

³Burnable and nonburnable land cover is characterized by the LANDFIRE 2014 FBFM40 data layer (www.landfire.org), with minor calibration edits informed by local expert knowledge. Burnable land cover includes land covered by grasses, forbs, shrubs, tree litter, understory trees, or logging slash. Nonburnable land cover includes urban areas, irrigated agricultural land, permanent snow or ice, bare ground, and open water.

A community can be ranked as highly exposed due a combination of high likelihood or high population. To illustrate those contributing factors, we plotted mean burn probability against total housing unit count for the 50 communities with the greatest cumulative exposure (Figure 2 and Figure 3). Both axes are plotted on a common-log scale. The plot is divided into a 4-by-3 grid, which is convenient for interpreting the results with the communities plotted in the lower right-hand corner having the greatest likelihood of burning, but relatively few exposed housing units, while communities in the top left square have the greatest number of housing units and relatively low burn probability. The communities plotted in the middle, far-right squares have some of the highest burn probabilities and a moderate number of housing units exposed. These communities could be further evaluated for wildfire mitigation opportunities to reduce exposure near the homes.

Landscape-wide sources of housing-unit exposure

We assessed the relative potential for different parts of the landscape to produce wildfires that expose housing units. That damage potential is a function of spatial variation in fire occurrence and fire growth potential (which is simulated by FSim), in conjunction with spatial variation in housing-unit count. To do this we summed the number of housing units within each simulated fire perimeter, then attributed the start location of each fire with that number. We then created a smoothed surface that represents the relative annual number of housing units exposed by fires originating across the landscape (Figure 4). Even though a small number of large fires account for the vast majority of wildfire area burned (Strauss and others 1989) it appears that wildfires originating near populated areas are responsible for the vast majority of the housing-unit exposure. The areas of higher exposure-source tend to fall near where communities exist.

Discussion

Spatial inequality in housing-unit exposure to wildfire

We show results for the 50 most-exposed communities in both Washington and Oregon, but we assessed exposure to all 1,005 named communities across the two states. In Washington, the 50 communities most exposed to wildfire comprise only 12% of the 2,196,244 housing units located on or near burnable land cover in the state. However, those same communities represent roughly 70% of the cumulative housing-unit exposure. In Oregon, the 50 most-exposed communities comprise only 19% of the 1,196,187 housing units located on or near burnable land cover, but 80% of the cumulative housing-unit exposure. Across both states combined, the 100 most-exposed communities comprise 15% of the housing units located on burnable land cover but 76% of the cumulative housing-unit exposure.

These results illustrate an unequal distribution of wildfire exposure among human communities—most of the wildfire exposure occurs in a relatively small number of communities. The unequal distribution suggests that focusing mitigation efforts on the most-exposed communities is likely to result in the greatest benefit.

Ownership at source locations of housing-unit exposure

In contrast with other “risk transmission” analyses, we did not focus on the effects of fires originating on any particular land ownership (e.g., USFS land) on housing-unit exposure. Instead, we identified locations with greater potential for reaching housing units using a purely spatial approach. When USFS land ownership is overlaid on this map, it is evident that USFS land is not the dominant contributor to overall housing-unit exposure in the Pacific Northwest. Fires with potential to affect housing units tend

to start near housing units, and the land surrounding housing units is generally not in USFS ownership. Exceptions exist, however. Fires originating on some portions of USFS land ownership, especially east of the Cascade Mountains in Washington, can indeed reach significant numbers of housing units.

More information

The full list of communities in Washington and Oregon and their exposure to wildfire in is available [here](#) as a Microsoft Excel workbook.

Additional detailed spatial information about wildfire hazard and risk to homes in Oregon can be found at the [Oregon Wildfire Risk Explorer](#).

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Suggested citation

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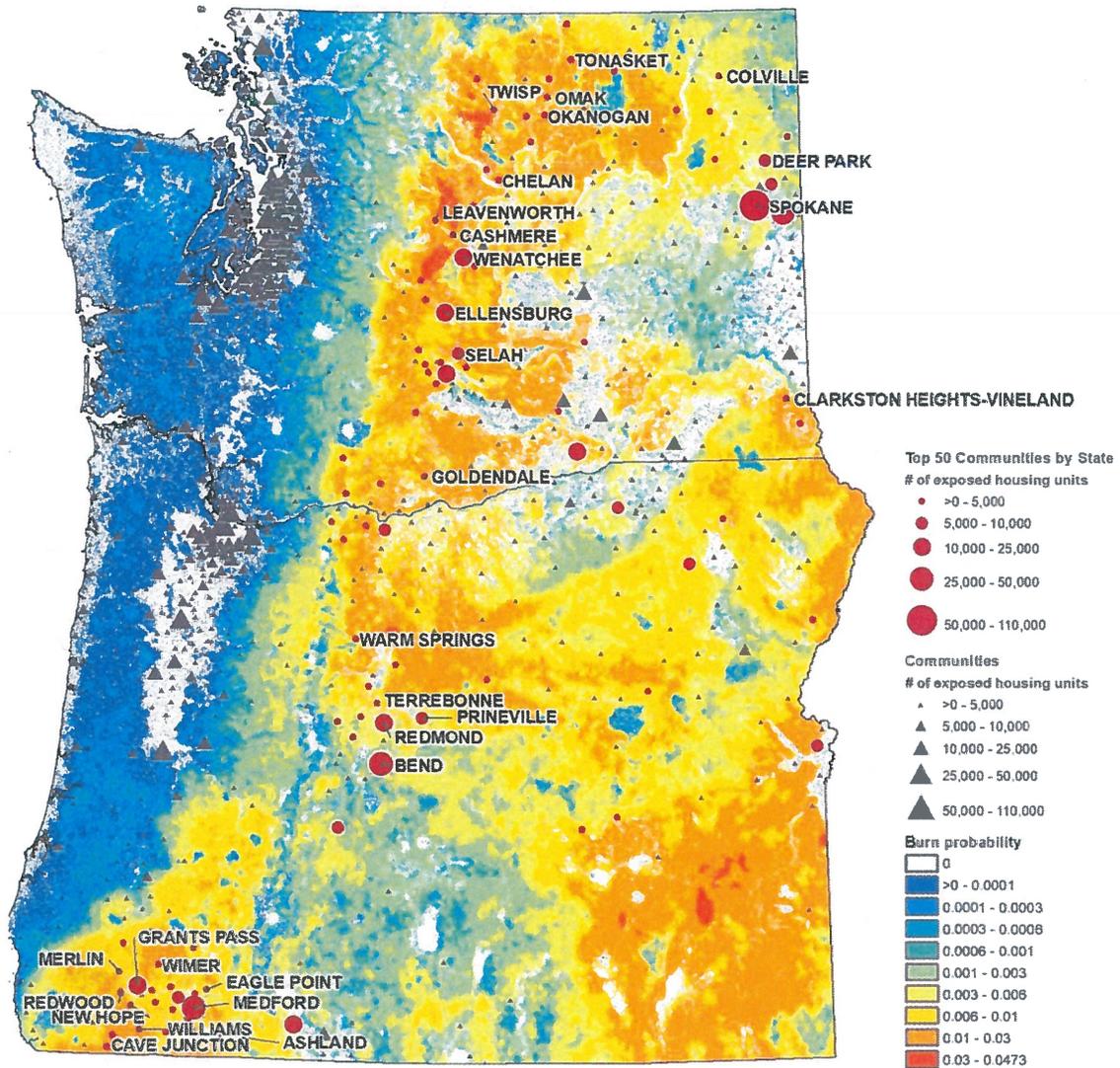


Figure 1. Annual burn probability across the states of Washington and Oregon and exposed human communities in each state. The 50 most-exposed communities in each state are mapped in dark red. The most-exposed communities tend to be in areas with the highest annual burn probabilities based on the FSim modeling results.

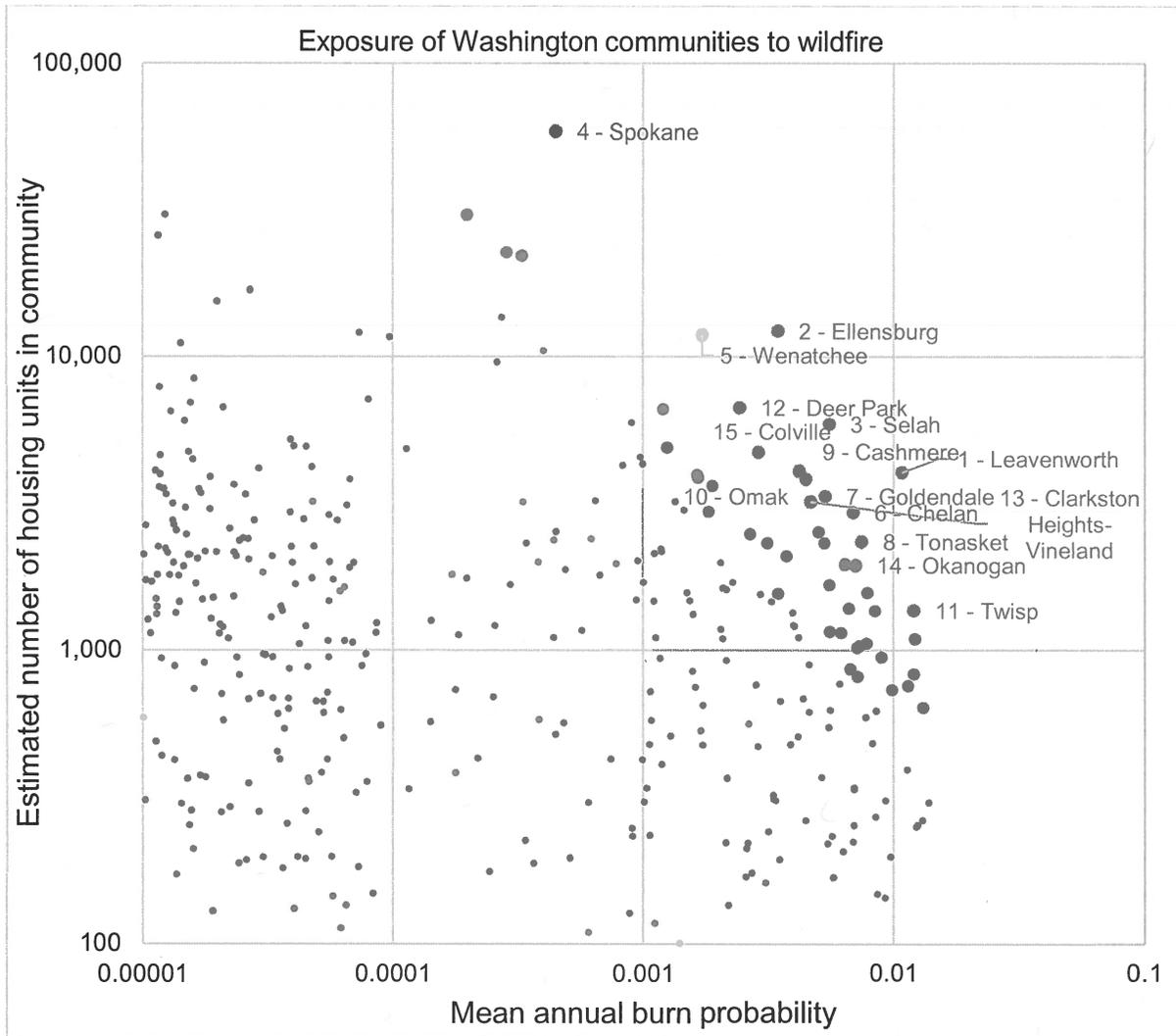


Figure 2. Exposure of Washington communities to wildfire. The 50 most-exposed communities (by cumulative annual housing-unit exposure) are shown as larger gray dots. The top 15 are labeled with the rank and community name. See Table 1 for the names of the remaining top-50 communities. Smaller gray dots represent communities not among the 50 most exposed. Only the 382 communities with a mean burn probability greater than 0.0001 (1 in 10,000) are shown; 245 communities with a lower mean burn probability are not shown. Axes are shown on a common-log scale (base 10).

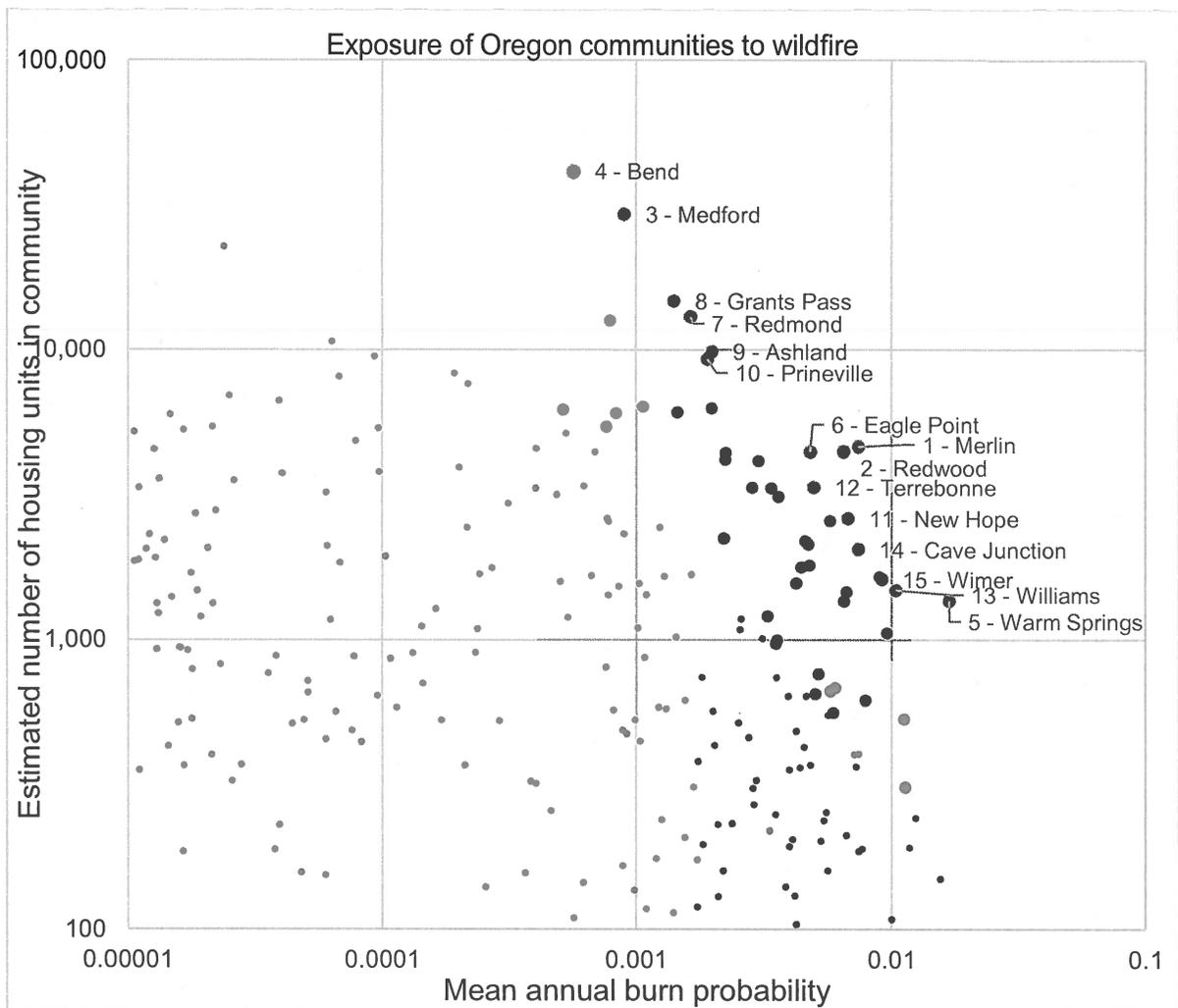


Figure 3. Exposure of Oregon communities to wildfire. The 50 most-exposed communities (by cumulative annual housing-unit exposure) are shown as larger gray dots. The top 15 are labeled with the rank and community name. See Table 2 for the names of the remaining top-50 communities. Smaller gray dots represent communities not among the 50 most exposed. Only the 244 communities with a mean burn probability greater than 0.0001 (1 in 10,000) are shown; 133 communities with a lower mean burn probability are not shown. Axes are shown on a common-log scale (base 10).

Table 1. The 50 communities in Washington with greatest cumulative housing-unit exposure to wildfire. The “mean of exposed housing units” rank indicates the mean (typical) burn probability of housing units within each community.

Community Exposure Ranking	Community Name	Total number of housing units exposed to wildfire	Estimated mean annual number of housing units visited by wildfire	Mean annual burn probability	Burn probability rank
1	Leavenworth	4,025	43.5	0.0108	11
2	Ellensburg	12,204	42.3	0.0035	76
3	Selah	5,873	32.6	0.0056	52
4	Spokane	58,409	26.2	0.0004	165
5	Wenatchee	11,864	20.4	0.0017	112
6	Chelan	2,938	20.3	0.0069	37
7	Goldendale	3,341	17.9	0.0053	55
8	Tonasket	2,343	17.5	0.0075	28
9	Cashmere	3,822	17.1	0.0045	62
10	Omak	4,065	17.1	0.0042	65
11	Twisp	1,364	16.4	0.0121	7
12	Deer Park	6,684	16.3	0.0024	96
13	Clarkston Heights-Vineland	3,198	15.0	0.0047	59
14	Okanogan	1,947	13.8	0.0071	32
15	Colville	4,720	13.7	0.0029	87
16	Cle Elum	1,936	13.7	0.0071	33
17	Winthrop	1,095	13.3	0.0122	6
18	Sunnyslope	2,528	12.7	0.0050	58
19	Brewster	1,973	12.6	0.0064	41
20	Kittitas	1,952	12.5	0.0064	42
21	Entiat	1,570	12.3	0.0079	25
22	Ahtanum	2,318	12.3	0.0053	56
23	Summitview	1,361	11.5	0.0084	23
24	Malott	830	10.0	0.0120	8
25	Manson	1,670	9.3	0.0056	51
26	Springdale	1,388	9.2	0.0066	40
27	Thorp	757	8.6	0.0114	9
28	Asotin	947	8.5	0.0089	18
29	Riverside	638	8.4	0.0131	2
30	Republic	1,057	8.3	0.0078	26
31	Mead	6,614	8.0	0.0012	126
32	South Wenatchee	2,090	7.8	0.0037	73
33	White Swan	1,035	7.6	0.0073	29
34	Inchelium	1,022	7.3	0.0072	31
35	Oroville	2,317	7.3	0.0031	84
36	Klickitat	734	7.2	0.0099	13
37	Yakima	22,047	7.2	0.0003	176
38	Naches	1,147	7.1	0.0062	44
39	Ephrata	3,623	6.9	0.0019	108
40	White Salmon	2,487	6.7	0.0027	91
41	Othello	3,961	6.5	0.0016	115
42	Addy	1,157	6.5	0.0056	50
43	Kennewick	22,660	6.4	0.0003	178
44	Newport	3,871	6.4	0.0017	114
45	West Richland	4,889	6.1	0.0013	125
46	Spokane Valley	30,340	6.0	0.0002	186
47	Trout Lake	814	5.9	0.0072	30
48	Cowiche	864	5.8	0.0067	39
49	Terrace Heights	2,960	5.4	0.0018	109
50	Gleed	1,557	5.4	0.0035	77

Table 2. The 50 communities in Oregon with greatest cumulative housing-unit exposure to wildfire. The “mean of exposed housing units” rank indicates the mean (typical) burn probability of housing units within each community.

Community Exposure Ranking	Community Name	Total number of housing units exposed to wildfire	Estimated mean annual number of housing units visited by wildfire	Mean annual burn probability	Burn probability rank
1	Merlin	4,628	34.2	0.0074	21
2	Redwood	4,451	28.9	0.0065	29
3	Medford	29,340	26.3	0.0009	128
4	Bend	41,321	23.4	0.0006	145
5	Warm Springs	1,362	23.0	0.0169	1
6	Eagle Point	4,443	21.3	0.0048	45
7	Redmond	13,005	21.3	0.0016	103
8	Grants Pass	14,718	20.6	0.0014	108
9	Ashland	9,853	19.5	0.0020	90
10	Prineville	9,285	17.7	0.0019	92
11	New Hope	2,616	17.7	0.0067	25
12	Terrebonne	3,353	16.6	0.0050	43
13	Williams	1,481	15.4	0.0104	9
14	Cave Junction	2,049	15.2	0.0074	20
15	Wimer	1,617	14.8	0.0091	13
16	Gold Hill	2,576	14.8	0.0057	35
17	Chenoweth	1,650	14.8	0.0090	15
18	Talent	4,138	12.5	0.0030	71
19	Central Point	6,282	12.4	0.0020	91
20	Sisters	3,336	11.3	0.0034	67
21	Tumalo	3,119	11.2	0.0036	62
22	Selma	1,055	10.1	0.0096	12
23	Jacksonville	2,132	10.1	0.0047	47
24	Rogue River	2,189	10.1	0.0046	49
25	Klamath Falls	12,620	9.9	0.0008	134
26	Madras	4,408	9.9	0.0022	82
27	Ruch	1,463	9.7	0.0067	26
28	Phoenix	3,346	9.5	0.0028	75
29	White City	4,186	9.4	0.0022	83
30	Ontario	6,086	8.8	0.0015	106
31	Glendale	1,356	8.8	0.0065	28
32	Shady Cove	1,804	8.6	0.0048	46
33	Burns	1,778	7.9	0.0044	51
34	La Pine	6,357	6.7	0.0011	120
35	Eagle Crest	1,565	6.6	0.0042	53
36	Takilma	532	6.0	0.0112	8
37	The Dalles	6,032	5.0	0.0008	132
38	Odell	2,239	5.0	0.0022	84
39	Halfway	619	4.9	0.0079	16
40	La Grande	5,426	4.1	0.0008	138
41	Foots Creek	683	4.1	0.0060	31
42	Culver	1,207	3.9	0.0033	69
43	Trail	763	3.9	0.0052	41
44	Mount Hood	664	3.8	0.0058	34
45	Elgin	997	3.5	0.0036	63
46	Mitchell	310	3.5	0.0114	7
47	Hines	970	3.4	0.0035	65
48	Butte Falls	560	3.3	0.0059	33
49	Prairie City	650	3.3	0.0050	21
50	Pendleton	6,215	3.2	0.0005	29

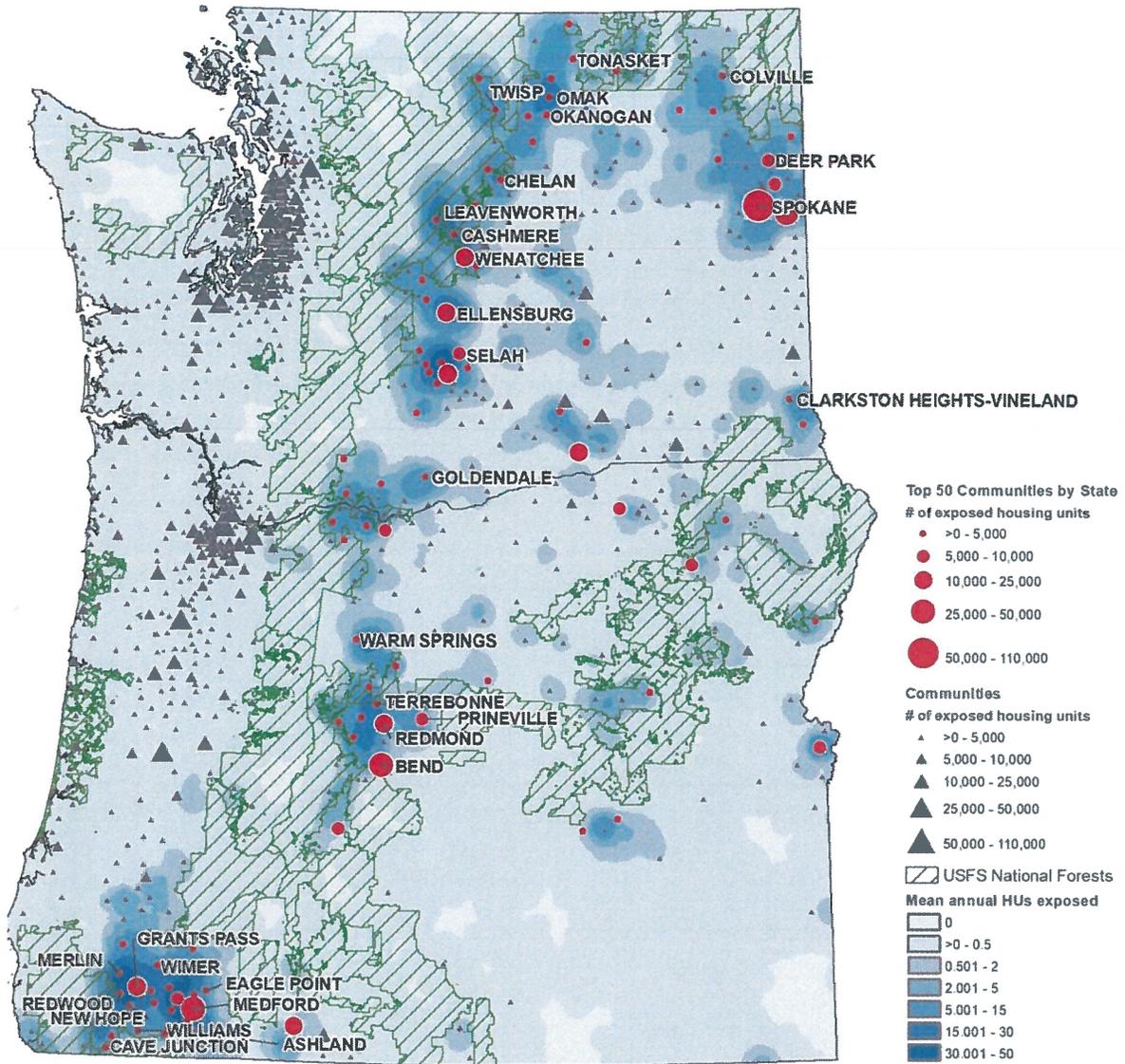


Figure 4. Sources of housing-unit exposure to wildfire across Washington and Oregon and exposed communities across the two states. The fifty most exposed communities in each state are shown in dark red, the remaining communities in gray. Dark blue areas of the map tend to produce greater annual housing-unit exposure.



AGENDA ITEM COMMENTARY

DEPARTMENT: Public Works

AGENDA SECTION: Consent Calendar

PHONE: (541) 774-2100

MEETING DATE: August 1, 2019

STAFF CONTACT: Cory Crebbin, P.E., Public Works Director

COUNCIL BILL 2019-80

A RESOLUTION denying the appeal filed by the 701 Jackson Street property owner for sidewalk repair and granting 701 Jackson Street property owner a 90-day extension to complete hazardous sidewalk repairs.

SUMMARY AND BACKGROUND

Council held a public hearing and considered the sidewalk appeal filed by the 701 W. Jackson Street property owner on July 18, 2019. The property owner stated that two large trees were responsible for lifting the sidewalk panels and removing and replanting trees would cause additional sidewalk issues. While this may be the case for a portion of the defective sidewalk, there is no provision in the Medford Municipal Code (MMC) which relieves abutting property owners of the responsibility to repair sidewalks in such a circumstance.

After listening to testimony, the Council denied the appeal, directed staff to work with the property owner to complete repairs hopefully in coordination with other City work, directed that sidewalk grinding standards be definitively established for this sidewalk, and granted a 90-day extension for the work to be completed.

PREVIOUS COUNCIL ACTIONS

On July 18, 2019, Council held a public hearing and denied the sidewalk repair appeal with additional direction to staff.

ANALYSIS

The City will not hire a contractor for Americans with Disabilities Act (ADA) ramp work until 2020, however, other City sidewalk contracts which can include this work may occur before that time. During the public hearing it became apparent that the appellant was not cognizant of the payment plan opportunities the City offers for such repairs. Staff intends to discuss the payment plan program with the property owner. The appellant received one rough estimate for the work from a concrete contractor. The City also consulted a concrete contractor who estimated the work to cost approximately \$1,975.

The Council also granted a 90-day extension, which will expire on September 19, 2019. The City previously granted the property owner until 60 days after tree removal to repair the sidewalk sections on the W. Jackson frontage. The City will likely not remove the trees in the near future and Public Works intends to honor that commitment even if it means sidewalk repairs on W. Jackson will be completed after August 21, 2019, unless otherwise directed by the Council. Staff's interpretation of the 90-day extension granted by the Council is that it is separate from the 90-day extension which the Public Works Director has the discretion to approve by MMC 3.023 (6). Staff intends to use the remaining 90-day extension if necessary to fulfill the Council's direction.



MMC Section 3.010 states that if any property owner, by his/her neglect to perform any duty required by this section, causes injury or damage to any person or property, s/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 cases.

Section 3.030 of the MMC states if the defective sidewalk is not corrected within the time period provided, the Public Works Director or designee may cause the defective sidewalk to be repaired and shall cause a record to be kept of the cost incurred to repair the sidewalk.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

The property owner is responsible for sidewalk repair costs.

TIMING ISSUES

Sidewalk repairs resulting from street tree roots must be completed within 60 days of the trees being removed. The property owner may request a 90-day extension for that work per MMC 3.023.

Sidewalk repairs not resulting from street tree roots must be completed by August 21, 2019. The property owner may request a 90-day extension for that work per MMC 3.023.

COUNCIL OPTIONS

Approve the appeal and provide staff direction on needed sidewalk repairs.

Modify and approve the appeal.

Deny the appeal.

STAFF RECOMMENDATION

Staff recommends denial of the appeal.

SUGGESTED MOTION

I move to deny the appeal regarding the defective sidewalk at 701 W. Jackson Avenue.

EXHIBITS

Resolution

RESOLUTION NO. 2019-80

A RESOLUTION denying the appeal filed by the 701 Jackson Street property owner for sidewalk repair and granting 701 Jackson Street property owner a 90-day extension to complete hazardous sidewalk repairs.

WHEREAS, a public hearing was held on July 18, 2019, and the City Council affirmed the Public Works' Director's decision pertaining to the need to repair the defective sidewalk; now therefore,

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

Section 1. A 90-day extension is hereby granted for completion of sidewalk repairs.

Section 2. The property owners are responsible for sidewalk repair costs.

Section 3. The appeal is hereby denied.

PASSED by the Council and signed by me in authentication of its passage this _____ day of August, 2019.

ATTEST: _____
City Recorder

Mayor



AGENDA ITEM COMMENTARY

DEPARTMENT: Public Works

AGENDA SECTION: Consent Calendar

PHONE: (541) 774-2100

MEETING DATE: August, 01, 2019

STAFF CONTACT: Cory Crebbin, P.E., Public Works Director

COUNCIL BILL 2019-81

AN ORDINANCE authorizing the purchase of a 2019 Peterbilt Longline Striper from JX Truck Center, in the amount of \$498,299.

SUMMARY AND BACKGROUND

Council is requested to consider authorizing the purchase of a new 2019 Peterbilt Longline Striper for the amount \$498,299.00. This piece of equipment is used to paint the traffic lines throughout the City providing safe travel for the citizens and commerce.

PREVIOUS COUNCIL ACTIONS

On September 20, 2012, Council approved Council Bill 2012-142 authorizing purchases through the National Joint Powers Purchasing Alliance (now known as Sourcewell).

On June 6, 2019, Council approved Council Bill 2019-45 adopting the budget for the City of Medford for the biennium commencing July 1, 2019.

ANALYSIS

The proposed Longline Striper, which has a life expectancy of 12 years, will replace the current 1996 model. Maintenance costs for this unit have become excessive and the truck can no longer be relied upon for daily use.

The paint application system has required multiple repairs in recent years creating excessive down time. The manufacturer of the current Longline Striper no longer provides parts for the paint pumps. Also, Volvo no longer supplies parts for the chassis.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

Purchase of this unit will be pursuant to ORS 279A.220 (2)(a) National Joint Powers Alliance (Sourcewell). Peterbilt Motors Company contract #081-716-PMC has provided a quote for a unit that meets the City's needs in the amount of \$498,299.00. Purchase through Sourcewell provides a \$90,921 discount.

On page 9-13 of the City of Medford Preliminary Biennial Budget 2019-2021 there is \$500,000.00 budgeted for the purchase of a Longline Striper from the Street Fund 530.

TIMING ISSUES

None.



COUNCIL OPTIONS

- Approve the ordinance as presented.
- Modify the ordinance as presented.
- Deny the ordinance and provide direction to staff.

STAFF RECOMMENDATION

Staff recommends purchase of new Longline Striper as described in the approved biennium budget.

SUGGESTED MOTION

I move to approve the purchase of a new Longline Striper from JX Truck Center in the amount of \$498,299.00.

EXHIBITS

- Ordinance
- Quote from JX Truck Center

ORDINANCE NO. 2019-81

AN ORDINANCE authorizing the purchase of a 2019 Peterbilt Longline Striper from JX Truck Center, in the amount of \$498,299.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That the purchase of a 2019 Peterbilt Longline Striper from JX Truck Center, in the amount of \$498,299, is hereby authorized.

PASSED by the Council and signed by me in authentication of its passage this ____ day of August, 2019.

ATTEST: _____
City Recorder

Mayor

APPROVED _____ 2019.

Mayor



07/09/2019

JX Truck Center
12010 Declaration DR
New Haven, IN 46777

City of Medford
821 N Columbus
Medford, OR

We are pleased to offer the following for your consideration. In accordance with the Sourcewell Contract#081-716-PMC: (Peterbilt Motors Company)

Total Peterbilt 520 List Price	\$219,798
41.32% Sourcewell Contract discount	(\$90,921)
Total Sourcewell price for Peterbilt 520	\$128,977

M-B Companies, Inc	
Truck Mounted, 500 Gallon, Airless, Tote Paint Application..	\$354,485
Video Guidance System.....	\$10,837
Total Cost	\$365,322

Sourced goods/Open-market items (not subject to NJPA contract):	
Pre-delivery detail	\$500
Delivery Cost	\$1,000
Floor plan cost	\$2,500
Total for sourced goods/Open Market Items	\$4,000

Total Delivered Price.....\$498,299

Date of Acceptance _____

By: _____



AGENDA ITEM COMMENTARY

DEPARTMENT: Public Works Department
PHONE: (541) 774-2100
STAFF CONTACT: Cory Crebbin, P.E., Public Works Director

AGENDA SECTION: Consent Calendar
MEETING DATE: August 1, 2019

COUNCIL BILL 2019-82

AN ORDINANCE authorizing execution of Phase 1 of an Energy Savings Performance Contract (ESPC) with Ameresco, Inc., in the amount of \$131,340.

SUMMARY AND BACKGROUND

Council is requested to consider the approval of an Energy Savings Performance Contract (ESPC) with Ameresco, Inc.

Council directed staff to issue a Request for Proposals (RFP) to convert existing street lights to Light Emitting Diode (LED) technology at the January 10, 2019 study session. Staff issued the RFP on March 19, 2019. Notice of Intent to Award was issued to Ameresco (the highest ranked proposer) on April 18, 2019. Staff has been working with Ameresco on the scope and fee for the contract since April.

PREVIOUS COUNCIL ACTIONS

On January 10, 2019, Council held a study session to learn about the conversion of existing street lights to Light Emitting Diode (LED) technology.

On June 6, 2019, Council Bill 2019-45 was approved adopting the budget for the City of Medford for the biennium commencing July 1, 2019.

ANALYSIS

The project may convert over 7,000 lights to LED technology, which uses 50% or less energy compared to the existing high pressure sodium lights. The city-wide conversion will save the City a substantial amount of money on the monthly utility bill and reduce the City's carbon footprint. LEDs last about 4 times longer than HPS, so there will be maintenance savings as well.

The ESPC contract format allows the City to maintain a positive cash flow over the life of the project. In Phase 1 of the contract, Ameresco will perform an audit to confirm the exact number, location, wattage, and 36 other useful attributes of the existing lights. This information will be used to produce a Project Development Plan, including; recommended replacement equipment, a guaranteed maximum project price, guaranteed energy cost savings, a project schedule, and financing recommendations. Ameresco will also coordinate with the City and PacifiCorp to update street light inventories based on the audit findings. When Phase 1 is complete, the City can choose to pay Ameresco for this work or roll the costs of Phase 1 into the financing for the project. If the City chooses the latter, then the energy savings from the monthly utility bill will be used to pay for financing costs and project construction.

Council is being asked to consider authorizing Phase 1 of the project at this time. Council will be asked to approve Phase 2 after Phase 1 is complete and the guaranteed costs and energy savings are known.



The Phase 1 audit will analyze conversion to LED of City-owned and PacifiCorp-owned street lights as well as lights in City-owned parking lots and parks. Phase 1 will also include developing a cost for potential replacement of street light poles that are more durable in the SE plan area and developing a cost for potentially installing new lighting along the Bear Creek Greenway from Jackson Street to McAndrews.

Ameresco was selected through an RFP process that included qualifications, experience, and pricing in the scoring criteria. The Oregon Department of Energy pre-qualifies Energy Savings Companies (ESCOs) that may submit proposals for ESPC contracts. The City received two proposals from the pool of five pre-qualified ESCOs. The selection committee felt that both firms were very qualified and either could do the work, but Ameresco was identified as the most qualified. The selection committee included six City of Medford employees from Public Works Operations, Public Works Engineering, and the City Manager's Office. Employees from Legal and Finance provided support and guidance to the committee regarding the RFP process.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

The Project Development Fee for Phase 1 is \$131,340. The full project may cost \$4 million or more. The work is anticipated to be paid for by financing the project and using the money that is budgeted for electrical utility bills to make the loan payments.

The contract states that Ameresco will waive \$24,270 of the cost of Phase 1 if they are unable to develop a cost-effective project. In this case, the City would still be responsible for the remaining \$107,070 for the GIS survey that will be a product of Phase 1.

If Ameresco develops a cost-effective project and the City does not proceed with a construction contract, the City will be responsible for the full cost of Phase 1. Preliminary feasibility work completed by Ameresco prior to the RFP shows that a cost-effective project is extremely likely to be developed.

If the City is responsible for any or all of Phase 1, the cost is budgeted in Gas Tax Fund 530, project TIM0000 Traffic System Management, shown on page 9-74 of the Preliminary Biennium Budget 2019-2021.

TIMING ISSUES

The Energy Trust of Oregon (ETO) gives incentives for energy reduction projects, and the incentives for LED upgrades may be reduced in 2020 because the cost of LED lights have come down so much in the last few years. Incentives are locked in when the project is approved by the ETO, which Ameresco can coordinate at the end of Phase 1. This gives an imperative to start the project as soon as possible. Phase 1 is anticipated to be complete by the end of the year 2019 if the contract is approved by Council at this meeting.



COUNCIL OPTIONS

- Approve the ordinance as presented.
- Modify the ordinance as presented.
- Deny the ordinance and provide direction to staff.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance for a contract with Ameresco, Inc.

SUGGESTED MOTION

I move to approve the ordinance authorizing the execution of Phase 1 of an Energy Savings Performance Contract (ESPC) with Ameresco, Inc. in the amount of \$131,340.

EXHIBITS

- Ordinance
- Contract on file in the City Recorder's Office

ORDINANCE NO. 2019-82

AN ORDINANCE authorizing execution of Phase 1 of an Energy Savings Performance Contract (ESPC) with Ameresco, Inc., in the amount of \$131,340.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That execution of Phase 1 of an Energy Savings Performance Contract (ESPC) with Ameresco, Inc., in the amount of \$131,340, is hereby authorized.

PASSED by the Council and signed by me in authentication of its passage this ____ day of August, 2019.

ATTEST: _____
City Recorder

Mayor

APPROVED _____ 2019.

Mayor



AGENDA ITEM COMMENTARY

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

AGENDA SECTION: Consent Calendar
MEETING DATE: August 1, 2019

COUNCIL BILL 2019-83

A RESOLUTION initiating annexation to the City of Medford of a portion of the North Ross Lane right-of-way, a portion of Highway 238 (Rossanley Drive) right-of-way, and a 58.1-acre tract of land. (A-19-003).

SUMMARY AND BACKGROUND

Council is requested to consider a request to initiate the annexation to the City of Medford a portion of the North Ross Lane right-of-way from approximately 250 feet south of its intersection with Stearns Way to Highway 238; along with an approximate 730-foot portion of Highway 238 (Rossanley Drive), running east/west from the northerly terminus of North Ross Lane; and a 58.1-acre tract of land, containing two parcels, including the Howard Memorial Sports Park. The current County zoning designation of Exclusive Farm Use (EFU) will be changed to the City SFR-00 (Single-Family Residential, one dwelling unit per lot) zoning district. The properties will be removed from Medford Rural Fire Protection District #2. (A-19-003).

PREVIOUS COUNCIL ACTIONS

None.

ANALYSIS

The subject properties are located within the City's Urban Growth Boundary and are contiguous with city limits along all proposed annexation areas. The subject rights-of-way have a General Land Use Plan (GLUP) map designation of Urban Residential (UR), which is compatible with the SFR-00 City zoning designation. The property is currently zoned by Jackson County as Exclusive Farm Use (EFU).

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

Annexation of the right-of-way has been anticipated by Public Works and, thus, budgeted for. Once the land is annexed, storm drain, sanitary sewer and street maintenance fees will be collected.

TIMING ISSUES

The final hearing for this matter is tentatively scheduled before the City Council on Thursday, September 5, 2019.

COUNCIL OPTIONS

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

STAFF RECOMMENDATION

Staff recommends approval of the request to initiate the annexation.



SUGGESTED MOTION

I move to adopt the resolution to initiate the annexation and set the public hearing date of September 5, 2019.

EXHIBITS

Resolution

Legal descriptions and exhibit maps

Vicinity Map

RESOLUTION NO. 2019-83

A RESOLUTION initiating annexation to the City of Medford of a portion of the North Ross Lane right-of-way, a portion of Highway 238 (Rossanley Drive) right-of-way, and a 58.1-acre tract of land. (A-19-003).

WHEREAS, the area situated in Jackson County, Oregon, described in Exhibit A attached hereto and incorporated herein, is contiguous to the City of Medford; now, therefore,

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

SECTION 1. The City Council elects to dispense with submitting the question of the proposed annexation to the electors of the City.

SECTION 2. A public hearing on the annexation shall be held at the hour of 6:00 p.m. on the 5th day of September, 2019, before the City Council of the City of Medford, Oregon, in City Hall Council Chambers, 411 W. 8th Street, of said city. Following the hearing, the council will consider a proposed ordinance annexing a portion of the North Ross Lane right-of-way, to a portion of Highway 238 (Rossanley Drive) right-of-way, and a 58.1-acre tract of land.

SECTION 3. The City Recorder is directed to give notice of the time, place and purpose of the public hearing provided for in Section 2 hereof by publishing notice thereof once each week for two consecutive weeks prior to the date of said hearing in a newspaper of general circulation in the City of Medford and by causing notices thereof to be posted in four (4) public places in the city for the said period of time.

PASSED by the Council and signed by me in authentication of its passage this _____ day of August, 2019.

ATTEST: _____
City Recorder

Mayor

RECEIVED
MAY 30 2019
PLANNING DEPT

EXHIBIT A

RW#7594

A tract of land lying in the East 1/2 of Section 23, Township 37 South, Range 2 West of the Willamette Meridian, Jackson County, Oregon, said tract being more particularly described as follows:

Commencing at a point on the Easterly line of Donation Land Claim No. 73, Township 37 South, Range 2 West, Willamette Meridian, Jackson County, Oregon, said point being 748.96 feet, more or less, Northerly of the Southeast corner of said Claim No. 73 also being on the North line of that area annexed into the City of Medford through Ordinance Number 2007-49 and the **Point of Beginning**;

Thence South 89°21'00" West, along the North line of said annexed area, 30.00 feet to the West line of Ross Lane North set forth in Document Number 2008-030874, Official Records of Jackson County, Oregon;

Thence being 30.00 feet west and parallel with said Donation Land Claim 73 and along said West line as set forth in Document Numbers 2008-030874, 2008-030875, 2008-028551, 2008-027127, 2008-023004, 2008-025041, 2008-023304, North 00°02'40" East, 571.23 feet, more or less, to the South line of Document Number 2009-022492;

Thence along South line of Document Numbers 2018-006717 and 2018-013168, South 89°32'40" West a distance of 1405.71 feet, to an angle point in said Document Number 2018-006717;

Thence continuing along said South line North 00°13'50" West a distance of 16.99 feet, more or less;

Thence South 89°30'32" West a distance of 532.57 feet, more or less, to the Southwest corner of said Document Number 2018-006717;

Thence leaving said South Line along the west line of said Document Number 2018-006717, North 00°14'22" West a distance of 1343.31 feet, more or less, to a point on the Southerly line of that area annexed into the City of Medford through Ordinance Number 8525 passed November 13, 1997;

Thence along the said Southerly line, South 89°30'40" East a distance of 1484.97 feet, more or less, to the Southeast corner of said area annexed into the City of Medford through Ordinance Number 8525 passed November 13, 1997;

Thence along the East line of said area annexed into the City of Medford through Ordinance Number 8525 passed November 13, 1997, North 00°02'40" East a distance of 60.00 feet, more or less, to the South west corner of area annexed into the City of Medford through Ordinance Number 2623 passed May 20, 1976;

Thence along the South line of said area annexed into the City of Medford through Ordinance Number 2623 passed May 20, 1976 South 89°27'20" East a distance of 720.00 feet, more or less, to an angle point;

Thence along the West line of said area annexed into the City of Medford through Ordinance Number 2623 passed May 20, 1976 South 00°02'40" West a distance of 85.71 feet, more or less, to the Northerly line of Highway 238 set forth in Document Number 1999-60516 of said Official Records;

Thence along said Northerly line, North 85°42'41" West a distance of 13.16 feet, more or less;

CITY OF MEDFORD
EXHIBIT #
File # A-19-003

Thence along the arc of a 3233.92 foot radius curve to the left (the chord to which bears North 86°51'54" West 130.22 feet) a distance of 130.22 feet, more or less, to the Easterly line of Ross Lane North set forth in Document Number 1999-60516 of said Official Records,

Thence along said Easterly line, South 66°37'26" West, 53.00 feet, more or less, to the West line of Parcel Number 1 described in Document Number 1986-05282 of said Official Records;

Thence along the West line thereof, along the arc of a 72.25 foot radius non-tangent curve to the left (the chord to which bears South 13°48'17" West, 34.37 feet) a distance of 34.70 feet, more or less, to a point being 30.00 feet Easterly of the East line of said Claim Number 73;

Thence parallel with and 30.00 feet Easterly of said East line, South 00°02'40" West, 1060.62 feet, more or less, to the Northwest corner of that area annexed into the City of Medford through Ordinance Number 2623 passed May 20, 1976;

Thence along the West line of said area annexed into the City of Medford through Ordinance Number 2623 passed May 20, 1976 South 00°02'40" West a distance of 197.50 feet, more or less, to the Southwest corner of said area annexed into the City of Medford through Ordinance Number 2623 passed May 20, 1976;

Thence parallel with and 30.00 feet Easterly of said East Donation Land Claim line, South 00°02'40" West, 290.65 feet, more or less, to the Northwest corner of that area annexed into the City of Medford through Ordinance Number 2623 passed May 20, 1976;

Thence along the West line of said area annexed into the City of Medford through Ordinance Number 2623 passed May 20, 1976 South 00°02'40" West a distance of 58.83 feet, more or less, to the Southwest corner of said area annexed into the City of Medford through Ordinance Number 2623 passed May 20, 1976;

Thence parallel with and 30.00 feet Easterly of said East Donation Land Claim line, South 00°02'40" West, 215.97 feet, more or less, to the Northeast corner of that area annexed into the City of Medford through Ordinance Number 2007-49;

Thence along the North line thereof, South 89°21'00" West, 30.00 feet to the **Point of Beginning**.

Bearings based on Survey Number 22488 as filed in the Jackson County Surveyor's office

The graphic depiction of the above description is shown on Exhibit "B" attached hereto.

The tract of land to which this description applies contains 63.42 gross acres, more or less

Private Land= 58.08 net acres, more or less

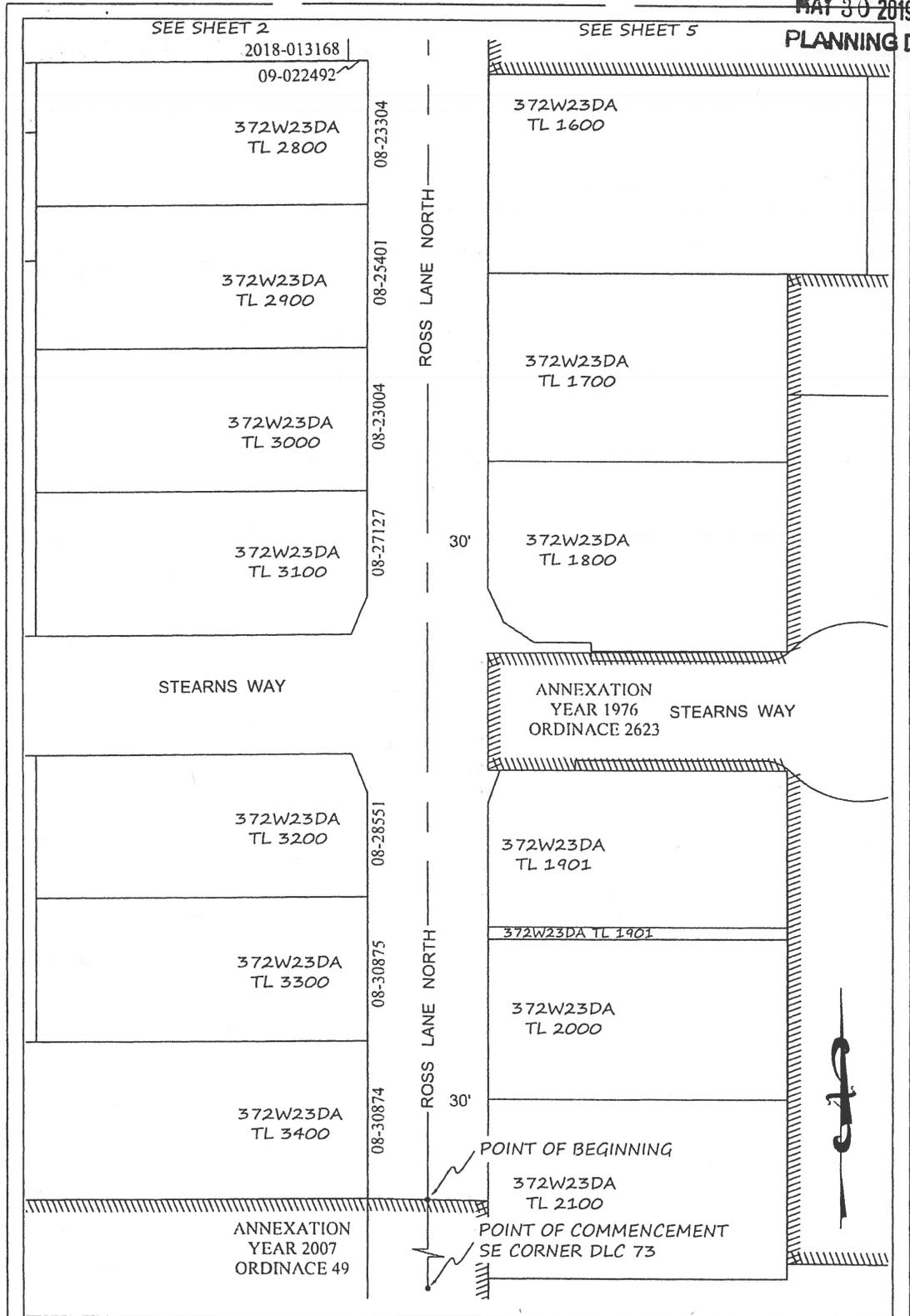
Public Right of Way= 5.34 net acres, more or less



CITY OF MEDFORD
EXHIBIT # _____
File # A-19-003

MAY 30 2019

PLANNING DEPT



LEGEND



AREA TO BE ANNEXED



EXISTING ANNEXATION LINE



EAST LINE DLC 73



SCALE: 1"=60'

372W23D

CITY OF MEDFORD - SURVEYING DEPARTMENT

EXHIBIT "B"

ANNEXATION OF ROSS LANE, HWY 238 AND TAX LOTS 1200 AND 1300

WRITTEN DESCRIPTION ATTACHED AS EXHIBIT "A"

DESIGNED BY	SPM	DATE	5-21-19	PROJECT NO.	
CHECKED BY	JMP	DATE	5-21-19		N/A
NOTE		DATE			
NOTE		DATE			
NOTE		DATE			
NOTE		DATE			
				CITY OF MEDFORD	SHEET NO.
				EXHIBIT #	1 OF 5

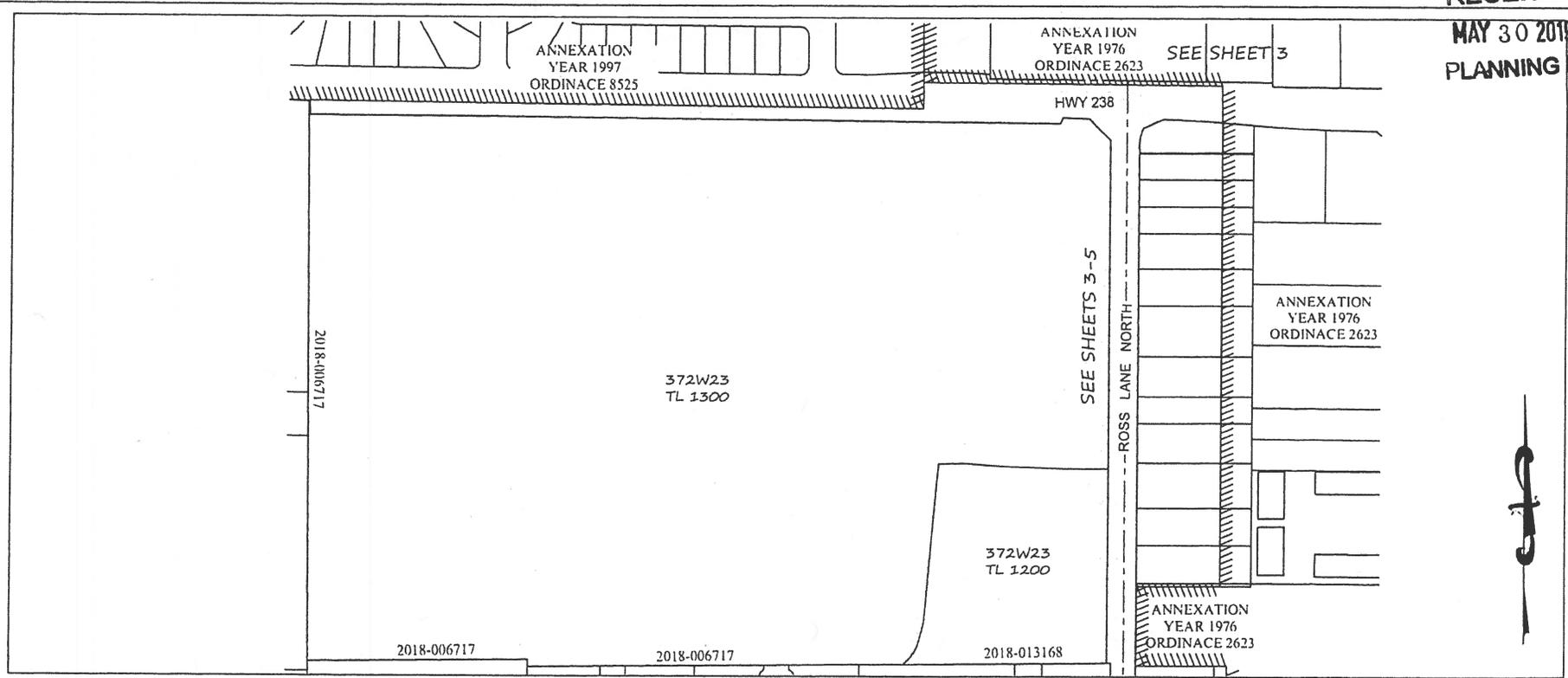
File # A-19-003

RECEIVED

MAY 30 2019

PLANNING DEPT

Page 4 of 7



LEGEND

-  AREA TO BE ANNEXED
-  EXISTING ANNEXATION LINE
-  EAST LINE DLC 73

0' 300'
SCALE: 1"=300'

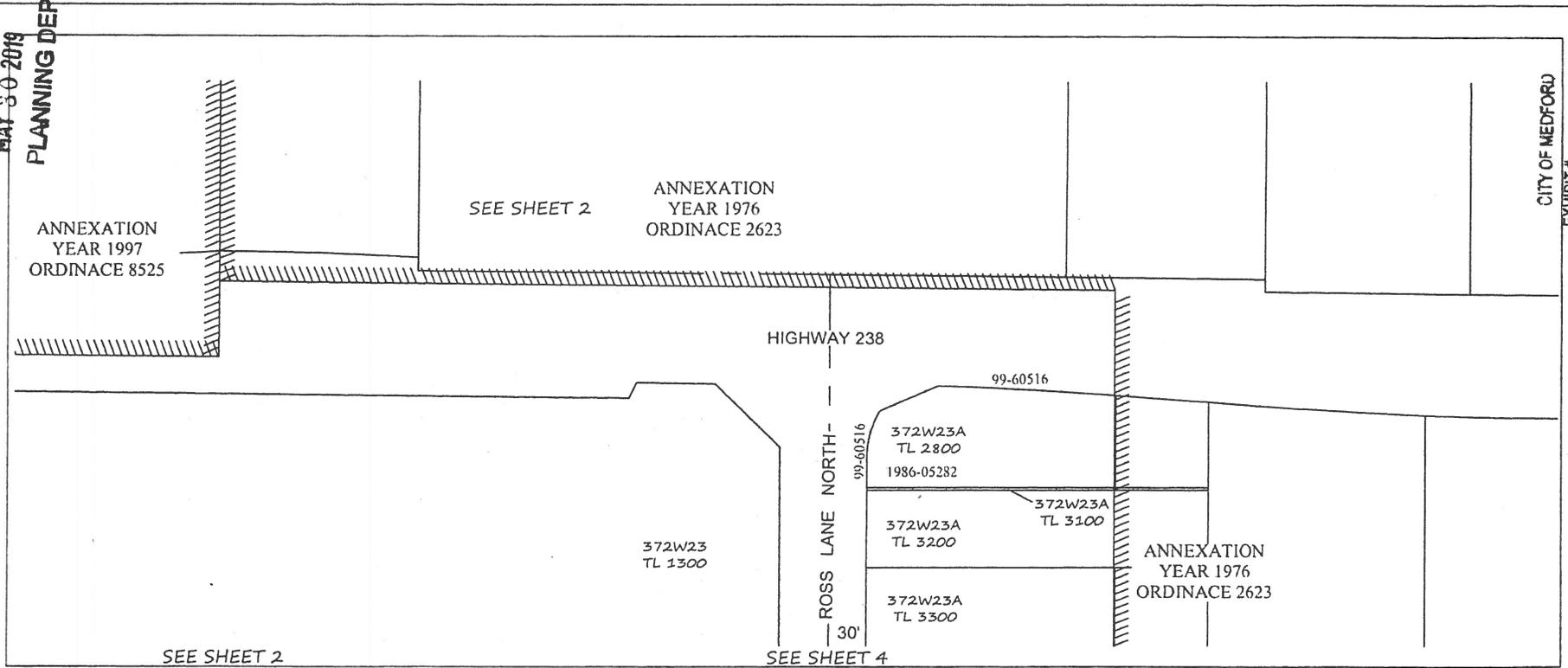
372W23A AND 372W23D

SEE SHEET 1

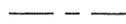
CITY OF MEDFORD - SURVEYING DEPARTMENT		
EXHIBIT "B"		
ANNEXATION OF ROSS LANE, HWY 238 AND TAX LOTS 1200 AND 1300		
WRITTEN DESCRIPTION ATTACHED AS EXHIBIT "A"		
DRAWN BY	SPM	DATE 5-21-19
CHECKED BY	JMP	DATE 5-21-19
NOTE		DATE CITY OF MEDFORD
NOTE		DATE EXHIBIT #
NOTE		DATE 19003 OF 5
NOTE		DATE

Page 142

RECEIVED
MAY 30 2019
PLANNING DEPT



LEGEND

-  AREA TO BE ANNEXED
-  EXISTING ANNEXATION LINE
-  EAST LINE DLC 73

0' 100'
SCALE: 1"=100'

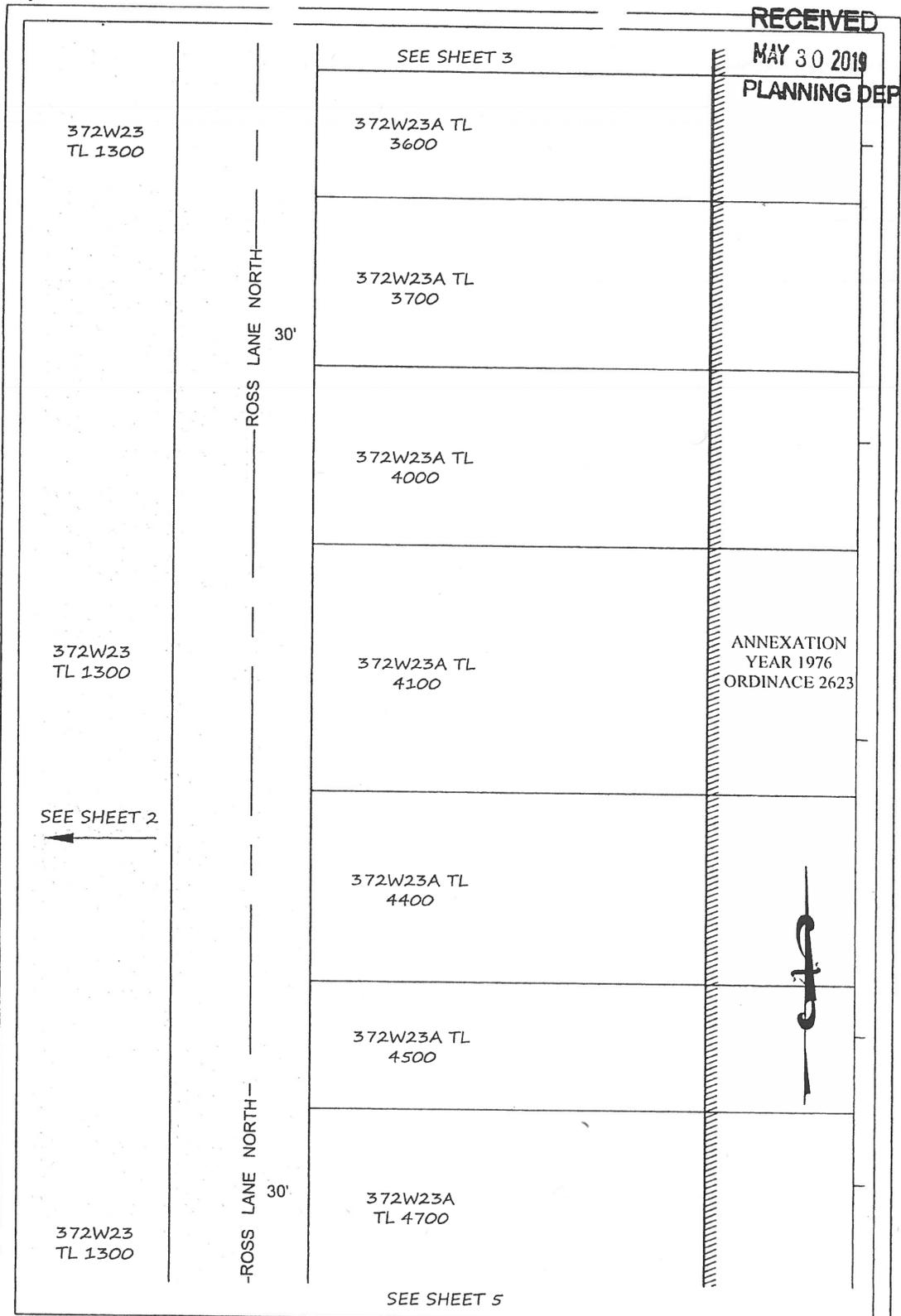
CITY OF MEDFORD - SURVEYING DEPARTMENT		
EXHIBIT "B"		
ANNEXATION OF ROSS LANE, HWY 238 AND TAX LOTS 1200 AND 1300		
WRITTEN DESCRIPTION ATTACHED AS EXHIBIT "A"		
DRAWN BY	DATE	PROJECT NO.
SPM	5-21-19	N/A
CHECKED BY	DATE	
JMP	5-21-19	
DATE		SHEET NO.
		3 OF 5

372W23A

RECEIVED

MAY 30 2019

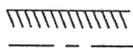
PLANNING DEPT



LEGEND



AREA TO BE ANNEXED



EXISTING ANNEXATION LINE
EAST LINE DLC 73



SCALE: 1"=60'

372W23A

CITY OF MEDFORD - SURVEYING DEPARTMENT

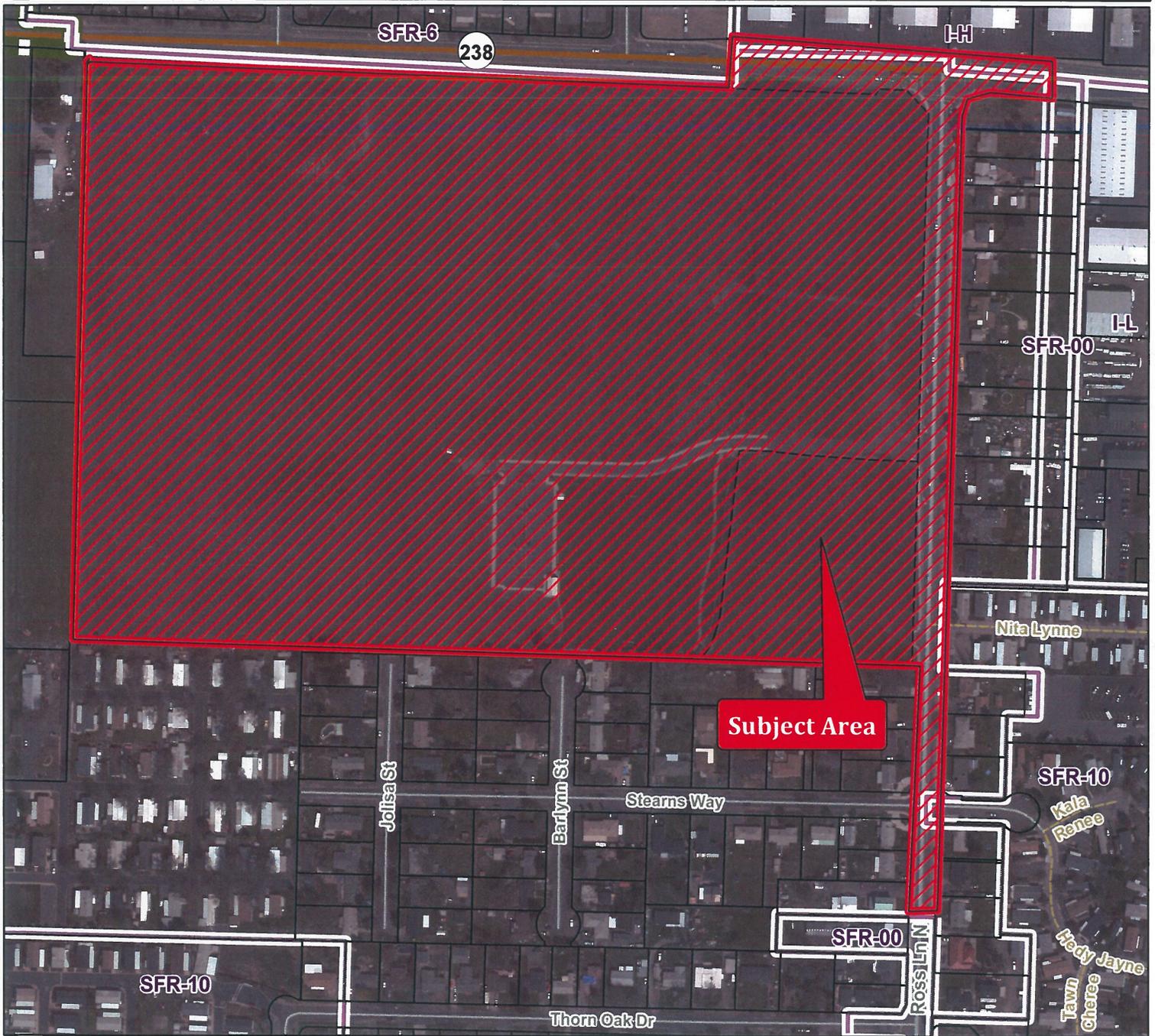
EXHIBIT "B"

ANNEXATION OF ROSS LANE, HWY 238
AND TAX LOTS 1200 AND 1300

WRITTEN DESCRIPTION ATTACHED AS EXHIBIT "A"

DESIGNED BY	SPM	DATE	5-21-19	PROJECT NO.	
CHECKED BY	JMP	DATE	5-21-19		N/A
NOTE		DATE			
DATE		DATE			
		DATE		CITY OF MEDFORD	SHEET NO.
		DATE		EXHIBIT #	4 OF 5

File # A-19-003



Project Name:

Annexation of Ross Lane

Map/Taxlot:

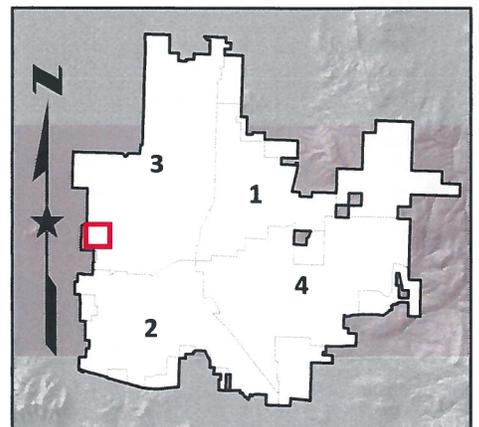
Various Properties



Legend

-  Subject Area
-  Zoning Districts
-  Tax Lots

6/26/2019





AGENDA ITEM COMMENTARY

DEPARTMENT: MURA/Finance
PHONE: (541) 774-2701
STAFF CONTACT: Harry M. Weiss, MURA Director
Ryan Martin, CFO/Deputy City Manager

AGENDA SECTION: Consent Calendar
MEETING DATE: August 1, 2019

COUNCIL BILL 2019-84

AN ORDINANCE ratifying a Purchase and Sale Agreement in the amount of \$99,000 between Portland Limited Partnership and the City of Medford, to acquire the .57 acre parcel located at 801 Central Avenue.

SUMMARY AND BACKGROUND

Council is requested to consider the ratification of a Purchase and Sale Agreement between Portland Limited Partnership, Grantor, and the City of Medford, Grantee, to acquire the .57 acre parcel located at 801 Central Avenue (Tax Lot 372W24DD3700) for the purchase price of \$99,000.

PREVIOUS COUNCIL ACTIONS

Council direction was given to pursue the purchase of the property for future redevelopment in conjunction with MURA urban renewal activities in the Liberty Park neighborhood.

ANALYSIS

801 Central Avenue has been identified by MURA as part of a strategic infill development opportunity in Liberty Park that advances commercial redevelopment along the OR 99 corridor and accommodates new housing at scale. MURA has yet to formalize its urban renewal project selection by amendment of the Center City Revitalization Plan, and because effectuating site control is time sensitive, the City has contracted for the purchase of the property in anticipation of transferring it to MURA. Transfer will occur either through assignment of the Purchase Agreement prior to closing or sale of the property to MURA post-closing. The purchase price and associated expenses of acquisition will be incurred or reimbursed by MURA.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

The contract purchase price is \$99,000, including a \$15,000 Earnest Money Deposit (EMD) that is refundable in full in the event the contract is terminated during the 45-day due diligence period. Funds required for the EMD and closing (in the event the contract is not sooner assigned to MURA) will be drawn from the Mayor and Council division and reimbursed in full from MURA's resources.

TIMING ISSUES

Ratification by Council of the Purchase and Sale Agreement is required to effectuate the agreement and establishes the timeframes for due diligence and closing. Reimbursement of City expenditures for acquisition by MURA will occur upon the amendment of the City Center Revitalization Plan.

COUNCIL OPTIONS

Ratify the Purchase and Sale Agreement as presented with authorization of required funds;
Amend the Purchase and Sale Agreement with direction for continued negotiation with the seller;
Deny ratification of the Purchase and Sale.



STAFF RECOMMENDATION

Staff recommends ratification of the Purchase and Sale Agreement as presented with authorization of required funds.

SUGGESTED MOTION

I move to ratify the Purchase and Sale Agreement for the acquisition of 801 Central Avenue and authorize funds from the Mayor and Council division to execute same.

EXHIBITS

Ordinance

Purchase and Sale Agreement on file in the City Recorder's Office

ORDINANCE NO. 2019-84

AN ORDINANCE ratifying a Purchase and Sale Agreement in the amount of \$99,000 between Portland Limited Partnership and the City of Medford, to acquire the .57 acre parcel located at 801 Central Avenue.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That ratification of a Purchase and Sale Agreement in the amount of \$99,000 between Portland Limited Partnership and the City of Medford, to acquire the .57 acre parcel located at 801 Central Avenue, is hereby authorized.

PASSED by the Council and signed by me in authentication of its passage this ____ day of August, 2019.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2019.

Mayor



AGENDA ITEM COMMENTARY

DEPARTMENT: City Attorney's Office
PHONE: (541) 774-2020
STAFF CONTACT: Eric Mitton, Deputy City Attorney

AGENDA SECTION: Consent Calendar
MEETING DATE: August 1, 2019

COUNCIL BILL 2019-85

AN ORDINANCE ratifying settlement of the attorney fee award in the amount of \$350,000, in Jackson County Circuit Court Case No. 080137L7.

SUMMARY AND BACKGROUND

Council is requested to consider an ordinance ratifying settlement of an appeal of an attorney fee award in pending litigation.

PREVIOUS COUNCIL ACTIONS

None.

ANALYSIS

This settlement agreement resolves an attorney fee award in pending litigation, Jackson County Circuit Court Case No. 080137L7. The City had filed an appeal from that award. Settlement terms were negotiated after that appeal was filed, but before the appeal's resolution.

The settlement of \$350,000.00 resolves an award of \$496,874.25, plus the potential for post-judgment interest of 9% per annum from December 20, 2018 through the duration of the appeal, plus the potential for an award of opposing counsel's fees on appeal.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

The settlement check will be paid out of Risk Fund 700.

TIMING ISSUES

The settlement agreement must be fully performed by September 8, 2019.

COUNCIL OPTIONS

- Approve the ordinance as presented.
- Modify the ordinance as presented.
- Deny the ordinance and provide direction to staff.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to approve the ordinance ratifying settlement of the attorney fee award in Case No. 080137L7.

EXHIBITS

- Ordinance
- Agreement on file in the City Recorder's Office

ORDINANCE NO. 2019-85

AN ORDINANCE ratifying settlement of the attorney fee award in the amount of \$350,000, in Jackson County Circuit Court Case No. 080137L7.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That settlement of the attorney fee award in the amount of \$350,000, in Jackson County Circuit Court Case No. 080137L7, is hereby authorized.

PASSED by the Council and signed by me in authentication of its passage this ____ day of August, 2019.

ATTEST: _____
City Recorder

Mayor

APPROVED _____ 2019.

Mayor



AGENDA ITEM COMMENTARY

DEPARTMENT: Police
PHONE: (541) 774-2224
STAFF CONTACT: Phil G. Eastman, Deputy Police Chief

AGENDA SECTION: Consent Calendar
MEETING DATE: August 1, 2019

COUNCIL BILL 2019-86

AN ORDINANCE awarding the Jackson County Sheriff's Office \$185,000 from MADGE State Forfeiture funds to purchase a Smiths Detection B-Scan body scanner, to be utilized for Jackson County jail prisoner intake.

SUMMARY AND BACKGROUND

Council is requested to consider an ordinance to award Jackson County Sheriff's office \$185,000 for a full body scanner to be utilized for the Jackson County Jail prisoner intake. Sheriff Sickler provided information to the MADGE HITDA Task Force Board regarding the need for a Smiths Detection B-Scan, Body Scanner during the October 30, 2018 MADGE HITDA Board meeting. The board voted unanimously to use Forfeiture Money to purchase the body scanner. Chief Sparacino determined State Forfeiture funds would be utilized for this purchase.

PREVIOUS COUNCIL ACTIONS

None.

ANALYSIS

In support of the public safety vision of Medford and Jackson County, the Jackson County Sheriff's Office requested the purchase of a full body scanner for the Jackson County Jail. The body scanner is used to scan new prisoners coming into the jail. This will minimize the need for jail staff to conduct the historical method of strip searching and enhance jail safety and security.

On October 30, 2018 the MADGE HITDA Task Force advisory board met, discussed and approved the purchase of a Smiths Detection B-Scan full body scanner for the Jackson County Jail. The board agreed unanimously to purchase the scanner from forfeiture funds. The board agreed to allow \$195,000 for said purchase.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

In the 2019-2021 biennium budget, \$185,000 was appropriated for the Smiths Detection B-Scan body scanner (page 3-28). The financial consideration for the full body scanner is not to exceed \$185,000 from the Police State Forfeiture fund.

TIMING ISSUES

The Jackson County Sheriff's Office asked the Oregon State Sheriffs' Association to purchase the body scanner in advance with the understanding they would be reimbursed when the funds became available.



COUNCIL OPTIONS

- Approve the ordinance as presented.
- Modify the ordinance as presented.
- Deny the ordinance and provide direction to staff.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to approve the ordinance awarding the Jackson County Sheriff's Office the funds to purchase the full body scanner.

EXHIBITS

Ordinance

- A. Information sheet regarding Smiths Detection B-Scan
- B. MADGE HIDTA Task Force Advisory Board Meeting dated October 30, 2018
- C. Quote for Full Body Scanner with added 5 year warranty
- D. Invoice from Oregon State Sheriffs' Association for the Body Scanner

ORDINANCE NO. 2019-86

AN ORDINANCE awarding the Jackson County Sheriff's Office \$185,000 from MADGE State Forfeiture funds to purchase a Smiths Detection B-Scan body scanner, to be utilized for Jackson County jail prisoner intake.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That the Jackson County Sheriff's Office is awarded \$185,000 from MADGE State Forfeiture funds to purchase a Smiths Detection B-Scan body scanner, to be utilized for Jackson County jail prisoner intake, is hereby authorized.

PASSED by the Council and signed by me in authentication of its passage this ____ day of August, 2019.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2019.

Mayor

B-SCAN™ 16HR-FB

TRANSMISSION X-RAY PEOPLE SCREENING TECHNOLOGY



Feature Highlights

- Detects objects concealed internally in or externally on the body.
- Contraband and threat detection including: weapons, explosives (plastic and powder), detonators, narcotics, electronic devices, diamonds, precious stones/metals and mobile phones.
- High throughput – scan time less than 7 seconds.
- Complete head to toe inspection in one short inspection cycle.
- State of the art image processing software and zoom functions facilitates efficient image evaluation
- Low dose rate $2.0\mu\text{Sv}$/inspection

B-SCAN™ uses transmission x-ray technology employing very low dose rates to screen people. This non-intrusive approach to people screening enables the detection of objects concealed internally in body cavities, on a person beneath clothing, or in artificial limbs.

The B-SCAN™ system is used to detect contraband and threat objects in applications including prisons, customs and border crossings.

The B-SCAN™ produces a high resolution head to toe whole body image of the person under review in a single pass. This high resolution image and image enhancement tools allows the operator to accurately and quickly evaluate the image.

Using specially adapted image processing software B-SCAN™ provides security checks of unequalled quality.

B-SCAN™ uses state of the art safety systems to monitor the radiation generation and dose.

With over ten years of field experience B-SCAN™ is proven as a well engineered and reliable screening system.

Technical Data **B-SCAN 16HR-FB**

Function

Material detected includes	Metal, ceramic, plastics, powders, explosives, narcotics
Detection capability	Objects hidden internally and externally on the body
Type of scan	Full body scan in one inspection pass
Primary function	Screen people for contraband and threats
Wire detectability	standard: 36 AWG (0.13 mm) • typical: 38 AWG (0.10 mm)
Technology	Low dose transmission x-ray

Operational Data

Physical format	Open tunnel - In line with checkpoint flow
Start up time	<2 minutes
Belt speed	Approx. 0.12 m/s
Scan method	Person moved through the beam
Scan time	< 7 Seconds
Alarm resolution	Single image review
Conveyor load capacity	>220kg (485 lb)

Installation information

Dimensions	approx. 2585 [L] x 2525 [H] x 1955 [W][mm] (101.8" x 99.4" x 76.9")
Weight	820kg
Humidity	10% - 90% (non condensing)
Storage temperature	-20°C to 60°C
Operating temperature	0°C to 40°C
Power consumption	< 0.9 kVA
Mechanical construction	Metal body (aluminium, steel)
Sound pressure	< 70 dB (A)
Power supply (standard)	230 VAC / 120VAC +10% / -15% 50 Hz / 60 Hz

Image generation

Generator cooling	Oil cooled, closed circuit
Scan format	Fan beam line scan
Generator	160kV cp, Hermetically sealed oil bath.
X-ray converter	High resolution semiconductor detector lines
Dose per inspection	< 2.0 µSv (<0.20 mRem)*
Duty cycle	100%

Image presentation

Result presentation	Post scan still image - Full body image
Grey levels stored	65536
Image display	b/w
Image evaluation functions	zoom, various enhancement and filter functions
Monitor	special colour TFT monitor

Options / Features

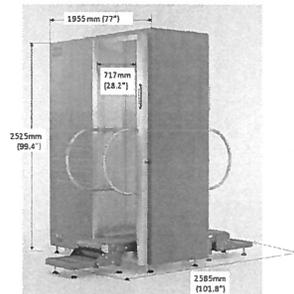
- Scan and Image Management system (SIM). Configurations include:
- Stand alone
 - Networked with central data and image storage
 - Connected to customer database
- Operator's table
 Side wall / side wall with window
 Can be configured with image store and load capability
 Programmable function keys
 Remote operator privacy solution
 Software for instantaneous offsite independent image assessment

Other B-SCAN™ models available with different dose per inspection

* Measured in the centre of the tunnel

All applicable national regulations, requirements and approvals need to be considered and addressed by the customer

All models of B-SCAN have been independently tested against the ANSI/HPS N43.17-2009 guideline



For product information, sales or service, please go to www.smithsdetection.com/locations

Smiths Heimann GmbH, Im Herzen 4, 65205 Wiesbaden, Germany
 Modifications reserved. 95591163 21/05/2014 © Smiths Detection Group Ltd. - In some cases, the figures contain options
 B-SCAN is a trademark of Smiths Detection Group Ltd.

smiths detection

Body Scanners



- Detects objects concealed internally in or externally on the body
- Contraband and threat detection including: weapons, explosives (plastic and powder), detonators, narcotics, electronic devices, diamonds, precious stones/metals and mobile phones
- High throughput - scan time less than 7 seconds
- Complete head to toe inspection in one short inspection cycle
- State of the art image processing software and zoom functions facilitates efficient image evaluation
- Very low dose rates per inspection - varies by model
- Software available to monitor the amount of inspections that a person has gone through in a period of time, as well as to access images from previous inspections

Command Sourcing is proud to offer a selection of detection systems for your Law Enforcement and Corrections needs. Our whole body contraband detection systems use transmission

x-ray technology employing very low dose rates to screen people. This non-intrusive approach enables the detection of objects concealed internally in body cavities, on a person

beneath clothing, or in artificial limbs. Frequently used to detect contraband and threat objects. Scanners produce a high resolution head to toe, whole body image of the person

under review in a single pass.

Ask for a quote or more information today!

Contact Us:

www.commandsourcing.com | sales@commandsourcing.com | (888) 733-4745



Medford Area Drug & Gang Enforcement

Medford PD
Jackson County SO
Jackson County Community Justice
Jackson County District Attorney
Oregon State Police
Federal Bureau of Investigation
Homeland Security Investigations



**MADGE HIDTA TASK FORCE
Advisory Board Meeting
October 30, 2018**

Opening: The regular meeting of the MADGE Advisory Board was called to order at 1103 hours on Tuesday, October 30, 2018 Medford Police Chief Randy Sparacino.

Board Members Present: Medford Police Chief Randy Sparacino, Medford Police Deputy Chief Brett Johnson, Jackson County Sheriff Nate Sickler, Jackson County District Attorney Beth Heckert, Oregon State Police Lieutenant Jeff Fitzgerald, FBI SSRA Ryan Dwyer, Homeland Security Investigations RAC Lance Swanson and AUSA Adam Delph

MADGE Staff Present: Lieutenant Kerry Curtis, Sergeant Ben Lytle and Analyst Kelli Daves

Others Present: Oregon State Police Lieutenant Tyler Lee, FBI Special Agent Adam Bennett

Approval of Minutes: The minutes of the previous meeting were approved.

Old Business:

Lieutenant Kerry Curtis provided financial updates.

Sergeant Lytle reviewed recent cases.

Sheriff Sickler provided information and general estimates of the costs associated with the purchase of a body scanner for the Jackson County Jail. Washington County Sheriff's Office Lieutenant Tristan Sunsted provided information, via telephone, about the success his agency has had since the deployment of their Secure Pass Body Scanner.

The deployment of a body scanner at the Jackson County Jail would benefit jail staff and MADGE investigations as well.

H.S.I. RAC Swanson moved and OSP Lt. Fitzgerald seconded a motion to purchase a body scanner for up to \$195,000.00. Chief Sparacino will determine the forfeiture money source from which this money will come. The Board voted unanimously to approve this expenditure.

Deputy Chief Johnson advised he has received the waivers from each participating agency necessary for disbursement of the \$45,000.00 forfeiture sharing checks. The waivers have been forwarded to the US Attorney in Portland, who will need approximately 30 days to review the waivers, for approval. Once a decision has been finalized, Deputy Chief Johnson will advise the Board.

Chief Sparacino reported Medford Police and Jackson County Sheriff's Office were awarded the grant for which they applied to combat black market marijuana. Chief Sparacino proposed forfeiture funds be used for the purchase of four vehicles, equipment to outfit the vehicles, equipment for the investigators and for the purchase of two trailers for this task force.

DA Heckert moved that up to \$250,000.00 of forfeiture money be dedicated to the expenses necessary to set up the task force as outlined by Chief Sparacino. Sheriff Sickler seconded the motion. The Board voted unanimously to approve this expenditure.

Deputy Chief Johnson advised the yearly license renewal and updates necessary for the FARO system, previously purchased with MADGE funds, are currently \$6,000.00 per year. Next year the Medford Police budget will cover the expense. Deputy Chief Johnson proposed that future FARO system expenses be paid for using MADGE forfeiture funds.

DA Heckert moved the future FARO updates and license renewals be funded with MADGE forfeiture funds. OSP Lieutenant Fitzgerald seconded the motion. The Board voted unanimously to approve this expenditure.

Deputy Chief Johnson reported the addition to the Southern Oregon High Tech Crimes Task Force, paid for with MADGE forfeiture proceeds, is nearly complete. Jackson County Sheriff's Office Detective Gabe Burchfiel will soon be working on the task force, OSP hopes to add a detective after the first of the year and HSI hopes to add an additional investigator soon.

New Business:

H.S.I. RAC Swanson reported his agency, in cooperation with other federal agencies and the US Attorney's office are working on a large scale statewide opioid investigation/operation. MADGE will assist with local contacts in November.

The US Attorney's office has been working on clearing up confusion with regard to the H.S.I. border search authority. Oregon Department of Justice is expected to provide guidance to Oregon agencies soon.

RAC Swanson recently hired two new agents; one for the Medford office and one for the Eugene office. Start dates are to be determined.

RAC Swanson said his office has received 20 child porn ICAC referral just last week. At this time, there are not enough investigators to handle all the referrals received in the local area. Fortunately the Southern Oregon High Crimes Task Force has dedicated investigators putting in a lot of hours to assist on the cases they can; they are a tremendous asset to the area.

AUSA Adam Delph advised SAUSA Marco Boccato has been hired as an AUSA and will be starting in the Medford office in November. After the first of the year, Byron Chatfield will transition to Portland and a new AUSA will come to Medford. The local office is also hoping to fill a paralegal and a legal assistant position. The local office will have the manpower to work on an increased number of cases soon.

FBI SSRA Dwyer advised the FBI is assisting with the statewide opioid investigation. He reported SA Bennett is working a case with ties to New York, North Carolina and Oregon.

OSP Lt. Fitzgerald reported the marijuana team, led by Sgt. Boice, has been very busy and worked a large case in Josephine County yesterday with connections in Missouri.

DA Heckert has recently added several new attorneys to her office. With Marco Boccato moving to the US Attorney's Office, Deputy District Attorney Johan Pietila has been assigned to the MADGE caseload. Deputy District Attorney Jordan Bailey has been assigned to the grant funded black market marijuana task force.

Sheriff Sickler is looking forward to the black market marijuana task force and will be looking to fill positions soon.

Sheriff Sicker advised Jackson County has purchased land for the new jail. Architects are in town this week and a cost assessment will be completed by December.

The next MADGE Advisory Board meeting is scheduled for Tuesday, January 29, 2019 at 10:00 am in the George Prescott room on the first floor of the Medford Police Department.

The meeting was adjourned by Chief Sparacino at 1202 hours.



Quotation

Command Sourcing, Inc.
 6100 Horseshoe Bar Rd, STE A #228
 Loomis, CA 95650
 www.commandsourcing.com
 sales@commandsourcing.com

QUOTE NO. 129196
 DATE January 29, 2019

BILL TO Jackson Co Sheriff's Office
 OSSA Attn: Accounts Payable
 330 Hood St. NE 5179 Crater Lake Hwy
 Salem, OR 97301 Central Point, OR 97502

SHIP TO Jackson Co Sheriff's Office
 Attn: Sheriff Nathan Sickler
~~5179 Crater Lake Hwy~~ 787 W. 8th St.
~~Central Point, OR 97502~~ Medford, OR 97501

Customer ID #	PO #	Contact Person	Contact Person Phone:	Payment Terms	Quote Valid Until
		Maggie Leach	503-780-1867	Net 15	3/31/19

QTY	ITEM #	DESCRIPTION	UNIT PRICE	LINE TOTAL
1.00	16HRCS	B-Scan - Full Body - Dose Rate: <2.0µSv / scan or ~125 scans per year - Includes: Monitor, Operator Keyboard and Manual. - 24-month Standard Warranty	\$ 135,000.00	\$ 135,000.00
1.00	S&H	Shipping and Install	Included	\$ -
1.00	SIM	SIM Software SIM = Scan and Image Management ability to track (via barcode or ID number) the number of times individuals are screened against annual thresholds. The included SIM is a standalone system.	Included	\$ -
1.00	BTRAIN	Initial Training Training sessions for operator training, radiation, and image evaluation training. Sessions will run over 3-days (will not be in a row) and will be conducted by a trainer on-site. We will host 12 participants per training. *May require travel expenses on behalf of Agency.	Included	\$ -
1.00	XWARR	B-Scan On-Site Warranty with Preventive Maintenance - (per year) ***OPTIONAL*** - On-site service coverage 8:30 am to 5:00 pm, Monday to Friday All labor, travel time and travel expenses - All replacement parts required - Unlimited access to 24/7 Technical Support - Annual PMI and Radiation Leak Survey	\$ 10,000.00	\$ -

	\$ 135,000.00
Sales Tax:	\$ -
Total:	\$ 135,000.00

Comments or special instructions:

Extended warranty is valued at \$10,000 per year. This means for one added year you would pay an additional \$10,000 or a total of \$145,000. You can add more years up to maximum of five additional years for \$50,000 at point of sale.

- Price inclusive of all services and packages and cannot be un/re-bundled.
- Shipping is FOB Destination and lead-time is esimated at 18-20 weeks upon receipt of order.

4% service charge on payment by Credit Card. Return Policy: Command Sourcing must be notified prior to receipt of any returned items and a restocking fee may be assessed.

Total: \$ 135,000.00
 + 50,000.00 Ext Warranty
 \$185,000.00

Nathan Sickler
 Nathan Sickler, Sheriff
 4-4-19

EXHIBIT D



Oregon State Sheriffs' Association
Conservators of the Peace
PO Box 7468
Salem, OR 97303

Invoice

Medford Police Department
219 S Ivy St
Medford OR 97501

Invoice # 40734
Invoice Date 7/1/2019

Questions call 503-364-4204

Description	Qty	Rate	Amount
Jackson County Body Scanner	1	185,000.00	185,000.00

PLEASE RETURN COPY OF INVOICE WITH PAYMENT

Total	\$185,000.00
Amount Paid / Credit	\$0.00
Balance Due	\$185,000.00

www.oregonsheriffs.org



AGENDA ITEM COMMENTARY

DEPARTMENT: Finance
PHONE: (541) 774-2030
STAFF CONTACT: Ryan Martin, CFO/Deputy City Manager

AGENDA SECTION: Consent Calendar
MEETING DATE: August 1, 2019

COUNCIL BILL 2019-87

AN ORDINANCE adding section 2.176, to the Medford Municipal Code pertaining to creation of the Council Goals Fund.

SUMMARY AND BACKGROUND

Council is requested to consider an ordinance authorizing the addition of section 2.176 to the Medford Municipal Code to create the Council Goals Fund.

Council directed staff in May to draft an addition to the Municipal Code that creates guidelines for a new Council Goals Fund. Staff reviewed the draft code addition with councilors at the June G-3 meetings and there were no proposed changes.

PREVIOUS COUNCIL ACTIONS

On May 16, 2019, City Council directed Staff to create a Council Goals Fund and specify within the Municipal Code section the criteria, process, guidelines and restrictions for use of the fund.

On June 6, 2019, City Council adopted the 2019-21 Biennium Budget which includes a transfer of \$398,150 of existing Marijuana Tax revenue from the General Fund to the new Council Goals Fund and a directive to record future Marijuana Tax revenue in the Council Goals Fund.

ANALYSIS

Because the Council is proposing to create a new fund as well as set guidelines through a change in Municipal Code, two steps must be taken. First, a supplemental budget must be done to create the fund and appropriate the monies. Next, a code change must be adopted to set the guidelines for use of the fund.

The proposed code change includes restrictions to expenditures to implement goals adopted by the Council. Further, the code change stipulates that expenditures shall not be used for ongoing operational expenditures. The Council is able to deviate from budgeted amounts with a majority vote.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

Council adopted the 2019-21 budget which includes a transfer of \$398,150 of existing marijuana tax monies. An additional \$1.15 million of marijuana tax revenues are budgeted to be received in this biennium which brings the total biennial resources to \$1,548,150.

TIMING ISSUES

None.



COUNCIL OPTIONS

Approve the ordinance as presented.
Modify the ordinance as presented.
Deny the ordinance and provide direction to staff.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to approve the ordinance authorizing the addition of section 2.176 of the Medford Municipal Code to create a "Council Goals Fund".

EXHIBITS

Ordinance

ORDINANCE NO. 2019-87

AN ORDINANCE adding section 2.176, to the Medford Municipal Code pertaining to creation of the Council Goals Fund.

SECTION 1. Section 2.176 of the Medford Code is added to read as follows:

2.176 Council Goals Fund.

(1) A fund to be known as “Council Goals Fund” is established, and all money received as proceeds from Marijuana Tax shall be paid into the fund with all costs and expenses, as budgeted, paid out of the fund.

(2) The fund is restricted to expenditures required to implement goals adopted by Council; monies in this fund shall not be used for ongoing, operational expenditures. Council shall identify and prioritize goals, with corresponding funding amounts, as part of the biennium budget process. Any expenditures that deviate from budgeted amounts shall require a majority vote of the Council.

PASSED by the Council and signed by me in authentication of its passage this _____ day of August, 2019.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2019.

Mayor

NOTE: Matter in **bold** is new. Matter ~~struck through~~ 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.



AGENDA ITEM COMMENTARY

DEPARTMENT: City Manager's Office

PHONE: (541) 774-2000

STAFF CONTACT: Brian Sjothun, City Manager

AGENDA SECTION: Ordinances and Resolutions

MEETING DATE: August 1, 2019

COUNCIL BILL 2019-88

AN ORDINANCE authorizing an exception to Medford Municipal Code Section 5.225(e) allowing the Rogue Valley Country Club to operate powered lawn equipment outside of the times specified in that section.

SUMMARY AND BACKGROUND

Council is requested to consider an exception to the Medford Municipal Code (MMC) to allow the Rogue Valley Country Club, located at 2660 Hillcrest Road, to operate powered lawn equipment outside of the times specified in MMC 5.225(e).

PREVIOUS COUNCIL ACTIONS

None.

ANALYSIS

MMC 5.225(e) states, "No person shall make, continue, cause, or permit to be made or continued any noise disturbance. The following are declared to be noise disturbances in violation of this section: Operation of mechanically powered lawn equipment, garden tools, chainsaws, blowers or similar devices in a residentially zoned neighborhood between the hours of 10:00 p.m. and 7:00 a.m."

A neighbor has complained about the Rogue Valley Country Club commencing mowing before 7:00 a.m. due to noise. Both the Rogue Valley Country Club and this neighbor are located within a residential zone.

The Rogue Valley Country Club asserts that due to its busy golf course schedule, grounds maintenance staff need to start powered lawn equipment as early as 5:30 a.m. to make certain the golf course and clubhouse grounds are ready for the daily activities. As such, granting the Rogue Valley Country Club an exception to the code would allow them to operate powered lawn equipment starting at 5:30 a.m. on a daily basis.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None.

TIMING ISSUES

The Rogue Valley Country Club asserts that without this exception, property owner is unable to efficiently maintain daily business operations.

COUNCIL OPTIONS

Approve the resolution as presented.

Modify the resolution as presented.

Deny the resolution and provide direction to staff.



STAFF RECOMMENDATION

Staff makes no recommendation.

SUGGESTED MOTIONS

I move to approve the resolution authorizing an exception to MMC 5.225(e) to allow the Rogue Valley Country Club to operate powered lawn equipment starting at 5:30 a.m. on a daily basis.

Or

I move to deny the resolution authorizing an exception to the MMC to allow the Rogue Valley Country Club to operate powered lawn equipment outside of the times specified in MMC 5.225(e).

EXHIBITS

Resolution

ORDINANCE NO. 2019-88

AN ORDINANCE authorizing an exception to Medford Municipal Code Section 5.225(e) allowing the Rogue Valley Country Club to operate powered lawn equipment outside of the times specified in that section.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That an exception to the Medford Municipal Code Section 5.225(e) allowing the Rogue Valley Country Club to operate powered lawn equipment outside of the times specified in that section, is hereby authorized.

PASSED by the Council and signed by me in authentication of its passage this ____ day of August, 2019.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2019.

Mayor



DEPARTMENT: City Manager’s Office

AGENDA SECTION: Ordinances and Resolutions

PHONE: (541) 774-2000

MEETING DATE: August 1, 2019

STAFF CONTACT: Eric Zimmerman, Deputy City Manager

COUNCIL BILL 2019-89

AN ORDINANCE repealing section 6.940(1)(d) of the Medford Municipal Code pertaining to penalties for certain parking violations.

SUMMARY AND BACKGROUND

Council is requested to consider an ordinance repealing Medford Municipal Code section 6.940(1)(d), eliminating a provision that allows a parking violator to convert an overtime parking citation to a monthly parking permit for a fee equal to the amount of the citation.

PREVIOUS COUNCIL ACTIONS

On September 1, 2011, via Ordinance No. 11-175, Council added Medford Municipal Code section 6.940(1)(d) to the City of Medford’s parking regulations. As described above, this provision allowed a parking violator to convert an overtime parking citation to a monthly parking permit.

ANALYSIS

When this particular provision was put into place, the City had just recently built two new permit parking lots in the Downtown Business District. The conversion of parking citations into monthly parking permits helped educate community members about the new monthly permit parking opportunities.

However, the City’s permit parking is now at full capacity, and indeed, significant wait lists for such permits now exist. As such, section 6.940(1)(d) is no longer viable, and its continued existence in the Medford Municipal Code might create confusion or frustration for a parking violator who discovers the code provision and wishes to rely upon it.

Parking Commission has moved to recommend this code amendment.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None.

TIMING ISSUES

None.

COUNCIL OPTIONS

Approve the ordinance as presented.

Modify the ordinance as presented.

Deny the ordinance and provide direction to staff.



STAFF RECOMMENDATION

Staff recommends that the City Council approve the ordinance.

SUGGESTED MOTION

I move to approve the ordinance repealing Medford Municipal Code section 6.940(1)(d).

EXHIBITS

Ordinance

ORDINANCE NO. 2019-89

AN ORDINANCE repealing section 6.940(1)(d) of the Medford Municipal Code pertaining to penalties for certain parking violations.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 6.940(1)(d) of the Medford Municipal Code is hereby repealed:

6.940 Penalties for Certain Parking Violations.

(1) Violations of Sections 6.330, 6.331 and Parking Regulations shall be punishable as follows:

~~(d) If the citation is paid within ten (10) days of issuance, the violator has the option to convert the overtime parking citation to a monthly parking permit for a fee equal to the amount of the citation. Violators can convert an overtime parking citation only once per calendar year per license plate.~~

PASSED by the Council and signed by me in authentication of its passage this ____ day of August, 2019.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2019.

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.